

NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), April 11, 2023

Assembly called to order at 11:36 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

Father God, we take a moment to pause and express our thankfulness for all You have done. We thank You for sending Your Son, for the defeat of death and the hope of salvation in Jesus Christ. Thank You for Your great love, acceptance, and forgiveness.

Help us to live with open hands, available to receive all You have for us, but also open to give to others what You have given us.

I pray this blessing over this Assembly and for your families. May you discover God's will and purposes for your lives. May you be blessed with a heart that is open to God. May you be blessed with the strength of the Lord shining in you. May you be blessed with compassion and fervent caring. May you be blessed with courage and grace. May you be blessed with understanding and wisdom. May you listen attentively and love generously.

We pray in the Name of the Father who created, loves, and sustains us; the Son who redeems us; and the Holy Spirit who empowers and comforts us. May the God of hope fill you with all joy and peace as you trust in Him, so that you may overflow with hope by the power of the Holy Spirit.

AMEN.

Pledge of Allegiance to the Flag.

Assemblywoman Jauregui moved that further reading of the Journal be dispensed with and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 118, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 54, 74, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 113, 172, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 302, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 161, 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 99, 100, 202, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 260, 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which were referred Assembly Bills Nos. 20, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which were referred Assembly Bills Nos. 71, 191, 325, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, to which was referred Assembly Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

LESLEY E. COHEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 6, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 37, 190, 286, 351.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 10, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 214; Senate Joint Resolutions Nos. 2, 3, 5; Senate Joint Resolution No. 7 of the 81st Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 440.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 2.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 2.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 3.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 5.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Joint Resolution No. 7 of the 81st Session.

Assemblywoman Gorelow moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Concurrent Resolution No. 2.

Assemblyman Nguyen moved the adoption of the resolution.

Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:

As a strong advocate for financial literacy and readiness, I am proud to voice strong support for Senate Concurrent Resolution 2. This concurrent resolution declares April 2023 as Financial Literacy Month in the state of Nevada. Similarly, the United States Senate passed a resolution in 2003 officially designating April as Financial Literacy Month.

As many of you may recall, this body has a long history of commitment to making financial literacy in the classroom a reality for Nevada's schoolchildren. It is our duty as legislators to set up our young people for financial prosperity so that they can go on to lead healthy and successful lives. In 2019, this body passed Senate Bill 314 of the 80th Session which, among other things, required Nevada's Department of Education to establish a financial literacy month. The Department then established programs during the month related to saving and spending, employability skills, applying to college, applying for financial aid, and retirement and investments.

From health care costs to housing and transportation, young Nevadans today are forced to face many requirements and decisions all at once when they become adults. These financial challenges often force young people starting out to select among a sometimes confusing mix of prices and fees. Financial literacy has been proven to have a positive impact in the financial health of

individuals, families, and the citizens of this state. It is also critical to begin thinking about and developing financial skills as early in life as possible.

According to a 2018 Prosperity Now Scorecard, which ranks each state's health in various issues, including family financial health, Nevada ranked 48th overall for the prosperity of its residents and 43rd in the financial assets and income category. A 2023 update to the Prosperity Now Scorecard shows that Nevada has not seen a significant change in household net worth in the past five years.

The time to increase financial literacy awareness is now. Similar resolutions to the one before you today have been adopted with strong bipartisan support in many other states. I feel strongly and passionately that it is our job as elected leaders of this great state to do anything and everything we can to help increase awareness about the need for financial literacy in Nevada—not only for today, but for future generations of Nevadans. I encourage all of my colleagues to join me today and support the adoption of SCR 2.

Resolution adopted.

NOTICE OF EXEMPTION

April 7, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 67, 209, 246, 283, 290, 338, 363, 370, 395, 412.

SARAH COFFMAN
Fiscal Analysis Division

April 9, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 301, 312; Assembly Joint Resolution No. 7.

SARAH COFFMAN
Fiscal Analysis Division

April 10, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 65, 221, 233, 423.

WAYNE THORLEY
Fiscal Analysis Division

April 11, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 386, 389, 413, 421, 441, 450, 456.

SARAH COFFMAN
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULES

A Waiver requested by: Speaker Yeager.

For: BDR 34-706

Revises provisions relating to school governance.

To Waive:

Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).

Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).

Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).

Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).

Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: April 10, 2023.

SENATOR NICOLE CANNIZZARO
Senate Majority Leader

ASSEMBLYMAN STEVE YEAGER
Speaker of the Assembly

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of April 11, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

KTVN: Jaden Urban.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 37.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 190.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 214.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 286.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 351.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 440.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 23.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 40.

AN ACT relating to contractors; authorizing a person who is issued a written administrative citation by the State Contractors' Board to request an informal

citation conference before the Executive Officer of the Board; establishing requirements and procedures for such an informal citation conference; ~~establishing~~ **revising** procedures by which a person is authorized to contest a citation; ~~which has been affirmed or modified following such an informal conference;~~ providing that the failure of a person to comply with the terms of a citation which has been affirmed or modified within a certain period of time constitutes cause for disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Contractors' Board to issue or authorize the issuance of a written administrative citation to a person if the Board has reason to believe the person: (1) acted as a contractor without an active license of the proper classification; or (2) has violated provisions of existing law governing contractors or regulations of the Board. (NRS 624.341) Existing law authorizes a person who is issued such a citation to contest the citation within 15 business days after the date on which the citation was served and requires the Board to conduct a hearing on the matter. (NRS 624.345, 624.351) If a person does not contest a citation within that period and the Board does not extend that period, the citation is deemed a final order of the Board and not subject to review by any court or agency. (NRS 624.345) **Section 4 of this bill revises the requirement for the Board to hold a hearing concerning a contested citation to require: (1) a person who wishes to contest a citation to submit to the Board written notice of his or her intent to contest the citation; and (2) the Board to hold the hearing on the matter within 90 calendar days after receipt of the written notice.**

Section 1 of this bill creates an additional, informal process for the resolution of an administrative citation issued by the Board. **Section 1** authorizes a person who is issued such a citation to submit to the Executive Officer of the Board, within 15 business days after the date on which the citation is served on the person, a written request for an informal citation conference. Under **section 1**, the Executive Officer is required to conduct an informal citation conference within 60 business days after receiving such a request. At the conclusion of the conference, **section 1** requires the Executive Officer to affirm, modify or dismiss the citation and, if the citation is affirmed or modified, serve the affirmed or modified citation on the person or his or her attorney. **Sections 1 and 3** of this bill authorize a person who wishes to contest a citation which has been affirmed or modified following an informal citation conference to contest the citation within 15 business days after the date on which the affirmed or modified citation is served on the person. If the person ~~contests~~ **submits to the Board written notice of his or her intent to contest** the affirmed or modified citation within that period, or if that period is extended by the Board, **section 4** ~~of this bill~~ requires the Board to hold a hearing on the matter. If the person fails to contest the affirmed or modified citation within that period and that period is not extended by the Board, **section**

3 of this bill deems the affirmed or modified citation a final order of the Board and not subject to review by any court or agency.

Existing law provides that the failure of a person to comply with a citation issued by the Board within the period permitted for compliance set forth in the citation or, if a hearing is held, within 15 business days after the hearing, constitutes cause for disciplinary action by the Board. (NRS 624.302) **Section 2** of this bill provides that the failure of a person to comply with a citation that has been affirmed or modified following an informal citation conference within the time permitted for compliance or, if a hearing is held on the affirmed or modified citation, within 15 business days after the hearing, also constitutes cause for disciplinary action by the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is issued a written citation pursuant to NRS 624.341 may, within 15 business days after the date on which the citation is served on the person, submit to the Executive Officer or his or her designee a written request for an informal citation conference.

2. The Executive Officer or his or her designee shall, within 60 business days after the date on which a written request for an informal citation conference is received, conduct an informal citation conference with the person who submitted the request. The person may be represented by legal counsel at the conference.

3. An informal citation conference may be conducted in an informal manner and is not required to be conducted in accordance with the requirements for the conduct of a hearing set forth in NRS 233B.121 to 233B.150, inclusive.

4. At the conclusion of an informal citation conference, the Executive Officer or his or her designee shall affirm, modify or dismiss the citation.

5. If the Executive Officer or his or her designee affirms or modifies a citation pursuant to subsection 4:

(a) The original citation issued pursuant to NRS 624.341 shall be considered withdrawn and replaced by the affirmed or modified citation; and

(b) The Executive Officer or his or her designee shall, within 15 business days after the date on which the informal citation conference is concluded, serve on the person and his or her counsel, if applicable, the affirmed or modified citation and a written statement of the reasons for the decision to affirm or modify the citation.

6. A person whose citation was affirmed or modified pursuant to this section:

(a) May contest the affirmed or modified citation in accordance with the procedures set forth in NRS 624.345.

(b) May not submit a request to the Executive Officer or his or her designee for an informal citation conference concerning the affirmed or modified citation.

7. For the purposes of this section, a citation shall be deemed to have been served on a person on:

(a) The date on which the citation is personally delivered to the person; or

(b) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 2. NRS 624.302 is hereby amended to read as follows:

624.302 The following acts or omissions, among others, constitute cause for disciplinary action pursuant to NRS 624.300:

1. Contracting, offering to contract or submitting a bid as a contractor if the contractor's license:

(a) Has been suspended or revoked pursuant to NRS 624.300; or

(b) Is inactive.

2. Failure to comply with a written citation issued pursuant to NRS 624.341 ~~[within]~~ :

(a) Within the time permitted for compliance set forth in the citation ~~[,]~~ or, if the citation is affirmed or modified following an informal citation conference pursuant to section 1 of this act, within the time permitted for compliance set forth in the affirmed or modified citation; or ~~[,]~~

(b) If a hearing is held pursuant to NRS 624.291, within 15 business days after the hearing.

3. Except as otherwise provided in subsection 2, failure to pay an administrative fine imposed pursuant to this chapter within 30 days after:

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine,

↪ whichever occurs later.

4. The suspension, revocation or other disciplinary action taken by another state against a contractor based on a license issued by that state if the contractor is licensed in this State or applies for a license in this State. A certified copy of the suspension, revocation or other disciplinary action taken by another state against a contractor based on a license issued by that state is conclusive evidence of that action.

5. Failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint.

6. Failure or refusal to comply with a written request by the Board or its designee for information or records, or obstructing or delaying the providing of such information or records.

7. Failure or refusal to comply with an order of the Board.

Sec. 3. NRS 624.345 is hereby amended to read as follows:

624.345 1. A person who is issued a written citation pursuant to NRS 624.341 or an order to cease and desist pursuant to NRS 624.212 may contest the citation or order ~~[within]~~:

(a) *Within* 15 business days after the date on which the citation or order is served on the person ~~[]~~; *or*

(b) *For a citation that has been affirmed or modified following an informal citation conference pursuant to section 1 of this act, within 15 business days after the date on which the affirmed or modified citation is served on the person.*

2. A person may contest, without limitation:

(a) The facts forming the basis for the determination that the person has committed an act which constitutes a violation of this chapter or the regulations of the Board;

(b) The time allowed to take any corrective action ordered;

(c) The amount of any administrative fine ordered;

(d) The amount of any order to reimburse the Board for the expenses incurred to investigate the person; and

(e) Whether any corrective action described in the citation or order is reasonable.

3. ~~[If a person does not contest a]~~ A citation issued pursuant to NRS 624.341 or an order to cease and desist issued pursuant to NRS 624.212 ~~[within]~~ ***shall be deemed a final order of the Board and not subject to review by any court or agency if the person to whom the citation or order is issued does not contest the citation or order:***

(a) *Within* 15 business days after the date on which the citation or order is served on the person ~~[]~~;

(b) *For a citation that has been affirmed or modified ~~[at]~~ following an informal citation conference conducted pursuant to section 1 of this act, within 15 business days after the date on which the affirmed or modified citation is served on the person; or ~~[on]~~*

(c) *On* or before such later date as specified by the Board pursuant to subsection 4. ~~[the citation or order shall be deemed a final order of the Board and not subject to review by any court or agency.]~~

4. The Board may, for good cause shown, extend the time to contest a citation issued pursuant to NRS 624.341 or an order to cease and desist issued pursuant to NRS 624.212.

5. For the purposes of this section:

(a) An order to cease and desist must be served in accordance with NRS 624.212.

(b) A citation shall be deemed to have been served on a person on:

(1) The date on which the citation is personally delivered to the person;

or

(2) If the citation is mailed, the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 4. NRS 624.351 is hereby amended to read as follows:

624.351 ~~##~~ 1. The Board shall hold a hearing pursuant to NRS 624.291 if a person ~~contests~~ submits to the Board written notice of his or her intent to contest a citation issued pursuant to NRS 624.341 or order to correct a violation of the provisions of this chapter ~~within~~ :

~~##~~ (a) Within 15 business days after ~~receiving~~ the date on which the citation or order ~~is~~ is served on the person;

~~##~~ (b) For a citation that has been affirmed or modified following an informal citation conference conducted pursuant to section 1 of this act, within 15 business days after the date on which the affirmed or modified citation is served on the person; or ~~on~~

~~##~~ (c) On or before such later date as specified by the Board pursuant to subsection 4 of NRS 624.345 . ~~[, the Board shall hold a hearing pursuant to NRS 624.291.]~~

2. If a person submits to the Board written notice of his or her intent to contest a citation or order within the time required by paragraph (a) or (b) of subsection 1, the Board shall hold the hearing required by subsection 1 not later than 90 calendar days after the date on which the Board receives the written notice.

Sec. 5. The amendatory provisions of this act apply only to a written citation issued pursuant to NRS 624.341 on or after ~~July 1, 2023.~~ October 1, 2023.

Sec. 6. ~~[This act becomes effective on July 1, 2023.] (Deleted by amendment.)~~

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 27.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 41.

AN ACT relating to contractors; requiring a general building contractor who provides management and counseling services on a construction project to have an active license in ~~each classification or subclassification~~ the same classifications and subclassifications that are required to be held by the prime contractor for the construction project; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law provides that a contractor whose principal contracting business is in connection with the construction or remodeling of certain types of buildings or structures is considered to be a general building contractor. (NRS 624.215) Existing law authorizes a general

building contractor to provide management and counseling services on a construction project for a professional fee. (NRS 624.215) This bill requires a general building contractor who provides such services to have an active license in ~~each classification or subclassification~~ **the same classifications and subclassifications** that ~~is~~ **are** required to be held by the prime contractor for the construction project.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 624.215 is hereby amended to read as follows:

624.215 1. For the purpose of classification, the contracting business includes the following branches:

- (a) General engineering contracting.
- (b) General building contracting.
- (c) Specialty contracting.

↪ General engineering contracting and general building contracting are mutually exclusive branches.

2. A general engineering contractor is a contractor whose principal contracting business is in connection with fixed works, including irrigation, drainage, water supply, water power, flood control, harbors, railroads, highways, tunnels, airports and airways, sewers and sewage disposal systems, bridges, inland waterways, pipelines for transmission of petroleum and other liquid or gaseous substances, refineries, chemical plants and industrial plants requiring a specialized engineering knowledge and skill, power plants, piers and foundations and structures or work incidental thereto.

3. Except as otherwise provided in subsections 5 and 6, a general building contractor is a contractor whose principal contracting business is in connection with the construction or remodeling of buildings or structures for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind, requiring in their construction the use of more than two unrelated building trades or crafts, upon which he or she is a prime contractor and where the construction or remodeling of a building is the primary purpose. Unless he or she holds the appropriate specialty license, a general building contractor may only contract to perform specialty contracting if he or she is a prime contractor on a project. Except as otherwise provided in subsection 4 of NRS 624.220, a general building contractor shall not perform specialty contracting in plumbing, electrical, refrigeration and air-conditioning or fire protection without a license for the specialty. A person who is licensed pursuant to chapter 489 of NRS and who exclusively constructs or repairs mobile homes, manufactured homes or commercial coaches is not a general building contractor.

4. A specialty contractor is a contractor whose operations as such are the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or crafts.

5. A general engineering contractor, when acting as a prime contractor, may hire not more than one general building contractor to provide any work, materials or equipment as specified in subsection 3 on a single construction project.

6. A general building contractor may contract to provide management and counseling services on a construction project for a professional fee. A general building contractor who has contracted to provide management and counseling services ~~may~~:

(a) ***Must have an active license in ~~each classification or subclassification~~ the same classifications and subclassifications that ~~is~~ are required to be held by the prime contractor on the project.***

(b) *May* hire not more than one general building contractor to provide any work, materials or equipment as specified in subsection 3 on a single construction project.

7. A single construction project must be limited to not more than one general building contractor who provides management and counseling services for a professional fee and not more than one general building contractor who provides any work, materials or equipment as specified in subsection 3.

8. Except as otherwise provided in this subsection, each construction project must have one, but not more than one, prime contractor who is a licensed contractor and is responsible for the work, materials and equipment for the construction project. A construction project is not required to have a prime contractor if the work for the construction project or the person providing the work for the construction project is exempt pursuant to NRS 624.031.

9. This section does not prevent the Board from establishing, broadening, limiting or otherwise effectuating classifications in a manner consistent with established custom, usage and procedure found in the building trades. The Board is specifically prohibited from establishing classifications in such a manner as to determine or limit craft jurisdictions.

10. As used in this section, “prime contractor” means:

(a) A general engineering contractor who enters into an oral or written agreement with an owner of a construction project or an agent of an owner to provide any work, materials or equipment for which the general engineering contractor is licensed;

(b) A general building contractor who enters into an oral or written agreement with an owner of a construction project or an agent of an owner to provide any work, materials or equipment for which the general building contractor is licensed;

(c) A general engineering contractor and general building contractor who enter into an oral or written agreement with an owner of a construction project or an agent of an owner to provide any work, materials or equipment for which the general engineering contractor and general building contractor are licensed; or

(d) A specialty contractor who enters into an oral or written agreement with an owner of a construction project or an agent of an owner to provide:

(1) Any work, materials or equipment for which the specialty contractor is licensed; and

(2) Any other work which is incidental and supplemental thereto.

Sec. 2. The amendatory provisions of section 1 of this act do not apply to a contract entered into before the effective date of this act, but do apply to any renewal or extension of such a contract.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 35.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 19.

AN ACT relating to corrections; **requiring the warden or manager of an institution or facility to make certain determinations concerning use of telecommunications devices by offenders;** requiring the Director of the Department of Corrections to adopt regulations authorizing an offender to possess, have in his or her custody or control and use ~~to~~ **an authorized** telecommunications device for certain purposes; revising the definition of a telecommunications device to include certain tablets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law prohibits an offender from having access to a telecommunications device. Existing law authorizes an offender to use a telecommunications device to conduct certain visits and correspondence. Existing law also authorizes certain offenders to use telecommunications devices: (1) pursuant to an agreement with the Department of Corrections; or (2) in accordance with any regulations governing the use of such devices adopted by the Department of Corrections. Finally, existing law defines the term "telecommunications device" to include a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer with certain capabilities. (NRS 209.417)

~~[This bill revises the definition of "telecommunications device" to include a tablet with certain capabilities.]~~ This bill ~~[also]~~ removes statutory provisions authorizing offenders to have access to a telecommunications device and instead : **(1) requires the warden or manager of an institution or facility to determine which telecommunications devices, if any, are authorized for use by an offender; and (2) requires** the Director of the Department ~~[with the approval of the Board of State Prison Commissioners.]~~ to adopt regulations authorizing an offender to possess, have in his or her custody or control and

use ~~(a)~~ **an authorized** telecommunications device for certain purposes ~~. ~~including~~~~ **This bill requires such regulations to authorize an offender to possess, have in his or her custody or control and use an authorized telecommunications device** for the ~~purposes~~ **purpose** of: (1) conducting certain visits and correspondence; (2) appearing in court; (3) receiving medical care; (4) applying for or enrolling in a benefit from a governmental program; (5) performing legal research; (6) obtaining a ~~GED, credential,~~ **diploma, degree, certificate or ~~certification,~~ similar credential;** and (7) taking a vocational assessment. This bill authorizes the Director of the Department, with the approval of the Board, to adopt regulations authorizing an offender to possess, have in his or her custody or control and use ~~(a)~~ **an authorized** telecommunications device for any purpose other than these specified purposes. The bill requires such regulations to: (1) **prescribe requirements for determining whether a telecommunications device will be authorized for use by an offender;** (2) prescribe the criteria for eligibility for an offender to use ~~(a)~~ **an authorized** telecommunications device; ~~(2)~~ **(3)** set forth the circumstances under which an offender is authorized to use such a device to access the Internet; and ~~(3)~~ **(4)** prescribe standards for the use of such a device by an offender. **Finally, this bill revises the definition of “telecommunications device” to include a tablet with certain capabilities.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.417 is hereby amended to read as follows:

209.417 1. ~~Except as otherwise provided in this section, the~~ ***The*** warden or manager of an institution or facility shall ~~ensure~~ **;**

(a) Determine which telecommunications devices, if any, are authorized for use by an offender in accordance with the regulations adopted pursuant to this section; and

(b) Ensure that no offender in the institution or facility, or in a vehicle of the Department, has access to a telecommunications device ~~that is not an~~ ***authorized telecommunications device.***

2. ~~[An offender may use a telephone or, for the purpose of communicating with his or her child pursuant to NRS 209.42305, any other approved telecommunications device subject to the limitations set forth in NRS 209.419.~~

~~3. An offender may use an approved telecommunications device for the purpose of conducting a visit or correspondence which is authorized pursuant to NRS 209.423, subject to the limitations set forth in NRS 209.419.~~

~~4. The Department may enter into an agreement with an offender authorizing the offender to use a telecommunications device to facilitate or participate in correctional activities or to perform educational, vocational or legal research, subject to the limitations set forth in NRS 209.419.~~

~~5.] The Director ~~may,~~ shall, with the approval of the Board, adopt regulations authorizing an offender ~~who is assigned to transitional housing, a center for the purpose of making restitution pursuant to NRS 209.4827 to~~~~

209.4843, inclusive, or a specific program of education or vocational training authorizing the offender] to possess, *have in his or her custody or control and use* ~~an~~ an authorized telecommunications device ~~;~~

—(a) To access a network, including, without limitation, the Internet,] for the purpose of:

~~[(1)]~~ (a) *Communicating with his or her child pursuant to NRS 209.42305;*

(b) *Conducting a visit or correspondence which is authorized pursuant to NRS 209.423;*

(c) *Appearing in court;*

(d) *Receiving medical care;*

(e) *Applying for or enrolling in a benefit from a governmental program;*

(f) *Performing legal research;*

(g) Obtaining ~~educational~~ educational:

(1) *Educational* or vocational training that is approved by the Department;

(2) A diploma, degree, certificate or similar credential, including, without limitation, a high school diploma, a general ~~equivalency diploma~~ educational development certificate or an equivalent document ~~],~~ , an associate degree or a baccalaureate degree;

~~[(3) A credential, certificate or certification;]~~

(h) *Taking a vocational assessment;*

(i) Searching for or applying for employment; ~~or~~

—(3)] *and*

(j) Performing essential job functions.

~~[(b) For any other purpose if a telecommunications device is required by an employer of the offender to perform essential job functions.]~~

3. *The Director may, with the approval of the Board, adopt regulations authorizing an offender to use ~~an~~ an authorized telecommunications device for any purpose other than a purpose listed in subsection 2.*

4. *An offender may possess, have in his or her custody or control and use ~~an~~ an authorized telecommunications device in accordance with any regulations adopted by the Director pursuant to subsection 2 or 3. Any communication made by an offender using ~~an~~ an authorized telecommunications device pursuant to this section is subject to the limitations set forth in NRS 209.419.*

5. *The regulations adopted by the Director pursuant to subsections 2 and 3 must:*

(a) *Prescribe the criteria for eligibility for an offender to use ~~an~~ an authorized telecommunications device;*

(b) Prescribe requirements for determining whether a telecommunications device will be authorized for use by an offender;

(c) Set forth the circumstances under which an offender may use ~~an~~ an authorized telecommunications device to access a network, including, without limitation, the Internet; and

~~[(e)]~~ (d) *Prescribe standards for the use of ~~[(a)]~~ an authorized telecommunications device by an offender.*

6. As used in this section ~~[-“telecommunications”]~~ :

(a) “Authorized telecommunications device” means a device authorized for use by an offender in accordance with the regulations adopted pursuant to this section.

(b) “Benefits from a governmental program” means any benefit, program or assistance provided by a governmental entity pursuant to statute or regulation, including, without limitation, Social Security, Medicare and Medicaid.

~~[(b)]~~ (c) “Medicaid” has the meaning ascribed to it in NRS 439B.120.

~~[(c)]~~ (d) “Medicare” has the meaning ascribed to it in NRS 439B.130.

~~[(d)]~~ (e) “Telecommunications device” means a device, or an apparatus associated with a device, that can enable an offender to communicate with a person outside of the institution or facility at which the offender is incarcerated. The term includes, without limitation, a telephone, a cellular telephone, a personal digital assistant, a transmitting radio or a computer *or tablet* that is connected to a computer network, is capable of connecting to a computer network through the use of wireless technology or is otherwise capable of communicating with a person or device outside of the institution or facility.

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 39.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 43.

AN ACT relating to contractors; authorizing the State Contractors’ Board to adopt regulations establishing mandatory elements to be included in contracts for work concerning certain residential improvements; establishing certain requirements for such contracts and for residential contractors who enter into such contracts; making the failure to comply with those requirements a cause for disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth certain requirements pertaining to contracts used by a contractor and the owner of a single-family residence for work concerning a residential photovoltaic system used to produce electricity or work concerning a residential pool or spa. (NRS 624.875, 624.940) **Section 1** of this bill imposes similar requirements pertaining to a contract used by a residential contractor and the owner of a completed single-family residence who occupies the single-family residence for any construction, remodeling, repair or improvement performed by a residential contractor to the single-family residence or any activity for the supervision of such work. **Section 1** authorizes the State Contractors’ Board to adopt regulations establishing mandatory elements to be included in such a contract. **Section 1** also sets forth certain information that is required to be included in such a contract. **Section 1** further requires a residential contractor to: (1) furnish to the owner with whom the residential contractor has contracted for work concerning a residential improvement a copy of all documents signed and a receipt for any money paid to the residential contractor; and (2) apply for and obtain all necessary permits. If a contract entered into between a residential contractor and the owner for work concerning a residential improvement does not comply with the provisions of **section 1** and any applicable regulations adopted by the Board, **section 1** provides that the contract is voidable by the owner.

Existing law sets forth certain acts and omissions that constitute cause for disciplinary action against a contractor by the Board, including . without limitation. failure to comply with requirements for contracts for work concerning residential pools and spas and for work concerning residential photovoltaic systems used to produce electricity. (NRS 624.3016) **Section 2** of this bill makes a contractor’s failure to comply with requirements for contracts for work concerning a residential improvement or regulations adopted by the Board governing such contracts cause for such disciplinary action. **Section 3** of this bill makes a conforming change as a result of this additional cause for disciplinary action.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board may adopt by regulation mandatory elements to be included in all contracts to be used by residential contractors for work concerning a residential improvement. Such mandatory elements must not be waived or limited by contract or in any other manner. On and after October 1, 2023, any contract entered into between a residential contractor and the owner of a single-family residence who occupies the single-family residence for work concerning a residential improvement must comply with the provisions of this section and all applicable regulations adopted by the Board. A contract that does not comply with the provisions of this section

and all applicable regulations adopted by the Board is voidable by the owner of the single-family residence.

2. Any contract for work concerning a residential improvement must contain in writing at least the following information:

(a) The name of the residential contractor, his or her address and contractor's license number and the monetary limit on that license.

(b) The name and mailing address of the owner of the single-family residence on which the work is being performed and the address or legal description of the property.

(c) The date of execution of the contract.

(d) The estimated date of completion of all work to be performed under the contract.

(e) A description of the work to be performed under the contract.

(f) The total amount to be paid to the residential contractor by the owner for all work to be performed under the contract, including all applicable taxes.

(g) The amount, not to exceed \$1,000 or 10 percent of the aggregate contract price, whichever is less, of any initial down payment or deposit paid or promised to be paid to the residential contractor by the owner before the start of the work. The provisions of this paragraph do not apply if the residential contractor has filed with the Board a bond solely for the protection of consumers in the amount of \$100,000.

(h) A statement that the residential contractor has provided the owner with the notice and informational form required by NRS 624.520 and 624.600.

(i) A statement that any change in the scope or price of the work to be performed under the contract must be agreed to in writing by the parties and incorporated into the original contract as a change order. A change order is not enforceable against the owner who is contracting for work concerning a residential improvement unless the change order sets forth all changes in the scope and price of the work and is accepted by the owner.

(j) For a project of new work concerning a residential improvement, a plan and scale drawing showing the shape, size and dimensions of and the specifications for the construction and equipment for the work specified in the contract, and a description of the work to be done, the materials to be used and the equipment to be installed, and the agreed consideration for the work. For projects which consist exclusively of repairs to existing work concerning a residential improvement, plans, scale drawings, equipment specifications and lists of materials and equipment are not required to be contained in or included with the contract.

(k) Except as otherwise provided in this subsection, the dollar amount of any progress payment and the stage of construction at which the residential contractor will be entitled to collect progress payments from the owner during the course of construction under a contract for work concerning a

residential improvement. The schedule of payments must show the amount of each payment as a sum in dollars and cents. The schedule of payments must not provide for the residential contractor to receive, nor may the residential contractor actually receive, payments in excess of 100 percent of the value of the work performed on the project at any time, excluding finance charges, except for an initial down payment or deposit. With respect to a contract executed before October 1, 2023, if any schedule of payments set forth in the contract does not comply with the provisions of this chapter or any regulations adopted pursuant thereto:

(1) The obligation of the owner to make payments in accordance with the payment schedule is voidable; and

(2) The lender, if any, may not initiate proceedings to enforce the payment of any applicable loan unless and until the contract is reformed or otherwise amended to comply with those provisions of law.

↪ The provisions of this paragraph do not apply if the residential contractor has furnished a bond for payment and performance covering full performance and completion of the contract and the cost of the bond is included in the price of the project.

(l) If the contract provides for payment of a commission to a salesperson out of the contract price, a statement that the payment must be made on a pro rata basis in proportion to the schedule of payments made to the residential contractor by the disbursing party in accordance with the provisions of paragraph (k).

↪ Except as otherwise provided in subsection 5, the contract may contain such other conditions, stipulations or provisions to which the parties may agree.

3. The contract must contain:

(a) A method whereby the owner may initial provisions of the contract, thereby indicating that those provisions have been read and are understood.

(b) In close proximity to the signatures of the owner and the residential contractor, a notice stating that the owner:

(1) May contact the Board if assistance is needed to clarify any of the provisions of the contract that the owner does not fully understand;

(2) Has the right to request a bond for payment and performance if such a bond is not otherwise required pursuant to NRS 624.270;

(3) May contact an attorney for an explanation of the rights of the owner under the contract; and

(4) May, if the contract was explained in a language other than the language in which the contract is written, ask for a contract that is written in the language in which the contract was explained.

4. At the time the owner signs the contract, the residential contractor shall furnish to the owner a legible copy of all documents signed and a written and signed receipt for any money paid to the residential contractor by the owner. All written information provided in the contract must be printed in at least 10-point bold type. The contract, receipt and other

documents referenced in this subsection may be delivered by electronic means.

5. A condition, stipulation or provision in a contract that requires a person to waive any right provided by this chapter or any regulations adopted pursuant thereto or relieves a person of an obligation or liability imposed by this chapter or those regulations is void. Failure to comply with the requirements of this section renders a contract voidable by the owner.

6. The residential contractor shall apply for and obtain all necessary permits.

7. As used in this section:

(a) "Contract" means any contract or agreement in which a residential contractor agrees to perform work concerning a residential improvement.

(b) "Residential contractor" means a contractor who is licensed pursuant to this chapter and who contracts with the owner of a single-family residence to perform work concerning a residential improvement.

(c) "Single-family residence" has the meaning ascribed to it in NRS 624.455.

(d) "Work concerning a residential improvement" or "work" means any construction, remodeling, repair or improvement performed by a residential contractor to a completed, single-family residence or any activity for the supervision concerning such work. The term does not include work concerning a residential photovoltaic system used to produce electricity, as defined in NRS 624.855, or work concerning a residential pool or spa, as defined in NRS 624.915.

Sec. 2. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245, 108.246 or 624.520.

5. Failure to comply with :

(a) NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

~~6. Failure to comply with~~

(b) NRS 624.860 to 624.875, inclusive, or any regulations of the Board governing contracts for work concerning residential photovoltaic systems used to produce electricity.

~~{7}~~ (c) *Section 1 of this act or any regulations of the Board governing contracts for work concerning a residential improvement.*

6. Failure to comply with NRS 624.600.

~~{8}~~ 7. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

~~{9}~~ 8. Failure to pay an assessment required pursuant to NRS 624.470.

~~{10}~~ 9. Failure to file a certified payroll report that is required for a contract for a public work.

~~{11}~~ 10. Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a public work.

~~{12}~~ 11. Failure to notify the Board of a conviction or entry of a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 624.266.

~~{13}~~ 12. Failure to provide a builder's warranty as required by NRS 624.602 or to respond reasonably to a claim made under a builder's warranty.

Sec. 3. NRS 624.750 is hereby amended to read as follows:

624.750 1. It is unlawful for a person to commit any act or omission described in subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or ~~{8}~~ 7 of NRS 624.3016.

2. Except as otherwise provided in subsection 3 and unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 1, NRS 624.305, subsection 1 of NRS 624.700 or NRS 624.720 or 624.740:

(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not less than \$1,000 nor more than \$4,000, and may be further punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$4,000 nor more than \$10,000, and may be further punished by imprisonment in the county jail for not more than 364 days.

(c) For the third or subsequent offense, is guilty of a category E felony and shall be punished by a fine of not less than \$10,000 nor more than \$20,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

3. If a person is guilty of a violation of subsection 1 of NRS 624.700, the maximum fines set forth in subsection 2 may be exceeded by adding thereto a fine enhancement of not more than 10 percent of the value of any contract that the person entered into in violation of subsection 1 of NRS 624.700, if that person commenced any work or received any money relating to the contract.

4. It is unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if the person:

(a) Willfully fails to use that money for that purpose by failing to complete the improvements for which the person received the money or by failing to pay for any services, labor, materials or equipment provided for that construction; and

(b) Wrongfully diverts that money to a use other than that for which it was received.

5. Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection 4:

(a) If the amount of money wrongfully diverted is \$1,000 or less, is guilty of a gross misdemeanor and shall be punished by a fine of not less than \$2,000 nor more than \$4,000, and may be further punished by imprisonment in the county jail for not more than 364 days.

(b) If the amount of money wrongfully diverted is more than \$1,000, is guilty of a category E felony and shall be punished by a fine of not less than \$5,000 nor more than \$10,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.

6. Imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 27.

AN ACT relating to food establishments; ~~requiring~~ **authorizing** an applicant for a permit to operate a food establishment to provide an electronic mail address for purposes of communicating certain notices; authorizing **under certain circumstances**, a health authority to furnish an electronic original of a food inspection report form; authorizing service of certain written notices by a health authority to be provided electronically; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the requirements for an application to a health authority for a permit to operate a food establishment, including that an application include the applicant's full name and post office address. (NRS 446.875) **Section 1** of this bill ~~requires that~~ **authorizes** such an application also include an electronic mail address by which the health authority may communicate with the applicant and send any inspection report form or other notice.

Existing law requires that whenever the health authority makes an inspection of a food establishment, the health authority furnish the original food inspection report form to the permit holder or operator after the inspection. (NRS 446.890) **Section 2** of this bill authorizes a health authority to furnish an electronic original food inspection report form after such an inspection.

Existing law provides that notice of an inspection report or other written notice is properly served by a health authority when it is delivered personally to the permit holder or sent by registered or certified mail, return receipt requested, to the last known address of the permit holder. (NRS 446.900) **Section 3** of this bill additionally authorizes a health authority to properly serve an inspection report form ~~for other written notice~~ **and certain notices** on a permit holder by sending the notice to the electronic mail address provided by the permit holder, ~~if~~ **if any.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 446.875 is hereby amended to read as follows:

446.875 1. Any person desiring to operate a food establishment must make written application for a permit on forms provided by the health authority. The application must include:

(a) The applicant's full name ~~and~~ and post office address ~~and~~ An applicant may include on the application an electronic mail address by which the health authority may communicate with the applicant and send any inspection report form or other notice.

(b) A statement whether the applicant is a natural person, firm or corporation, and, if a partnership, the names of the partners, together with their addresses.

(c) A statement of the location and type of the proposed food establishment.

(d) The signature of the applicant or applicants.

2. An application for a permit to operate a temporary food establishment must also include the inclusive dates of the proposed operation.

3. Upon receipt of such an application, the health authority shall make an inspection of the food establishment to determine compliance with the provisions of this chapter. When inspection reveals that the applicable requirements of this chapter have been met, the health authority shall issue a permit to the applicant.

4. A permit to operate a temporary food establishment may be issued for a period not to exceed 14 days.

5. A permit issued pursuant to this section:

(a) Is not transferable from person to person or from place to place.

(b) Must be posted in every food establishment.

Sec. 2. NRS 446.890 is hereby amended to read as follows:

446.890 1. The health authority, after he or she has properly identified himself or herself, must be permitted to enter, at any reasonable time, any food establishment within the State for the purpose of making any inspection to determine compliance with this chapter. The health authority must be permitted to examine the records of the establishment to obtain pertinent information pertaining to food and supplies purchased, received or used, and persons employed.

2. Whenever the health authority makes an inspection of a food establishment, the health authority shall record his or her findings on an inspection report form provided for this purpose. The health authority shall furnish the original *or an electronic original* of the inspection report form to the permit holder or operator. The form must summarize the requirements of this chapter.

Sec. 3. NRS 446.900 is hereby amended to read as follows:

446.900 **1.** Notices provided for in NRS 446.895 shall be deemed to have been properly served when the original of the inspection report form or other notice has been ~~delivered~~ :

(a) *Delivered* personally to the permit holder or person in charge ~~[, or such notice has been sent]~~ ;

(b) *Sent* by registered or certified mail, return receipt requested, to the last known address of the permit holder ~~[]~~ ; *or*

(c) ~~[Sent]~~ Except for any notice required pursuant to NRS 446.880, sent to the electronic mail address , if any, provided by the permit holder to the health authority.

2. A copy of ~~[such]~~ *any inspection report form or other notice provided pursuant to subsection 1* shall be filed with the records of the health authority.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 44.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 33.

AN ACT relating to veterans; revising the titles of the deputy directors of the Department of Veterans Services; revising certain duties of the Director of the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Veterans Services to appoint: (1) a Deputy Director for Programs and Services; and (2) a Deputy Director for Health and Wellness. (NRS 417.030) **Section 1** of this bill changes the titles of the deputy directors appointed by the Director to: (1) the Deputy Director of Benefits; and (2) the Deputy Director of Healthcare Services.

Existing law requires the Director to assist veterans, certain members presently serving in the Armed Forces of the United States and certain persons related to veterans in preparing, submitting and presenting claims against the United States and any state for adjusted compensation and other benefits to which the person is entitled. (NRS 417.090) **Section 2** of this bill removes the obligation of the Director to assist such persons in preparing, submitting and

presenting claims for adjusted compensation, while leaving in place the requirement that the Director assist such persons with other types of claims.

Existing law requires the Director to ensure that each person who participates as an advocate for veterans in a volunteer program sponsored by the Department is assigned a veterans service officer employed by the Department that will offer assistance to the volunteer. (NRS 417.090) **Section 2** removes that requirement and instead requires the Director to provide each such volunteer with: (1) the opportunity to participate in annual training; and (2) mentorship upon request.

Existing law requires the Director to provide semiannual training to each veterans service officer employed by the Department. (NRS 417.090) **Section 2 : (1)** increases the frequency of such training to quarterly ~~[-Section 2 also]~~ ; **and (2) additionally** requires ~~that~~ **the Director to offer** such training ~~to be provided by a veterans service organization located in this State.]~~ **to representatives of veterans service organizations who are accredited by the United States Department of Veterans Affairs.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 417.030 is hereby amended to read as follows:

417.030 1. The office of Director of the Department of Veterans Services is hereby created.

2. The Director must be appointed by and serves at the pleasure of the Governor.

3. The Director shall appoint such deputy directors as are necessary to assist the Director in performing the duties prescribed in this chapter, including, without limitation, a Deputy Director ~~for Programs and Services~~ **of Benefits** and a Deputy Director ~~for Health and Wellness.]~~ **of Healthcare Services.**

4. Any person to be eligible for appointment as the Director or the Deputy Director ~~for Programs and Services~~ **of Benefits** must:

- (a) Be an actual and bona fide resident of the State of Nevada;
- (b) Possess an honorable discharge from some branch of the Armed Forces of the United States; and
- (c) Have at least 4 years of experience in management or administration.

5. Except as otherwise provided in this subsection, any person to be eligible for appointment as the Deputy Director ~~for Health and Wellness]~~ **of Healthcare Services** must:

- (a) Be an actual and bona fide resident of the State of Nevada;
- (b) Possess an honorable discharge from some branch of the Armed Forces of the United States; and
- (c) Have at least 4 years of experience in health care management or health care administration.

➔ If no person is available for appointment who possesses all the qualifications required by this subsection, the Director may waive the

qualification set forth in paragraph (b) for a person who is otherwise qualified for appointment pursuant to paragraphs (a) and (c).

Sec. 2. NRS 417.090 is hereby amended to read as follows:

417.090 1. The Director shall:

(a) Assist veterans, and those presently serving in the Armed Forces of the United States who are residents of the State of Nevada, their spouses, domestic partners, widows, widowers, children, dependents, administrators, executors and personal representatives, in preparing, submitting and presenting any claim against the United States, or any state, for ~~adjusted compensation,~~ insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which they may be entitled under the laws of the United States or of any of the states, and assist them in obtaining any aid or benefit to which they may be entitled under the laws of the United States or of any of the states.

(b) Aid, assist, encourage and cooperate with every service organization recognized nationally or in this State insofar as the activities of such organizations are for the benefit of veterans, servicemen and servicewomen and the spouses, domestic partners, widows, widowers, children, dependents, administrators, executors or personal representatives of such veterans, servicemen and servicewomen.

(c) Give aid, assistance and counsel to each and every problem, question and situation, individual as well as collective, affecting any veteran, serviceman or servicewoman, or their dependents, or any group of veterans, servicemen and servicewomen, when in their opinion such comes within the scope of this chapter.

(d) Coordinate activities of veterans' organizations.

(e) Serve as a clearinghouse and disseminate information relating to veterans' benefits.

(f) Conduct any studies which will assist veterans to obtain compensation, insurance, pension, disability compensation, vocational training, education, rehabilitation or any other benefit to which veterans may be entitled under the laws of the United States or of any state.

(g) Aid, assist and cooperate with the office of coordinator of services for veterans created in a county pursuant to NRS 244.401.

(h) Take possession of any abandoned or unclaimed artifacts or other property that has military or historical value for safekeeping. The Director may:

(1) Transfer such an artifact or other property to:

(I) The Nevada State Museum or the Nevada Historical Society, upon its written request, if the artifact or other property has, in the opinion of the requesting institution, historical value and is worthy of preservation; or

(II) Any other governmental agency or nonprofit entity, including, without limitation, a veterans' organization and the United States Department of Veterans Affairs, upon its written request, if the artifact or other property

was not requested by the Nevada State Museum or the Nevada Historical Society; or

(2) Destroy or otherwise dispose of the artifact or other property.

↪ An action may not be maintained by any person against the holder or former holder of an artifact or other property because of the transfer, destruction or other disposal of the artifact or other property pursuant to this paragraph.

(i) Develop plans and programs to assist veterans who have suffered sexual trauma while on active duty or during military training.

(j) Create and maintain a statewide database of information relating to veterans to assist the Department in identifying and communicating with veterans and connecting veterans with benefits and opportunities for which they are eligible.

(k) Create and maintain a registry of governmental agencies and private entities that provide services and resources to veterans, service members and their families and publish a digital copy of the registry on the Internet website maintained by the Department.

(l) Ensure that each generation of veterans is recognized annually through a ceremony, information campaign or other form of public acknowledgment.

(m) Establish, operate and maintain veterans' cemeteries in this State, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of the cemeteries.

(n) Establish, manage, maintain and operate veterans' homes in this State, and may, within the limits of legislative authorization, employ personnel and purchase equipment and supplies necessary for the operation and maintenance of veterans' homes.

(o) If the board of county commissioners of any county makes the request required pursuant to subsection 2 of NRS 244.401, provide to the coordinator of services for veterans in the county training and certification as a veterans service officer.

(p) If training and certification is requested pursuant to paragraph (o), submit an application, on behalf of the coordinator of services for veterans, to the United States Department of Veterans Affairs for accreditation or official recognition as a veterans service officer.

(q) Serve as the primary public advocate for Nevada veterans.

(r) Ensure that each person who participates as an advocate for veterans in this State in a volunteer program sponsored by the Department is ~~assigned to a veterans service officer employed by the Department that will offer assistance to the volunteer.~~ :

(1) Offered the opportunity to participate in annual training; and

(2) If requested by the volunteer, provided mentorship.

(s) ~~Provide [semiannual Arrange for the provision of] quarterly~~ training to each veterans service officer employed by the Department regarding the benefits, services, programs and assistance available to veterans. ~~Such~~

~~training must be provided by a veterans service organization located in this State.~~

(t) Additionally offer the quarterly training described in paragraph (s) to representatives of veterans service organizations who are accredited by the United States Department of Veterans Affairs.

(u) Connect veterans experiencing homelessness to housing and organizations that provide support in housing and other related areas to decrease homelessness among veterans.

~~(u)~~ (v) Create, coordinate and support programs and resources for the prevention of suicide among veterans, including, without limitation, programs and resources to increase knowledge of how to recognize the signs of a potentially suicidal veteran and resources to which veterans who are potentially suicidal may be referred.

2. The Director shall:

(a) Establish an internal policy for guidance to employees of the Department regarding the transfer, destruction or other disposal of artifacts and other property pursuant to paragraph (h) of subsection 1; and

(b) Post the policy on the Internet website maintained by the Department.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 45.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 32.

AN ACT relating to health care; creating a program to repay the student education loans of certain providers of health care; prescribing the requirements to receive repayment of student education loans under the program; providing for the administration of the program; providing certain funding for the program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Treasurer to perform certain duties relating to the financing of higher education, including designating a Student Loan Ombudsman and administering the Nevada College Savings Trust Fund and the Millennium Scholarship Trust Fund. (NRS 226.400, 226.560, 353B.320, 353B.350, 396.926) **Section 6** of this bill creates the Student Loan Repayment for Providers of Health Care in Underserved Communities Program to repay the student education loans of qualified providers of health care who work in certain underserved communities. **Section 6** requires the State Treasurer to ensure that at least 15 percent of the money available for the Program in any year is used to repay the student education loans of providers of health

care who commit to practicing in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties). With regard to other money available for the Program, section 6 requires the State Treasurer to prioritize certain providers of health care when awarding repayment of student education loans under the Program. ~~and section~~ **Section 8** of this bill requires the State Treasurer to adopt regulations prescribing : **(1) the procedure the State Treasurer will use to repay the student education loans pursuant to section 6; and (2)** the manner in which ~~that~~ **such** prioritization will be implemented. **Section 7** of this bill prescribes the requirements for a provider of health care to be eligible for repayment of student education loans under the Program. **Section 8** requires the State Treasurer to adopt regulations to prescribe certain procedures and standards relating to the Program, including: (1) the procedure to apply for repayment of student education loans under the Program; (2) any additional standards for eligibility to receive repayment of student education loans under the Program; and (3) a methodology for determining the amount of repayment of a student education loan that a provider of health care may receive. **Section 8** also authorizes the State Treasurer to adopt any other regulations necessary to carry out the Program. **Sections 2-5** of this bill define certain terms related to the Program. **Sections 8 and 13** of this bill provide for the confidentiality of applications to receive repayment of student education loans under the Program and the personally identifiable information of applicants. **Section 9** of this bill: (1) authorizes the State Treasurer to employ the necessary staff to administer the Program; and (2) requires the State Treasurer to post certain information about the Program on an Internet website.

Section 11 of this bill requires the Student Loan Ombudsman to assist certain student loan borrowers to become aware of, qualify for and apply for the Program.

Section 10 of this bill creates the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities in the State General Fund to fund the Program. **Section 12** of this bill requires the State Treasurer to transfer certain money from the Abandoned Property Trust Account to the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them those sections.*

Sec. 3. *“Program” means the Student Loan Repayment for Providers of Health Care in Underserved Communities Program created by section 6 of this act.*

Sec. 4. “Provider of health care” ~~has the meaning ascribed to it in NRS 629.031.~~ means:

1. A physician;
2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS;
3. A dentist;
4. A licensed nurse;
5. A person who holds a license as an attendant or is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;
6. An optometrist;
7. An audiologist;
8. A practitioner of respiratory care;
9. A podiatric physician;
10. A psychologist;
11. A clinical professional counselor;
12. A perfusionist;
13. A pharmacist or pharmacy technician;
14. An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;
15. A midwife; or
16. A provider of doula services who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to receive reimbursement through Medicaid pursuant to NRS 422.27177.

Sec. 5. “Student education loan” *has the meaning ascribed to it in NRS 226.510.*

Sec. 6. 1. *The Student Loan Repayment for Providers of Health Care in Underserved Communities Program is hereby created to repay the student education loans of providers of health care who are eligible for the Program pursuant to sections 7 and 8 of this act and any regulations adopted pursuant thereto.*

2. The State Treasurer shall administer the Program.

3. In administering the Program, the State Treasurer shall:

(a) Ensure that persons who receive repayment of student education loans are committed to providing health care services in an underserved community in this State;

(b) ~~Prioritize~~ Ensure that at least 15 percent of money available for the Program in any year be used to repay the student education loans of providers of health care who commit to practicing in a county whose population is less than 100,000, to the extent that such providers are participating in the Program;

(c) With regard to money available for the Program other than money used for the purpose described in paragraph (b), prioritize the repayment of student education loans for providers of primary care , providers of health

care who commit to accepting as patients recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program and other providers of health care specified by ~~regulation of~~ the regulations adopted by the State Treasurer ~~in accordance with the regulations adopted~~ pursuant to section 8 of this act; and

~~(c)~~ (d) Work collaboratively to raise awareness about the Program with organizations that work with providers of health care and students studying to become providers of health care, including, without limitation:

(1) Educational institutions in this State, including, without limitation, institutions in the Nevada System of Higher Education;

(2) Organizations that represent medical students and other students studying to become providers of health care;

(3) Organizations that represent providers of health care;

(4) Tribal governments; and

(5) Organizations who advocate for improved health outcomes in minority communities.

4. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, psychiatry or obstetrics and gynecology.

Sec. 7. A provider of health care is eligible for repayment of a student education loan under the Program if the provider of health care:

1. Is a current resident of this State;

2. ~~Graduated on or after July 31, 2023, from an institution in the Nevada System of Higher Education or another accredited institution of higher education in this State with a degree in a health related field;~~

~~3.~~ Is actively licensed, certified or registered in good standing to practice in this State as a provider of health care; and

~~4.~~ 3. Commits to at least 5 years of clinical practice as a licensed, certified or registered provider of health care in this State:

(a) In a census tract which, upon commencement of such clinical practice, is designated as a qualified census tract by the United States Secretary of Housing and Urban Development pursuant to 26 U.S.C. § 42(d)(5)(B)(ii);

(b) In a census tract which, upon commencement of such clinical practice, has a high level of social vulnerability as determined according to the Social Vulnerability Index developed by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services;

(c) In a community in which, according to the decennial census immediately preceding the commencement of such clinical practice, at least 20 percent of households were not proficient in the English language;

(d) On tribal lands or in a community where tribal members commonly reside; ~~or~~

(e) In a geographic area that has been subject to historical instances of redlining, segregation or other discriminatory practices on the basis of race,

color, religion, national origin, disability, sexual orientation, sex or gender identity or expression, as determined by the State Treasurer in accordance with the regulations adopted pursuant to section 8 of this act ~~17~~; or

(f) In a county whose population is less than 100,000.

Sec. 8. 1. A provider of health care who meets the qualifications set forth in section 7 of this act and wishes to receive repayment of student education loans from the Program must submit an application to the State Treasurer in the form prescribed by the State Treasurer and comply with any regulations adopted pursuant to subsection 2.

2. The State Treasurer:

(a) Shall adopt regulations prescribing the procedures and standards, in addition to those prescribed by section 7 of this act, for determining the eligibility of a provider of health care to receive repayment of a student education loan from the Program.

(b) Shall adopt regulations establishing a methodology for determining the amount of repayment of a student education loan that a provider of health care is eligible to receive from the Program. That methodology must include, without limitation, a sliding scale that conditions the amount a provider of health care should receive from the Program on areas of specialization, type of degree and average loan burden for the particular field of health care in which the provider practices.

(c) Shall adopt regulations establishing the ~~manner~~:

(1) Procedure that the State Treasurer will use to carry out the provisions of paragraph (b) of subsection 3 of section 6 of this act; and

(2) Manner in which the Program must prioritize the repayment of student education loans for the providers of health care pursuant to paragraph ~~(b)~~ (c) of subsection 3 of section 6 of this act.

(d) Shall adopt regulations prescribing the manner in which the State Treasurer will determine whether a geographic area meets the requirements of paragraph (e) of subsection ~~4~~ 3 of section 7 of this act.

(e) Shall adopt regulations prescribing the procedures for the repayment of a student education loan of a provider of health care who has been found eligible to receive such repayment from the Program.

(f) May adopt any other regulations necessary to carry out the Program.

3. The Program may not provide to a provider of health care more than \$120,000 for the repayment of student education loans.

4. The application of a provider of health care for repayment of a student education loan and any related personally identifiable information of the applicant is confidential.

Sec. 9. The State Treasurer:

1. May employ such staff as the State Treasurer deems necessary to administer the Program.

2. Shall post information about the Program, including, without limitation, the requirements to be eligible to receive repayment of student

education loans from the Program and the procedure to apply for such repayment, on an Internet website maintained by the State Treasurer.

Sec. 10. 1. *The Account for Student Loan Repayment for Providers of Health Care in Underserved Communities is hereby created in the State General Fund. The State Treasurer shall administer the Account.*

2. *Money for the Account may be provided:*

(a) By direct legislative appropriation;

(b) By transfer from another account, including, without limitation, the Abandoned Property Trust Account created by NRS 120A.620; or

(c) As provided in subsection 5.

3. *Money in the Account must be used solely:*

(a) To administer the Account and the Program; and

(b) To repay the student education loans of providers of health care who have qualified for such repayment pursuant to sections 7 and 8 of this act.

4. *The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

5. *The State Treasurer may apply for and accept any gift, donation, bequest, grant or other source of money for the purpose of administering the Program and repaying the student education loans of providers of health care who have qualified for repayment of student education loans pursuant to sections 7 and 8 of this act. The State Treasurer shall deposit any money so received into the Account.*

Sec. 11. NRS 226.570 is hereby amended to read as follows:

226.570 The Student Loan Ombudsman shall:

1. Receive, review and attempt to resolve any complaint from a student loan borrower, including, without limitation, attempting to resolve such a complaint in collaboration with an institution of higher education, a student loan servicer and any other person who participates in providing a student education loan.

2. Compile and analyze data on complaints as described in subsection 1.

3. Assist student loan borrowers to understand their rights and responsibilities under the terms of student education loans.

4. Provide information to the public, governmental agencies and the Legislature regarding the problems and concerns of student loan borrowers and make recommendations for resolving those problems and concerns.

5. Analyze and monitor the development and implementation of federal, state and local laws, regulations and policies relating to student loan borrowers and recommend any changes the Student Loan Ombudsman deems necessary.

6. Review the complete history of any student education loan for any student loan borrower who has provided written consent for such a review.

7. Disseminate information concerning the availability of the Student Loan Ombudsman to assist student loan borrowers, potential student loan

borrowers, institutions of higher education, student loan servicers and any other persons who participate in providing a student education loan, with any concerns relating to student loan servicing.

8. ***Assist student loan borrowers who are pursuing degrees in a health-related field to become aware of, qualify for and apply for the Student Loan Repayment for Providers of Health Care in Underserved Communities Program created by section 6 of this act.***

9. Take any other actions necessary to fulfill the duties of the Student Loan Ombudsman as set forth in this section.

Sec. 12. NRS 120A.620 is hereby amended to read as follows:

120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.

2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the Account:

- (a) Any costs in connection with the sale of abandoned property.
- (b) Any costs of mailing and publication in connection with any abandoned property.
- (c) Reasonable service charges.
- (d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.
- (e) Any valid claims filed pursuant to this chapter.

5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:

(a) The first \$7,600,000 each year must be transferred to the Millennium Scholarship Trust Fund created by NRS 396.926.

(b) The next \$1,000,000 each year must be transferred to the Grant Matching Account created by NRS 223.492.

(c) ***The next \$5,000,000 each year must be transferred to the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities created by section 10 of this act.***

(d) The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640 and any claims approved for payment by the Administrator pursuant to NRS 120A.525. No such claim may be satisfied from money in the Millennium Scholarship Trust Fund , ~~for~~ the Grant

Matching Account ~~[-]~~ or the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities.

6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4 or NRS 120A.525, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account.

Sec. 13. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885,

408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 8 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and

public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 14. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 13, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 46.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 8.

~~CONTAINS UNFUNDED MANDATE (§ 1)~~

~~(Not Requested by Affected Local Government)~~

AN ACT relating to historical preservation; revising provisions relating to the responsibility for the installation, **interpretation,** maintenance and protection of historical markers; ~~making various other changes related to the State Historical Marker Registry; providing a penalty;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources to: (1) establish the qualifications and standards for a historical markers program, designate and make an inventory of qualified sites on both public and privately owned lands and place and maintain historical markers on all public lands and all private lands when the owner consents; (2) establish a state historical marker registry system; and (3) install, maintain and protect, with certain exceptions, all registered historical markers. (NRS 383.091)

Section 1 of this bill eliminates the requirement for the Administrator to place and maintain historical markers on all public lands and private lands.

Existing law authorizes the Administrator to contract with, or cooperate with, public or private agencies for suitable markers and directional signs, including signs on highways and roads, at the site of, or on the approaches to, registered historical markers. (NRS 383.091) **Section 1** eliminates such authority. ~~and~~

Section 4.5 of this bill requires ~~instead~~ that the ~~state agency or political subdivision on whose property a historical marker is located~~ **Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources** be responsible for the installation, **interpretation,** maintenance and protection of ~~the~~ **all** registered historical ~~marker and all directional signs at the site of, or on the approaches to, such markers.~~ **Section 1** further requires, to the extent that money is available and authorized to be used for the purpose, that the Administrator reimburse the eligible costs of a ~~local government, nonprofit organization or private landowner to install, maintain or protect registered historical~~ markers.

Existing law requires the Administrator **of the Office of Historic Preservation** to consult with the Nevada Historical Society to determine the

content of the legend on all historical markers and grants the Nevada Historical Society final authority to determine the content of any legend. (NRS 383.091) **Section 1** eliminates the granting of such authority to the Nevada Historical Society and instead requires the Administrator to prepare the legend for any new marker identified in the inventory of qualified sites, upon request by any state agency or political subdivision.

~~[Existing law requires the Administrator of the State Public Works Division of the Department of Administration to direct the making of all repairs and improvements on certain buildings, grounds and properties. (NRS 331.070) Section 2 of this bill requires the Administrator to also direct the making of all repairs and maintenance of historical markers that are on such buildings, grounds and properties and are registered in the State Historical Marker Registry.~~

~~Existing law requires the Department of Transportation to cause to be put up, and to be kept up thereafter, certain road markers, highway signs and informative signs. (NRS 408.417) Section 3 of this bill requires the Department to also cause to be put up, and to be kept up thereafter, historical markers that are registered in the State Historical Marker Registry and located in the highway right of way, in consultation with the Office of Historic Preservation.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 383.091 is hereby amended to read as follows:

383.091 1. The Administrator shall:

(a) Establish the qualifications and standards for a historical markers program, designate *a qualified site when the owner consents* and make an inventory of qualified sites on both public and privately owned lands . ~~[, and place and maintain historical markers on all public lands and all private lands when the owner consents.]~~

(b) Establish a state historical marker registry system.

(c) Consult with the Nevada Historical Society to determine the content of the legend on all markers. ~~[The Nevada Historical Society has the final authority to determine the content of any legend.]~~ *Upon request by any state agency or political subdivision, the Administrator shall prepare the legend for any new historical marker identified in the inventory of qualified sites not already included in the State Historical Marker Registry.*

(d) Solicit the cooperation of owners of private property for the installation of historical markers on eligible properties and structures in order that they may be included in the State Historical Marker Registry.

~~[(e) Except as otherwise provided in subsection 3, install, maintain and protect all registered historical markers.]~~

2. ~~[The Administrator may contract with, or cooperate with, public or private agencies for suitable markers and directional signs, including signs on highways and roads, at the site of, or on the approaches to, registered historical~~

markers. The contracts may include provisions ~~*The state agency or political subdivision on whose property a registered historical marker is located shall be responsible*~~ for the installation, maintenance and protection of the markers. ~~*registered historical marker and all directional signs at the site of, or on the approaches to, the registered historical marker.*~~

~~3.1~~ When the owner of private property consents to the placement by a nonprofit organization of a historical marker in or on a structure located on his or her property, the owner shall be deemed to have consented to the maintenance of

the historical marker in or on the structure for as long as the structure remains standing unless the owner notifies the nonprofit organization and requests the organization to remove the historical marker. The owner shall notify any person to whom he or she sells or otherwise transfers ownership of the structure of the duty to maintain the historical marker. The purchaser of a structure in or on which a historical marker has been placed by a nonprofit organization shall maintain the historical marker on the structure for as long as he or she owns the structure and shall notify any person to whom he or she sells or otherwise transfers ownership of the structure of the duty to maintain the historical marker unless the purchaser notifies the nonprofit organization and requests the organization to remove the historical marker. If the structure in or on which a historical marker is placed by a nonprofit organization is renovated or remodeled in such a manner as to require the removal of the historical marker, the owner shall ensure that the marker is reattached to the structure in the same place or in a place of similar prominence as soon as practicable after the completion of the renovation or remodeling project.

~~4. To the extent that money is available and authorized to be used for the purpose, the Administrator shall reimburse the eligible costs of a local government, nonprofit organization or owner of private land to install, maintain or protect registered historical markers.~~

Sec. 2. ~~[NRS 331.070 is hereby amended to read as follows:~~

~~331.070 1. The Administrator shall have supervision over and control of all state buildings, grounds and properties not otherwise provided for by law except for any buildings, grounds or other properties owned or leased by boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005.~~

~~2. The Administrator shall direct the making of all repairs and improvements on the buildings, grounds and properties over which the Administrator has supervision and control pursuant to subsection 1.~~

~~3. The Administrator shall direct the making of all repairs and maintenance of historical markers on the buildings, grounds and properties over which the Administrator has supervision and control pursuant to subsection 1.~~

~~4. All officers, departments, boards, commissions and agencies shall make requisition upon the Administrator for any repairs or improvements necessary in buildings or parts thereof over which the Administrator has supervision and~~

control that are owned by or leased to the State and occupied by such officers, departments, boards, commissions or agencies.

~~5. As used in this section, “historical marker” means a historical marker registered in the State Historical Marker Registry pursuant to NRS 383.091.]~~
(Deleted by amendment.)

Sec. 3. ~~[NRS 408.417 is hereby amended to read as follows:~~

~~408.417 1. As a part of every plan and of all specifications and contracts for the construction of highways, provisions must be made for the erection of permanent guideposts and signboards at every point where another road crosses or diverges from such highways and at all places requiring warning to the traveling public as to the condition of the road, such as dangerous turns and steep grades. Such guideposts and signboards must contain plain and accurate information as to the distances of towns and other points such as is usually contained on signboards for the information of the traveling public.~~

~~2. The Department shall:~~

~~(a) Cause to be put up, and to be kept up thereafter, on and along the highways, all such usual and necessary road markers and highway signs adopted by the American Association of State Highway and Transportation Officials.~~

~~(b) Cause to be put up, and to be kept up thereafter, informative signs, distinctive in color and design, pointing out, calling attention to and descriptive of nearby points, location of and distance to water, and objects of natural, scenic, geographical, geological, paleogeographical and historical interest to the traveler within or passing through the State.~~

~~(c) Cause to be put up, and to be kept up thereafter, informative signs which indicate scenic routes.~~

~~(d) Cause to be put up, and to be kept up thereafter, historical markers located in the highway right of way, in consultation with the Office of Historic Preservation of the State Department of Conservation and Natural Resources.~~

~~3. Every guidepost, signboard, road marker, highway sign, informative sign, [and] descriptive sign and historical marker put up by the Department pursuant to this section must contain measurements based on metric units if:~~

~~(a) The Federal Highway Administration of the United States Department of Transportation issues specifications for utilizing measurements based on metric units; and~~

~~(b) Money is made available for this purpose by the Federal Government.~~

~~4. Any person who willfully tears down, digs up, or in any manner defaces, destroys or carries away any such guideboards, road markers, highway signs, [or] descriptive signs or historical markers as provided in this section is guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the markers or signs destroyed, damaged, removed or defaced and in no event less than a misdemeanor. The Department has a cause of action against such a person in a court of competent jurisdiction for the amount expended for~~

repairs and replacement of such signs and markers, together with the cost and expenses incurred in the action.

~~5. As used in this section, “historical marker” means a historical marker registered in the State Historical Marker Registry pursuant to NRS 383.091.~~
(Deleted by amendment.)

~~Sec. 4. [The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~
(Deleted by amendment.)

Sec. 4.5. Chapter 407 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall direct the installation, interpretation, maintenance and protection of all registered historical markers.

2. As used in this section, “registered historical marker” means a historical marker registered in the State Historical Marker Registry pursuant to NRS 383.091.

Sec. 5. This act becomes effective on July 1, 2023.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 51.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 20.

AN ACT relating to public safety; revising the period for the mandatory arrest of a person suspected of committing certain crimes against certain persons; ~~revising the list of acts that constitute domestic violence when committed against certain persons; authorizing a court to include in certain orders for protection a provision authorizing the recording of certain communications;~~ revising the penalties for the commission of certain crimes in violation of certain orders for protection; prohibiting a court from granting probation to or suspending the sentence of a person charged with committing a battery which constitutes domestic violence under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

With certain exceptions, existing law requires a peace officer to arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery which constitutes domestic violence. (NRS 171.137) Existing law also requires a peace officer investigating an act of domestic violence to provide a person suspected of being the victim of an act of domestic violence with a written statement setting forth the circumstances under which the peace officer is

required to arrest the person suspected of committing the act of domestic violence. (NRS 171.1225) **Section 2** of this bill ~~extends the period during which~~ **requires** a peace officer ~~is required~~ to arrest a person suspected of committing a battery which constitutes domestic violence ~~from~~ : **(1) if the peace officer encountered the person while responding to the initial request for assistance relating to the battery,** within 24 hours after the alleged battery ~~to within 14~~ ; **or (2) if the peace officer did not encounter the person while responding to the initial request for assistance relating to the battery, within 7** days after the alleged battery. **Section 1** of this bill makes a conforming change to the written statement a peace officer must provide to a suspected victim of domestic violence.

Existing law authorizes a peace officer, whether or not a warrant has been issued, to arrest a person when the peace officer has probable cause to believe that the person to be arrested has, within the preceding 24 hours, committed a battery upon a person with whom he or she is actually residing or upon a sibling or cousin, if the person is not the custodian or guardian of the sibling or cousin. (NRS 171.1375) **Section 3** of this bill ~~extends that~~ **revises the** period for such a discretionary arrest ~~from~~ **to be: (1) if the peace officer encountered the person while responding to the initial request for assistance relating to the battery,** within 24 hours after the alleged battery ~~to within 14~~ ; **or (2) if the peace officer did not encounter the person to be arrested while responding to the initial request for assistance relating to the battery, within 7** days after the alleged battery.

~~Existing law sets forth a list of certain unlawful acts that constitute domestic violence when committed against or upon certain persons. (NRS 33.018) Section 5 of this bill expands the list of acts that constitute domestic violence to include an attempt to commit any of those acts. Sections 4, 9, 13, 19 and 20 of this bill make a conforming change to include in the definition of domestic violence an attempt to commit any of those acts.~~

~~Existing law authorizes a court to issue a temporary or extended order for protection against domestic violence if it appears to the satisfaction of the court that an act of domestic violence has occurred or there exists a threat of domestic violence. (NRS 33.020, 33.030) Existing law also makes it unlawful, with certain exceptions, for a person to record his or her own telephone call without the consent of the other person on the call. (NRS 200.620; Lane v. Allstate Ins. Co., 114 Nev. 1176 (1998), cited, McLellan v. State, 124 Nev. 263 (2008)) Section 6 of this bill provides that a court issuing a temporary or extended order for protection against domestic violence may, after considering certain factors, include a provision in the order authorizing the person who applied for the order to record any communication with the adverse party for the purpose of obtaining evidence reasonably believed to relate to a violation of the order. Sections 7, 8, 15 and 17 of this bill provide~~

~~that a court may make a similar authorization regarding the recording of communications for a person who applies for a temporary or extended order: (1) for protection against harassment in the workplace; (2) for the protection of a child; (3) to restrict the conduct of a person who may have committed sexual assault; or (4) to restrict the conduct of a person who may have committed the crime of stalking, aggravated stalking or harassment. Section 18 of this bill makes a conforming change to provide an exception to the general prohibition on intercepting or attempting to intercept a wire communication if such an interception has been authorized by a court in its order pursuant to section 6, 8, 15 or 17.]~~

Existing law provides that a person who commits a crime that is punishable as a felony in violation of certain orders for protection must, in addition to the term of imprisonment for the underlying crime, be punished by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 20 years. However, if the underlying crime is punishable as a category A or B felony, the person must be additionally punished by imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 5 years. (NRS 193.166) **Section 14** of this bill provides instead that if the underlying crime is punishable as a category A or B felony, the additional period of imprisonment must be for a maximum term of not more than 20 years, but if the underlying crime is not punishable as a category A or B felony, the additional period of imprisonment must be for a maximum term of not more than 5 years.

Existing law provides that a court may not grant probation to or suspend the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a misdemeanor, except that: (1) a justice court or municipal court may suspend the sentence of such a person under certain circumstances; and (2) a court may suspend the sentence of such a person to assign the person to a program for the treatment of veterans and members of the military. Existing law does not expressly prohibit a court from granting probation to or suspending the sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a gross misdemeanor or felony. (NRS 200.485) **Section 16** of this bill ~~maintains such existing law with respect to a person who is charged with committing a battery which constitutes domestic violence that is punishable as a misdemeanor, but~~ prohibits ~~the~~ **a court from** granting ~~of~~ probation to or ~~suspension of~~ **suspending the** sentence of a person who is charged with committing a battery which constitutes domestic violence that is punishable as a ~~gross misdemeanor or~~ felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 171.1225 is hereby amended to read as follows:

171.1225 1. When investigating an act of domestic violence, a peace officer shall:

(a) Make a good faith effort to explain the provisions of NRS 171.137 pertaining to domestic violence and advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community.

(b) Provide a person suspected of being the victim of an act of domestic violence with a written copy of the following statements:

(1) My name is Officer (naming the investigating officer). Nevada law requires me to inform you of the following information.

(2) If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 24 hours ~~[14 days]~~ by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, **and if I encountered the person suspected of committing the battery while responding to the initial request for assistance relating to the battery.** I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.

(3) **If I have probable cause to believe that a battery has been committed against you, your minor child or the minor child of the person believed to have committed the battery in the last 7 days by your spouse, your former spouse, any other person to whom you are related by blood or marriage, a person with whom you have had or are having a dating relationship or a person with whom you have a child in common, and if I did not encounter the person suspected of committing the battery while responding to the initial request for assistance relating to the battery, I am required, unless mitigating circumstances exist, to arrest the person suspected of committing the battery.**

(4) If I am unable to arrest the person suspected of committing the battery, you have the right to request that the prosecutor file a criminal complaint against the person. I can provide you with information on this procedure. If convicted, the person who committed the battery may be placed on probation, ordered to see a counselor, put in jail or fined.

~~[(4)]~~ (5) The law provides that you may seek a court order for the protection of you, your minor children or any animal that is owned or kept by you, by the person who committed or threatened the act of domestic violence or by the minor child of either such person against further threats or acts of domestic violence. You do not need to hire a lawyer to obtain such an order for protection.

~~[(5)]~~ (6) An order for protection may require the person who committed or threatened the act of domestic violence against you to:

- (I) Stop threatening, harassing or injuring you or your children;
- (II) Move out of your residence;
- (III) Stay away from your place of employment;
- (IV) Stay away from the school attended by your children;
- (V) Stay away from any place you or your children regularly go;
- (VI) Avoid or limit all communication with you or your children;
- (VII) Stop physically injuring, threatening to injure or taking

possession of any animal that is owned or kept by you or your children, either directly or through an agent; and

(VIII) Stop physically injuring or threatening to injure any animal that is owned or kept by the person who committed or threatened the act or his or her children, either directly or through an agent.

~~[(6)]~~ (7) A court may make future orders for protection which award you custody of your children and require the person who committed or threatened the act of domestic violence against you to:

- (I) Pay the rent or mortgage due on the place in which you live;
- (II) Pay the amount of money necessary for the support of your children;

(III) Pay part or all of the costs incurred by you in obtaining the order for protection; and

(IV) Comply with the arrangements specified for the possession and care of any animal owned or kept by you or your children or by the person who committed or threatened the act or his or her children.

~~[(7)]~~ (8) To get an order for protection, go to room number (state the room number of the office at the court) at the court, which is located at (state the address of the court). Ask the clerk of the court to provide you with the forms for an order of protection.

~~[(8)]~~ (9) If the person who committed or threatened the act of domestic violence against you violates the terms of an order for protection, the person may be arrested and, if:

- (I) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;
- (II) The person has previously violated a temporary or extended order for protection; or

(III) At the time of the violation or within 2 hours after the violation, the person has a concentration of alcohol of 0.08 or more in the person's blood or breath or an amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110,

↪ the person will not be admitted to bail sooner than 12 hours after arrest.

~~[(9)]~~ (10) You may obtain emergency assistance or shelter by contacting your local program against domestic violence at (state name, address and telephone number of local program) or you may call, without charge to you, the Statewide Program Against Domestic Violence at (state toll-free telephone number of Statewide Program).

2. The failure of a peace officer to carry out the requirements set forth in subsection 1 is not a defense in a criminal prosecution for the commission of an act of domestic violence, nor may such an omission be considered as negligence or as causation in any civil action against the peace officer or the officer's employer.

3. As used in this section:

(a) "Act of domestic violence" means any of the following acts committed by a person against his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons or his or her minor child:

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he or she has the right to refrain or to refrain from an act which he or she has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(VII) Injuring or killing an animal.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 2. NRS 171.137 is hereby amended to read as follows:

171.137 1. Except as otherwise provided in subsection 2, whether or not a warrant has been issued, a peace officer shall, unless mitigating circumstances exist, arrest a person when the peace officer has probable cause to believe that the person to be arrested has ~~been~~ ~~within the preceding 24 hours, 14 days,~~ committed a battery upon his or her spouse, former spouse, any other person to whom he or she is related by blood or marriage, a person with whom he or she has had or is having a dating relationship, a person with whom he or she has a child in common, the minor child of any of those persons, his or her minor child or a person who is the custodian or guardian of his or her minor child ~~1~~:

(a) If the peace officer encountered the person to be arrested while responding to the initial request for assistance relating to the battery, within the preceding 24 hours.

(b) If the peace officer did not encounter the person to be arrested while responding to the initial request for assistance relating to the battery, within the preceding 7 days.

2. If the peace officer has probable cause to believe that a battery described in subsection 1 was a mutual battery, the peace officer shall attempt to determine which person was the primary physical aggressor. If the peace officer determines that one of the persons who allegedly committed a battery was the primary physical aggressor involved in the incident, the peace officer is not required to arrest any other person believed to have committed a battery during the incident. In determining whether a person is a primary physical aggressor for the purposes of this subsection, the peace officer shall consider:

- (a) Prior domestic violence involving either person;
 - (b) The relative severity of the injuries inflicted upon the persons involved;
 - (c) The potential for future injury;
 - (d) Whether one of the alleged batteries was committed in self-defense;
- and
- (e) Any other factor that may help the peace officer decide which person was the primary physical aggressor.

3. A peace officer shall not base a decision regarding whether to arrest a person pursuant to this section on the peace officer's perception of the willingness of a victim or a witness to the incident to testify or otherwise participate in related judicial proceedings.

4. Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.

5. The provisions of this section do not apply to:

(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or

(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.

6. As used in this section, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.

Sec. 3. NRS 171.1375 is hereby amended to read as follows:

171.1375 1. Whether or not a warrant has been issued, a peace officer may arrest a person ~~when the~~ **if the** peace officer ~~has~~ **:**

(a) Has probable cause to believe that the person to be arrested has, within the preceding ~~24 hours, [14 days]~~ committed a battery upon:

~~[(a)]~~ **(1)** A person with whom he or she is actually residing;

~~[(b)]~~ **(2)** A sibling, if the person is not the custodian or guardian of the sibling; or

~~[(c)]~~ **(3)** A cousin, if the person is not the custodian or guardian of the cousin ~~;~~ **;** **and**

(b) Encountered the person to be arrested while responding to the initial request for assistance relating to the battery.

2. Whether or not a warrant has been issued, a peace officer may arrest a person if the peace officer:

(a) Has probable cause to believe that the person to be arrested has, within the immediately preceding 7 days, committed a battery upon:

(1) A person with whom he or she is actually residing;

(2) A sibling, if the person is not the custodian or guardian of the sibling; or

(3) A cousin, if the person is not the custodian or guardian of the cousin; and

(b) Did not encounter the person to be arrested while responding to the initial request for assistance relating to the battery.

3. Nothing in this section shall be construed to impose liability upon a peace officer or his or her employer for a determination made in good faith by the peace officer not to arrest a person pursuant to this section.

Sec. 4. ~~NRS 178.494 is hereby amended to read as follows:~~

~~178.494 1. If it appears by affidavit that the testimony of a person is material in any criminal proceeding and if it is shown that it may become impracticable to secure the person's presence by subpoena, the magistrate may require bail for the person's appearance as a witness, in an amount fixed by the magistrate. If the person fails to give bail the magistrate may:~~

~~(a) Commit the person to the custody of a peace officer pending final disposition of the proceeding in which the testimony is needed;~~

~~—(b) Order the person's release if the person has been detained for an unreasonable length of time; and~~

~~—(c) Modify at any time the requirement as to bail.~~

~~—2. Except as otherwise provided in subsection 3, every person detained as a material witness must be brought before a judge or magistrate as soon as practicable, but not later than 72 hours after the beginning of the detention. The judge or magistrate shall consider the least restrictive means to secure the person's presence and make a determination whether:~~

~~—(a) The amount of bail required to be given by the material witness should be modified; and~~

~~—(b) The detention of the material witness should continue. If the court determines that detention of the material witness should continue, the court must make written findings stating why detention should continue.~~

~~—3. A person detained as a material witness pursuant to this section who is a victim of domestic violence or sexual assault:~~

~~—(a) Must be brought before a judge or magistrate, as soon as practicable, but not later than 24 hours after the beginning of the detention;~~

~~—(b) May be detained or continue detention pursuant to a determination by telephone; and~~

~~—(c) Must have an attorney appointed by the judge or magistrate, who, to the extent practicable, shall participate in any determination regarding detention pursuant to this section.~~

~~—4. The judge or magistrate shall:~~

~~—(a) Set a schedule for the periodic review of whether the amount of bail required should be modified and whether detention should continue; and~~

~~—(b) Schedule the case in which the material witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.~~

~~—5. As used in this section:~~

~~—(a) "Domestic violence" means the commission of *or the attempt to commit* any act described in NRS 33.018.~~

~~—(b) "Sexual assault" has the meaning ascribed to it in NRS 49.2543.]~~

(Deleted by amendment.)

Sec. 5. ~~[NRS 33.018 is hereby amended to read as follows:~~

~~33.018 1. Domestic violence occurs when a person commits *or attempts to commit* one of the following acts against or upon the person's spouse or former spouse, any other person to whom the person is related by blood or marriage, any other person with whom the person has had or is having a dating relationship, any other person with whom the person has a child in common, the minor child of any of those persons, the person's minor child or any other person who has been appointed the custodian or legal guardian for the person's minor child:~~

- ~~—(a) A battery.~~
- ~~—(b) An assault.~~
- ~~—(c) Coercion pursuant to NRS 207.190.~~
- ~~—(d) A sexual assault.~~
- ~~—(e) A knowing, purposeful or reckless course of conduct intended to harass the other person. Such conduct may include, but is not limited to:~~
 - ~~—(1) Stalking.~~
 - ~~—(2) Arson.~~
 - ~~—(3) Trespassing.~~
 - ~~—(4) Larceny.~~
 - ~~—(5) Destruction of private property.~~
 - ~~—(6) Carrying a concealed weapon without a permit.~~
 - ~~—(7) Injuring or killing an animal.~~
 - ~~—(8) Burglary.~~
 - ~~—(9) An invasion of the home.~~
- ~~—(f) A false imprisonment.~~
- ~~—(g) Pandering.~~

~~2. The provisions of this section do not apply to:~~

- ~~—(a) Siblings, except those siblings who are in a custodial or guardianship relationship with each other; or~~
- ~~—(b) Cousins, except those cousins who are in a custodial or guardianship relationship with each other.~~

~~3. As used in this section, “dating relationship” means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement. The term does not include a casual relationship or an ordinary association between persons in a business or social context.]~~

(Deleted by amendment.)

Sec. 6. [NRS 33.030 is hereby amended to read as follows:

- ~~—33.030—1. The court by a temporary order may:~~
 - ~~—(a) Enjoin the adverse party from threatening, physically injuring or harassing the applicant or minor child, either directly or through an agent;~~
 - ~~—(b) Exclude the adverse party from the applicant’s place of residence;~~
 - ~~—(c) Prohibit the adverse party from entering the residence, school or place of employment of the applicant or minor child and order the adverse party to stay away from any specified place frequented regularly by them;~~
 - ~~—(d) If it has jurisdiction under chapter 125A of NRS, grant temporary custody of the minor child to the applicant;~~
 - ~~—(e) Enjoin the adverse party from physically injuring, threatening to injure or taking possession of any animal that is owned or kept by the applicant or minor child, either directly or through an agent;~~

~~—(f) Enjoin the adverse party from physically injuring or threatening to injure any animal that is owned or kept by the adverse party, either directly or through an agent; and~~

~~—(g) Order such other relief as it deems necessary in an emergency situation;~~

~~—2. The court by an extended order may grant any relief enumerated in subsection 1 and:~~

~~—(a) Specify arrangements for visitation of the minor child by the adverse party and require supervision of that visitation by a third party if necessary;~~

~~—(b) Specify arrangements for the possession and care of any animal owned or kept by the adverse party, applicant or minor child; and~~

~~—(c) Order the adverse party to:~~

~~—(1) Avoid or limit communication with the applicant or minor child;~~

~~—(2) Pay rent or make payments on a mortgage on the applicant's place of residence;~~

~~—(3) Pay for the support of the applicant or minor child, including, without limitation, support of a minor child for whom a guardian has been appointed pursuant to chapter 159A of NRS or a minor child who has been placed in protective custody pursuant to chapter 432B of NRS, if the adverse party is found to have a duty to support the applicant or minor child;~~

~~—(4) Pay all costs and fees incurred by the applicant in bringing the action; and~~

~~—(5) Pay monetary compensation to the applicant for lost earnings and expenses incurred as a result of the applicant attending any hearing concerning an application for an extended order.~~

~~—3. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.~~

~~—4. A temporary or extended order must specify, as applicable, the county and city, if any, in which the residence, school, child care facility or other provider of child care, and place of employment of the applicant or minor child are located.~~

~~—5. A temporary or extended order must provide notice that:~~

~~—(a) Responding to a communication initiated by the applicant may constitute a violation of the protective order; and~~

~~—(b) A person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:~~

~~—(1) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~—(2) The person has previously violated a temporary or extended order for protection; or~~

~~(3) At the time of the violation or within 2 hours after the violation, the person has:~~

~~(I) A concentration of alcohol of 0.08 or more in the person's blood or breath; or~~

~~(II) An amount of a prohibited substance in the person's blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.~~

~~6. The court may include a provision in a temporary or extended order authorizing the applicant to record any communication with the adverse party for the purpose of obtaining evidence reasonably believed to relate to a violation of the order. In determining whether to include such a provision in the temporary or extended order, the court shall consider:~~

~~(a) Whether the adverse party and the applicant have a child in common;~~

~~(b) Whether the adverse party has a history of engaging in harassment or violent or threatening behavior; and~~

~~(c) Any other relevant factors. (Deleted by amendment.)~~

Sec. 7. [NRS 33.280 is hereby amended to read as follows:

~~33.280 1. A temporary or extended order for protection against harassment in the workplace may:~~

~~(a) Enjoin the person who allegedly committed the harassment from contacting the employer, an employee of the employer while the employee is performing the employee's duties of employment and any person while the person is present at the workplace of the employer;~~

~~(b) Order the person who allegedly committed the harassment to stay away from the workplace of the employer; and~~

~~(c) Order such other relief as the court deems necessary to protect the employer, the workplace of the employer, the employees of the employer while performing their duties of employment and any other persons who are present at the workplace.~~

~~2. A court may not issue a temporary or extended order for protection against harassment in the workplace that is against more than one person.~~

~~3. A temporary or extended order for protection against harassment in the workplace must:~~

~~(a) Specify, as applicable, the county and city, if any, in which the workplace of the employer is located and in which the employees of the employer perform their duties of employment;~~

~~(b) Include a provision ordering any law enforcement officer to arrest the person who allegedly committed the harassment, with or without a warrant, if the officer has probable cause to believe that the person has been served with a copy of the order and has violated a provision of the order;~~

- ~~—(c) State the reasons for granting the order; and~~
- ~~—(d) Include the following statement:~~

WARNING

~~This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of violating an order for protection against harassment in the workplace and any other crime that you may have committed in disobeying this order.~~

- ~~—4. In addition to the requirements of subsection 3, if the court granted a temporary order for protection against harassment in the workplace without notice, the order must:~~

- ~~—(a) Include a statement that the person who allegedly committed the harassment is entitled to a hearing on the order pursuant to NRS 33.270;~~
- ~~—(b) Include the name and address of the court in which the petition for a hearing may be filed;~~
- ~~—(c) Contain the date and hour of issuance;~~
- ~~—(d) Be immediately filed with the clerk of the court;~~
- ~~—(e) Define the irreparable injury, loss or damage resulting from the harassment and state why it is irreparable; and~~
- ~~—(f) Set forth the reasons for granting the order without notice.~~

~~—5. *The court may include a provision in a temporary or extended order for protection against harassment in the workplace authorizing the employer, an employee of the employer while the employee is performing the employee's duties of employment or any person present at the workplace of the employer to record any communication with the person who allegedly committed the harassment for the purpose of obtaining evidence reasonably believed to relate to a violation of the order. In determining whether to include such a provision in a temporary or extended order for protection against harassment in the workplace, the court shall consider:*~~

- ~~—(a) *Whether the person who allegedly committed the harassment and the employer, the employee of the employer or the person present at the workplace of the employer have a child in common;*~~
- ~~—(b) *Whether the person who allegedly committed the harassment has a history of engaging in harassment or violent or threatening behavior; and*~~
- ~~—(c) *Any other relevant factors.* (Deleted by amendment.)~~

Sec. 8. [NRS 33.400 is hereby amended to read as follows:

- ~~—33.400—1. In addition to any other remedy provided by law, the parent or guardian of a child may petition any court of competent jurisdiction on behalf of the child for a temporary or extended order against a person who is~~

~~18 years of age or older and who the parent or guardian reasonably believes has committed or is committing a crime involving:~~

~~—(a) Physical or mental injury to the child of a nonaccidental nature; or~~

~~—(b) Sexual abuse or sexual exploitation of the child.~~

~~2. If such an order on behalf of a child is granted, the court may direct the person who allegedly committed or is committing the crime to:~~

~~—(a) Stay away from the home, school, business or place of employment of the child and any other location specifically named by the court.~~

~~—(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the child and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.~~

~~—(c) Comply with any other restriction which the court deems necessary to protect the child or to protect any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.~~

~~3. If a defendant charged with committing a crime described in subsection 1 is released from custody before trial or is found guilty or guilty but mentally ill during the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:~~

~~—(a) Stay away from the home, school, business or place of employment of the child against whom the alleged crime was committed and any other location specifically named by the court.~~

~~—(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the child against whom the alleged crime was committed and any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.~~

~~—(c) Comply with any other restriction which the court deems necessary to protect the child or to protect any other person specifically named by the court, who may include, without limitation, a member of the family or the household of the child.~~

~~4. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:~~

~~—(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and~~

~~—(b) A hearing is held on the petition.~~

~~5. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.~~

~~6. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:~~

- ~~—(a) A temporary order is guilty of a gross misdemeanor.~~
- ~~—(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~
- ~~—7. Any court order issued pursuant to this section must:~~
 - ~~—(a) Be in writing;~~
 - ~~—(b) Be personally served on the person to whom it is directed; and~~
 - ~~—(c) Contain the warning that violation of the order:~~
 - ~~—(1) Subjects the person to immediate arrest.~~
 - ~~—(2) Is a gross misdemeanor if the order is a temporary order.~~
 - ~~—(3) Is a category C felony if the order is an extended order.~~
- ~~—8. *The court may include a provision in a temporary or extended order authorizing a child or the parent or guardian of a child to record any communication with the adverse party for the purpose of obtaining evidence reasonably believed to relate to a violation of the order. In determining whether to include such a provision in the temporary or extended order, the court shall consider:*~~
 - ~~—(a) *Whether the adverse party and the child or the parent or guardian of the child have a child in common;*~~
 - ~~—(b) *Whether the adverse party has a history of engaging in harassment or violent or threatening behavior; and*~~
 - ~~—(c) *Any other relevant factors.*~~ (Deleted by amendment.)

Sec. 9. [NRS 48.061 is hereby amended to read as follows:

- ~~—48.061—1. Except as otherwise provided in subsection 2, evidence of domestic violence and expert testimony concerning the effect of domestic violence, including, without limitation, the effect of physical, emotional or mental abuse, on the beliefs, behavior and perception of the alleged victim of the domestic violence that is offered by the prosecution or defense is admissible in a criminal proceeding for any relevant purpose, including, without limitation, when determining:~~
 - ~~—(a) Whether a defendant is exempted from criminal liability pursuant to subsection 8 of NRS 194.010, to show the state of mind of the defendant.~~
 - ~~—(b) Whether a defendant in accordance with NRS 200.200 has killed another in self defense, toward the establishment of the legal defense.~~
- ~~—2. Expert testimony concerning the effect of domestic violence may not be offered against a defendant pursuant to subsection 1 to prove the occurrence of an act which forms the basis of a criminal charge against the defendant.~~
- ~~—3. As used in this section, “domestic violence” means the commission of *or the attempt to commit* any act described in NRS 33.018.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 50.205 is hereby amended to read as follows:~~

~~—50.205— 1. In case of failure of a witness to attend, the court or officer issuing the subpoena, upon proof of the service thereof and of the failure of the witness, may issue a warrant to the sheriff of the county to arrest the witness and bring the witness before the court or officer where the attendance of the witness was required.~~

~~—2. Upon the arrest of a witness pursuant to subsection 1, the court or officer issuing the warrant shall appoint an attorney to represent the witness and provide the attorney:~~

~~—(a) With the last known contact information of the witness; and~~

~~—(b) Notice of every proceeding.~~

~~—3. Except as otherwise provided in subsection 4, every witness detained pursuant to a warrant issued pursuant to this section must be brought before the court or officer as soon as practicable but not later than 72 hours after the beginning of the detention. The court or officer shall consider the least restrictive means to secure the presence of the witness and make a determination whether the detention of the witness should continue. If the court determines that the detention of the witness should continue, the court must make written findings stating why detention should continue.~~

~~—4. A person detained as a witness pursuant to this section who is a victim of domestic violence or sexual assault:~~

~~—(a) Must be brought before the court or officer as soon as practicable but not later than 24 hours after the beginning of the detention;~~

~~—(b) May be detained or continue detention pursuant to a determination by telephone; and~~

~~—(c) To the extent practicable, must have the attorney appointed pursuant to subsection 2 participate in any determination pursuant to this section.~~

~~—5. The court or officer shall:~~

~~—(a) Set a schedule for the periodic review of whether detention should continue; and~~

~~—(b) Schedule the case in which the witness will testify to take place as soon as possible if substantial rights of the defendant are not prejudiced.~~

~~—6. As used in this section:~~

~~—(a) “Domestic violence” means the commission of ~~or the attempt to~~ **commit** any act described in NRS 33.018.~~

~~—(b) “Sexual assault” has the meaning ascribed to it in NRS 49.2543.]~~

(Deleted by amendment.)

Sec. 11. ~~[NRS 118A.345 is hereby amended to read as follows:~~

~~—118A.345— 1. Notwithstanding any provision in a rental agreement to the contrary, if a tenant, cotenant or household member is the victim of domestic violence, harassment, sexual assault or stalking, the tenant or any cotenant may terminate the rental agreement by giving the landlord written~~

~~notice of termination effective at the end of the current rental period or 30 days after the notice is provided to the landlord, whichever occurs sooner.~~

~~2. In the case of a termination of a rental agreement pursuant to this section on the grounds that a tenant, cotenant or household member is a victim of domestic violence, the written notice provided to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:~~

~~(a) A copy of an order for protection against domestic violence issued to the tenant, cotenant or household member who is the victim of domestic violence;~~

~~(b) A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the domestic violence; or~~

~~(c) A copy of a written affidavit in the form prescribed pursuant to NRS 118A.347 and signed by a qualified third party acting in his or her official capacity stating that the tenant, cotenant or household member is a victim of domestic violence and identifying the adverse party.~~

~~3. In the case of a termination of a rental agreement pursuant to this section on the grounds that a tenant, cotenant or household member is a victim of harassment, sexual assault or stalking, the written notice provided to a landlord pursuant to subsection 1 must describe the reason for the termination of the rental agreement and be accompanied by:~~

~~(a) A copy of a written report from a law enforcement agency indicating that the tenant, cotenant or household member notified the law enforcement agency of the harassment, sexual assault or stalking, as applicable; or~~

~~(b) A copy of a temporary or extended order issued pursuant to NRS 200.378 or 200.591, as applicable.~~

~~4. A tenant or cotenant may terminate a rental agreement pursuant to this section only if the actions, events or circumstances that resulted in the tenant, cotenant or household member becoming a victim of domestic violence, harassment, sexual assault or stalking occurred within the 90 days immediately preceding the written notice of termination to the landlord.~~

~~5. A tenant or cotenant who terminates a rental agreement pursuant to this section is only liable, if solely or jointly liable for purposes of the rental agreement, for any rent owed or required to be paid through the date of termination and any other outstanding obligations. If the tenant or cotenant has prepaid rent that would apply for the rental period in which the rental agreement is terminated, the landlord may retain the prepaid rent and no refund is due to the tenant or cotenant unless the amount of the prepaid rent exceeds what is owed for that rental period. Except as otherwise provided in NRS 118A.242, if the tenant or cotenant has paid a security deposit, the~~

~~deposit must not be withheld for the early termination of the rental agreement if the rental agreement is terminated pursuant to this section.~~

~~—6.— A person who is named as the adverse party may be civilly liable for all economic losses incurred by a landlord for the early termination of a rental agreement pursuant to this section, including, without limitation, unpaid rent, fees relating to early termination, costs for the repair of any damages to the dwelling and any reductions in or waivers of rent previously extended to the tenant or cotenant who terminates the rental agreement pursuant to this section.~~

~~—7.— A landlord shall not provide to an adverse party any information concerning the whereabouts of a tenant, cotenant or household member if the tenant or cotenant provided notice pursuant to subsection 1.~~

~~—8.— If a tenant or cotenant provided notice pursuant to subsection 1, the tenant, the cotenant or a household member may require the landlord to install a new lock onto the dwelling if the tenant, cotenant or household member pays the cost of installing the new lock. A landlord complies with the requirements of this subsection by:~~

~~—(a) Rekeying the lock if the lock is in good working condition; or~~

~~—(b) Replacing the entire locking mechanism with a new locking mechanism of equal or superior quality.~~

~~—9.— A landlord who installs a new lock pursuant to subsection 8 may retain a copy of the new key. Notwithstanding any provision in a rental agreement to the contrary, the landlord shall:~~

~~—(a) Refuse to provide a key which unlocks the new lock to an adverse party.~~

~~—(b) Refuse to provide to an adverse party, whether or not that party is a tenant, cotenant or household member, access to the dwelling to reclaim property unless a law enforcement officer is present.~~

~~—10.— This section shall not be construed to limit a landlord's right to terminate a rental agreement for reasons unrelated to domestic violence, harassment, sexual assault or stalking.~~

~~—11.— Notwithstanding any other provision of law, the termination of a rental agreement pursuant to this section:~~

~~—(a) Must not be disclosed, described or characterized as an early termination by a current landlord to a prospective landlord; and~~

~~—(b) Is not required to be disclosed as an early termination by a tenant or cotenant to a prospective landlord.~~

~~—12.— As used in this section:~~

~~—(a) "Adverse party" means a person who is named in an order for protection against domestic violence, harassment, sexual assault or stalking, a written report from a law enforcement agency or a written statement from a~~

~~qualified third party and who is alleged to be the cause of the early termination of a rental agreement pursuant to this section.~~

~~—(b) “Cotenant” means a tenant who, pursuant to a rental agreement, is entitled to occupy a dwelling that another tenant is also entitled to occupy pursuant to the same rental agreement.~~

~~—(c) “Domestic violence” means the commission of *or the attempt to commit* any act described in NRS 33.018.~~

~~—(d) “Harassment” means a violation of NRS 200.571.~~

~~—(e) “Household member” means any person who is related by blood or marriage and is actually residing with a tenant or cotenant.~~

~~—(f) “Qualified third party” means:~~

~~—(1) A physician licensed to practice in this State;~~

~~—(2) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc. or the American Osteopathic Board of Neurology and Psychiatry of the American Osteopathic Association;~~

~~—(3) A psychologist licensed to practice in this State;~~

~~—(4) A social worker licensed to practice in this State;~~

~~—(5) A registered nurse holding a master’s degree in the field of psychiatric nursing and licensed to practice professional nursing in this State;~~

~~—(6) A marriage and family therapist or clinical professional counselor licensed to practice in this State pursuant to chapter 641A of NRS;~~

~~—(7) Any person who:~~

~~—(I) Is employed by an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met and who is licensed to provide health care pursuant to the provisions of title 54 of NRS, or is a member of the board of directors or serves as the executive director of an agency or service which advises persons regarding domestic violence or refers them to persons or agencies where their request and needs can be met;~~

~~—(II) Has received training relating to domestic violence; and~~

~~—(III) Is a resident of this State; or~~

~~—(8) Any member of the clergy of a church or religious society or denomination that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986, 26 U.S.C. § 501 (c)(3), who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church or religious society or denomination and who is a resident of this State.~~

~~—(g) “Sexual assault” means a violation of NRS 200.366.~~

~~—(h) “Stalking” means a violation of NRS 200.575.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 125C.0035 is hereby amended to read as follows:~~

~~125C.0035 1. In any action for determining physical custody of a minor child, the sole consideration of the court is the best interest of the child. If it appears to the court that joint physical custody would be in the best interest of the child, the court may grant physical custody to the parties jointly.~~

~~2. Preference must not be given to either parent for the sole reason that the parent is the mother or the father of the child.~~

~~3. The court shall award physical custody in the following order of preference unless in a particular case the best interest of the child requires otherwise:~~

~~(a) To both parents jointly pursuant to NRS 125C.0025 or to either parent pursuant to NRS 125C.003. If the court does not enter an order awarding joint physical custody of a child after either parent has applied for joint physical custody, the court shall state in its decision the reason for its denial of the parent's application.~~

~~(b) To a person or persons in whose home the child has been living and where the child has had a wholesome and stable environment.~~

~~(c) To any person related within the fifth degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.~~

~~(d) To any other person or persons whom the court finds suitable and able to provide proper care and guidance for the child.~~

~~4. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:~~

~~(a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.~~

~~(b) Any nomination of a guardian for the child by a parent.~~

~~(c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.~~

~~(d) The level of conflict between the parents.~~

~~(e) The ability of the parents to cooperate to meet the needs of the child.~~

~~(f) The mental and physical health of the parents.~~

~~(g) The physical, developmental and emotional needs of the child.~~

~~(h) The nature of the relationship of the child with each parent.~~

~~(i) The ability of the child to maintain a relationship with any sibling.~~

~~(j) Any history of parental abuse or neglect of the child or a sibling of the child.~~

~~(k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.~~

~~(1) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child;~~

~~5. Except as otherwise provided in subsection 6 or NRS 125C.210, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint physical custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:~~

~~(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and~~

~~(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.~~

~~6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall, if possible, then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:~~

~~(a) All prior acts of domestic violence involving either party;~~

~~(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;~~

~~(c) The likelihood of future injury;~~

~~(d) Whether, during the prior acts, one of the parties acted in self-defense; and~~

~~(e) Any other factors which the court deems relevant to the determination.~~

~~* In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.~~

~~7. A determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child creates a rebuttable presumption that sole or joint physical custody or unsupervised visitation of the child by the perpetrator of the abduction is not in the best interest of the child. If the parent or other person seeking physical custody does not rebut the presumption, the court shall not enter an order for sole or joint physical custody or unsupervised visitation of the child by the perpetrator and the court shall set forth:~~

~~—(a) Findings of fact that support the determination that one or more acts of abduction occurred; and~~

~~—(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other person from whom the child was abducted.~~

~~—8. For the purposes of subsection 7, any of the following acts constitute conclusive evidence that an act of abduction occurred:~~

~~—(a) A conviction of the defendant of any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct;~~

~~—(b) A plea of guilty or nolo contendere by the defendant to any violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct; or~~

~~—(c) An admission by the defendant to the court of the facts contained in the charging document alleging a violation of NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~—9. If, after a court enters a final order concerning physical custody of the child, a magistrate determines there is probable cause to believe that an act of abduction has been committed against the child or any other child and that a person who has been awarded sole or joint physical custody or unsupervised visitation of the child has committed the act, the court shall, upon a motion to modify the order concerning physical custody, reconsider the previous order concerning physical custody pursuant to subsections 7 and 8.~~

~~—10. As used in this section:~~

~~—(a) “Abduction” means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359 or a law of any other jurisdiction that prohibits the same or similar conduct.~~

~~—(b) “Domestic violence” means the commission of *or the attempt to commit* any act described in NRS 33.018. **(Deleted by amendment.)**~~

Sec. 13. [NRS 125C.230 is hereby amended to read as follows:

~~—125C.230—1. Except as otherwise provided in NRS 125C.210 and 125C.220, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:~~

~~—(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and~~

~~(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.~~

~~2. If after an evidentiary hearing held pursuant to subsection 1 the court determines that more than one party has engaged in acts of domestic violence, it shall, if possible, determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:~~

- ~~(a) All prior acts of domestic violence involving any of the parties;~~
- ~~(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;~~
- ~~(c) The likelihood of future injury;~~
- ~~(d) Whether, during the prior acts, one of the parties acted in self-defense;~~
- ~~and~~
- ~~(e) Any other factors that the court deems relevant to the determination.~~

~~→ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 1 applies to each of the parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 1 applies only to the party determined by the court to be the primary physical aggressor.~~

~~3. As used in this section, “domestic violence” means the commission of or the attempt to commit any act described in NRS 33.018.] **(Deleted by amendment.)**~~

Sec. 14. NRS 193.166 is hereby amended to read as follows:

193.166 1. Except as otherwise provided in NRS 193.169, a person who commits a crime that is punishable as a felony, other than a crime that is punishable as a felony pursuant to subsection 6 of NRS 33.400, subsection 5 of NRS 200.378 or subsection 5 of NRS 200.591, in violation of:

- (a) A temporary or extended order for protection against domestic violence issued pursuant to NRS 33.020;
- (b) An order for protection against harassment in the workplace issued pursuant to NRS 33.270;
- (c) A temporary or extended order for the protection of a child issued pursuant to NRS 33.400;
- (d) An emergency or extended order for protection against high-risk behavior issued pursuant to NRS 33.570 or 33.580;
- (e) An order for protection against domestic violence issued in an action or proceeding brought pursuant to title 11 of NRS;
- (f) A temporary or extended order issued pursuant to NRS 200.378; or
- (g) A temporary or extended order issued pursuant to NRS 200.591,

↪ shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished by imprisonment in the state prison, except as otherwise provided in this subsection, for a minimum term of not less than 1 year and a maximum term of not more than ~~20~~ 5 years. If the crime committed by the person is punishable as a category A felony or category B felony, in addition to the term of imprisonment prescribed by statute for that crime, the person shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than ~~5~~ 20 years.

2. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

- (a) The facts and circumstances of the crime;
- (b) The criminal history of the person;
- (c) The impact of the crime on any victim;
- (d) Any mitigating factors presented by the person; and
- (e) Any other relevant information.

↪ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

3. The sentence prescribed by this section:

- (a) Must not exceed the sentence imposed for the crime; and
- (b) Runs concurrently or consecutively with the sentence prescribed by statute for the crime, as ordered by the court.

4. The court shall not grant probation to or suspend the sentence of any person convicted of attempted murder, battery which involves the use of a deadly weapon, battery which results in substantial bodily harm or battery which is committed by strangulation as described in NRS 200.481 or 200.485 if an additional term of imprisonment may be imposed for that primary offense pursuant to this section.

5. This section does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

~~Sec. 15. [NRS 200.378 is hereby amended to read as follows:~~

~~200.378 1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of sexual assault has been committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who allegedly committed the sexual assault to:~~

~~(a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court;~~

~~(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person~~

~~named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.~~

~~—(e) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.~~

~~—2. If a defendant charged with a crime involving sexual assault is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:~~

~~—(a) Stay away from the home, school, business or place of employment of the victim of the alleged sexual assault and any other location specifically named by the court.~~

~~—(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged sexual assault and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.~~

~~—(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged sexual assault or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged sexual assault.~~

~~—3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:~~

~~—(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and~~

~~—(b) A hearing is held on the petition.~~

~~—4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.~~

~~—5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:~~

~~—(a) A temporary order is guilty of a gross misdemeanor.~~

~~—(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~—6. Any court order issued pursuant to this section must:~~

~~—(a) Be in writing;~~

~~—(b) Be personally served on the person to whom it is directed; and~~

~~—(c) Contain the warning that violation of the order:~~

~~—(1) Subjects the person to immediate arrest.~~

~~—(2) Is a gross misdemeanor if the order is a temporary order.~~

~~—(3) Is a category C felony if the order is an extended order.~~

~~7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the arrest if:~~

~~(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~(b) The person has previously violated a temporary or extended order for protection; or~~

~~(c) At the time of the violation or within 2 hours after the violation, the person has:~~

~~(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

~~(2) An amount of a prohibited substance in his or her blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.~~

~~8. The court may include a provision in a temporary or extended order authorizing the victim of the alleged sexual assault and any other person named in the order to record any communication with the adverse party for the purpose of obtaining evidence reasonably believed to relate to a violation of the order. In determining whether to include such a provision in the temporary or extended order, the court shall consider:~~

~~(a) Whether the adverse party and the victim of the alleged sexual assault have a child in common;~~

~~(b) Whether the adverse party has a history of engaging in harassment or violent or threatening behavior; and~~

~~(c) Any other relevant factors. (Deleted by amendment.)~~

Sec. 16. NRS 200.485 is hereby amended to read as follows:

200.485 1. Unless a greater penalty is provided pursuant to subsections 2 to 5, inclusive, or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018:

(a) For the first offense within 7 years, is guilty of a misdemeanor and shall be punished by:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Performing not less than 48 hours, but not more than 120 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$200, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(b) For the second offense within 7 years, is guilty of a misdemeanor and shall be punished by:

(1) Imprisonment in the city or county jail or detention facility for not less than 20 days, but not more than 6 months; and

(2) Performing not less than 100 hours, but not more than 200 hours, of community service.

↪ The person shall be further punished by a fine of not less than \$500, but not more than \$1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must not be less than 12 consecutive hours and must occur at a time when the person is not required to be at his or her place of employment or on a weekend.

(c) For the third offense within 7 years, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

2. Unless a greater penalty is provided pursuant to subsection 3 or NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed by strangulation as described in NRS 200.481, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Unless a greater penalty is provided pursuant to NRS 200.481, a person who has been previously convicted of:

(a) A felony that constitutes domestic violence pursuant to NRS 33.018;

(b) A battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed with the use of a deadly weapon as described in NRS 200.481; or

(c) A violation of the law of any other jurisdiction that prohibits the same or similar conduct set forth in paragraph (a) or (b),

↪ and who commits a battery which constitutes domestic violence pursuant to NRS 33.018 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and shall be further punished by a fine of not less than \$2,000, but not more than \$5,000.

4. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery is committed against a victim who was pregnant at the time of the battery and the person knew or should have known that the victim was pregnant:

(a) For the first offense, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 20 days and

may be further punished by a fine of not less than \$500, but not more than \$1,000.

(b) For the second or any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

5. Unless a greater penalty is provided pursuant to NRS 200.481, a person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, if the battery causes substantial bodily harm, is guilty of a category B felony and shall be punished by imprisonment in the state prison of a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not less than \$1,000, but not more than \$5,000.

6. In addition to any other penalty, if a person is convicted of a battery which constitutes domestic violence pursuant to NRS 33.018, the court shall:

(a) For the first offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

(b) For the second offense within 7 years, require the person to participate in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 12 months, at his or her expense, in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

↪ If the person resides in this State but the nearest location at which counseling services are available is in another state, the court may allow the person to participate in counseling in the other state in a program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258.

7. Except as otherwise provided in this subsection, an offense that occurred within 7 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section:

(a) When evidenced by a conviction; or

(b) If the offense is conditionally dismissed or the judgment of conviction is set aside pursuant to NRS 176A.240, 176A.260 or 176A.290 or dismissed in connection with successful completion of a diversionary program or specialty court program,

↪ without regard to the sequence of the offenses and convictions. An offense which is listed in paragraph (a), (b) or (c) of subsection 3 that occurred on

any date preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of this section when evidenced by a conviction, without regard to the sequence of the offenses and convictions. The facts concerning a prior offense must be alleged in the complaint, indictment or information, must not be read to the jury or proved at trial but must be proved at the time of sentencing and, if the principal offense is alleged to be a felony, must also be shown at the preliminary examination or presented to the grand jury.

8. In addition to any other penalty, the court may require such a person to participate, at his or her expense, in a program of treatment for an alcohol or other substance use disorder that has been certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

9. If it appears from information presented to the court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence pursuant to NRS 33.018, the court may refer the child to an agency which provides child welfare services. If the court refers a child to an agency which provides child welfare services, the court shall require the person convicted of a battery which constitutes domestic violence pursuant to NRS 33.018 to reimburse the agency for the costs of any services provided, to the extent of the convicted person's ability to pay.

10. If a person is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018 that is punishable as a misdemeanor and may prohibit the person from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360, the person is entitled to a trial by jury pursuant to subsection 1 of NRS 175.011, regardless of whether the person was previously prohibited from owning, possessing or having under his or her control or custody any firearm pursuant to NRS 202.360.

11. A court ~~is~~
~~(a) Except as otherwise provided in paragraph (b),~~ shall not grant probation to or suspend the sentence of a person ~~[described in subsection 10.]~~
who is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018 ~~is~~
~~(b) May grant probation to or suspend the sentence of a person described in subsection 10: **who is charged with committing a battery which constitutes domestic violence pursuant to NRS 33.018:**~~
~~(1) As set forth in NRS 4.373 and 5.055; or~~
~~(2) To assign the person to a program for the treatment of veterans and members of the military pursuant to NRS 176A.290 if the charge is for a first offense punishable as a misdemeanor.] **that is punishable as a felony.**~~

12. In every judgment of conviction or admonishment of rights issued pursuant to this section, the court shall:

(a) Inform the person convicted that he or she is prohibited from owning, possessing or having under his or her custody or control any firearm pursuant to NRS 202.360; and

(b) Order the person convicted to permanently surrender, sell or transfer any firearm that he or she owns or that is in his or her possession or under his or her custody or control in the manner set forth in NRS 202.361.

13. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to this section concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000. The court must include in the judgment of conviction or admonishment of rights a statement that a violation of such a provision in the judgment or admonishment is a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.

14. As used in this section:

(a) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.

(b) “Battery” has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.

(c) “Offense” includes a battery which constitutes domestic violence pursuant to NRS 33.018 or a violation of the law of any other jurisdiction that prohibits the same or similar conduct.

~~Sec. 17. [NRS 200.591 is hereby amended to read as follows:
—200.591—1. In addition to any other remedy provided by law, a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him or her by another person may petition any court of competent jurisdiction for a temporary or extended order directing the person who is allegedly committing the crime to:
(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.
(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~—(e) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~—2. If a defendant charged with a crime involving harassment, stalking or aggravated stalking is released from custody before trial or is found guilty at the trial, the court may issue a temporary or extended order or provide as a condition of the release or sentence that the defendant:~~

~~—(a) Stay away from the home, school, business or place of employment of the victim of the alleged crime and any other location specifically named by the court.~~

~~—(b) Refrain from contacting, intimidating, threatening or otherwise interfering with the victim of the alleged crime and any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~—(c) Comply with any other restriction which the court deems necessary to protect the victim of the alleged crime or to protect any other person named in the order, including, without limitation, a member of the family or the household of the victim of the alleged crime.~~

~~—3. A temporary order may be granted with or without notice to the adverse party. An extended order may be granted only after:~~

~~—(a) Notice of the petition for the order and of the hearing thereon is served upon the adverse party pursuant to the Nevada Rules of Civil Procedure; and~~

~~—(b) A hearing is held on the petition.~~

~~—4. If an extended order is issued by a justice court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal may be taken without bond, but its taking does not stay the effect or enforcement of the order.~~

~~—5. Unless a more severe penalty is prescribed by law for the act that constitutes the violation of the order, any person who intentionally violates:~~

~~—(a) A temporary order is guilty of a gross misdemeanor.~~

~~—(b) An extended order is guilty of a category C felony and shall be punished as provided in NRS 193.130.~~

~~—6. Any court order issued pursuant to this section must:~~

~~—(a) Be in writing;~~

~~—(b) Be personally served on the person to whom it is directed; and~~

~~—(c) Contain the warning that violation of the order:~~

~~—(1) Subjects the person to immediate arrest.~~

~~—(2) Is a gross misdemeanor if the order is a temporary order.~~

~~—(3) Is a category C felony if the order is an extended order.~~

~~7. A temporary or extended order issued pursuant to this section must provide notice that a person who is arrested for violating the order will not be admitted to bail sooner than 12 hours after the person's arrest if:~~

~~(a) The arresting officer determines that such a violation is accompanied by a direct or indirect threat of harm;~~

~~(b) The person has previously violated a temporary or extended order for protection; or~~

~~(c) At the time of the violation or within 2 hours after the violation, the person has:~~

~~(1) A concentration of alcohol of 0.08 or more in his or her blood or breath; or~~

~~(2) An amount of a prohibited substance in his or her blood or urine, as applicable, that is equal to or greater than the amount set forth in subsection 3 or 4 of NRS 484C.110.~~

~~8. The court may include a provision in a temporary or extended order authorizing a person who reasonably believes that the crime of stalking, aggravated stalking or harassment is being committed against him or her by the adverse party to record any communication with the adverse party for the purpose of obtaining evidence reasonably believed to relate to a violation of the order. In determining whether to include such a provision in a temporary or extended order, the court shall consider:~~

~~(a) Whether the adverse party and the person filing a petition pursuant to subsection 1 have a child in common;~~

~~(b) Whether the adverse party has a history of engaging in harassment or violent or threatening behavior; and~~

~~(c) Any other relevant factors. (Deleted by amendment.)~~

Sec. 18. ~~[NRS 200.620 is hereby amended to read as follows:~~

~~200.620 1. Except as otherwise provided in subsection 5 and NRS 33.030, 33.280, 33.400, 179.410 to 179.515, inclusive, 200.378, 200.591, 209.419 and 704.195, it is unlawful for any person to intercept or attempt to intercept any wire communication unless:~~

~~(a) The interception or attempted interception is made with the prior consent of one of the parties to the communication; and~~

~~(b) An emergency situation exists and it is impractical to obtain a court order as required by NRS 179.410 to 179.515, inclusive, before the interception, in which event the interception is subject to the requirements of subsection 3. If the application for ratification is denied, any use or disclosure of the information so intercepted is unlawful, and the person who made the interception shall notify the sender and the receiver of the communication that:~~

~~(1) The communication was intercepted; and~~

~~(2) Upon application to the court, ratification of the interception was denied.~~

~~2. This section does not apply to any person, or to the officers, employees or agents of any person, engaged in the business of providing service and facilities for wire communication where the interception or attempted interception is to construct, maintain, conduct or operate the service or facilities of that person.~~

~~3. Any person who has made an interception in an emergency situation as provided in paragraph (b) of subsection 1 shall, within 72 hours of the interception, make a written application to a justice of the Supreme Court or district judge for ratification of the interception. The interception must not be ratified unless the applicant shows that:~~

~~(a) An emergency situation existed and it was impractical to obtain a court order before the interception; and~~

~~(b) Except for the absence of a court order, the interception met the requirements of NRS 179.410 to 179.515, inclusive.~~

~~4. NRS 200.610 to 200.690, inclusive, do not prohibit the recording, and NRS 179.410 to 179.515, inclusive, do not prohibit the reception in evidence, of conversations on wire communications installed in the office of an official law enforcement or fire fighting agency, or a public utility, if the equipment used for the recording is installed in a facility for wire communications or on a telephone with a number listed in a directory, on which emergency calls or requests by a person for response by the law enforcement or fire fighting agency or public utility are likely to be received. In addition, those sections do not prohibit the recording or reception in evidence of conversations initiated by the law enforcement or fire fighting agency or public utility from such a facility or telephone in connection with responding to the original call or request, if the agency or public utility informs the other party that the conversation is being recorded.~~

~~5. The interception or attempted interception of a wire communication is not unlawful under the circumstances set forth in subsection 1 of NRS 179.463.] (Deleted by amendment.)~~

~~Sec. 19. [NRS 432.207 is hereby amended to read as follows:~~

~~432.207 1. The Children's Advocate or his or her designee may apply to the court for a warrant to take physical custody of a missing child if, during an investigation of the missing child, it appears that there is probable cause to believe that:~~

~~(a) An act of abduction has been committed against the child; and~~

~~(b) The act of abduction was not committed to protect:~~

~~(1) The child from continued abuse or neglect or from a bona fide and imminent threat of abuse or neglect; or~~

- ~~—(2) The person who allegedly abducted the child from continued domestic violence or a bona fide and imminent threat of domestic violence;~~
- ~~—2. In filing the application for a warrant, the Children’s Advocate and his or her designee acts on behalf of the court and not on behalf of any party.~~
- ~~—3. The application must include, without limitation:~~
- ~~—(a) The name of the person having legal custody of the child;~~
- ~~—(b) The name of the person alleged to have committed the act of abduction of the child;~~
- ~~—(c) The name of the person alleged to have possession of the child, if different from the person described in paragraph (b);~~
- ~~—(d) A statement of the facts and circumstances pertaining to the abduction of the child;~~
- ~~—(e) A statement indicating whether, to the knowledge of the applicant after reasonable investigation under the circumstances, the child, the person having legal custody of the child, the person alleged to have committed the act of abduction or the person alleged to have possession of the child has been:~~
- ~~—(1) The subject of an investigation of alleged abuse or neglect of a child or domestic violence;~~
- ~~—(2) A party to a proceeding concerning the alleged abuse or neglect of a child, an act of abduction of a child or domestic violence; or~~
- ~~—(3) A party against whom an order for protection against domestic violence was issued;~~
- ~~—(f) A statement indicating which court, if any, has exercised jurisdiction over the custody or welfare of the child;~~
- ~~—(g) A copy of the most recent child custody determination, if any, concerning the child, or if there is no such determination, a statement as to the legal basis for the custody of the child; and~~
- ~~—(h) A declaration made under oath and penalty of perjury that every factual representation made in the application is true and correct to the best of the knowledge of the applicant.~~
- ~~—4. The court may, in its discretion, supplement the allegations made in the application with the sworn testimony of the applicant at a hearing before the court. Any such testimony must be recorded and preserved in the records of the court.~~
- ~~—5. If an application is filed pursuant to this section:~~
- ~~—(a) The Children’s Advocate or his or her designee may not be assessed a filing fee for the application; and~~
- ~~—(b) Any proceedings regarding the application must be expedited by the court.~~
- ~~—6. If the court determines that no exigent circumstances exist in relation to the issuance of the warrant, the court:~~

~~—(a) Shall hold a hearing before it issues the warrant;~~

~~—(b) Shall provide, or ensure that the Children’s Advocate or his or her designee provides, notice of the hearing to the custodial parent, the person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child;~~

~~—(c) If the person alleged to have committed the act of abduction or, if different, the person alleged to have possession of the child is present at the hearing or otherwise appears at the hearing, may:~~

~~—(1) Order such person to return the child in accordance with the determination of the court regarding the placement of the child; and~~

~~—(2) Issue the warrant in accordance with subsection 9; and~~

~~—(d) If the person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child received notice but are not present at the hearing, do not otherwise appear at the hearing and do not submit statements to the court, may issue the warrant in accordance with subsection 9.~~

~~—7. If the court determines that exigent circumstances exist in relation to the issuance of the warrant, including, without limitation, that the child is in imminent danger of being removed from this State or in imminent danger of serious physical harm, the court may issue the warrant after an ex parte hearing. If the court issues the warrant after an ex parte hearing:~~

~~—(a) The court shall afford the custodial parent, the person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child an opportunity to be heard at the earliest possible time after the warrant is executed, but not later than 48 hours after the warrant is executed unless a hearing within that period is impossible. If a hearing within that period is impossible, the court shall hold the hearing on the first judicial day possible.~~

~~—(b) The Children’s Advocate or his or her designee shall provide notice of the hearing to be held pursuant to paragraph (a) to the custodial parent, the person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child.~~

~~—8. The custodial parent of the child, the person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child may:~~

~~—(a) Appear at a hearing held pursuant to subsection 6 or 7 in person, by telephone or by video; and~~

~~—(b) Submit written statements to the court electronically or by other means.~~

~~—9. If, after a hearing held pursuant to subsection 6 or 7, as applicable, the court:~~

~~—(a) Determines that there is probable cause to believe that an act of abduction has been committed against the child and that the act of abduction was not committed for the protection of the child or the person who allegedly abducted the child as described in subsection 1, the court may issue a warrant to take physical custody of the child; or~~

~~—(b) Finds by a preponderance of the evidence that the act of abduction of the child was committed for the protection of the child or the person who allegedly abducted the child as described in subsection 1, the court shall:~~

~~—(1) Assume temporary emergency jurisdiction of the matter and shall enter a temporary emergency order for the custody of the child which is in the best interest of the child and which is sufficient to protect the safety and welfare of all interested persons; and~~

~~—(2) Provide in the order a period of time which the court considers adequate and within which the person seeking the emergency order may obtain an initial or modified child custody determination regarding the child from a court that has jurisdiction to enter such an order.~~

~~—10. A warrant issued by the court pursuant to this section:~~

~~—(a) Must set forth findings of fact that establish probable cause for believing that an act of abduction occurred and that the act of abduction was not committed for the protection of the child or the person who allegedly abducted the child as described in subsection 1;~~

~~—(b) Must direct law enforcement officers to take physical custody of the child and deliver the child in accordance with the determination of the court regarding the placement of the child;~~

~~—(c) Must specify the property that may be searched and the child who may be seized pursuant to the warrant;~~

~~—(d) Must authorize law enforcement officers to enter private property as described in paragraph (c) to take physical custody of the child;~~

~~—(e) Must order that the child be returned to his or her legal custodian unless such placement is not in the best interest of the child; and~~

~~—(f) Is enforceable throughout this State.~~

~~—11. As soon as reasonably practicable but not later than 24 hours after a law enforcement officer executes a warrant issued pursuant to this section, the Children's Advocate or his or her designee shall inform the court of the execution of the warrant.~~

~~—12. As used in this section:~~

~~—(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359.~~

~~—(b) "Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.~~

~~—(c) "Child custody determination" means a judgment, decree or other order of a court providing for the legal custody, physical custody or visitation~~

with respect to a child. The term includes a permanent, temporary, initial and modification order.

~~—(d) “Court” means a court of this state authorized to establish, enforce or modify a child custody determination.~~

~~—(e) “Domestic violence” means the commission of or the attempt to commit any act described in NRS 33.018.] (Deleted by amendment.)~~

Sec. 20. [NRS 432B.157 is hereby amended to read as follows:

~~—432B.157—1. Except as otherwise provided in NRS 125C.210 and 432B.153, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody of a child has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that it is not in the best interest of the child for the perpetrator of the domestic violence to have custody of the child. Upon making such a determination, the court shall set forth:~~

~~—(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and~~

~~—(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.~~

~~—2. If after an evidentiary hearing held pursuant to subsection 1 the court determines that more than one party has engaged in acts of domestic violence, it shall, if possible, determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:~~

~~—(a) All prior acts of domestic violence involving any of the parties;~~

~~—(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;~~

~~—(c) The likelihood of future injury;~~

~~—(d) Whether, during the prior acts, one of the parties acted in self defense; and~~

~~—(e) Any other factors that the court deems relevant to the determination.~~

~~↪ In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 1 applies to each of the parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 1 applies only to the party determined by the court to be the primary physical aggressor.~~

~~—3. A court, agency, institution or other person who places a child in protective custody shall not release a child to the custody of a person who a court has determined pursuant to subsection 1 has engaged in one or more~~

~~acts of domestic violence against the child, a parent of the child or any other person residing with the child unless:~~

~~(a) A court determines that it is in the best interest of the child for the perpetrator of the domestic violence to have custody of the child; or~~

~~(b) Pursuant to the provisions of subsection 2, the presumption created pursuant to subsection 1 does not apply to the person to whom the court releases the child.~~

~~4. As used in this section, “domestic violence” means the commission of or the attempt to commit any act described in NRS 33.018. **(Deleted by amendment.)**~~

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 52.

Bill read second time and ordered to third reading.

Assembly Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 10.

AN ACT relating to vehicles; authorizing certain vehicles to drive on the paved shoulder of a highway under certain circumstances; revising provisions governing the acts required of a driver of a vehicle upon the immediate approach of certain emergency or official vehicles; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth the limited conditions under which the driver of a vehicle may overtake and pass upon the right of another vehicle. (NRS 484B.210) **Section 1** of this bill allows authorized emergency vehicles, vehicles which have been issued permits as authorized emergency vehicles, traffic incident management vehicles of the Department of Transportation, tow cars, **coroner vehicles** and buses of public transit systems to drive on the paved ~~(right)~~ shoulder of a highway where lawfully placed signage allows such vehicles to use the shoulder in that manner.

Existing law requires a driver of a vehicle, upon the approach of an authorized emergency vehicle or official vehicle of a regulatory agency making use of certain flashing lights, to yield the right-of-way, drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway and stop. (NRS 484B.267) **Section 2** of this bill prohibits a driver from driving to and stopping in a position on a paved ~~(right)~~ shoulder of a

highway where lawfully placed signage allows certain vehicles described in **section 1** to drive on the shoulder.

Existing law prohibits, except if required by an emergency, a person from driving a vehicle on a controlled-access highway outside of a marked traffic lane or marked entrance or exit lane. (NRS 484B.587) **Section 3** of this bill authorizes certain vehicles described in **section 1** to drive on the paved shoulder of a controlled-access highway where lawfully placed signage allows such vehicles to use the shoulder in that manner.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484B.210 is hereby amended to read as follows:

484B.210 1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.

(b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.

(c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:

(1) ~~Does~~ ***Except as otherwise provided in subsection 4, does*** not travel more than 200 feet in the section of pavement not marked as a traffic lane; or

(2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.

(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.

4. ***The provisions of subparagraph (1) of paragraph (c) of subsection 1 do not apply to:***

(a) An authorized emergency vehicle described in NRS 484A.480;

(b) A vehicle which has been issued a permit to operate as an authorized emergency vehicle pursuant to NRS 484A.490;

(c) A traffic incident management vehicle;

(d) A tow car; ~~or~~

(e) A coroner vehicle; or

(f) A public transit motor bus,

↳ that is being driven on the paved ~~[right]~~ shoulder of a highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.

5. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

6. As used in this section:

(a) “Coroner vehicle” means an authorized vehicle used by a county coroner, medical examiner, medicolegal death investigator or mortuary personnel:

(1) Responding to the scene of a death; or

(2) Transporting a dead human body.

(b) “Hazardous material vehicle” means a vehicle used by the Department of Transportation for the cleanup of a spill of hazardous or illicit material, solid waste or other environmental hazards on or adjacent to a highway or within the rights-of-way of the Department of Transportation.

(c) “Public transit motor bus” means a vehicle used by a public transit system, designed for carrying more than 10 passengers and used for the transportation of persons for compensation.

~~[(b)]~~ (d) “Public transit system” has the meaning ascribed to it in NRS 277A.120.

~~[(e)]~~ (e) “Traffic incident” means any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard.

~~[(f)]~~ (f) “Traffic incident management vehicle” means an authorized vehicle used by the Department of Transportation to provide aid to motorists or to mitigate traffic incidents and which makes use of flashing amber warning lights that meet the requirements of subsection 1 of NRS 484D.185 and any standards approved by the Department of Public Safety. The term includes ~~[vehicles]~~ :

(1) Vehicles operating as part of the Freeway Service Patrol of the Department of Transportation ; and ~~[vehicles]~~

(2) Vehicles, including, without limitation, hazardous material vehicles, which respond to ~~[accidents,]~~ traffic incidents, motor vehicle crashes or other emergencies ~~[related to hazardous materials.]~~ for purposes other than providing police, fire and emergency medical services.

Sec. 2. NRS 484B.267 is hereby amended to read as follows:

484B.267 1. Upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of every other vehicle shall ~~[yield]~~, **except when otherwise directed by a law enforcement officer:**

(a) Yield the right-of-way . ~~[and shall]~~

(b) **Except as otherwise provided in this paragraph,** immediately drive to a position parallel to, and as close as possible to, the right-hand edge or **, if**

~~applicable, curb *[but not on the shoulder]* of a highway and clear of any intersection . ~~[and shall stop]~~ *The driver shall not drive to and stop in a position on a paved ~~[right]~~ shoulder of a highway where lawfully placed signage allows a vehicle described in paragraphs (a) to ~~(e)~~ (f), inclusive, of subsection 4 of NRS 484B.210 to drive on the shoulder.*~~

~~(c) Stop and remain in such position until the authorized emergency vehicle or official vehicle has passed . ~~[except when otherwise directed by a law enforcement officer.]~~~~

2. Upon approaching an authorized emergency vehicle or an official vehicle of a regulatory agency which is moving or preparing to move in any direction, including, without limitation, arriving at or leaving the scene of a crash or other incident, and making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of any other vehicle shall, except when otherwise directed by a law enforcement officer:

(a) Decrease the speed of his or her vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;

(b) Proceed with caution;

(c) Be prepared to stop;

(d) If the authorized emergency vehicle or official vehicle of a regulatory agency is moving in the same direction of travel as the driver, not drive abreast of or overtake the authorized emergency vehicle or official vehicle of a regulatory agency;

(e) If possible, drive in a lane that is not adjacent to the lane in which the authorized emergency vehicle or official vehicle of a regulatory agency is moving, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible; and

(f) If the authorized emergency vehicle or official vehicle of a regulatory agency:

(1) Approaches the driver's vehicle, proceed as required pursuant to subsection 1; or

(2) Stops, proceed as required pursuant to NRS 484B.607.

3. A person who violates this section is guilty of a misdemeanor.

4. As used in this section, "preparing to move" means any indication that is visible to an approaching driver that an authorized emergency vehicle or an official vehicle of a regulatory agency is about to move, including, without limitation:

(a) A movement of the vehicle; or

(b) The use of hand signals by the driver of the vehicle.

Sec. 3. NRS 484B.587 is hereby amended to read as follows:

484B.587 1. When official traffic-control devices are erected giving notice thereof, a person shall not drive a vehicle onto or from any controlled-access highway except at those entrances and exits which are indicated by such devices.

2. Except if required by an emergency ~~[]~~ *or as otherwise authorized by subsection 3*, a person shall not drive a vehicle on a controlled-access highway:

(a) Upon any portion of the highway that lies outside of a marked traffic lane or marked entrance or exit lane; or

(b) Across any solid white line that separates an entrance or exit lane from a marked traffic lane.

3. *A person driving a vehicle described in paragraphs (a) to ~~(e)~~ (f), inclusive, of subsection 4 of NRS 484B.210 may drive that vehicle on a paved shoulder of a controlled-access highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.*

4. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 4. 1. This ~~act~~ **section** becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 11.

AN ACT relating to motor vehicles; revising provisions relating to a lien on a motor vehicle; revising the date by which the Director of the Department of ~~Public Safety~~ **Motor Vehicles** is required to submit certain reports concerning garages, garage operators and body shops; repealing provisions relating to special license plates issued to honorary consuls of foreign countries; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain persons who store, maintain, keep, repair or furnish facilities or services for certain vehicles have a lien on such vehicles. (NRS 108.265-108.367) Existing law authorizes a person who has such a lien to satisfy the lien by selling the vehicle at an auction held at or near the place where the lien was acquired. **Section 1** of this bill ~~additionally authorizes~~ **provides that, if a person who has such a lien ~~to~~ is unable to sell the vehicle at a public auction for the fair market value of the vehicle, the person may satisfy the lien by selling the vehicle by private sale directly to a third-party purchaser in an arm's length transaction.** ~~Under certain circumstances, Section 1 requires every aspect of a sale held to satisfy a lien to be~~

~~commercially reasonable, regardless of whether the sale is held by public auction or by private sale.~~

~~Existing law requires an advertisement for the sale of a vehicle for purposes of satisfying a lien to be published in a newspaper that is published in the place where the sale is to be held. (NRS 108.310) Section 1 also authorizes such an advertisement of a sale to be published in a publication of a nationally recognized media outlet made available on the Internet.~~ **Section 1** also removes the requirement that a sale must be held at or near the place where the lien was acquired.

On November 16, 2021, the United States Department of State issued a notice indicating that it is the preference of the Office of Foreign Missions of the United States Department of State that states cease issuing special license plates to honorary consular officers. (United States Department of State, “Cessation of Honorary Consul License Plates,” November 16, 2021) In accordance with that notice, **section 7** of this bill repeals provisions of existing law which provide for the issuance of special license plates to a person appointed as an honorary consul of a foreign country, thereby terminating the production and distribution of such plates. (NRS 482.3675) **Sections 2 and 3** of this bill make conforming changes by eliminating references to the repealed section.

Existing law requires the Director of the Department of ~~Public Safety~~ **Motor Vehicles** to prepare and submit an annual report concerning garages, garage operators and body shops to the Legislative Commission or Legislature, as appropriate, on or before January 1 of each year. (NRS 487.557) **Section 4** of this bill instead requires the Director to submit this report on or before February 1 of each year. **Section 4** also updates references to the standing committees to whom the report will be transmitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 108.310 is hereby amended to read as follows:

108.310 Subject to the provisions of NRS 108.2723 and 108.315, the lien created in NRS 108.270 to 108.367, inclusive, may be satisfied as follows:

1. The lien claimant shall give written notice to the person on whose account the storing, maintaining, keeping, repairing, labor, fuel, supplies, facilities, services or accessories were made, done or given, and to any other person known to have or to claim an interest in the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home, upon which the lien is asserted, and to the:

(a) Housing Division of the Department of Business and Industry with regard to mobile homes, manufactured homes and commercial coaches as defined in chapter 489 of NRS; or

(b) Department of Motor Vehicles with regard to all other items included in this section.

2. ~~It~~ *Except as otherwise provided in subsection 3, in* accordance with the terms of a notice so given, a sale by *public* auction ~~may~~ *must* be held to satisfy any valid claim which has become a lien on the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home. ~~The~~

3. *A lien claimant may cause a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold by private sale directly to a third-party purchaser in an arm's length transaction if the lien claimant is unable to sell the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home at a public auction ~~after a reasonable effort~~ for the fair market value of the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.*

4. ~~Every aspect of a sale~~ must be held in the place where the lien was acquired or, if that place is manifestly unsuitable for the purpose, at the nearest suitable place.

~~3. made pursuant to subsection 2 or 3, including, without limitation, the method, advertising, time, date, place, terms and price, must be commercially reasonable.~~

~~5.~~ After the time for the payment of the claim specified in the notice has elapsed, an advertisement of the sale, describing the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold, and stating the name of the owner or person on whose account it is held, and the time and place of the sale, must be

published once a week for 3 consecutive weeks in a newspaper *of general circulation* published in the place where the sale is to be held. ~~but if no newspaper is published in that place, then in a newspaper published in this State that has a general circulation in that place. or in a publication of a nationally recognized media outlet made available on the Internet.~~ The sale must not be held less than 22 days after the time of the first publication.

~~4-6.~~ 5. From the proceeds of the sale the lien claimant who furnished the services, labor, fuel, accessories, facilities or supplies shall satisfy the lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of the proceeds must be delivered, on demand, to the person to whom the lien claimant would have been bound to deliver, or justified in delivering, the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

~~7.~~ 6. *Nothing in this section shall be construed to prohibit a lien claimant from purchasing a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home at a public auction held pursuant to subsection 2 for*

the fair market value of the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

~~7. As used in this section, “media outlet” means a company or other similar entity that transmits news or other information through various distribution channels, including, without limitation, newspapers, magazines and electronic media.~~

(a) “Arm’s length transaction” means a transaction between two parties:

(1) Who are not related, affiliated or on close terms; and

(2) Who are presumed to have roughly equal bargaining power.

(b) “Fair market value” means the retail value of a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home that is established by:

(1) An objective appraisal based upon local market resources, including, without limitation, automobile dealers and classified advertisements of newspapers;

(2) An independent appraisal service;

(3) A current issue of a nationally recognized guide used by financial institutions in this State for the valuation of used goods, including, without limitation, used motor vehicles; or

(4) A computer-based service commonly used by the insurance industry for the valuation of goods, including, without limitation, used motor vehicles.

Sec. 2. NRS 482.379 is hereby amended to read as follows:

482.379 1. The Director may order the design and preparation of license plates which commemorate the 125th anniversary of Nevada’s admission into the Union and establish the procedures for the application and issuance of the plates.

2. The Department may designate any colors, numbers and letters for the commemorative plates.

3. A person who is entitled to license plates pursuant to NRS 482.265 may apply for commemorative license plates.

4. The fee for the commemorative license plates is \$10, in addition to all other applicable registration and license fees and governmental services taxes. If a person is eligible for and applies for any special license plates issued pursuant to NRS 482.3667, 482.3672, ~~482.3675,~~ 482.368 or 482.370 to 482.3825, inclusive, and applies to have those special license plates combined with commemorative plates, the person must pay the fees for the special license plates in addition to the fee for the commemorative plates.

5. In addition to all fees for the license, registration and governmental services taxes, a person who is eligible for and applies for commemorative plates must pay \$25 for the celebration of the 125th anniversary of Nevada’s admission into the Union. The fees for the license, registration, and

governmental services taxes and the charge for the celebration may be paid with a single check.

6. Commemorative plates are renewable upon the payment of \$10.

7. If during a registration period, the holder of commemorative plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Within 30 days after removing the plates from the vehicle, return them to the Department; or

(b) Affix them to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as is provided for in this chapter.

8. Except as otherwise provided by subsection 10, if a commemorative license plate or set of license plates issued pursuant to the provisions of this section is lost, stolen or mutilated, the owner of the vehicle may secure a duplicate number plate or set of duplicate number plates, as the case may be, from the Department upon payment of the fees set forth in subsection 2 of NRS 482.500.

9. The Department shall, for each set of commemorative license plates that it issues:

(a) Deposit the \$25 collected for the celebration of the 125th anniversary of Nevada’s admission into the Union with the State Treasurer for credit to the Account for Nevada’s 125th Anniversary in the State General Fund;

(b) Deposit \$7.50 with the State Treasurer for credit to the Motor Vehicle Fund pursuant to the provisions of NRS 482.180; and

(c) Deposit \$2.50 with the State Treasurer for credit to the Department to reimburse the Department for the cost of manufacturing the license plates.

10. The Department shall not:

(a) Issue the commemorative license plates after October 31, 1990.

(b) Issue duplicate or replacement commemorative license plates after June 30, 1995.

11. License plates issued pursuant to this section are not subject to reissue pursuant to subsection 2 of NRS 482.265.

Sec. 3. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3 or specifically provided by statute, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	\$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates.....	10.00
For every decal displaying a county name50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement number plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, ~~482.3675,~~ 482.370 to 482.3755, inclusive, 482.376 or 482.379 to 482.3818, inclusive, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for replacement number plates, duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of replacing or duplicating the plates and manufacturing the decals.

Sec. 4. NRS 487.557 is hereby amended to read as follows:

487.557 1. On or before ~~January~~ **February** 1 of each year, the Director of the Department shall prepare a report concerning garages, garage operators and body shops. The report must include:

(a) The number of complaints relating to garages, garage operators and body shops made to and acted upon by the Department during the year for which the report is prepared;

(b) The number of investigations conducted during that year by the Department relating to garages, garage operators and body shops; and

(c) The outcome of each investigation specified in paragraph (b) and the extent to which any information relating to each investigation is subject to disclosure to the members of the public.

2. On or before ~~January~~ **February** 1 of each even-numbered year, the Director of the Department shall submit the report required pursuant to subsection 1 to the Legislative Commission. On or before ~~January~~ **February** 1 of each odd-numbered year, the Director of the Department shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Senate Standing Committee on ~~Energy,~~ **Growth and Infrastructure** ; ~~and Transportation;~~ and

(b) The Assembly Standing Committee on ~~Transportation,~~ **Growth and Infrastructure.**

Sec. 5. A person to whom the Department of Motor Vehicles issued special license plates pursuant to NRS 482.3675 shall, on or before January 1, 2024, surrender any such plates in his or her possession to the Department, and, in lieu of any plates surrendered, is entitled to receive regular Nevada license plates.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. NRS 482.3675 is hereby repealed.

Sec. 8. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

482.3675 Honorary consul of foreign country.

1. An owner of a motor vehicle who is a United States citizen or a citizen of a foreign country residing in this State and who holds from a foreign country a letter of appointment as an honorary consul may, upon signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A copy of the letter of appointment from that country,
↪ be issued a set of license plates upon which is inscribed CONSULAR CORPS with a number of characters, including numbers and letters, as determined necessary by the Director pursuant to NRS 482.367003.

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section loses his or her status as an honorary consul, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to honorary consuls of foreign countries. The Department shall include on the form for application a notice to the applicant that the issuance of such license plates does not confer any diplomatic immunity.

5. Special license plates issued pursuant to this section are renewable upon the payment of \$10.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 67.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 58.

AN ACT relating to securities; creating the Fund for the Compensation of Victims of Securities Fraud and prescribing the use of money in the Fund; authorizing certain persons to whom a court orders restitution to apply for compensation from the Fund; requiring the Administrator of the Securities Division of the Office of the Secretary of State to review applications for and

award compensation from the Fund; making confidential certain information; requiring the Division to adopt regulations relating to the administration of the Fund; requiring the Administrator to submit to the Legislature a biennial report concerning the Fund; requiring a person who receives compensation from the Fund to reimburse the State for such compensation under certain circumstances; revising provisions governing the deposit of certain money received by the Administrator; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the Uniform Securities Act, which sets forth provisions governing the sale and purchase of securities in this State in a manner consistent with federal laws and regulations. In general, the Act prohibits a person from engaging in certain deceptive acts, practices or courses of business in connection with the offer, sale or purchase of a security. (NRS 90.570-90.610) The Act also authorizes certain sanctions against a person who violates these prohibitions, including civil penalties, criminal fines and payment of restitution. (NRS 90.630, 90.640, 90.650) The Nevada Constitution entitles a victim of a crime to full and timely restitution and requires all monetary payments, money and property collected from any person ordered to make restitution be first applied to pay the amounts ordered as restitution to the victim. (Nev. Const. Art. 1, § 8A)

Section 6 of this bill creates the Fund for the Compensation of Victims of Securities Fraud and requires that the money in the Fund be used for the compensation of certain victims to whom restitution is owed. **Section 2** of this bill defines the term “Fund” to mean the Fund for the Compensation of Victims of Securities Fraud. **Section 3** of this bill: (1) establishes the process by which certain persons to whom a court orders restitution may apply for and receive compensation from the Fund; (2) authorizes an applicant to appeal a determination made concerning an award of compensation from the Fund; and (3) makes confidential certain information and documentation submitted in connection with such an application. **Section 9** of this bill makes a conforming change relating to the information made confidential pursuant to **section 3**.

Section 4 of this bill requires the Securities Division of the Office of the Secretary of State to adopt certain regulations relating to the Fund, including regulations: (1) establishing eligibility requirements for an award of compensation from the Fund; (2) prescribing certain other requirements relating to the award of compensation from the Fund; and (3) establishing a procedure to appeal a determination made concerning an award of compensation from the Fund. **Section 5** of this bill requires the Administrator of the Division to prepare and submit a biennial report to the Legislature that includes certain information relating to the Fund. **Section 6** requires the Division to prepare certain quarterly estimates concerning the Fund and requires any money remaining in the Fund at the end of each fiscal year to be carried over to the next fiscal year. **Section 7** of this bill: (1) requires an applicant, as a condition of accepting an award of compensation from the

Fund, to take certain action if the applicant recovers unpaid restitution after receiving such compensation; and (2) prescribes certain other conditions of accepting an award of compensation from the Fund.

Existing law requires all money received by the Division or the Administrator pursuant to the Act to be deposited in the State General Fund. (NRS 90.630, 90.650, 90.710) **Section 8** of this bill requires all money received by the Administrator as a result of an enforcement action relating to securities to be deposited with the State Treasurer for credit to the Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, “Fund” means the Fund for the Compensation of Victims of Securities Fraud created by section 6 of this act.*

Sec. 3. 1. *Except as otherwise provided in this subsection, a person to whom a court orders restitution pursuant to NRS 90.640 may, not later than 12 months after the date on which such restitution is ordered, apply to the Administrator for compensation from the Fund. The Administrator may waive the time limit prescribed by this subsection for good cause shown.*

2. *The Administrator or his or her designee shall review all applications submitted pursuant to subsection 1 and award compensation to applicants in accordance with the regulations adopted pursuant to section 4 of this act.*

3. *An applicant aggrieved by a determination of the Administrator or his or her designee made pursuant to subsection 2 may appeal the determination in accordance with the regulations adopted pursuant to section 4 of this act.*

4. *The Administrator or his or her designee may request that an applicant submit to the Division any additional information or documentation necessary to enable the Administrator or his or her designee to make the determination required by subsection 2. As soon as practicable after receiving such a request, the applicant shall submit to the Division any information or documentation requested.*

5. *Any information or documentation contained in an application submitted to the Administrator pursuant to subsection 1 or to the Division pursuant to subsection 4 is confidential and, unless the disclosure is otherwise prohibited by law, must not be disclosed except:*

- (a) Upon the request of the applicant or the attorney of the applicant;*
- (b) In the necessary administration of this chapter; or*
- (c) Upon the lawful order of a court of competent jurisdiction.*

Sec. 4. *The Division shall adopt any regulations necessary to carry out the provisions of sections 2 to 7, inclusive, of this act, including, without limitation, regulations:*

1. *Establishing eligibility requirements for an award of compensation from the Fund.*

2. *Establishing a form and procedure for applying for an award of compensation from the Fund. The form must include, without limitation, an indication of the amount of money the applicant has received or is likely to receive as restitution for the financial harm suffered as a result of the commission of a violation of this chapter, or a regulation or order of the Administrator under this chapter, pursuant to NRS 90.640.*

3. *Establishing the order of priority in which the Administrator or his or her designee must:*

(a) *Review applications submitted pursuant to section 3 of this act; and*

(b) *Award compensation to an applicant, if applicable.*

4. *Prescribing standards for the amount of compensation the Administrator or his or her designee may award from the Fund. Such standards must include, without limitation, a requirement that such compensation must not exceed the lesser of \$25,000 or an amount equal to 25 percent of the amount of unpaid restitution awarded by a court.*

5. *Establishing a procedure to appeal a determination made by the Administrator or his or her designee pursuant to section 3 of this act.*

Sec. 5. *On or before January 1 of each odd-numbered year, the Administrator shall prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report relating to the Fund. The report must include, without limitation:*

1. *The total amount of compensation awarded from the Fund;*

2. *The number of applicants who applied for compensation from the Fund;*

3. *The number of applicants who were denied compensation from the Fund; and*

4. *The average length of time taken to award compensation from the Fund, from the date of receipt of the application to the date of the payment of compensation.*

Sec. 6. 1. *Money for payment of compensation as awarded by the Administrator pursuant to section 3 of this act must be paid from the Fund for the Compensation of Victims of Securities Fraud, which is hereby created. Money in the Fund must be disbursed by the Division in the same manner as other claims against the State are paid, in accordance with the regulations adopted pursuant to section 4 of this act.*

2. *The Division shall prepare quarterly estimates of:*

(a) *The revenue in the Fund which is available for the payment of compensation; and*

(b) *The anticipated expenses of the Fund for the next fiscal quarter.*

3. *The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.*

4. *The Division may apply for and accept gifts, grants and donations from any source for deposit in the Fund.*

5. *Any money remaining in the Fund at the end of each fiscal year does not revert to the State General Fund and must be carried over into the next fiscal year.*

Sec. 7. *An applicant who accepts an award of compensation from the Fund does so under the following conditions:*

1. *The State of Nevada is immediately subrogated in the amount of the award to any right of action to recover any unpaid restitution, and that right of subrogation may be diminished for attorney's fees and other costs of litigation in obtaining such recovery; and*

2. *If recovery is obtained for unpaid restitution, the applicant shall promptly notify the Administrator or his or her designee, and shall promptly pay to the Division the lesser of the amount of the award made from the Fund or the amount recovered less attorney's fees and costs. The duty of notice and payment pursuant to this subsection continues until the amount of the award has been repaid to the State of Nevada.*

Sec. 8. NRS 90.710 is hereby amended to read as follows:

90.710 1. This chapter must be administered by the Secretary of State and the Administrator. The Secretary of State may employ personnel necessary to administer the provisions of this chapter.

2. All money received by ~~the~~:

(a) ~~The Division [or the Administrator]~~ pursuant to this chapter must be deposited with the ~~[state]~~ State Treasurer for credit to the State General Fund.

(b) *The Administrator, as a result of an action for the enforcement of the provisions of this chapter, must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Securities Fraud created by section 6 of this act.*

Sec. 9. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,

239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,

641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 3 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 10. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 97.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 25.

AN ACT relating to government administration; providing **, with certain exceptions,** that governmental entities shall not prohibit the use of certain refrigerants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, subject to certain limitations, the governing body of any city or county may adopt a building code. (NRS 278.580-278.586) **Section 1** of this bill provides that the governing body of a city or county or any other governmental entity shall not adopt a building code or take any other action to prohibit or otherwise limit the use of refrigerants that are designated by the United States Environmental Protection Agency as alternatives or substitutes to certain other refrigerants so long as the equipment containing any such alternative or substitute is installed in compliance with certain industry standards. **Section 1 further provides that a governing body of a city, county or other governmental entity may adopt a building code.**

ordinance or take any other action to prohibit the construction or use of an evaporative cooling mechanism.

Sections 3, 4 and 6 of this bill make conforming changes to the limit of the authority of a county or city to adopt a building code.

Section 7 of this bill provides that any building code or other action that has been adopted by the governing body of a city or county or any other governmental entity that on the effective date of this act conflicts with the provisions of section 1 is void and unenforceable.

Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Under existing law, the State Public Works Board is required to adopt certain standards for the design and construction of buildings or other projects of this State. (NRS 341.087, 347.091) Section 5 of this bill provides that the State Public Works Board shall not prohibit or otherwise limit the use of refrigerants that are designated by the United States Environmental Protection Agency as alternatives or substitutes to certain other refrigerants so long as the equipment containing any such alternative or substitute is installed in compliance with industry standards.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

~~The~~

1. Except as otherwise provided in subsection 2, the governing body of any city or county or any other governmental entity shall not adopt a building code or take any other action to prohibit or otherwise limit the use of a refrigerant that is designated as an acceptable alternative or substitute for a class I or class II substance by the United States Environmental Protection Agency pursuant to 42 U.S.C. § 7671k so long as the equipment containing any such alternative or substitute refrigerant is listed and installed in compliance with the most recent version of ASHRAE Standard 15, Safety Standard for Refrigeration Systems, ASHRAE Standard 34, Designation and Safety Classification of Refrigerants and the appropriate listing standard, such as UL 60335-2-89 or UL 60335-2-40, as applicable.

2. The governing body of any city or county or any other governmental entity may adopt a building code, ordinance or take any other action to prohibit the construction or use of an evaporative cooling mechanism or restrict water service to properties that utilize such a mechanism.

3. As used in this section, “evaporative cooling mechanism” means any type of cooling technology, device or equipment that utilizes the evaporation of water as part of the cooling process.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, **and section 1 of this act**, unless the context otherwise requires, the words and terms defined in

NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 244.3675 is hereby amended to read as follows:

244.3675 Subject to the limitations set forth in NRS 244.368, 278.02315, 278.580, 278.582, 278.584, 278.5846, 278.586, 444.340 to 444.430, inclusive, and 477.030, **and section 1 of this act**, the boards of county commissioners within their respective counties may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the county.

2. Adopt any building, electrical, housing, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, these fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 4. NRS 268.413 is hereby amended to read as follows:

268.413 Subject to the limitations contained in NRS 244.368, 278.02315, 278.580, 278.582, 278.584, 278.5846, 278.586, 444.340 to 444.430, inclusive, and 477.030, **and section 1 of this act**, the city council or other governing body of an incorporated city may:

1. Regulate all matters relating to the construction, maintenance and safety of buildings, structures and property within the city.

2. Adopt any building, electrical, plumbing or safety code necessary to carry out the provisions of this section and establish such fees as may be necessary. Except as otherwise provided in NRS 278.580, those fees do not apply to the State of Nevada or the Nevada System of Higher Education.

Sec. 5. Chapter 341 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall not prohibit or otherwise limit the use of a refrigerant that is designated as an acceptable alternative or substitute for a class I or class II substance by the United States Environmental Protection Agency pursuant to 42 U.S.C. § 7671k so long as the equipment containing any such alternative or substitute refrigerant is listed and installed in compliance with the most recent version of ASHRAE Standard 15, Safety Standard for Refrigeration Systems, ASHRAE Standard 34, Designation and Safety Classification of Refrigerants and the appropriate listing standard, such as UL 60335-2-89 or UL 60335-2-40, as applicable.

Sec. 6. Section 2.200 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1400, is hereby amended to read as follows:

Section 2.200 Powers of City Council; Buildings; construction and maintenance regulations; buildings and safety codes. Subject to the limitations which are contained in NRS 278.580, 278.583 and 444.340 to 444.430, inclusive, **and section 1 of this act**, the City Council may:

1. Regulate all matters which relate to the construction, maintenance and safety of buildings, structures and property within the City.

2. Adopt any building, electrical, plumbing, mechanical or safety code which is necessary to carry out the provisions of this section and establish such fees as may be necessary.

Sec. 7. Any building code or other action that has been adopted by the governing body of a city or county or any other governmental entity before, on or after the effective date of this act that conflicts with the provisions of section 1 of this act is void and unenforceable.

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 101.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 21.

AN ACT relating to criminal procedure; requiring each office of a prosecuting attorney to maintain certain records relating to certain informants; requiring a prosecuting attorney to make certain disclosures to the defendant relating to informants; requiring a court to instruct jurors to consider certain information relating to informants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes a duty upon a prosecuting attorney and a defendant to disclose certain information before and during a ~~hearing or~~ trial, including, without limitation, information relating to witnesses and evidence. (NRS 174.233-174.295) **Section 7** of this bill provides that if a prosecuting attorney intends to use testimony ~~for information~~ provided by an informant in a ~~hearing or~~ trial, the prosecuting attorney is required to disclose the following information or materials to the defendant: (1) a summary of the criminal history of the informant; (2) a copy of any cooperation agreement; (3) any benefit that has been ~~requested by, offered or provided to~~ or ~~may~~ **will** be provided to the informant in exchange for his or her testimony; ~~for information;~~ (4) the substance and, if known, the time and place of any statement made by the defendant to the informant that is relevant to the ~~hearing or~~ trial and any statement implicating the defendant that was made by the informant to a law enforcement officer; (5) details relating to any occasion on which the informant recanted his or her testimony; and (6) any other case known to the prosecuting attorney in which the informant testified in exchange for a benefit and the benefit offered or provided, ~~for the informant offered to provide testimony in exchange for a benefit but did not testify in the case.~~ **Section 7** requires such disclosures to be made **as soon as is practicable before a trial, but** not later than 30 days before the ~~hearing or~~ trial, unless

the court revises the deadline for making the disclosures or the court continues the ~~hearing on~~ trial.

Section 7 also provides that if a court finds that making the disclosures may result in substantial bodily harm to the informant, the court may order the disclosures to only be made to the attorney for the defendant, and not to the defendant or any other party. Finally, **section 7** requires a court to instruct the jury to consider certain information in assessing the credibility of an informant.

Section 6 of this bill requires each office of a prosecuting attorney to maintain complete and systematic records of cases prosecuted by the office in which testimony ~~for information~~ is provided by an informant pursuant to a cooperation agreement. **Sections 6 and 8** of this bill provide that such records are confidential and not considered public books or records.

Sections 3-5 of this bill define the terms “benefit,” “cooperation agreement” and “informant,” respectively, for the purposes of this bill. **Section 2** of this bill makes a conforming change related to the definitions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. “Benefit” means:

1. A plea bargain;
2. Any consideration of bail or conditions of release;
3. A reduction or modification of a term of sentence; or
4. Any other leniency, immunity, financial payment, reward or amelioration of the current or future conditions of any term of sentence.

Sec. 4. “Cooperation agreement” means a written agreement:

1. Between a person who is or was in jail or prison and the office of a prosecuting attorney wherein the person agrees to be an informant; and
2. Which includes, without limitation, a summary of:
 - (a) The testimony ~~for information~~ to be provided by the informant; and
 - (b) The benefit which has been or may be provided to the informant in exchange for the testimony ~~for information~~ described in paragraph (a).

Sec. 5. “Informant” means a person who:

1. Provides testimony ~~for information~~ on behalf of the State based on any statement made by a defendant while the defendant and the person were in jail or prison; and
2. ~~Requested,~~ Has received or ~~may~~ will receive a benefit in connection with the provision of the testimony ~~for information~~ described in subsection 1.

Sec. 6. 1. Every office of a prosecuting attorney shall maintain complete and systematic records of any case prosecuted by the office in

which testimony ~~for information~~ is provided by an informant pursuant to a cooperation agreement. The records must include, without limitation:

- (a) The substance of the testimony ~~;~~ ~~for information~~;
- (b) Any benefit that has been ~~requested by, offered or provided to~~ or ~~may~~ will be provided to the informant in connection with the provision of the testimony ~~;~~ ~~for information~~; and
- (c) A copy of the cooperation agreement.

2. The records described in subsection 1 are confidential and are not public books or records within the meaning of NRS 239.010.

Sec. 7. 1. Except as otherwise provided in subsections 2 and 3, if a prosecuting attorney intends to use testimony ~~for information~~ provided by an informant at a ~~hearing or~~ trial, the prosecuting attorney shall file and serve upon the defendant the following information or material as soon as ~~possible,~~ practicable, but not later than 30 days before the ~~hearing or~~ trial:

(a) A summary of the criminal history of the informant, including, without limitation:

- (1) Any pending charges against the informant; and
- (2) Any charge against the informant that was reduced or dismissed or will be reduced or dismissed, in exchange for the testimony to be provided as part of a plea bargain;

(b) A copy of any cooperation agreement;

(c) Any benefit that has been ~~requested by, offered or provided to~~ or ~~may~~ will be provided to the informant in connection with his or her provision of the testimony;

(d) The substance and, if known, the time and place of:

- (1) Any statement that is relevant to the ~~hearing or~~ trial made by the defendant to the informant; and
- (2) Any statement implicating the defendant in the charged offense made by the informant to a law enforcement officer;

(e) Any occasion on which the informant recanted his or her testimony ~~;~~ that will be provided by the informant at the trial, including, without limitation:

- (1) The time and place of the recantation;
- (2) The nature of the recantation; and
- (3) The name of any person who was present at the time of the recantation; and

(f) Any other case known to the prosecuting attorney in which the informant ~~;~~

~~(1) Provided~~ provided testimony and the benefit offered or provided in each case. ~~;~~ ~~or~~

~~(2) Offered to provide testimony in exchange for a benefit but did not testify in the case.~~

2. A court may, upon good cause shown, implement a revised deadline for making the disclosures described in subsection 1 or, upon its own motion, continue the ~~hearing or~~ trial described in subsection 1, if:

(a) The informant was not known to the prosecuting attorney until after the deadline for making the disclosures described in subsection 1; and

(b) The information and materials described in subsection 1 could not have been discovered or obtained by the prosecuting attorney with the exercise of due diligence before the deadline for making the disclosures described in subsection 1.

3. If a court finds that disclosing the information and materials described in subsection 1 will result in the possibility of substantial bodily harm to the informant, the court may require the information and materials to be viewed exclusively by the attorney for the defendant, and not by the defendant or any other party.

4. In every trial in which a prosecuting attorney uses testimony ~~for information~~ provided by an informant, the court shall instruct the jury to consider the information described in paragraphs ~~(e)~~ (a) to (f), inclusive, of subsection 1 in assessing the credibility of the informant.

Sec. 8. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,

338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,

683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **and section 6 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 9.

ASSEMBLYMEN LA RUE HATCH, ORENTLICHER, PETERS, THOMAS, WATTS; ANDERSON, ~~AND~~ GONZÁLEZ, **GORELOW AND SUMMERS-ARMSTRONG**

AN ACT relating to conservation; establishing the Soil Health Advisory Board; creating the Healthy Soils Initiative; setting forth the powers and duties of the State Conservation Commission relating to the Healthy Soils Initiative; establishing the Fund for Soil Health; declaring certain information obtained by the Commission to be confidential; **requiring the Conservation Districts Program in the State Department of Conservation and Natural Resources to provide staff services relating to the Healthy Soils Initiative**; making an appropriation to the **Conservation Districts Program to provide staff services to the** State Conservation Commission for administering the Healthy Soils Initiative; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Conservation Commission and authorizes the establishment of conservation districts to facilitate the conservation, protection and controlled development of the renewable natural resources of this State, which includes soil. (Chapter 548 of NRS) **Section 6** of this bill establishes the Soil Health Advisory Board within the Commission to advise the Commission on the Healthy Soils Initiative. The Advisory Board consists of: (1) nine voting members, including six members who represent certain agricultural interests in this State; and (2) any other nonvoting member appointed by the Commission to provide any necessary assistance or technical or scientific expertise.

Section 7 of this bill creates the Healthy Soils Initiative within the Commission, which must: (1) encourage the adoption of soil health practices by agricultural producers; (2) promote and advance the understanding of the environmental and economic benefits of soil health practices; and (3) support and advance scientific research into soil health.

Section 8 of this bill authorizes the Commission to establish, as part of the Healthy Soils Initiative: (1) a grant program for soil health activities and projects; (2) a soil health monitoring and inventory platform; and (3) any other program the Commission determines is appropriate. **Section 8** requires, with

certain exceptions, any program or platform established by the Commission to be voluntary and incentive-based. **Section 8** also provides that, if the Commission establishes a grant program, the Commission must adopt certain regulations relating to the grant program.

Section 9 of this bill establishes the Fund for Soil Health in the State Treasury and requires the Commission to administer the Fund.

Sections 10 and 57 of this bill provide that, with certain exceptions, any information in the records and files of the Commission regarding the identity of an agricultural producer or program participant and the practices of an agricultural producer or program participant is confidential.

Section 10.5 of this bill requires the Conservation Districts Program in the State Department of Conservation and Natural Resources to provide staff services to the Commission to carry out the provisions of sections 2-11 of this bill.

Section 11 of this bill authorizes the Commission to adopt regulations to carry out the provisions of **sections 2-11**, ~~of this bill.~~

Sections 2-5 of this bill define certain terms relating to the provisions of **sections 2-11**.

Sections 12-56 and 58 of this bill make conforming changes to existing references to incorporate the provisions relating to the Commission into the Nevada Revised Statutes.

Section 59 of this bill makes an appropriation to the **Conservation Districts Program to provide staff services to the** Commission for administering the Healthy Soils Initiative and for the salary of an employee to assist the Commission in administering the Healthy Soils Initiative.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 548 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Agricultural producer” means a person engaged in the production of a product of agriculture.*

Sec. 4. *“Commission” has the meaning ascribed to it in NRS 548.030.*

Sec. 5. *“Government” has the meaning ascribed to it in NRS 548.045.*

Sec. 6. *1. The Soil Health Advisory Board is hereby created within the Commission. The Soil Health Advisory Board consists of:*

(a) Nine voting members as follows:

(1) One representative from the State Department of Agriculture appointed by the Director of the State Department of Agriculture;

(2) One representative from the Division of Environmental Protection of the State Department of Conservation and Natural Resources appointed by the Administrator of the Division of Environmental Protection;

(3) *One representative from the Division of Public and Behavioral Health of the Department of Health and Human Services appointed by the Administrator of the Division of Public and Behavioral Health; and*

(4) *Six members appointed by the Commission who represent the diverse agricultural interests of this State as follows:*

(I) *A dairy farmer;*

(II) *A rancher;*

(III) *A specialty crop or small farmer;*

(IV) *An irrigated crop producer;*

(V) *A tribal representative; and*

(VI) *A person engaged in research relating to agricultural soil health; and*

(b) *Any other nonvoting member appointed by the Commission to provide any necessary assistance or technical or scientific expertise.*

2. *In appointing the members of the Soil Health Advisory Board pursuant to subparagraph (4) of paragraph (a) of subsection 1, the Commission shall ensure that:*

(a) *When practicable, the members of the Soil Health Advisory Board represent the different geographic regions and demographics of this State; and*

(b) *The terms of office are staggered as required pursuant to subsection 3.*

3. *Except as otherwise provided in this subsection, each member of the Soil Health Advisory Board serves a term of 2 years. The terms of office of the voting members must be staggered to result in the appointment of four or five of the members described in paragraph (a) of subsection 1 every year. In making the initial appointments of the voting members, the appointing authorities shall appoint the members to staggered terms of 1 or 2 years. A member may be reappointed.*

4. *A vacancy on the Soil Health Advisory Board must be filled in the same manner as the original appointment.*

5. *Each member of the Soil Health Advisory Board who is not serving on the Soil Health Advisory Board in the capacity of an officer or employee of this State or a political subdivision of this State is entitled to receive:*

(a) *A salary of not more than \$80, as fixed by the Commission, for each day or portion thereof during which the member is in attendance at a regularly called meeting of the Soil Health Advisory Board; and*

(b) *The per diem allowance and travel expenses provided for state officers and employees generally.*

6. *A majority of the voting members of the Soil Health Advisory Board constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is required for any official action taken by the Soil Health Advisory Board.*

7. *The Soil Health Advisory Board shall advise the Commission on the Healthy Soils Initiative created by section 7 of this act.*

Sec. 7. 1. The Healthy Soils Initiative is hereby created within the Commission. The Healthy Soils Initiative must, without limitation:

(a) Encourage the widespread adoption of soil health practices by agricultural producers;

(b) Promote and advance the understanding of the environmental and economic benefits of soil health practices by agricultural producers, policymakers, consumers and the general public; and

(c) Support and advance scientific research into soil health, including, without limitation:

(1) The existing conditions of agricultural soils in this State and the current carbon storage and carbon storage potential of such soils;

(2) The environmental benefits of soil health practices; and

(3) The economic benefits of soil health practices.

2. In carrying out the requirements of subsection 1, the Commission may:

(a) Provide incentives to encourage the implementation of soil health practices;

(b) Conduct educational and outreach programs on the benefits of soil health;

(c) Evaluate and develop soil health sampling and testing protocols that are appropriate for the agricultural systems in this State;

(d) Facilitate stakeholder collaboration to advance the understanding of the science of soil health and the implementation of soil health practices, which may include, without limitation, collaboration between the government, Indian tribes, academic and research institutions, nonprofit organizations and private entities;

(e) Collaborate with agricultural producers, groups of agricultural producers, agricultural producer cooperatives, conservation districts, water conservancy districts, academic and research institutions, the government, Indian tribes and any other entity; and

(f) Enter into agreements or contracts.

Sec. 8. 1. In addition to the requirements of section 7 of this act, as part of the Healthy Soils Initiative, the Commission may establish:

(a) A program to distribute, within the limits of legislative appropriations and other available money, grants of money to eligible entities to engage in soil health activities or projects, including, without limitation, research, education or demonstration projects. In developing such a grant program, the Commission:

(1) Shall prioritize distributing such grants to conservation districts that are working with agricultural producers, if appropriate, as determined by the Commission; and

(2) May prioritize the needs of historically underserved producers, emerging areas of scientific inquiry and research, environmental benefits or any other consideration the Commission determines is appropriate.

(b) A soil health monitoring and inventory platform.

(c) Any other program the Commission determines is appropriate.

2. Except as otherwise provided in subsection 3, any program or platform established by the Commission pursuant to subsection 1 must be voluntary and incentive-based. Such a program may not:

(a) Require the participation of an agricultural producer or other entity;

(b) Mandate the implementation of soil health practices by agricultural producers or other entities who do not participate; or

(c) Bind a participant to execute specific practice standards in adverse climate conditions or circumstances with limited or no change of success or that would cause irreparable physical or economic harm to the operations of the participant.

3. If a grant program is established pursuant to paragraph (a) of subsection 1, the Commission shall adopt regulations to carry out the grant program, which must, without limitation:

(a) Set forth the entities that are eligible to receive grants;

(b) Require any grant recipient who does not have sufficient expertise in soil health practices or project management to work with a technical assistance agency or organization;

(c) Require each grant recipient to:

(1) Conduct outreach and education activities regarding the soil health activity or project; and

(2) Disclose information relating to the soil health activity or project;

(d) Ensure that the most accurate and current scientific evidence relating to soil health, soil health practices and the economic and environmental benefits of soil health practices is considered in awarding a grant by the program;

(e) Limit the grant money that may be used by a grant recipient for costs not directly related to the purpose of the grant, including, without limitation, administrative expenses and overhead expenses;

(f) Establish monitoring requirements to ensure that any grant money awarded is spent in accordance with state law; and

(g) Establish requirements to ensure the confidentiality of a grant recipient, landowner and land information, as applicable.

Sec. 9. 1. There is hereby created in the State Treasury, the Fund for Soil Health. The Commission is responsible for the administration of the Fund. All money received and held by the State Treasurer for that purpose must be deposited in the Fund.

2. The Commission may:

(a) Apply for and accept gifts, grants, services and donations from any source for the purposes of carrying out the provisions of sections 2 to 11, inclusive, of this act;

(b) Administer and expend money for the purpose of planning, developing or establishing the Healthy Soils Initiative pursuant to sections 7 and 8 of this act; and

(c) Use money received or appropriated as matching funds to obtain or make grants for soil health activities.

Sec. 10. Except as otherwise provided in this section or pursuant to a grant agreement executed in relation to a program established pursuant to section 8 of this act, all information in the records and files of the Commission regarding the identity of an agricultural producer or participant in a program established by the Commission pursuant to sections 2 to 11, inclusive, of this act and the practices of the agricultural producer or program participant are confidential unless the agricultural producer or program participant provides express permission in writing to the Commission to release such information.

Sec. 10.5. The Conservation Districts Program in the State Department of Conservation and Natural Resources shall provide staff services to the Commission for carrying out the provisions of sections 2 to 11, inclusive, of this act.

Sec. 11. The Commission may adopt regulations to carry out the provisions of sections 2 to 11, inclusive, of this act.

Sec. 12. NRS 548.010 is hereby amended to read as follows:

548.010 ~~[This chapter]~~ **NRS 548.010 to 548.550, inclusive**, may be known and cited as the Conservation Districts Law.

Sec. 13. NRS 548.015 is hereby amended to read as follows:

548.015 As used in ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**, unless the context otherwise requires, the ~~[following]~~ words and terms ~~[have the meanings attributed to them]~~ defined in NRS 548.020 to 548.090, inclusive, ~~[unless the context otherwise requires.]~~ have the meanings ascribed to them in those sections.

Sec. 14. NRS 548.032 is hereby amended to read as follows:

548.032 “Conservation district” or “district” means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**, for the purposes, with the powers, and subject to the restrictions set forth in ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**.

Sec. 15. NRS 548.050 is hereby amended to read as follows:

548.050 “Land occupier” or “occupier of land” means any person, firm or corporation which holds title to, or is in legal possession of, any lands lying within a district organized under the provisions of ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**, whether as owner or as lessee or tenant under a lease or rental agreement for a term of 1 year or longer, but does not include transient users.

Sec. 16. NRS 548.085 is hereby amended to read as follows:

548.085 “Supervisor” means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**.

Sec. 17. NRS 548.157 is hereby amended to read as follows:

548.157 The Program shall perform staff services for the Commission in carrying out its responsibilities under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

Sec. 18. NRS 548.160 is hereby amended to read as follows:

548.160 The Commission may adopt and promulgate such rules and regulations as may be necessary for the execution of its functions under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

Sec. 19. NRS 548.175 is hereby amended to read as follows:

548.175 The Commission has the following duties and powers:

1. To carry out the policies of this State in programs at the state level for the conservation of the renewable natural resources of this State and to represent the State in matters affecting such resources.

2. To offer such assistance as may be appropriate to the supervisors of conservation districts in the carrying out of any of their powers and programs, to propose programs and to assist and guide districts in the preparation and carrying out of programs authorized under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** to review district programs, to coordinate the programs of the districts and resolve any conflicts in such programs, and to facilitate, promote, assist, harmonize, coordinate and guide the programs and activities of districts as they relate to other special-purpose districts, counties and other public agencies.

3. To keep the supervisors of each of the districts informed of the activities and experience of all other districts organized pursuant to ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive,*** and to facilitate an interchange of advice and experience among those districts and promote cooperation among them.

4. To secure the cooperation and assistance of the United States, any of its agencies and of other agencies of this State in the work of conservation districts.

5. To serve, along with conservation districts, as the official state agency for cooperating with the Natural Resources Conservation Service of the United States Department of Agriculture in carrying on conservation operations within the boundaries of conservation districts as created under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

6. To enlist the cooperation and collaboration of state, federal, interstate, local, public and private agencies with the conservation districts and to facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation and use of renewable natural resources.

7. To make available, with the assistance of the Program, information concerning the needs and the work of the districts and the Commission to the Director of the State Department of Conservation and Natural Resources, the Legislature, executive agencies and political subdivisions of this State, cooperating federal agencies and the general public.

8. To cooperate with and give such assistance as may be requested by cities, counties, irrigation districts, and other special-purpose districts in the State of Nevada for the purpose of cooperating with the United States through the Secretary of Agriculture in the furtherance of conservation, pursuant to the provisions of the Watershed Protection and Flood Prevention Act, 16 U.S.C. §§ 1001 et seq., and the requirements of other special programs of the United States Department of Agriculture.

9. Pursuant to procedures developed mutually by the Commission and federal, state and local agencies that are authorized to plan or administer activities significantly affecting the conservation and use of renewable natural resources, to receive from those agencies, for review and comment, suitable descriptions of their plans, programs and activities for purposes of coordination with the conservation districts' programs and to arrange for and participate in conferences necessary to avoid conflict among the plans and programs, to call attention to omissions and to avoid duplication of effort.

10. To submit, with the assistance of the Program, a report to the Director of the State Department of Conservation and Natural Resources whenever the Commission determines that there exists a substantial conflict between the program of a district and the proposed plans or activities directly affecting the conservation of natural resources prepared by any other local governmental unit or agency of this State.

11. By administrative order of the Commission, upon the written request of the board of supervisors of the conservation district or districts involved, with a showing that the request has been approved by a majority vote of the members of each of the boards involved:

(a) To transfer lands from one district established under the provisions of ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**, to another.

(b) To divide a single district into two or more districts, each of which must, thereafter, operate as a separate district under the provisions of ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**.

(c) To consolidate two or more districts established under the provisions of ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**, into a single district under the provisions of ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**.

(d) To inform the Program of any action taken pursuant to this subsection for its approval of any new name and the appropriate entry in the Program's records of the changes made.

12. To authorize the change of name of any district, upon receipt by the Commission of a resolution by the board of supervisors of the district for such a change and to present the resolution to the Program for processing and recording in accordance with the provisions of NRS 548.240.

13. To apply for any available grants and to accept and use any grants, gifts or donations to make available grants of money to qualified conservation districts to aid the districts in carrying out the provisions of ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**.

Sec. 20. NRS 548.178 is hereby amended to read as follows:

548.178 1. The Commission may establish programs for distributing, within the limits of legislative appropriations and other available money, grants of money to conservation districts. Distribution of such grants must be made in the following manner:

(a) Except as otherwise provided in subsection 4, the Commission shall distribute grants of money provided by legislative appropriation in equal amounts to each conservation district which the Commission determines qualifies for a grant.

(b) The Commission may distribute grants of money provided by sources other than legislative appropriation in such amounts and subject to such conditions as the Commission determines appropriate to any conservation district which the Commission determines qualifies for a grant.

2. The Commission may determine that a conservation district qualifies for a grant of money pursuant to this section if the district demonstrates to the satisfaction of the Commission that the district:

(a) Has been established in accordance with the provisions of ~~[[this chapter]]~~ **NRS 548.010 to 548.550, inclusive**; and

(b) Is in compliance with all of the requirements of ~~[[this chapter]]~~ **NRS 548.010 to 548.550, inclusive**, and the regulations of the Commission adopted pursuant thereto.

3. Except as may otherwise be provided as a condition of a grant of money distributed by the Commission pursuant to paragraph (b) of subsection 1, a conservation district that is awarded a grant of money pursuant to this section may use the money for reasonable and necessary expenses incurred by the district in carrying out its duties and authorities in accordance with ~~[[this chapter]]~~ **the provisions of NRS 548.010 to 548.550, inclusive**, and the annual district budget approved by the Commission.

4. With regard to money provided by legislative appropriation, the Commission may distribute grants of money to conservation districts in unequal amounts if:

(a) The grants of money are for a specific competitive grant program for which the Legislature expressly appropriated money; and

(b) The competitive grant program described in paragraph (a) is governed by regulations specifically adopted to govern that competitive grant program and those regulations expressly state that the grants of money may be distributed in unequal amounts.

5. The Commission may adopt such regulations as it considers necessary to carry out the provisions of this section.

Sec. 21. NRS 548.190 is hereby amended to read as follows:

548.190 1. Within 30 days after such a petition has been filed with the Commission, it shall cause due notice to be given of a proposed hearing upon:

(a) The question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such district.

(b) The question of the appropriate boundaries to be assigned to such district.

(c) The propriety of the petition and other proceedings taken under ~~this chapter.~~ *the provisions of NRS 548.010 to 548.550, inclusive.*

(d) All questions relevant to such inquiries.

2. All occupiers of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested persons, shall have the right to attend such hearings and to be heard.

3. If it shall appear upon the hearing that it may be desirable to include, within the proposed district, territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing shall be held.

Sec. 22. NRS 548.195 is hereby amended to read as follows:

548.195 1. After such hearing, if the Commission determines, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the territory considered at the hearing, the Commission shall make and record such determination, and shall determine the township or townships to be included in the district.

2. In making such determination, the Commission shall give due weight and consideration to:

(a) The topography of the area considered and of the State.

(b) The composition of soils therein.

(c) The distribution of erosion.

(d) The prevailing land use practices.

(e) The desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries.

(f) The relation of the proposed area to existing watersheds and agricultural regions, and to other conservation districts already organized or proposed for organization under the provisions of ~~this chapter.~~ *NRS 548.010 to 548.550, inclusive.*

(g) Such other physical, geographical and economic factors as are relevant, having due regard to the legislative determinations set forth in NRS 548.095 to 548.113, inclusive.

3. After consideration of the petition and of any other evidence of interest in the organization of a district, and of the relevant factors regarding the need for a district to function in the territory being considered, the Commission may make the determination of such need without holding a hearing.

Sec. 23. NRS 548.205 is hereby amended to read as follows:

548.205 1. After the Commission has made and recorded a determination that there is need, in the interest of the public health, safety and

welfare, for the organization of a district in a particular territory and has determined the township or townships to be included, the Commission shall consider the question whether the operation of a district within such territory with the powers conferred upon conservation districts in ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**, is administratively practicable and feasible.

2. To assist the Commission in the determination of such administrative practicability and feasibility, the Commission shall, within a reasonable time after entry of the finding that there is need for the organization of the proposed district and the determination of its territory, hold a referendum within the proposed district upon the proposition of the creation of the district, and shall cause due notice of such referendum to be given.

3. The question shall be submitted by ballots upon which the words “For creation of a conservation district consisting of the township (or townships) of in the county (or counties) of” and “Against creation of a conservation district consisting of the township (or townships) of in the county (or counties) of” shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions, as the voter may favor or oppose creation of such district.

4. All persons determined by the county clerk or clerks to be registered voters residing within the boundaries of the proposed conservation district shall be eligible to vote in such referendum.

Sec. 24. NRS 548.210 is hereby amended to read as follows:

548.210 1. The Commission shall:

(a) Pay all expenses for the issuance of such notices and the conduct of such hearings and referendum.

(b) Supervise the conduct of such hearings and referendum.

(c) Issue appropriate regulations governing the conduct of such hearings and referendum, and providing for the registration prior to the date of the referendum of all eligible voters, or prescribing some other appropriate procedure for the determination of those eligible as voters in such referendum.

2. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate the referendum or the result thereof if notice thereof shall have been given substantially as provided in ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**, and the referendum shall have been fairly conducted.

Sec. 25. NRS 548.215 is hereby amended to read as follows:

548.215 1. The Commission shall publish the result of the referendum and shall thereafter consider and determine whether the operation of the district is administratively practicable and feasible.

2. If the Commission determines that the operation of such district is not administratively practicable and feasible, the Commission shall record such determination and deny the petition.

3. If the Commission determines that the operation of the district is administratively practicable and feasible, the Commission shall record such

determination and shall proceed with the organization of the district in the manner provided in ~~this chapter~~ **the provisions of NRS 548.010 to 548.550, inclusive**. The Commission shall not determine that the operation of the proposed district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the creation of the district are cast in favor of the creation of such district.

4. In making such determination, the Commission shall give due regard and weight to:

(a) The attitudes of the occupiers of lands lying within the defined boundaries.

(b) The number of eligible registered voters who voted in the referendum.

(c) The proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast.

(d) The approximate wealth and income of the land occupiers of the proposed district.

(e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative determinations set forth in NRS 548.095 to 548.113, inclusive.

Sec. 26. NRS 548.220 is hereby amended to read as follows:

548.220 After 6 months shall have expired from the date of entry of a determination by the Commission that operation of a proposed district is not administratively practicable and feasible, and denial of a petition pursuant to such determination, subsequent petitions may be filed and action taken thereon in accordance with the provisions of ~~this chapter~~ **NRS 548.010 to 548.550, inclusive**.

Sec. 27. NRS 548.235 is hereby amended to read as follows:

548.235 1. The five appointed supervisors shall present to the Program an application signed by them, which states:

(a) That a petition for the creation of the district was filed with the Commission pursuant to the provisions of ~~this chapter~~ **NRS 548.010 to 548.550, inclusive**, and that the proceedings specified in ~~this chapter~~ **NRS 548.010 to 548.550, inclusive**, were taken pursuant to that petition.

(b) That the application is being filed in order to complete the organization of the district as a governmental subdivision and a public body, corporate and politic, under ~~this chapter~~ **the provisions of NRS 548.010 to 548.550, inclusive**.

(c) That the Commission has appointed them as supervisors.

(d) The name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office.

(e) The term of office of each of the supervisors.

(f) The name which is proposed for the district.

(g) The location of the principal office of the supervisors of the district.

2. The application must be subscribed and sworn to by each of the supervisors before a person authorized to take and certify oaths, who shall certify upon the application that the person personally knows the supervisors and knows them to be the officers as affirmed in the application, and that each has subscribed thereto in the officer's presence.

3. The application must be accompanied by a statement by the Commission:

(a) That a petition was filed, notice issued and hearing held as required by ~~this chapter.~~ ***the provisions of NRS 548.010 to 548.550, inclusive.***

(b) That the Commission did determine that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the proposed territory and did define the township or townships to be included.

(c) That notice was given and a referendum held on the question of the creation of such a district, and that a majority of the votes cast in such referendum were in favor of the creation of the district.

(d) That thereafter the Commission did determine that the operation of the proposed district is administratively practicable and feasible.

4. The statement must set forth the township or townships to be included.

Sec. 28. NRS 548.240 is hereby amended to read as follows:

548.240 1. The Program shall examine the application and statement, and if the Program finds that the name proposed for the district is not identical with that of any other conservation district of this State or so nearly similar as to lead to confusion or uncertainty, the Program shall record them in an appropriate book of record.

2. If the Program finds that the name proposed for the district is identical with that of any other conservation district of this State, or so nearly similar as to lead to confusion and uncertainty, the Program shall notify the Commission. The Commission shall thereupon submit a new name for the district. Upon receipt of a new name, free of such defects, the Program shall record the application and statement, with the name so modified, in an appropriate book of record.

3. When the application and statement have been recorded, the district becomes a governmental subdivision of this State and a public body corporate and politic.

4. The Program shall make and issue to the supervisors a certificate, over the signature of a member of the staff of the Program, of the organization of the district.

5. The boundaries of the district must include the territory determined by the Commission, but must not include any area included within the boundaries of another conservation district organized under the provisions of ~~this chapter.~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 29. NRS 548.245 is hereby amended to read as follows:

548.245 1. In any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding or action of the district, the district shall be deemed to have been established in accordance with the

provisions of ~~[this chapter]~~ *NRS 548.010 to 548.550, inclusive*, upon proof of the issuance of the certificate by the Program.

2. A copy of such a certificate issued by the Program is admissible in evidence in any such suit, action or proceeding and is proof of the contents thereof.

Sec. 30. NRS 548.280 is hereby amended to read as follows:

548.280 Each district shall be governed by a board consisting of five supervisors elected at large and one or more appointed supervisors, as provided in ~~[this chapter]~~ *the provisions of NRS 548.010 to 548.550, inclusive*.

Sec. 31. NRS 548.330 is hereby amended to read as follows:

548.330 The supervisors shall furnish to the State Conservation Commission, upon request:

1. Copies of such ordinances, rules, regulations, orders, contracts, forms and other documents as they shall adopt or employ; and

2. Such other information concerning their activities as the Commission may require in the performance of its duties under ~~[this chapter]~~ *the provisions of NRS 548.010 to 548.550, inclusive*.

Sec. 32. NRS 548.340 is hereby amended to read as follows:

548.340 A conservation district organized under the provisions of ~~[this chapter]~~ *NRS 548.010 to 548.550, inclusive*, shall constitute a governmental subdivision of this State and a public body corporate and politic, exercising public powers.

Sec. 33. NRS 548.345 is hereby amended to read as follows:

548.345 In addition to other powers granted in ~~[this chapter]~~ *the provisions of NRS 548.010 to 548.550, inclusive*, a district and the supervisors thereof shall have the power to conduct surveys, investigations and research relating to the conservation of renewable natural resources and the preventive and control measures needed, to publish the results of such surveys, investigations or research, and to disseminate information concerning such preventive and control measures; but in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this State or any of its agencies, or with the United States or any of its agencies.

Sec. 34. NRS 548.350 is hereby amended to read as follows:

548.350 In addition to other powers granted in ~~[this chapter]~~ *the provisions of NRS 548.010 to 548.550, inclusive*, a district and the supervisors thereof shall have the power to conduct demonstrational projects within the district on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district, upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods and measures by which renewable natural resources may be conserved.

Sec. 35. NRS 548.355 is hereby amended to read as follows:

548.355 In addition to other powers granted in ~~{this chapter,}~~ *the provisions of NRS 548.010 to 548.550, inclusive*, a district and the supervisors thereof may:

1. Carry out preventive and control measures within the district, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation and changes in the use of land; and

2. Repair and restore property within the district, including, but not limited to, wetlands, stream corridors and other riparian property,

↪ on land owned or controlled by any government or municipal corporation, with the cooperation of the agency administering and having jurisdiction thereof, and on any other land within the district, upon obtaining the consent of all persons holding any relevant rights or interests in such land.

Sec. 36. NRS 548.360 is hereby amended to read as follows:

548.360 In addition to other powers granted in ~~{this chapter,}~~ *the provisions of NRS 548.010 to 548.550, inclusive*, a district and the supervisors thereof may cooperate or enter into agreements with and, within the limits of appropriations made available to it by law and any money it acquires from any other source, furnish financial or other aid to any governmental or other agency, or any occupier of land within the district, in conserving renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of ~~{this chapter,}~~ *NRS 548.010 to 548.550, inclusive*.

Sec. 37. NRS 548.365 is hereby amended to read as follows:

548.365 In addition to other powers granted in ~~{this chapter,}~~ *the provisions of NRS 548.010 to 548.550, inclusive*, a district and the supervisors thereof shall have the power to make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and such other material or equipment as will assist such land occupiers in carrying on operations upon their lands for the conservation of renewable natural resources.

Sec. 38. NRS 548.370 is hereby amended to read as follows:

548.370 In addition to other powers granted in ~~{this chapter,}~~ *the provisions of NRS 548.010 to 548.550, inclusive*, a district and the supervisors thereof shall have the power to construct, operate, improve and maintain such facilities and structures as may be necessary or convenient for the performance of any of the operations authorized in ~~{this chapter,}~~ *NRS 548.010 to 548.550, inclusive*.

Sec. 39. NRS 548.375 is hereby amended to read as follows:

548.375 In addition to other powers granted in ~~{this chapter,}~~ *the provisions of NRS 548.010 to 548.550, inclusive*, a district and the supervisors thereof shall have the power:

1. To develop comprehensive plans for the conservation of renewable natural resources within the district, which plans shall specify in such detail as

may be possible the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in the use of land; and

2. To publish such plans and information and bring them to the attention of occupiers of lands within the district.

Sec. 40. NRS 548.380 is hereby amended to read as follows:

548.380 In addition to other powers granted in ~~{this chapter,}~~ ***the provisions of NRS 548.010 to 548.550, inclusive***, a district and the supervisors thereof may:

1. Manage or administer any project for the conservation of a renewable natural resource located within its boundaries undertaken by any person, municipal corporation or government.

2. Act as an agent of any person, municipal corporation or government in connection with the acquisition, construction, operation or administration of any project for the conservation of a renewable natural resource within its boundaries.

3. Accept donations, gifts and contributions in money, services, materials or any other form from any source, and use or expend such money, services, materials or other contributions in carrying on its operations.

4. Participate in cost-sharing on federally financed projects.

Sec. 41. NRS 548.385 is hereby amended to read as follows:

548.385 In addition to other powers granted in ~~{this chapter,}~~ ***the provisions of NRS 548.010 to 548.550, inclusive***, a district and the supervisors thereof shall have the power:

1. To sue and be sued in the name of the district.

2. To have a seal, which seal shall be judicially noticed.

3. To have perpetual succession, unless terminated as provided in ~~{this chapter,}~~ ***the provisions of NRS 548.010 to 548.550, inclusive***.

4. To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

5. To make, and from time to time amend and repeal, rules and regulations not inconsistent with ~~{this chapter,}~~ ***the provisions of NRS 548.010 to 548.550, inclusive***, to carry into effect its purposes and powers.

Sec. 42. NRS 548.390 is hereby amended to read as follows:

548.390 As a condition to the extending of any benefits under ~~{this chapter,}~~ ***the provisions of NRS 548.010 to 548.550, inclusive***, to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the supervisors may require contributions in money, services, materials or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

Sec. 43. NRS 548.393 is hereby amended to read as follows:

548.393 In addition to other powers granted in ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** a district and the supervisors thereof may, in furtherance of the purposes and provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive:***

1. Obtain options upon and acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, except by adverse possession, any property, real or personal, or rights or interests therein;
2. Maintain, administer and improve any properties acquired;
3. Receive income from such properties and expend that income; and
4. Sell, lease or otherwise dispose of any of its property or interests therein.

Sec. 44. NRS 548.395 is hereby amended to read as follows:

548.395 No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district organized under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** unless the Legislature shall specifically so state.

Sec. 45. NRS 548.400 is hereby amended to read as follows:

548.400 1. The supervisors of any two or more districts organized under the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive,*** may cooperate with and enter into agreements with one another in the exercise of any or all powers conferred in ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

2. Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in the other states permits the districts in the states to enter into the agreements.

Sec. 46. NRS 548.405 is hereby amended to read as follows:

548.405 1. Agencies of this State which shall have jurisdiction over, or be charged with the administration of, any state-owned lands, and agencies of any county or other governmental subdivision of the State which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any district organized under ~~[this chapter.]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** shall cooperate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

2. The supervisors of such districts shall be given free access to enter and perform work upon such publicly owned lands.

3. The provisions of land use regulations adopted pursuant to NRS 548.410 to 548.435, inclusive, shall have the force and effect of law over all such publicly owned lands, and shall be in all respects observed by the agencies administering such lands.

Sec. 47. NRS 548.4052 is hereby amended to read as follows:

548.4052 1. Subject to the provisions of NRS 548.4053 and 548.4054, and only after receiving the approval of a majority of the registered voters of

the conservation district voting on the question at a primary, general or special election held pursuant to NRS 548.4053 or at an election conducted by mail pursuant to NRS 548.4054:

(a) If a conservation district includes land lying in only one county, the board of county commissioners of the county shall impose, on behalf of the conservation district, an annual fee of not more than \$25 on each parcel in the conservation district; and

(b) If a conservation district includes land lying in more than one county, the boards of county commissioners of the respective counties shall impose, on behalf of the conservation district, an annual fee of not more than \$25 on each parcel in the conservation district.

2. A fee imposed pursuant to subsection 1 must be collected as are other fees and taxes imposed by the board of county commissioners are collected. A board of county commissioners that imposes the fee shall establish a separate fund in the county treasury for the receipt and expenditure of and accounting for the proceeds of the fee.

3. Money collected pursuant to this section may be used only for the purposes of ~~[this chapter.]~~ ***NRS 548.010 to 548.550, inclusive.***

Sec. 48. NRS 548.410 is hereby amended to read as follows:

548.410 1. The supervisors of any district may file petitions with the State Conservation Commission at any time to request it to formulate land use regulations applicable to the district.

2. The Commission shall prescribe the form of the petition, which shall be, as nearly as practicable, in the form prescribed in ~~[this chapter]~~ ***the provisions of NRS 548.010 to 548.550, inclusive,*** for petitions to organize a district.

3. The ~~[State Conservation]~~ Commission shall have authority to formulate regulations, based upon the petition, governing the use of lands within a district in the interest of conserving renewable natural resources and preventing and controlling soil erosion and sedimentation.

4. The Commission shall conduct, after due notice, public meetings and public hearings within the district or districts concerned upon such regulations as it deems necessary to assist it in consideration thereof.

5. The Commission shall determine, on the basis of information presented in the petition or brought out in public hearings, and on the basis of the number of petitioners in relation to the total number of occupiers of land lying within the district, whether it can render a reasonable determination of approval or denial of the petition without holding a referendum, or whether a referendum shall be held.

Sec. 49. NRS 548.415 is hereby amended to read as follows:

548.415 If a referendum is to be held:

1. The proposed regulations shall be embodied in a proposed ordinance.

2. Copies of such proposed ordinance shall be available for the inspection of all eligible voters during the period between publication of such notice and the date of the referendum.

3. The notices of the referendum shall recite the contents of such proposed ordinance, or shall state where copies of such proposed ordinance can be examined.

4. The question shall be submitted by ballots, upon which the words “For approval of proposed ordinance No., prescribing land use regulations for conservation of soil and prevention of erosion” and “Against approval of proposed ordinance No., prescribing land use regulations for conservation of soil and prevention of erosion” shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions as the voter may favor or oppose approval of such proposed ordinance.

5. The Commission shall supervise such referendum, shall prescribe appropriate regulations governing the conduct thereof, and shall publish the result thereof.

6. All persons determined by the county clerk or clerks to be registered voters residing within the district are eligible to vote in such referendum.

7. No informalities in the conduct of such referendum or in any matters relating thereto invalidate the referendum or the result thereof if notice thereof was given substantially as provided in ~~this chapter~~ ***the provisions of NRS 548.010 to 548.550, inclusive***, and the referendum was fairly conducted.

Sec. 50. NRS 548.495 is hereby amended to read as follows:

548.495 1. The board of adjustment shall adopt rules to govern its procedures, which rules shall be in accordance with the provisions of ~~this chapter~~ ***NRS 548.010 to 548.550, inclusive***, and with the provisions of any ordinance adopted pursuant to NRS 548.460.

2. The board shall keep a full and accurate record of all proceedings, of all documents filed with it, and of all orders entered, which shall be filed in the office of the board and shall be a public record.

Sec. 51. NRS 548.515 is hereby amended to read as follows:

548.515 1. Petitions for including additional territory within an existing district shall be filed with the Commission.

2. The proceedings provided for in ~~this chapter~~ ***the provisions of NRS 548.010 to 548.550, inclusive***, in the case of petitions to organize a district shall be observed in the case of petitions for inclusion, except that the application for a certificate of inclusion shall be signed by the chair and the secretary of the governing body of the district into which the additional territory is to be included.

3. The Commission shall prescribe the form for the petitions, which shall be, as nearly as practicable, in the form prescribed in ~~this chapter~~ ***the provisions of NRS 548.010 to 548.550, inclusive***, for petitions to organize a district.

4. Where the total number of land occupiers in the area proposed for inclusion shall be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no referendum need be held.

5. In referenda upon petitions for inclusion, all occupiers of land lying within the proposed additional area shall be eligible to vote.

6. The Commission shall determine whether or not such inclusion shall be made.

Sec. 52. NRS 548.520 is hereby amended to read as follows:

548.520 1. Petitions to withdraw lands from a district may be filed with the Commission at any time.

2. The Commission shall prescribe the form of the petition, which shall be, as nearly as practicable, in the form prescribed in ~~the chapter~~ *the provisions of NRS 548.010 to 548.550, inclusive*, for petitions to organize a district.

3. Where the total number of land occupiers in the area affected by a proposed withdrawal will be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no referendum need be held.

4. In referenda upon petitions for withdrawal, all occupiers of land lying within the area affected by the proposed change in boundary shall be eligible to vote.

5. The Commission shall determine whether or not such withdrawal shall be made.

Sec. 53. NRS 548.525 is hereby amended to read as follows:

548.525 1. At any time after 5 years after the organization of a district under the provisions of ~~the chapter,~~ *NRS 548.010 to 548.550, inclusive*, any 10 occupiers of land lying within the boundaries of such district may file a petition with the Commission praying that the operations of the district be terminated and the existence of the district be discontinued.

2. The Commission may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof.

3. The Commission shall determine, on the basis of information presented in the petition or brought out in public hearings and on the basis of the number of petitioners in relation to the total number of occupiers of land lying within the district, whether it can render a reasonable determination of approval or denial of the petition without holding a referendum, or whether a referendum shall be held.

Sec. 54. NRS 548.530 is hereby amended to read as follows:

548.530 1. Within 60 days after a petition for discontinuance has been received by the Commission, it shall give due notice of the holding of the referendum if one is to be held.

2. The Commission shall supervise the referendum and issue appropriate regulations governing the conduct thereof.

3. The question shall be submitted by ballots upon which the words “For terminating the existence of the (name of the conservation district to be here inserted)” and “Against terminating the existence of the (name of the conservation district to be here inserted)” shall be printed, with a

square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions, as the voter may favor or oppose discontinuance of such district.

4. All persons determined by the county clerk or clerks to be registered voters residing within the district are eligible to vote in such referendum.

5. No informalities in the conduct of such referendum or in any matters relating thereto invalidate the referendum or the result thereof if notice thereof was given substantially as provided in ~~[this chapter]~~ **the provisions of NRS 548.010 to 548.550, inclusive**, and the referendum was fairly conducted.

6. The Commission shall publish the result of the referendum.

Sec. 55. NRS 548.540 is hereby amended to read as follows:

548.540 The Commission shall not entertain petitions for the discontinuance of any district, nor conduct referenda upon such petitions, nor make any determination pursuant to such petitions in accordance with the provisions of ~~[this chapter]~~ **NRS 548.010 to 548.550, inclusive**, more often than once in 5 years.

Sec. 56. NRS 555.206 is hereby amended to read as follows:

555.206 1. If the area included in a weed control district is entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to ~~[chapter 548 of]~~ **NRS [] 548.010 to 548.550, inclusive**, the board of county commissioners of the county and the supervisors of the conservation district may enter into an agreement for the supervisors of the conservation district to serve, ex officio, as the board of directors of the weed control district. If, as a result of a change in boundaries, the area included in a weed control district is no longer entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to ~~[chapter 548 of]~~ **NRS [] 548.010 to 548.550, inclusive**, the supervisors of the conservation district may no longer serve, ex officio, as the board of directors of the weed control district, and the supervisors of the weed control district must be appointed pursuant to NRS 555.205.

2. An agreement entered into pursuant to subsection 1 may be terminated by mutual agreement of the board of county commissioners and the supervisors of the conservation district. If an agreement is terminated pursuant to this section, the board of directors of the weed control district must be appointed pursuant to NRS 555.205.

3. The supervisors of a conservation district serving ex officio as the board of directors of a weed control district pursuant to this section shall ensure that any money collected by the weed control district pursuant to an assessment levied pursuant to NRS 555.215, and any other money appropriated or granted to the weed control district from any source, is expended only for the purposes of NRS 555.202 to 555.220, inclusive.

Sec. 57. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420,

62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,
75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615,
87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067,
88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280,
119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130,
125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130,
127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044,
172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630,
178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160,
200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392,
209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040,
213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625,
218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270,
228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300,
239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,
239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007,
241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550,
247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490,
268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680,
281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110,
286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002,
293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910,
293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070,
338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775,
353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,
360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180,
370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495,
385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,
388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035,
391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315,
392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975,
394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159,
396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885,
408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749,
422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028,
432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430,
432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941,
439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754,
439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330,
442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805,
453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056,
459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093,

482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, **section 10 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

2. A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or

copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

4. If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if:

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

- (1) Give access to proprietary software; or
- (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

5. An officer, employee or agent of a governmental entity who has legal custody or control of a public record:

(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium.

(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 58. NRS 318A.280 is hereby amended to read as follows:

318A.280 1. In any region of this State for which there has been established by interstate compact a regional planning agency, the powers of any district created pursuant to this chapter with respect to the location and construction of all facilities, improvements or projects are subordinate to the powers of such regional planning agency.

2. If the boundaries of a district overlap with the boundaries of a conservation district formed pursuant to ~~chapter 548 of~~ NRS ~~[,]~~ **548.010 to 548.550, inclusive**, the board of the district must coordinate and consult with the board of supervisors of the conservation district on matters that may impact the conservation district.

Sec. 59. 1. There is hereby appropriated from the State General Fund to the ~~[State Conservation Commission]~~ **Conservation Districts Program** in the State Department of Conservation and Natural Resources the sum of \$200,000 for **providing staff services to the State Conservation Commission in the State Department of Conservation and Natural Resources in** administering the Healthy Soils Initiative created by section 7 of this act, and for the salary of an employee to assist the Commission in ~~Administering the Healthy Soils~~

~~Initiative.]~~ **carrying out the provisions of sections 2 to 11, inclusive, of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 60. 1. This section and section 59 of this act become effective upon passage and approval.

2. Sections 1 to 58, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Cohen moved the adoption of the amendment.

Remarks by Assemblywoman Cohen.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 23.

ASSEMBLYWOMEN CONSIDINE, ~~(AND)~~ ANDERSON **AND BILBRAY-AXELROD**

AN ACT relating to incarcerated persons; requiring institutions and facilities of the Department of Corrections ~~[and city or county jails and detention facilities]~~ to provide incarcerated persons with original, physical copies of mail under certain circumstances; requiring such institutions, ~~[]~~ **and** facilities and **city or county jails, and detention facilities** to provide notification to certain persons of a ~~[serious or]~~ critical medical condition of an incarcerated person; **requiring such institutions, facilities and jails to provide an opportunity for an incarcerated person to call a friend, relative or other person to provide notification of a critical medical condition of the incarcerated person under certain circumstances;** requiring such institutions, facilities and jails to ensure the timely filling of prescriptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to establish regulations with the approval of the Board of State Prison Commissioners, including regulations relating to the custody, care, training, health and safety of offenders. (NRS 209.131) **Section 2** of this bill requires the Department to provide to an offender the original, physical copy of any

physical mail addressed to the offender that the offender is entitled and allowed to receive. **Section 3** of this bill requires the Department to ensure that an offender completes a medical release of information form at the time of intake and has the ability to update the completed form as necessary. If an offender in the custody of the Department is hospitalized for or diagnosed with a ~~[serious or]~~ critical medical condition ~~[,]~~ **which requires the offender to stay in a medical facility overnight, section 3** requires the Department, within ~~[4]~~ **24** hours ~~[of]~~ **after** such hospitalization or diagnosis, to attempt to inform all persons authorized by the current medical release of information form about the health status of the offender. **If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which does not require the offender to stay in a medical facility overnight, section 3 requires the Department, within 4 hours after the return of the offender to the institution or facility at which the offender is incarcerated, to provide the offender with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the offender.**

Section 4 of this bill requires the Department to ensure that if an offender requires prescription medication, the prescription will be filled in a timely manner.

Sections ~~[6-8]~~ 7 and 8 of this bill impose upon county and city jails and detention facilities requirements similar to those contained in **sections ~~[2-4]~~ 3 and 4**.

Section 9 of this bill requires the Department to revise its regulations to conform with the provisions of **sections 2-4**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *An institution or facility shall provide an offender with the original, physical copy of any mail addressed to the offender that the offender is entitled and allowed to receive.*

2. *As used in this section, “original, physical copy” means a letter, card or other document received by the institution or facility from the United States Postal Service or other delivery service. The term does not include mail that is scanned, photocopied or otherwise duplicated by the institution or facility or any entity contracted by the institution or facility to provide such a service.*

Sec. 3. 1. *The Department shall ensure that each offender:*

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If an offender in the custody of the Department is hospitalized for or diagnosed with a ~~serious or~~ critical medical condition ~~for~~ which requires the offender to stay in a medical facility overnight, the Department shall, within ~~4~~ 24 hours ~~for~~ after such hospitalization or diagnosis, attempt to inform all persons authorized by the current medical release of information form about the health status of the offender.

3. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which does not require the offender to stay in a medical facility overnight, the Department shall, within 4 hours after the return of the offender to the institution or facility at which the offender is incarcerated, provide the offender with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the offender.

4. As used in this section ~~for~~ “serious or critical” :

(a) “Critical medical condition” means ~~for~~
~~(a) A~~ a condition diagnosed by a provider of health care that:

- (1) Is terminal; ~~for~~
- (2) Requires life-sustaining medical treatment; ~~for~~
- (3) Involves a significant risk of death; or
- (4) Involves extreme physical illness.

(b) ~~[An injury or illness that requires an offender to be admitted to a hospital for treatment.] “Medical facility” has the meaning ascribed to it in NRS 449.0151.~~

Sec. 4. If an offender in the custody of the Department requires prescription medication for any physical or mental illness, the Department shall ensure that:

1. If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or
2. If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.

Sec. 5. Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[6,]~~ 7 and 8 of this act.

Sec. 6. ~~[1. A county or city jail or detention facility shall provide a prisoner the original, physical copy of any mail addressed to the prisoner that the prisoner is entitled and allowed to receive.~~

~~2. As used in this section, “original, physical copy” means a letter, card or other document received by the jail or detention facility from the United States Postal Service or other delivery service. The term does not include mail that is scanned, photocopied or otherwise duplicated by the jail or detention facility or any entity contracted by the jail or detention facility to provide such a service.] (Deleted by amendment.)~~

Sec. 7. 1. Each county or city jail or detention facility shall ensure that each prisoner:

(a) *Completes a medical release of information form at the time of intake; and*

(b) *Has the ability to update a completed medical release of information form as necessary.*

2. *If a prisoner in the custody of a jail or detention facility is hospitalized for or diagnosed with a ~~serious or~~ critical medical condition ~~that~~ which requires the prisoner to stay in a medical facility overnight, the jail or detention facility shall, within ~~41~~ 24 hours ~~of~~ after such hospitalization or diagnosis, attempt to inform all persons listed on the current medical release of information form about the health status of the prisoner.*

3. *If a prisoner in the custody of a jail or detention facility is hospitalized for or diagnosed with a critical medical condition which does not require the prisoner to stay in a medical facility overnight, the jail or detention facility shall, within 4 hours after the return of the prisoner to the jail or detention facility at which the prisoner is imprisoned, provide the prisoner with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the prisoner.*

4. *As used in this section ~~the~~ “serious or critical” :*

(a) *“Critical medical condition” means ~~the~~*

~~(a) A~~ *a condition diagnosed by a provider of health care that:*

(1) *Is terminal; ~~or~~*

(2) *Requires life-sustaining medical treatment; ~~or~~*

(3) *Involves a significant risk of death; or*

(4) *Involves extreme physical illness.*

(b) ~~[An injury or illness that requires a prisoner to be admitted to a hospital for treatment.]~~ *“Medical facility” has the meaning ascribed to it in NRS 449.0151.*

Sec. 8. *If a prisoner in the custody of a county or city jail or detention facility requires prescription medication for any physical or mental illness, the jail or detention facility shall ensure that:*

1. *If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or*

2. *If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.*

Sec. 9. The Department of Corrections shall, as soon as practicable, amend or repeal any existing regulations that conflict or are inconsistent with the provisions of sections 2, 3 and 4 of this act.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

The following amendment was proposed by Assemblywoman Considine:

Amendment No. 24.

ASSEMBLYWOMEN CONSIDINE, ~~AND~~ ANDERSON, GONZÁLEZ AND SUMMERS-ARMSTRONG

AN ACT relating to incarcerated persons; requiring institutions and facilities of the Department of Corrections and city or county jails and detention facilities to provide incarcerated persons with original, physical copies of mail under certain circumstances; requiring such institutions, facilities and jails to provide notification to certain persons of a serious or critical medical condition of an incarcerated person; requiring such institutions, facilities and jails to ensure the timely filling of prescriptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to establish regulations with the approval of the Board of State Prison Commissioners, including regulations relating to the custody, care, training, health and safety of offenders. (NRS 209.131) **Section 2** of this bill requires the Department to provide to an offender the original, physical copy of any physical mail addressed to the offender that the offender is entitled and allowed to receive. **Section 3** of this bill requires the Department to ensure that an offender completes a medical release of information form at the time of intake and has the ability to update the completed form as necessary. If an offender in the custody of the Department is hospitalized for or diagnosed with a serious or critical medical condition, **section 3** requires the Department, within 4 hours of such hospitalization or diagnosis, to attempt to inform all persons authorized by the current medical release of information form about the health status of the offender.

Section 4 of this bill requires the Department to ensure that if an offender requires prescription medication, the prescription will be filled in a timely manner.

Sections 6-8 of this bill impose upon county and city jails and detention facilities requirements similar to those contained in **sections 2-4**.

Section 9 of this bill requires the Department to revise its regulations to conform with the provisions of **sections 2-4**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. 1. *An institution or facility shall provide an offender with the original, physical copy of any mail addressed to the offender that the offender is entitled and allowed to receive.*

2. *As used in this section, "original, physical copy" means a letter, card or other document received by the institution or facility from the United States Postal Service or other delivery service. The term does not include mail that is scanned, photocopied or otherwise duplicated by the institution*

or facility or any entity contracted by the institution or facility to provide such a service.

Sec. 3. 1. The Department shall ensure that each offender:

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If an offender in the custody of the Department is hospitalized for or diagnosed with a serious or critical medical condition, the Department shall, within 4 hours of such hospitalization or diagnosis, attempt to inform all persons authorized by the current medical release of information form about the health status of the offender.

3. As used in this section, “serious or critical medical condition” means:

(a) A condition diagnosed by a provider of health care that:

(1) Is terminal; or

(2) Requires life-sustaining medical treatment; or

(b) An injury or illness that requires an offender to be admitted to a hospital for treatment.

Sec. 4. If an offender in the custody of the Department requires prescription medication for any physical or mental illness, the Department shall ensure that:

1. If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or

2. If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.

Sec. 5. Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. 1. A county or city jail or detention facility shall provide a prisoner the original, physical copy of any mail addressed to the prisoner that the prisoner is entitled and allowed to receive.

2. As used in this section, “original, physical copy” means a letter, card or other document received by the jail or detention facility from the United States Postal Service or other delivery service. The term does not include mail that is scanned, photocopied or otherwise duplicated by the jail or detention facility or any entity contracted by the jail or detention facility to provide such a service.

Sec. 7. 1. Each county or city jail or detention facility shall ensure that each prisoner:

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If a prisoner in the custody of a jail or detention facility is hospitalized for or diagnosed with a serious or critical medical condition, the jail or

detention facility shall, within 4 hours of such hospitalization or diagnosis, attempt to inform all persons listed on the current medical release of information form about the health status of the prisoner.

3. *As used in this section, “serious or critical medical condition” means:*

(a) A condition diagnosed by a provider of health care that:

(1) Is terminal; or

(2) Requires life-sustaining medical treatment; or

(b) An injury or illness that requires a prisoner to be admitted to a hospital for treatment.

Sec. 8. *If a prisoner in the custody of a county or city jail or detention facility requires prescription medication for any physical or mental illness, the jail or detention facility shall ensure that:*

1. *If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or*

2. *If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.*

Sec. 9. The Department of Corrections shall, as soon as practicable, amend or repeal any existing regulations that conflict or are inconsistent with the provisions of sections 2, 3 and 4 of this act.

Assemblywoman Considine moved the adoption of the amendment.

Remarks by Assemblywoman Considine.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 22.

AN ACT relating to tobacco; providing an exception to the age verification requirements governing the sale, distribution or offering for sale of tobacco products **for a face-to-face transaction that occurs** within certain areas of a casino; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law prohibits a person from selling, distributing or offering to sell cigarettes, cigarette paper or other tobacco products to any person under 40 years of age without first performing age verification. (NRS 370.521) This bill provides an exception to that requirement, allowing the sale, distribution or offering of tobacco products without age verification **in a face-to-face transaction that occurs** within an area of a casino where persons under the age of 21 years are already prohibited from loitering. This bill becomes effective upon its passage by the Legislature and approval by the Governor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 370.521 is hereby amended to read as follows:

370.521 1. Except as otherwise provided in subsections 2, 4 and 5, a person shall not sell, distribute or offer to sell cigarettes, cigarette paper, any product containing, made or derived from tobacco, any vapor product, any alternative nicotine product or any product containing, made or derived from nicotine to any person under the age of 21 years.

2. A person shall be deemed to be in compliance with the provisions of subsection 1 if, before the person sells, distributes or offers to sell to another any item described in subsection 1, the person:

(a) Demands that the other person present a valid driver's license, permanent resident card, tribal identification card or other written or documentary evidence which shows that the other person is 21 years of age or older;

(b) Is presented a valid driver's license, permanent resident card, tribal identification card or other written or documentary evidence which shows that the other person is 21 years of age or older; and

(c) Reasonably relies upon the driver's license, permanent resident card, tribal identification card or other written or documentary evidence presented by the other person.

3. ~~1A~~ ***Except as otherwise provided in this subsection, a*** person shall not sell, distribute or offer to sell cigarettes, cigarette paper or other tobacco products to any person under 40 years of age without first performing age verification through enhanced controls that utilize a scanning technology or other automated, software-based system to verify that the person is 21 years of age or older. A person who violates this subsection is liable for a civil penalty of \$100 for each offense. ***The provisions of this subsection do not apply to a person selling, distributing or offering to sell cigarettes, cigarette paper or other tobacco products in a face-to-face transaction that occurs in an area within a casino where loitering by persons who are under 21 years of age is already prohibited pursuant to NRS 463.350. As used in this subsection, "casino" means an establishment which holds a nonrestricted license as defined in NRS 463.0177 and which is operating 16 or more slot machines together with any other game, race book or sports pool.***

4. The employer of a person who is under 21 years of age may, for the purpose of allowing the person to handle or transport any item described in subsection 1 in the course of the person's lawful employment, provide an item described in subsection 1 to the person under 21 years of age.

5. The provisions of this section do not apply to any product regulated by the United States Food and Drug Administration under Subchapter V of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 351 et seq.

6. A person who violates subsection 1 is liable for a civil penalty of:

(a) For the first violation within a 24-month period, \$100.

(b) For the second violation within a 24-month period, \$250.

(c) For the third and any subsequent violation within a 24-month period, \$500.

7. If an employee or agent of a licensee has violated subsection 1:

(a) For the first and second violation within a 24-month period at the same premises, the licensee must be issued a warning.

(b) For the third violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of \$500.

(c) For the fourth violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of \$1,250.

(d) For the fifth and any subsequent violation within a 24-month period at the same premises, the licensee is liable for a civil penalty of \$2,500.

8. A peace officer or any person performing an inspection pursuant to NRS 202.2496 may issue a notice of infraction for a violation of this section. A notice of infraction must be issued on a form prescribed by the Department and must contain:

(a) The location at which the violation occurred;

(b) The date and time of the violation;

(c) The name of the establishment at which the violation occurred;

(d) The signature of the person who issued the notice of infraction;

(e) A copy of the section which allegedly is being violated;

(f) Information advising the person to whom the notice of infraction is issued of the manner in which, and the time within which, the person must submit an answer to the notice of infraction; and

(g) Such other pertinent information as the peace officer or person performing the inspection pursuant to NRS 202.2496 determines is necessary.

9. A notice of infraction issued pursuant to subsection 8 or a facsimile thereof must be filed with the Department and retained by the Department and is deemed to be a public record of matters which are observed pursuant to a duty imposed by law and is prima facie evidence of the facts alleged in the notice.

10. A person to whom a notice of infraction is issued pursuant to subsection 8 shall respond to the notice by:

(a) Admitting the violation stated in the notice and paying to the State of Nevada the applicable civil penalty set forth in subsection 3, 6 or 7.

(b) Denying liability for the infraction by notifying the Department and requesting a hearing in the manner indicated on the notice of infraction. Upon receipt of a request for a hearing pursuant to this paragraph, the Department shall provide the person submitting the request an opportunity for a hearing pursuant to chapter 233B of NRS.

11. Any money collected by the State of Nevada from a civil penalty pursuant to this section must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2493 and 202.2494.

12. As used in this section, “licensee” means a person who holds a license issued by the Department pursuant to this chapter.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 55.

AN ACT relating to counties; authorizing, under certain circumstances, a board of county commissioners to convey without consideration real property acquired directly from the Federal Government for purposes of clearing title to certain persons; exempting such transfers from the real property transfer tax; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth certain procedures for a board of county commissioners to transfer or sell real property. (NRS 244.2795-244.296) **Section 1** of this bill authorizes a board of county commissioners to convey, without consideration and without complying with certain requirements in existing law, real property that the county acquired directly from the Federal Government for the purpose of clearing title to the property. (NRS 244.281) The real property must be conveyed to the person or persons, as applicable, who have an interest in the property. To convey such real property, **section 1** requires the board of county commissioners to execute and record a deed, which is effective upon recordation. **Section 1** further requires the board of county commissioners, upon recordation of the deed, to send actual notice by certified mail to the person or persons to whom the property was conveyed. The notice must include, without limitation, a copy of the recorded deed and information on how the person may disclaim the interest in the property.

Section 5.5 of this bill provides that if a board of county commissioners conveys any real property pursuant to section 1 between October 1, 2023, and June 30, 2024, the county recorder of the county shall report to the Joint Interim Standing Committee on Government Affairs the number of such conveyances initiated or completed.

Sections 2 and 3 of this bill make conforming changes to exempt such conveyances from the provisions that generally apply to the sale or lease of property by a board of county commissioners.

Section 5 of this bill exempts conveyances executed pursuant to **section 1** from the real property transfer tax.

Section 4 of this bill indicates the proper placement of **section 1** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners may convey real property, without consideration or without complying with the provisions of NRS 244.281, if:

(a) The real property was acquired by the county directly from the Federal Government for the purpose of clearing title to the real property; and

(b) The board of county commissioners conveys the real property to the person or persons, as applicable, who have an interest in the real property.

2. If the board of county commissioners conveys real property pursuant to subsection 1, the board must execute and record a deed, which shall be effective upon recordation. Upon recordation, the board of county commissioners must send actual notice by certified mail to the person or persons, as applicable, to whom the property was conveyed that includes, without limitation, a copy of the recorded deed and information on how the person may disclaim the interest in property.

Sec. 2. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, **and section 1 of this act**, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph and paragraph (h) of subsection 1 of NRS 244.281, obtain two independent appraisals of the real property before selling or leasing it. If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

- (a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and
- (b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if:

- (a) The appraiser has an interest in the real property or an adjoining property;
- (b) The real property is located in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or
- (c) The real property is located in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

- (a) The sale or lease is void; and
- (b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 3. NRS 244.281 is hereby amended to read as follows:

244.281 1. Except as otherwise provided in this subsection and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, **and section 1 of this act**, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real

property larger than 1 acre which is approved by the voters at a primary or general election or special election:

(a) When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(1) Sell the real property in the manner prescribed for the sale of real property in NRS 244.282.

(2) Lease the real property in the manner prescribed for the lease of real property in NRS 244.283.

(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the county; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➤ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) Except as otherwise provided in this paragraph and paragraph (h), if the board of county commissioners by its resolution further finds that the real property to be sold or leased is worth more than \$1,000, the board shall select two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the real property. If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the real property is sufficient before selling or leasing it. Except for real property acquired pursuant to NRS 371.047, the board of county commissioners shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at \$1,000 or more, the board of county commissioners may:

(1) Lease the real property; or

(2) Sell the real property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

(e) A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that the sale will be in the best interest of the county and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

(f) A board of county commissioners that disposes of real property pursuant to paragraph (d) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. The board of county commissioners must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, the zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of

the real property, the board of county commissioners may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is listed with a licensed real estate broker, the board of county commissioners must obtain one new appraisal of the real property pursuant to the provisions of NRS 244.2795 before listing the real property for sale or lease at the new appraised value.

2. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

3. As used in this section, “flood control facility” has the meaning ascribed to it in NRS 244.276.

Sec. 4. NRS 371.047 is hereby amended to read as follows:

371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.043 or 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:

(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.

(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.

2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, **and section 1 of this act**, dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:

(a) Abutter’s rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.043 or 371.045, as applicable.

4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:

- (a) Constitutes a taking of all or any part of the property, or interest therein;
- (b) Lowers the value of the property; or
- (c) Constitutes a nuisance.

5. As used in this section:

(a) “Highway with limited access” means a divided highway for through traffic with full control of access and with grade separations at intersections.

(b) “Primary residence” means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.

(c) “Residential real property” means a lot or parcel of not more than 1.5 acres upon which a single-family or multifamily dwelling is located.

Sec. 5. NRS 375.090 is hereby amended to read as follows:

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated business entity if the affiliated business entity has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property, including, without limitation, a transfer by an instrument in writing pursuant to the terms of a land sale installment contract previously recorded and upon which the taxes imposed by this chapter have been paid.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.655 to 111.699, inclusive, and a Death of Grantor Affidavit recorded in the office of the county recorder pursuant to NRS 111.699.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

↪ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. A transfer to an educational foundation. As used in this subsection, “educational foundation” has the meaning ascribed to it in subsection 3 of NRS 388.750.

13. A transfer to a university foundation. As used in this subsection, “university foundation” has the meaning ascribed to it in subsection 3 of NRS 396.405.

14. A transfer to a library foundation. As used in this subsection, “library foundation” has the meaning ascribed to it in NRS 379.0056.

15. A conveyance of real property to a person or persons from a board of county commissioners pursuant to section 1 of this act.

Sec. 5.5. If a board of county commissioners conveys any real property pursuant to section 1 of this act between October 1, 2023, and June 30, 2024, the county recorder of the county shall, on or before July 1, 2024, report to the Joint Interim Standing Committee on Government Affairs the number of such conveyances initiated or completed.

Sec. 6. This act becomes effective ~~upon passage and approval~~ on October 1, 2023, and expires by limitation on June 30, 2025.

Assemblywoman Torres moved the adoption of the amendment.

Remarks by Assemblywoman Torres.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 12.

AN ACT relating to lighting products; prohibiting the sale, offer to sell or distribution of compact fluorescent lamps and linear fluorescent lamps; authorizing the ~~Director of the Office of Energy within the Office of the Governor to take certain actions to investigate possible violations; authorizing~~

~~the Director or his or her designee to conduct certain inspections; authorizing the Director to adopt certain regulations; } **Attorney General to bring a civil action against a person who has repeatedly violated such a prohibition;** providing a civil penalty; and providing other matters properly relating thereto.~~

Legislative Counsel’s Digest:

Section 7 of this bill prohibits a person, on and after January 1, ~~[2024,] 2025,~~ from selling, offering to sell or otherwise distributing in this State a new compact fluorescent lamp with a screw or bayonet base type. **Section 3** of this bill defines “compact fluorescent lamp” to mean, in general, a compact, low-pressure electric-discharge light source containing mercury in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light and which: (1) has one base of any type; (2) emits light with a certain correlated color temperature and Duv; (3) has any tube length, tube diameter, lamp size or lamp shape; and (4) is integrally ballasted or non-integrally ballasted.

Section 7 also prohibits a person, on and after January 1, ~~[2025,] 2026,~~ from selling, offering to sell or otherwise distributing in this State a new compact fluorescent lamp with a pin base type or a linear fluorescent lamp. **Section 5** of this bill defines “linear fluorescent lamp” to mean, in general, a low-pressure electric-discharge light source containing mercury in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light and which: (1) has two bases of any type; (2) emits light with a certain correlated color temperature and Duv; (3) has a tube length of not less than 0.5 feet and not more than 8.0 feet; and (4) has any tube diameter or lamp shape.

Section 8 of this bill establishes civil penalties for persons who violate the provisions of **section 7**. **Section 6** of this bill excludes certain fluorescent lamps from the provisions of this bill.

~~[Sections 4 and] **Section 9** of this bill [authorize the Director of the Office of Energy within the Office of the Governor to investigate complaints concerning alleged violations of the provisions of this bill and] authorizes the Attorney General to bring a civil action against a person [for such violations. Section 9 authorizes the Director or his or her designee to enter and inspect the premises of any distributor or retailer of lighting products to ensure compliance with the provisions of this bill. Section 9 also authorizes the Director to adopt regulations to carry out the provisions of this bill.] **who has repeatedly violated the provisions of section 7 for injunctive relief and for the assessment and recovery of a civil penalty.**~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9 of this act.

Sec. 2. *As used in sections 2 to 9, inclusive, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Compact fluorescent lamp” means a compact, low-pressure electric-discharge light source containing mercury in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light and which:*

1. *Has one base of any type, including, without limitation, a screw, bayonet, two-pin and four-pin base type;*
2. *Emits light with:*
 - (a) *A correlated color temperature of not less than 1,700 kelvins and not more than 24,000 kelvins; and*
 - (b) *A Duv of not more than +0.024 and not less than -0.024 in the CAM02-UCS standard published by the International Commission on Illumination Uniform Color Space;*
3. *Has any tube length, tube diameter, lamp size and lamp shape, including, without limitation, a spiral, twin tube, triple twin, 2D, PL, U-bend and circular shape; and*
4. *Is integrally ballasted or non-integrally ballasted.*

Sec. 4. ~~*“Director” means the Director of the Office of Energy within the Office of the Governor appointed pursuant to NRS 701.150.*~~ *(Deleted by amendment.)*

Sec. 5. *“Linear fluorescent lamp” means a low-pressure electric-discharge light source containing mercury in which a fluorescent coating transforms some of the ultraviolet energy generated by the mercury discharge into visible light and which:*

1. *Has two bases, one at each end of the tube, of any type, including, without limitation, a single-pin, two-pin or recessed double contact base type;*
2. *Emits light with:*
 - (a) *A correlated color temperature of not less than 1,700 kelvins and not more than 24,000 kelvins; and*
 - (b) *A Duv of not more than +0.024 and not less than -0.024 in the CAM02-UCS standard published by the International Commission on Illumination Uniform Color Space; ~~CAM02-UCS;~~*
3. *Has a tube length of not less than 0.5 feet and not more than 8.0 feet;*
4. *Has any tube diameter, including, without limitation, T5, T8, T10 and T12; and*
5. *Has any lamp shape, including, without limitation, a linear, U-bend or circular shape.*

Sec. 6. *The provisions of sections 2 to 9, inclusive, of this act do not apply to a fluorescent lamp that:*

1. *Is designed and marketed exclusively for use in:*
 - (a) *Capturing or projecting an image, including, without limitation:*
 - (1) *Photocopying;*

- (2) *Printing, either directly or in preprocessing;*
 - (3) *Lithography;*
 - (4) *Projecting film or video; or*
 - (5) *Holography;*
 - (b) *Medical or veterinary diagnosis or treatment, or in a medical device;*
 - (c) *Manufacturing or performing quality control of pharmaceutical products;*
 - (d) *Conducting research projects and experiments by academic and research institutions; or*
 - (e) *Spectroscopy and photometric applications, including, without limitation:*
 - (1) *Ultraviolet-visible spectroscopy;*
 - (2) *Molecular spectroscopy;*
 - (3) *Atomic absorption spectroscopy;*
 - (4) *Nondispersive infrared;*
 - (5) *Fourier transform infrared;*
 - (6) *Medical analysis;*
 - (7) *Ellipsometry;*
 - (8) *Layer thickness measurement;*
 - (9) *Process monitoring; or*
 - (10) *Environmental monitoring;*
2. *Emits a high proportion of ultraviolet light and:*
- (a) *Has an ultraviolet power greater than two milliwatts per kilolumen;*
or
 - (b) *Is designed and marketed exclusively for:*
 - (1) *Germicidal purposes, including, without limitation, the destruction of DNA, and which emits a peak radiation of approximately 253.7 nanometers;*
 - (2) *Disinfecting or fly trapping and for which at least 5 percent of the radiation power emitted at 250 nanometers or more but not more than 315 nanometers or at least 20 percent of the radiation power emitted at 315 nanometers or more but not more than 400 nanometers represents the total radiation power emitted at 250 nanometers or more but not more than 800 nanometers;*
 - (3) *The generation of ozone and for which the primary purpose is to emit radiation at approximately 185.1 nanometers;*
 - (4) *Coral zooxanthellae symbiosis and for which the radiation power emitted at 400 nanometers or more but not more than 480 nanometers represents at least 40 percent of the total radiation power emitted at 250 nanometers or more but not more than 800 nanometers; or*
 - (5) *Use in a sunlamp product, as defined in 21 C.F.R. § 1040.20 ~~f(1)~~; or*
3. *Is a compact fluorescent lamp that is designed and marketed exclusively to replace any lamp in a motor vehicle manufactured on or before January 1, 2020.*

Sec. 7. 1. *On and after January 1, ~~2024,~~ 2025, a person shall not sell, offer to sell or otherwise distribute in this State a new compact fluorescent lamp with a screw or bayonet base type.*

2. *On and after January 1, ~~2025,~~ 2026, a person shall not sell, offer to sell or otherwise distribute in this State a new:*

- (a) Compact fluorescent lamp with a pin base type; or*
- (b) Linear fluorescent lamp.*

Sec. 8. 1. *A person who violates any provision of section 7 of this act must, for a first violation, be issued a warning and, for any subsequent violation, is liable to the State for a civil penalty of:*

(a) For the first civil penalty assessed, not more than \$100 for each violation.

(b) For any subsequent assessment of a civil penalty, not more than \$500 for each violation.

2. *Each sale, offer to sell or distribution of a compact fluorescent lamp or linear fluorescent lamp in violation of section 7 of this act constitutes a separate violation. Each day on which such a violation occurs constitutes a separate violation.*

~~Sec. 9. 1. The Director or his or her designee may enter and inspect, in a reasonable manner and during reasonable business hours, the premises of any distributor or retailer of lighting products to determine compliance with the provisions of sections 2 to 9, inclusive, of this act.~~

~~2. The Director may investigate complaints received concerning alleged violations of the provisions of sections 2 to 9, inclusive, of this act and may report to the Attorney General any alleged violation which the Director or his or her designee verifies during or discovers after investigation.~~

~~3. Whenever it appears that a person has repeatedly violated the provisions of ~~sections 2 to 9, inclusive,~~ section 7 of this act, the Attorney General may bring a civil action in any district court of this State for injunctive relief to restrain the violation and for the assessment and recovery of a civil penalty.~~

~~4. The Director may adopt such regulations as are necessary to carry out the provisions of sections 2 to 9, inclusive, of this act.~~

Sec. 10. This act becomes effective on January 1, ~~2024,~~ 2025.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 145.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 45.

AN ACT relating to crimes; increasing the penalties for a customer who unlawfully engages in prostitution or solicitation therefor; ~~removing a~~

~~duplicate provision in existing law relating to prostitution;}~~ **requiring a peace officer to make an arrest with or without a warrant under certain circumstances; revising requirements for the automatic sealing of records in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~{(1)}~~ prohibits a customer from engaging in prostitution or solicitation for prostitution except in a licensed house of prostitution. ~~{and (2)}~~ **Existing law** provides that a customer who violates such a prohibition ~~{(1)}~~ : **(1) for a first offense that involves an adult, is guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than 6 months and by a fine of not less than \$400 but not more than \$1,000; (2) for a subsequent offense that involves an adult, is guilty of a gross misdemeanor, punishable by imprisonment in the county jail for not more than 364 days and by certain minimum fines; and (3) for any offense, is subject to a civil penalty of not less than \$200 per offense. Additionally, existing law provides for the automatic sealing of records if a person is discharged and the proceedings against the person are dismissed upon the fulfillment of the terms and conditions of a court-ordered program for the treatment of persons who solicit prostitution.** (NRS 201.354) ~~{Section 1 of this}~~

This bill : (1) requires a peace officer to arrest a person if the peace officer has probable cause to believe that the person has violated such a prohibition; (2) increases the ~~{penalties}~~ minimum fine for ~~{such}~~ a first offense ~~{from} to {a misdemeanor to a gross misdemeanor, punishable by imprisonment in the county jail for not more than 364 days and by a fine of} not less than \$800 {but not more than \$2,000. Sections 5 and 6 of this bill make conforming changes to reflect the fact that the change in section 1, which} ; (3) increases the civil penalty for ~~{such an}~~ any offense ~~{from a misdemeanor to a gross misdemeanor, removes the offense from the jurisdiction of the justice courts and municipal courts.~~~~

~~Existing law also contains a duplicative criminal provision prohibiting} to \$600; and (4) authorizes a person ~~{from offering or agreeing to engage in, engaging in or aiding and abetting any act of prostitution. (NRS 207.030) Section 4 of this bill removes this duplicative criminal provision, and sections 2, 3 and 7 of this bill make conforming changes} to ~~{remove or replace references to the duplicative criminal provision that is removed by section 4.}~~~~ **petition the court 2 years after the person is discharged and the proceedings against the person are dismissed for the sealing of all records relating to the discharge and dismissal.**~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for a customer to engage in prostitution or solicitation therefor, except in a licensed house of prostitution. **Whether or not a warrant has been issued, a peace officer shall arrest a person if the peace officer has probable cause to believe that the person to be arrested has violated this section.**

2. Any person who violates subsection 1 by soliciting for prostitution:

- (a) A child;
- (b) A peace officer who is posing as a child; or
- (c) A person who is assisting in an investigation on behalf of a peace officer by posing as a child,

↪ is guilty of soliciting a child for prostitution.

3. Except as otherwise provided in subsection 5, a person who violates this section:

(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than ~~[\$400.]~~ **\$800.**

~~(b) For a second ~~for second~~ offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, ~~by imprisonment in the county jail for not more than 364 days~~~~ and by a fine of not less than \$800 ~~±~~

~~(c) ~~but not more than \$2,000.~~~~

~~(b)~~ For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, ~~by imprisonment in the county jail for not more than 364 days~~ and by a fine of not less than \$1,300 ~~±~~ ~~but not more than \$2,000.~~

4. In addition to any other penalty imposed, the court shall order a person who violates subsection 1 to pay a civil penalty of not less than ~~[\$200]~~ **\$600** per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:

(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.

(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.

5. A person who violates this section by soliciting a child for prostitution:

(a) For a first offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130, and by a fine of not more than \$5,000.

(b) For a second offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of

not less than 1 year and maximum term of not more than 6 years, and may be further punished by a fine of not more than \$15,000. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

6. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury , as applicable, to be used for:

(a) The enforcement of this section; and

(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

↪ Not less than 50 percent of the money deposited in the county or city treasury , as applicable, pursuant to this subsection must be used for the enforcement of this section.

7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

8. Except as limited by subsection 9, if a person is discharged and the proceedings against the person are dismissed pursuant to subsection 7, ~~the court shall, without a hearing,~~ ***the person may petition the court for the sealing of all records relating to the discharge and dismissal 2 years after the***

date of the dismissal. The court may order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

Sec. 2. [NRS 201.430 is hereby amended to read as follows:

~~201.430 1. It is unlawful for any person engaged in conduct which is unlawful pursuant to [paragraph (b) of subsection 1 of NRS 207.030,] **NRS 201.353**, or any owner, operator, agent or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise the unlawful conduct or any house of prostitution:~~

~~(a) In any public theater, on the public streets of any city or town, or on any public highway; or~~

~~(b) In any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute.~~

~~2. It is unlawful for any person knowingly to prepare or print an advertisement concerning a house of prostitution not licensed for that purpose pursuant to NRS 244.345, or conduct which is unlawful pursuant to [paragraph (b) of subsection 1 of NRS 207.030,] **NRS 201.353**, in any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute.~~

~~3. Inclusion in any display, handbill or publication of the address, location or telephone number of a house of prostitution or of identification of a means of transportation to such a house, or of directions telling how to obtain any such information, constitutes prima facie evidence of advertising for the purposes of this section.~~

~~4. Any person, company, association or corporation violating the provisions of this section shall be punished:~~

~~(a) For the first violation within a 3-year period, by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.~~

~~(b) For a second violation within a 3-year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than \$250 nor more than \$1,000.~~

~~(c) For a third or subsequent violation within a 3-year period, by imprisonment in the county jail for 6 months and by a fine of not less than \$250 nor more than \$1,000.] (Deleted by amendment.)~~

Sec. 3. [NRS 201.440 is hereby amended to read as follows:

~~201.440 1. In any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute, it is unlawful for any person, company, association or corporation knowingly to allow any person engaged in conduct which is unlawful pursuant to [paragraph (b) of subsection 1 of NRS 207.030,] **NRS 201.353**, or any owner, operator, agent or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise a house of prostitution in his or her place of business.~~

~~2. Any person, company, association or corporation that violates the provisions of this section shall be punished:~~

~~(a) For the first violation within a 3-year period, by imprisonment in the county jail for not more than 6 months, or by a fine of not more than \$1,000, or by both fine and imprisonment.~~

~~(b) For a second violation within a 3-year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than \$250 nor more than \$1,000.~~

~~(c) For a third or subsequent violation within a 3-year period, by imprisonment in the county jail for 6 months and by a fine of not less than \$250 nor more than \$1,000.] (Deleted by amendment.)~~

Sec. 4. [NRS 207.030 is hereby amended to read as follows:

~~207.030 1. It is unlawful to:~~

~~(a) Offer or agree to engage in or engage in lewd or dissolute conduct in any public place or in any place open to the public or exposed to public view;~~

~~(b) [Offer or agree to engage in, engage in or aid and abet any act of prostitution;~~

~~(c)] Be a pimp, panderer or procurer or live in or about houses of prostitution;~~

~~[(d)] (c) Seek admission to a house upon frivolous pretexts for no other apparent motive than to see who may be therein, or to gain an insight of the premises;~~

~~[(e)] (d) Keep a place where lost or stolen property is concealed;~~

~~[(f)] (e) Loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act; or~~

~~[(g)] (f) Lodge in any building, structure or place, whether public or private:~~

~~(1) Where a notice of default and election to sell has been recorded, unless the person is the owner, tenant or entitled to the possession or control thereof;~~

~~(2) Which has been placed on a registry of vacant, abandoned or foreclosed property by a local government, unless the person is the owner, tenant or entitled to the possession or control thereof; or~~

~~(3) Without the permission of the owner or person entitled to the possession or in control thereof.~~

~~2. A person who violates a provision of subsection 1 shall be punished:~~

~~—(a) For the first violation of paragraph [(a), (b) or (c)] (a) or (b) of subsection 1 and for each subsequent violation of the same paragraph occurring more than 3 years after the first violation, for a misdemeanor.~~

~~—(b) For the second violation of paragraph [(a), (b) or (c)] (a) or (b) of subsection 1 within 3 years after the first violation of the same paragraph, by imprisonment in the county jail for not less than 30 days nor more than 6 months and by a fine of not less than \$250 nor more than \$1,000.~~

~~—(c) For the third or subsequent violation of paragraph [(a), (b) or (c)] (a) or (b) of subsection 1 within 3 years after the first violation of the same paragraph, by imprisonment in the county jail for 6 months and by a fine of not less than \$250 nor more than \$1,000.~~

~~—(d) For a violation of any provision of paragraphs [(d) to (g)], (e) to (f), inclusive, of subsection 1, for a misdemeanor.~~

~~—3. The terms of imprisonment prescribed by subsection 2 must be imposed to run consecutively.~~

~~—4. A local government may enact an ordinance which regulates the time, place or manner in which a person or group of persons may beg or solicit alms in a public place or place open to the public. (Deleted by amendment.)~~

Sec. 5. ~~[NRS 4.373 is hereby amended to read as follows:~~

~~—4.373—1. Except as otherwise provided in subsections 2 and 3, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a justice of the peace may suspend, for not more than 2 years, the sentence or a portion thereof of a person convicted of a misdemeanor. If the circumstances warrant, the justice of the peace may order as a condition of suspension, without limitation, that the offender:~~

~~—(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;~~

~~—(b) Engage in a program of community service, for not more than 200 hours;~~

~~—(c) Actively participate in a program of professional counseling at the expense of the offender;~~

~~—(d) Abstain from the use of alcohol and controlled substances;~~

~~—(e) Refrain from engaging in any criminal activity;~~

~~—(f) Engage or refrain from engaging in any other conduct, or comply with any other condition, deemed appropriate by the justice of the peace;~~

~~—(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and~~

~~—(h) Submit to periodic tests to determine whether the offender is using a controlled substance or consuming alcohol.~~

~~—2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the justice of the peace may, after the person has served any mandatory minimum period of confinement, suspend the~~

~~remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:~~

~~—(a) A program of treatment for alcohol or drug use disorder, or both, which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;~~

~~—(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or~~

~~—(c) The programs set forth in paragraphs (a) and (b);~~

~~and that the person comply with any other condition of suspension ordered by the justice of the peace.~~

~~3. [Except as otherwise provided in this subsection, if a customer of a prostitute is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the justice of the peace may suspend the sentence for not more than 2 years upon the condition that the person:~~

~~—(a) Actively participate in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services; and~~

~~—(b) Comply with any other condition of suspension ordered by the justice of the peace.~~

~~The justice of the peace may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~4.] The justice of the peace may order reports from a person whose sentence is suspended at such times as the justice of the peace deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction of the justice of the peace, the sentence may be reduced to not less than the minimum period of confinement established for the offense.~~

~~[5.] 4. The justice of the peace may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.] (Deleted by amendment.)~~

~~Sec. 6. [NRS 5.055 is hereby amended to read as follows:~~

~~5.055 1. Except as otherwise provided in subsections 2 and 3, NRS 211A.127 or another specific statute, or unless the suspension of a sentence is expressly forbidden, a municipal judge may suspend, for not more than 2 years, the sentence or a portion thereof of a person convicted of a misdemeanor. If the circumstances warrant, the municipal judge may order as a condition of suspension, without limitation, that the offender:~~

~~—(a) Make restitution to the owner of any property that is lost, damaged or destroyed as a result of the commission of the offense;~~

~~—(b) Engage in a program of community service, for not more than 200 hours;~~

~~—(c) Actively participate in a program of professional counseling at the expense of the offender;~~

~~—(d) Abstain from the use of alcohol and controlled substances;~~

~~—(e) Refrain from engaging in any criminal activity;~~

~~—(f) Engage or refrain from engaging in any other conduct, or comply with any other condition, deemed appropriate by the municipal judge;~~

~~—(g) Submit to a search and seizure by the chief of a department of alternative sentencing, an assistant alternative sentencing officer or any other law enforcement officer at any time of the day or night without a search warrant; and~~

~~—(h) Submit to periodic tests to determine whether the offender is using any controlled substance or alcohol.~~

~~2. If a person is convicted of a misdemeanor that constitutes domestic violence pursuant to NRS 33.018, the municipal judge may, after the person has served any mandatory minimum period of confinement, suspend the remainder of the sentence of the person for not more than 3 years upon the condition that the person actively participate in:~~

~~—(a) A program of treatment for alcohol or drug use disorder, or both, which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services;~~

~~—(b) A program for the treatment of persons who commit domestic violence that has been certified pursuant to NRS 439.258; or~~

~~—(c) The programs set forth in paragraphs (a) and (b);~~

~~and that the person comply with any other condition of suspension ordered by the municipal judge.~~

~~3. [Except as otherwise provided in this subsection, if a customer of a prostitute is convicted of a misdemeanor that constitutes solicitation for prostitution pursuant to NRS 201.354 or paragraph (b) of subsection 1 of NRS 207.030, the municipal judge may suspend the sentence for not more than 2 years upon the condition that the person:~~

~~—(a) Actively participate in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services; and~~

~~—(b) Comply with any other condition of suspension ordered by the municipal judge.~~

~~The municipal judge may not suspend the sentence of a person pursuant to this subsection if the person has previously participated in a program for the treatment of persons who solicit prostitution which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~4.] The municipal judge may order reports from a person whose sentence is suspended at such times as the municipal judge deems appropriate concerning the compliance of the offender with the conditions of suspension. If the offender complies with the conditions of suspension to the satisfaction~~

~~of the municipal judge, the sentence may be reduced to not less than the minimum period of confinement established for the offense.~~

~~[5.] 4. The municipal judge may issue a warrant for the arrest of an offender who violates or fails to fulfill a condition of suspension.] (Deleted by amendment.)~~

~~Sec. 7. [NRS 62C.015 is hereby amended to read as follows:~~

~~62C.015 1. A child must not be adjudicated as delinquent or in need of supervision for engaging in prostitution or solicitation for prostitution pursuant to NRS 201.353 or 201.354. [or paragraph (b) of subsection 1 of NRS 207.030.]~~

~~2. A child must not be placed in a state or local facility for the detention of children if:~~

~~(a) The child is alleged to have violated:~~

~~(1) The provisions of NRS 197.190, 207.200 or 463.350; or~~

~~(2) A county or municipal ordinance imposing a curfew on a child or prohibiting jaywalking or loitering for the purpose of solicitation for prostitution; and~~

~~(b) There is reasonable cause to believe that the child is a commercially sexually exploited child.~~

~~3. If a court finds that a child committed an act described in subsection 2 and that clear and convincing evidence exists that the child committed the act in connection with commercial sexual exploitation, the court shall not adjudicate the child as a delinquent child or a child in need of supervision based on that act. Upon such a finding, the court shall report the commercial sexual exploitation of the child to an agency which provides child welfare services.~~

~~4. A juvenile justice agency that has reasonable cause to believe that a child in its custody is or has been a commercially sexually exploited child shall report the commercial sexual exploitation of the child to an agency which provides child welfare services.~~

~~5. As used in this section:~~

~~(a) “Commercial sexual exploitation” means the sex trafficking of a child in violation of NRS 201.300 or the sexual abuse or sexual exploitation of a child for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.~~

~~(b) “Commercially sexually exploited child” has the meaning ascribed to it in NRS 424.0115.~~

~~(c) “Juvenile justice agency” means the Youth Parole Bureau or a director of juvenile services.] (Deleted by amendment.)~~

Sec. 8. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 18.

AN ACT relating to information technology; ~~revising~~ **clarifying** the definition of the ~~term~~ **terms “cable service” and** “video service”; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law defines the term “video service” for purposes of franchising and regulation of video service and video service providers as the provision of certain multichannel video programming, excluding: (1) any video content provided solely as part of, and through, a service which enables users access to certain content via the public Internet; (2) direct broadcast satellite service; and (3) any wireless multichannel video programming provided by a commercial mobile service provider. (NRS 711.141, 711.400) ~~[This] Section 1.5 of this bill [revises]~~ **clarifies** the definition of the term “video service” to mean the provision **by a video service provider over a video service network** of certain multichannel video programming provided by a video service provider, excluding: (1) certain video content accessed via the Internet, including streaming video content; (2) direct-to-home satellite services; and (3) any wireless multichannel video programming provided by a commercial mobile service provider.

Section 1 of this bill clarifies the definition of the term “cable service” to exclude any video content, including, without limitation, streaming video content, accessed via a service that enables users to access content, information, electronic mail or other services that are offered via the Internet, regardless of the Internet service provider.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 711.025 is hereby amended to read as follows:

711.025 **1.** “Cable service” ~~has the meaning ascribed to it in 47 U.S.C. § 522, as that section existed on January 1, 2007.~~ **means:**

(a) The one-way transmission to subscribers of video programming or other programming service; and

(b) Any interaction with subscribers which is required for the selection or use of such video programming or other programming service.

2. The term does not include any video content, including, without limitation, streaming video content, accessed via a service that enables users to access content, information, electronic mail or other services that are offered via the Internet, regardless of the Internet service provider.

~~[Section 1.]~~ *Sec. 1.5.* NRS 711.141 is hereby amended to read as follows:

711.141 1. “Video service” means the provision *by a video service provider over a video service network* of multichannel video programming generally considered comparable to video programming delivered by a television broadcast station, cable service or other digital television service, whether provided as part of a tier, on-demand or on a per-channel basis, without regard to the technology used to deliver the video service, including, without limitation, Internet protocol technology or any successor technology.

2. The term includes, without limitation:

- (a) Cable service; and
- (b) Video service delivered by a community antenna television system.

3. The term does not include:

(a) Any video content ~~[provided solely as part of, and through,]~~ *including, without limitation, streaming video content, accessed via* a service ~~[which]~~ *that* enables users to access content, information, electronic mail or other services that are offered via the ~~[public]~~ Internet ~~[,]~~ *regardless of the Internet service provider.*

(b) ~~[Direct broadcast]~~ *Direct-to-home* satellite ~~[service.] services [as defined in 47 U.S.C. § 303(v)],~~ *which distribute or broadcast programming or services by satellite directly to the subscriber’s residence without the use of:*

(1) Ground receiving or distribution equipment, except at the subscriber’s residence or in the uplink process to the satellite; and

(2) A public right-of-way.

(c) Any wireless multichannel video programming provided by a commercial mobile service provider.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 151.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 13.

SUMMARY—Provides for the issuance **for a limited duration** of special license plates commemorating the 150th anniversary of the founding of the University of Nevada, Reno. (BDR 43-89)

AN ACT relating to special license plates; providing for the **limited** issuance of special license plates commemorating the 150th anniversary of the founding of the University of Nevada, Reno; exempting the special license plates from certain provisions otherwise applicable to special license plates; **imposing a**

fee for the issuance and renewal of such license plates; imposing a deadline on the issuance of such license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the issuance of various special license plates associated with military or public service, membership in or affiliation with certain groups or recognition of or support for certain charitable causes. (NRS 482.3672-482.37947) **Section 1** of this bill requires the Department of Motor Vehicles, in cooperation with the University of Nevada, Reno, to design, prepare and issue special license plates commemorating the 150th anniversary of the founding of the University. A person wishing to obtain the special license plates must pay to the Department : **(1) a fee for initial issuance of \$35 and a fee for renewal of \$10, ~~to, along with~~ ; (2) all applicable registration and license fees and governmental services taxes ~~to~~ ; and (3) an additional fee for initial issuance of \$25 and an additional fee for renewal of \$20, to be deposited with the State Treasurer who must, on a quarterly basis, distribute the fees to the University of Nevada, Reno Foundation to operate a program to provide certain necessary items to the students, faculty and staff of the University.** A person wishing to obtain the special license plates may also request that the plates be combined with personalized prestige plates if the person pays the additional fees for the personalized prestige plates.

~~Existing law establishes certain requirements for investigations of the finances of charitable organizations that receive additional fees from certain special license plates. (NRS 482.38272-482.38279) Section 4 of this bill exempts the special license plates commemorating the 150th anniversary of the founding of the University of Nevada, Reno, from such requirements.~~
Section 1 also requires the Director of the Department to: (1) accept advance applications for the special license plates; and (2) announce a date on which the special license plates will no longer be available for initial issuance.

Under existing law, certain special license plates: (1) must be approved by the Department; (2) are subject to a limitation on the number of separate designs of special license plates which the Department may issue at any one time; and (3) may not be designed, prepared or issued by the Department unless a certain number of applications for the plates are received. (NRS 482.367002, 482.367008, 482.36705) **Sections 5-7** of this bill exempt the special license plates commemorating the 150th anniversary of the founding of the University of Nevada, Reno, from each of the preceding requirements. **Sections 2-4, 9 and 10** of this bill make conforming changes to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~The~~ Except as otherwise provided in paragraph (b) of subsection 9, the Department, in cooperation with the University of Nevada, Reno, shall design, prepare and issue license plates that commemorate the 150th anniversary of the founding of the University, using any colors and designs which the Department deems appropriate.

2. ~~The~~ Except as otherwise provided in paragraph (a) of subsection 9, the Department shall issue license plates that commemorate the 150th anniversary of the founding of the University of Nevada, Reno, for a passenger car or light commercial vehicle upon application by a person who is otherwise entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that commemorate the 150th anniversary of the founding of the University of Nevada, Reno, if the person pays the fees for the personalized prestige plates in addition to the fees for the license plates that commemorate the 150th anniversary of the founding of the University pursuant to ~~subsection~~ subsections 3 ~~and~~ 4.

3. The fee for the license plates that commemorate the 150th anniversary of the founding of the University of Nevada, Reno, is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.

4. In addition to all other applicable registration and license fees and governmental services taxes prescribed pursuant to subsection 3, a person who requests a set of license plates that commemorate the 150th anniversary of the founding of the University of Nevada, Reno, must pay for the issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to be deposited in accordance with subsection 5.

5. Except as otherwise provided in NRS 482.38279, the Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the University of Nevada, Reno Foundation for its use in operating a program to provide to students, faculty and staff of the University of Nevada, Reno, necessary items, including, without limitation:

(a) Perishable and nonperishable food items;

(b) School supplies;

(c) Clothing; and

(d) Personal hygiene products.

6. The provisions of NRS 482.36705 do not apply to license plates described in this section.

~~5.7~~ 7. *If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:*

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services taxes due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~6.7~~ 8. *The Department may accept any gifts, grants and donations or other sources of money for the production and issuance of the special license plates pursuant to this section. All money received pursuant to this subsection must be deposited in the Revolving Account for the Issuance of Special License Plates created by NRS 482.1805.*

9. The Director shall:

(a) Accept applications for the issuance of the license plates issued pursuant to this section beginning on July 1, 2023. A person who applies for the license plates pursuant to this paragraph must not be charged for any fees imposed by this section or any other registration and license fees and governmental services taxes due for the license plates until the license plates are available for issuance by the Department.

(b) Determine and, by public proclamation, announce the last date on which the Department will issue the license plates that commemorate the 150th anniversary of the founding of the University of Nevada, Reno. The Department shall publish the announcement on its Internet website. In no case may the date that is determined and announced to be the last day on which the Department will issue the license plates be more than 1 year after the date the license plates are available for issuance by the Department. The Department shall not issue:

(1) The license plates that commemorate the 150th anniversary of the founding of the University of Nevada, Reno, after the date announced by the Department pursuant to this paragraph.

(2) A duplicate number plate or a replacement number plate for those license plates more than 5 years after the date announced by the Department pursuant to this paragraph.

Sec. 1.5. NRS 482.2065 is hereby amended to read as follows:

482.2065 1. A trailer may be registered for a 3-year period as provided in this section.

2. A person who registers a trailer for a 3-year period must pay upon registration all fees and taxes that would be due during the 3-year period if he or she registered the trailer for 1 year and renewed that registration for 2 consecutive years immediately thereafter, including, without limitation:

(a) Registration fees pursuant to NRS 482.480 and 482.483.

(b) A fee for each license plate issued pursuant to NRS 482.268.

(c) Fees for the initial issuance, reissuance and renewal of a special license plate pursuant to NRS 482.265, if applicable.

(d) Fees for the initial issuance and renewal of a personalized prestige license plate pursuant to NRS 482.367, if applicable.

(e) Additional fees for the initial issuance and renewal of a special license plate issued pursuant to NRS 482.3667 to 482.3823, inclusive, ***and section 1 of this act*** which are imposed to generate financial support for a particular cause or charitable organization, if applicable.

(f) Governmental services taxes imposed pursuant to chapter 371 of NRS, as provided in NRS 482.260.

(g) The applicable taxes imposed pursuant to chapters 372, 374, 377 and 377A of NRS.

3. A license plate issued pursuant to this section will be reissued as provided in NRS 482.265 except that such reissuance will be done at the first renewal after the license plate has been issued for not less than 8 years.

4. As used in this section, the term “trailer” does not include a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483.

Sec. 2. NRS 482.216 is hereby amended to read as follows:

482.216 1. Except as otherwise provided in NRS 482.2155, upon the request of a new vehicle dealer, the Department may authorize the new vehicle dealer to:

(a) Accept applications for the registration of the new motor vehicles he or she sells and the related fees and taxes;

(b) Issue certificates of registration to applicants who satisfy the requirements of this chapter; and

(c) Accept applications for the transfer of registration pursuant to NRS 482.399 if the applicant purchased from the new vehicle dealer a new vehicle to which the registration is to be transferred.

2. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall:

(a) Transmit the applications received to the Department within the period prescribed by the Department;

(b) Transmit the fees collected from the applicants and properly account for them within the period prescribed by the Department;

(c) Comply with the regulations adopted pursuant to subsection 5; and

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.

3. A new vehicle dealer who is authorized to issue certificates of registration pursuant to subsection 1 shall not:

(a) Charge any additional fee for the performance of those services;

(b) Receive compensation from the Department for the performance of those services;

(c) Accept applications for the renewal of registration of a motor vehicle;

or

(d) Accept an application for the registration of a motor vehicle if the applicant wishes to:

(1) Obtain special license plates pursuant to NRS 482.3667 to 482.3823, inclusive ~~{}~~, **and section 1 of this act**; or

(2) Claim the exemption from the governmental services tax provided pursuant to NRS 361.1565 to veterans and their relations.

4. The provisions of this section do not apply to the registration of a moped pursuant to NRS 482.2155.

5. The Director shall adopt such regulations as are necessary to carry out the provisions of this section. The regulations adopted pursuant to this subsection must provide for:

(a) The expedient and secure issuance of license plates and decals by the Department; and

(b) The withdrawal of the authority granted to a new vehicle dealer pursuant to subsection 1 if that dealer fails to comply with the regulations adopted by the Department.

Sec. 3. NRS 482.2703 is hereby amended to read as follows:

482.2703 1. The Director may order the preparation of sample license plates which must be of the same design and size as regular license plates or license plates issued pursuant to NRS 482.384. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and an identical designation which consists of the same group of three numerals followed by the same group of three letters; and

(b) The designation of numerals and letters assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

2. The Director may order the preparation of sample license plates which must be of the same design and size as any of the special license plates issued pursuant to NRS 482.3667 to 482.3823, inclusive ~~{}~~, **and section 1 of this act**. The Director shall ensure that:

(a) Each license plate issued pursuant to this subsection, regardless of its design, is inscribed with the word SAMPLE and the number zero in the location where any other numerals would normally be displayed on a license plate of that design; and

(b) The number assigned pursuant to paragraph (a) is not assigned to a vehicle registered pursuant to this chapter or chapter 706 of NRS.

3. The Director may establish a fee for the issuance of sample license plates of not more than \$15 for each license plate.

4. A decal issued pursuant to NRS 482.271 may be displayed on a sample license plate issued pursuant to this section.

5. All money collected from the issuance of sample license plates must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

6. A person shall not affix a sample license plate issued pursuant to this section to a vehicle. A person who violates the provisions of this subsection is guilty of a misdemeanor.

Sec. 4. NRS 482.274 is hereby amended to read as follows:

482.274 1. The Director shall order the preparation of vehicle license plates for trailers in the same manner provided for motor vehicles in NRS 482.270, except that a vehicle license plate prepared for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 is not required to have displayed upon it the month and year the registration expires.

2. The Director shall order preparation of two sizes of vehicle license plates for trailers. The smaller plates may be used for trailers with a gross vehicle weight of less than 1,000 pounds.

3. The Director shall determine the registration numbers assigned to trailers.

4. Any license plates issued for a trailer before July 1, 1975, bearing a different designation from that provided for in this section, are valid during the period for which such plates were issued.

5. Any license plates issued for a trailer before January 1, 1982, are not subject to reissue pursuant to subsection 2 of NRS 482.265.

6. The Department shall not issue for a full trailer or semitrailer that is registered pursuant to subsection 3 of NRS 482.483 a special license plate available pursuant to NRS 482.3667 to 482.3823, inclusive [–], **and section 1 of this act.**

Sec. 5. NRS 482.367002 is hereby amended to read as follows:

482.367002 1. A person may request that the Department design, prepare and issue a special license plate by submitting an application to the Department. A person may submit an application for a special license plate that is intended to generate financial support for an organization only if:

(a) For an organization which is not a governmental entity, the organization is established as a nonprofit charitable organization which provides services to the community relating to public health, education or general welfare;

(b) For an organization which is a governmental entity, the organization only uses the financial support generated by the special license plate for charitable purposes relating to public health, education or general welfare;

(c) The organization is registered with the Secretary of State, if registration is required by law, and has filed any documents required to remain registered with the Secretary of State;

(d) The name and purpose of the organization do not promote, advertise or endorse any specific product, brand name or service that is offered for profit;

(e) The organization is nondiscriminatory; and

(f) The license plate will not promote a specific religion, faith or antireligious belief.

2. An application submitted to the Department pursuant to subsection 1:

(a) Must be on a form prescribed and furnished by the Department;

(b) Must specify whether the special license plate being requested is intended to generate financial support for a particular cause or charitable organization and, if so:

(1) The name of the cause or charitable organization; and

(2) Whether the financial support intended to be generated for the particular cause or charitable organization will be for:

(I) General use by the particular cause or charitable organization; or

(II) Use by the particular cause or charitable organization in a more limited or specific manner;

(c) Must include the name and signature of a person who represents:

(1) The organization which is requesting that the Department design, prepare and issue the special license plate; and

(2) If different from the organization described in subparagraph (1), the cause or charitable organization for which the special license plate being requested is intended to generate financial support;

(d) Must include proof that the organization satisfies the requirements set forth in subsection 1;

(e) Must be accompanied by a surety bond posted with the Department in the amount of \$5,000, except that if the special license plate being requested is one of the type described in subsection 3 of NRS 482.367008, the application must be accompanied by a surety bond posted with the Department in the amount of \$20,000;

(f) Must, if the organization is a charitable organization, not including a governmental entity whose budget is included in the executive budget, include a budget prepared by or for the charitable organization which includes, without limitation, the proposed operating and administrative expenses of the charitable organization; and

(g) Must be accompanied by suggestions for the design of and colors to be used in the special license plate. The suggestion must be made in consultation with the charitable organization for which the special license plate is intended to generate financial support, if any.

3. If an application for a special license plate has been submitted pursuant to this section but the Department has not yet designed, prepared or issued the plate, the applicant shall amend the application with updated information when any of the following events take place:

(a) The name of the organization that submitted the application has changed since the initial application was submitted.

(b) The cause or charitable organization for which the special license plate being requested is intended to generate financial support has a different name than that set forth on the initial application.

(c) The cause or charitable organization for which the special license plate being requested is intended to generate financial support is different from that set forth on the initial application.

(d) A charitable organization which submitted a budget pursuant to paragraph (f) of subsection 2 prepares or has prepared a new or subsequent budget.

↪ The updated information described in this subsection must be submitted to the Department within 90 days after the relevant change takes place, unless the applicant has received notice that the special license plate is on an agenda to be heard at a public meeting of the Department held pursuant to subsection 4, in which case the updated information must be submitted to the Department within 48 hours after the applicant receives such notice. The updating of information pursuant to this subsection does not alter, change or otherwise affect the issuance of special license plates by the Department in accordance with the chronological order of their authorization or approval, as described in subsection 2 of NRS 482.367008.

4. The Department shall hold a public meeting before determining whether to approve or disapprove:

(a) An application for the design, preparation and issuance of a special license plate that is submitted to the Department pursuant to subsection 1; and

(b) Except as otherwise provided in subsection 6, an application for the design, preparation and issuance of a special license plate that has been authorized by an act of the Legislature after January 1, 2007.

↪ In determining whether to approve such an application, the Department shall consider, without limitation, whether it would be appropriate and feasible for the Department to design, prepare and issue the particular special license plate. The Department shall consider each application in the chronological order in which the application was received by the Department.

5. Before holding a public meeting pursuant to subsection 4, the Department shall:

(a) At least 30 days before the public meeting is held, notify:

(1) The person who requested the special license plate pursuant to subsection 1; and

(2) The charitable organization for which the special license plate is intended to generate financial support, if any; and

(b) Post a notice of the public meeting that complies with chapter 241 of NRS.

6. The provisions of paragraph (b) of subsection 4 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.3817 ~~¶~~ **or section 1 of this act.**

7. The Department may design and prepare a special license plate requested pursuant to subsection 1 if the Department:

(a) Determines that the application for that plate complies with subsection 2; and

(b) Approves the application for that plate after holding the public meeting required pursuant to subsection 4.

8. Except as otherwise provided in NRS 482.367008, the Department may issue a special license plate that:

(a) The Department has designed and prepared pursuant to subsection 7; and

(b) Complies with the requirements of NRS 482.367003,
↪ for any motorcycle, passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with a special license plate issued pursuant to this section if that person pays the fees for personalized prestige license plates in addition to the fees for the special license plate.

9. Upon making a determination to issue a special license plate pursuant to subsection 8, the Department shall notify:

(a) The person who requested the special license plate pursuant to subsection 1; and

(b) The charitable organization for which the special license plate is intended to generate financial support, if any.

10. After making a determination to issue a special license plate pursuant to this section, if the Department determines not to use the design or colors suggested pursuant to paragraph (g) of subsection 2, the Department shall notify the person who requested the special license plate pursuant to subsection 1. The notice must include, without limitation, the reasons the Department did not use the design or colors suggested pursuant to paragraph (g) of subsection 2.

11. Within 180 days after receiving the notice pursuant to subsection 10, the person who requested the special license plate pursuant to subsection 1 shall, in consultation with the charitable organization for which the special license plate is intended to generate financial support, if any, submit a revised suggestion for the design of and colors to be used in the special license plate. If the person does not submit a revised suggestion within 180 days after receiving the notice pursuant to subsection 10, the Department must:

(a) Not issue the special license plate; and

(b) Notify:

(1) The person who requested the special license plate pursuant to subsection 1; and

(2) The charitable organization for which the special license plate is intended to generate financial support, if any.

12. After receiving the suggested design of and colors to be used in the special license plate pursuant to paragraph (g) of subsection 2 or subsection 11 and upon determining the design of and the colors to be used in the special license plate, the Department shall submit the design of and the colors to be used in the special license plate to the person who requested the special license plate pursuant to subsection 1 and to the charitable organization for which the

special license plate is intended to generate financial support, if any. The person and the charitable organization, if any, shall respond to the Department within 30 days after receiving the design of and the colors to be used in the special license plate and shall:

(a) Approve the design of and the colors to be used in the special license plate; or

(b) Submit suggestions to revise the design of or colors to be used in the special license plate.

↪ If the person who requested the special license plate pursuant to subsection 1 and the charitable organization for which the special license plate is intended to generate financial support, if any, fail to respond within 30 days after receiving the design of and the colors to be used in the special license plate, the person and charitable organization shall be deemed to approve the design of and the colors to be used in the special license plate. The Department may adopt regulations to carry out this subsection.

13. The Department must promptly release the surety bond posted pursuant to subsection 2:

(a) If the Department determines not to issue the special license plate;

(b) If the Department distributes the additional fees collected on behalf of a charitable organization to another charitable organization pursuant to subparagraph (2) of paragraph (c) of subsection 5 of NRS 482.38279 and the surety bond has not been released to the initial charitable organization; or

(c) If it is determined that at least 1,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008, except that if the special license plate is one of the type described in subsection 3 of NRS 482.367008, the Department must promptly release the surety bond posted pursuant to subsection 2 if it is determined that at least 3,000 special license plates have been issued pursuant to the assessment of the viability of the design of the special license plate conducted pursuant to NRS 482.367008.

14. If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

15. On or before September 1 of each fiscal year, the Department shall compile a list of each special license plate the Department, during the immediately preceding fiscal year, designed and prepared pursuant to subsection 7 or issued pursuant to subsection 8. The list must set forth, for each such plate, the cause or charitable organization for which the special license plate generates or would generate financial support, and the intended use to

which the financial support is being put or would be put. The Department shall make that information available on its Internet website.

16. On or before January 31 of each year, the Department shall:

(a) Compile a report that contains information detailing:

(1) The requests submitted pursuant to subsection 1;

(2) The list compiled pursuant to subsection 15 for the immediately preceding fiscal year;

(3) Any special license plates that the Department will no longer issue pursuant to NRS 482.367008;

(4) The results of any activities conducted pursuant to NRS 482.38272 to 482.38279, inclusive; and

(5) Any actions taken by the Department pursuant to subsections 4 and 5 of NRS 482.38279; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session.

Sec. 6. NRS 482.367008 is hereby amended to read as follows:

482.367008 1. As used in this section, “special license plate” means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

(c) Except for a license plate that is issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794, 482.37941 or 482.3817, **or section 1 of this act**, a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Department pursuant to NRS 482.367002, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license

plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Department must approve the design, preparation and issuance of the special plates as described in NRS 482.367002; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of \$20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

↪ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that

particular design of special license plate. Except as otherwise provided in subsection 2 of NRS 482.265, such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

Sec. 7. NRS 482.36705 is hereby amended to read as follows:

482.36705 1. Except as otherwise provided in subsection 2:

(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS 482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.

(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the Department unless its issuance complies with subsection 2 of NRS 482.367008.

(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department approves the application for the authorized plate pursuant to NRS 482.367002.

(d) In addition to the requirements set forth in paragraphs (a), (b) and (c), if a new special license plate is authorized by an act of the Legislature after July 1, 2021, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the organization meeting the requirements described in subsection 1 of NRS 482.367002 submits suggestions for the design of and colors to be used in the special license plate within 180 days after the authorization of the special license plate. The provisions of subsections 10, 11 and 12 of NRS 482.367002 apply to suggestions submitted pursuant to this paragraph.

2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794, 482.37941 or 482.3817 ~~¶~~ **or section 1 of this act.**

Sec. 8. NRS 482.38276 is hereby amended to read as follows:

482.38276 “Special license plate” means:

1. A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;

2. A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37904, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947 ~~¶~~ **or section 1 of this act;** and

3. Except for a license plate that is issued pursuant to NRS 482.3746, 482.3757, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794 or 482.37941, ~~for section 1 of this act,~~ a license plate that is approved by the Legislature after July 1, 2005.

Sec. 9. NRS 482.399 is hereby amended to read as follows:

482.399 1. Upon the transfer of the ownership of or interest in any vehicle by any holder of a valid registration, or upon destruction of the vehicle, the registration expires.

2. Except as otherwise provided in NRS 482.2155 and subsection 3 of NRS 482.483, the holder of the original registration may transfer the registration to another vehicle to be registered by the holder and use the same regular license plate or plates or special license plate or plates issued pursuant to NRS 482.3667 to 482.3823, inclusive, *and section 1 of this act*, or 482.384, on the vehicle from which the registration is being transferred, if the license plate or plates are appropriate for the second vehicle, upon filing an application for transfer of registration and upon paying the transfer registration fee and the excess, if any, of the registration fee and governmental services tax on the vehicle to which the registration is transferred over the total registration fee and governmental services tax paid on all vehicles from which he or she is transferring ownership or interest. Except as otherwise provided in NRS 482.294, an application for transfer of registration must be made in person, if practicable, to any office or agent of the Department or to a registered dealer, and the license plate or plates may not be used upon a second vehicle until registration of that vehicle is complete.

3. In computing the governmental services tax, the Department, its agent or the registered dealer shall credit the portion of the tax paid on the first vehicle attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the second vehicle or on any other vehicle of which the person is the registered owner. If any person transfers ownership or interest in two or more vehicles, the Department or the registered dealer shall credit the portion of the tax paid on all of the vehicles attributable to the remainder of the current registration period or calendar year on a pro rata monthly basis against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner. The certificates of registration and unused license plates of the vehicles from which a person transfers ownership or interest must be submitted before credit is given against the tax due on the vehicle to which the registration is transferred or on any other vehicle of which the person is the registered owner.

4. In computing the registration fee, the Department or its agent or the registered dealer shall credit the portion of the registration fee paid on each vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis against the registration fee due on the vehicle to which registration is transferred.

5. If the amount owed on the registration fee or governmental services tax on the vehicle to which registration is transferred is less than the credit on the total registration fee or governmental services tax paid on all vehicles from which a person transfers ownership or interest, the person may apply the unused portion of the credit to the registration of any other vehicle owned by the person. Any unused portion of such a credit expires on the date the registration of the vehicle from which the person transferred the registration was due to expire.

6. If the license plate or plates are not appropriate for the second vehicle, the plate or plates must be surrendered to the Department or registered dealer and an appropriate plate or plates must be issued by the Department. The Department shall not reissue the surrendered plate or plates until the next succeeding licensing period.

7. If application for transfer of registration is not made within 60 days after the destruction or transfer of ownership of or interest in any vehicle, the license plate or plates must be surrendered to the Department on or before the 60th day for cancellation of the registration.

8. Except as otherwise provided in subsection 2 of NRS 371.040, NRS 482.2155, subsections 7 and 8 of NRS 482.260 and subsection 3 of NRS 482.483, if a person cancels his or her registration and surrenders to the Department the license plates for a vehicle, the Department shall:

(a) In accordance with the provisions of subsection 9, issue to the person a refund of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis; or

(b) If the person does not qualify for a refund in accordance with the provisions of subsection 9, issue to the person a credit in the amount of the portion of the registration fee and governmental services tax paid on the vehicle attributable to the remainder of the current calendar year or registration period on a pro rata basis. Such a credit may be applied by the person to the registration of any other vehicle owned by the person. Any unused portion of the credit expires on the date the registration of the vehicle from which the person obtained a refund was due to expire.

9. The Department shall issue a refund pursuant to subsection 8 only if the request for a refund is made at the time the registration is cancelled and the license plates are surrendered, the person requesting the refund is a resident of Nevada, the amount eligible for refund exceeds \$100, and evidence satisfactory to the Department is submitted that reasonably proves the existence of extenuating circumstances. For the purposes of this subsection, the term “extenuating circumstances” means circumstances wherein:

(a) The person has recently relinquished his or her driver’s license and has sold or otherwise disposed of his or her vehicle.

(b) The vehicle has been determined to be inoperable and the person does not transfer the registration to a different vehicle.

(c) The owner of the vehicle is seriously ill or has died and the guardians or survivors have sold or otherwise disposed of the vehicle.

(d) Any other event occurs which the Department, by regulation, has defined to constitute an “extenuating circumstance” for the purposes of this subsection.

Sec. 10. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3 or specifically provided by statute, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

- For a certificate of registration \$5.00
- For every substitute number plate or set of plates 5.00
- For every duplicate number plate or set of plates 10.00
- For every decal displaying a county name50
- For every other indicator, decal, license plate sticker or tab 5.00

2. The following fees must be paid for any replacement number plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, 482.3675, 482.370 to 482.3755, inclusive, ~~and section 1 of this act,~~ and section 1 of this act, 482.376 or 482.379 to 482.3818, inclusive, and section 1 of this act, a fee of \$10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of \$5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for replacement number plates, duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of replacing or duplicating the plates and manufacturing the decals.

Sec. 11. This act becomes effective on July 1, 2023.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 67.

~~[ASSEMBLYWOMAN]~~ ASSEMBLYWOMEN THOMAS ; GONZÁLEZ AND TAYLOR

AN ACT relating to persons with dementia; requiring the Aging and Disability Services Division of the Department of Health and Human Services to establish and administer a dementia care specialist program; setting forth certain requirements for the program; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Aging and Disability Services Division of the Department of Health and Human Services to establish and administer certain programs for the elderly, including: (1) a program to provide community-based services to enable a frail elderly person to avoid placement in a facility for long-term care; and (2) a program of all-inclusive care for the elderly, known as a PACE program. (NRS 427A.250, 427A.255)

Section 1 of this bill requires the Division to establish and administer a program for dementia care specialists in this State. **Section 1** further provides that the program must have as its goals, without limitation: (1) to develop and provide certain crisis intervention services for persons with dementia and their families and caregivers; ~~and~~ (2) to proactively support persons with dementia and their families and caregivers to ensure the highest quality of life possible and to enable persons with dementia to remain in their homes or with family and avoid placement in a facility ~~;~~ **and (3) to assist persons with dementia and their families and caregivers with limited English proficiency by providing access to the program through, without limitation, translation and interpretation services.** Within the limits of legislative appropriations and any other money available for this purpose, **section 1** requires the Division to: (1) prepare requests for proposals for the provision of services by dementia care specialists employed by local governmental agencies or nonprofit organizations to carry out the program; and (2) partner or contract with an appropriate educational organization to provide training to dementia care specialists and evaluate the program.

Section 2 of this bill makes an appropriation to the Division for the program established pursuant to **section 1**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall establish and administer a program for dementia care specialists in this State.

2. The program established pursuant to this section must have as its goals, without limitation:

(a) *To develop and provide crisis intervention services for persons with dementia and their families and caregivers, including, without limitation, services that provide an initial crisis response, crisis stabilization and long-term care for persons with dementia who exhibit behavioral problems.*

(b) *To proactively support persons with dementia and their families and caregivers to ensure the highest quality of life possible and to enable persons with dementia to remain in their own homes or with family and avoid placement in a facility for long-term care by, without limitation:*

(1) *Providing information, assistance, education and support to persons with dementia and their families and caregivers;*

(2) *Facilitating the development of communities in this State where persons with dementia may remain safe and active;*

(3) *Providing training to governmental agencies and nonprofit organizations that provide services to persons with dementia; and*

(4) *Raising awareness of and developing community support for persons with dementia and their families and caregivers.*

(c) *To assist persons with dementia and their families and caregivers with limited English proficiency by providing access to the program through, without limitation, translation and interpretation services.*

3. *Within the limits of legislative appropriations and any other money available for this purpose, the Division shall:*

(a) *Prepare requests for proposals for the provision of services by dementia care specialists employed by local governmental agencies or nonprofit organizations to carry out the program established pursuant to this section. The Division shall establish such requirements for the requests for proposals as it determines necessary.*

(b) *Partner or contract with an appropriate educational organization to:*

(1) *Provide training to dementia care specialists.*

(2) *Evaluate the program established pursuant to this section.*

4. *The Division may adopt regulations necessary to establish and administer the program established pursuant to this section.*

5. *As used in this section, “limited English proficiency” means a person who reads, writes or speaks a language other than English and who cannot readily understand or communicate in the English language in written or spoken form, as applicable, based on the manner in which information is being communicated.*

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Aging and Disability Services Division of the Department of Health and Human Services the sum of \$531,904 for the program for dementia care specialists established by the Division pursuant to section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after

September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 46.

AN ACT relating to child welfare; requiring certain entities in the juvenile justice system and the child welfare system to screen certain children for commercial sexual exploitation; requiring such entities to take certain actions if the results of a screening indicate that a child is a victim of commercial sexual exploitation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons or entities to report the commercial sexual exploitation of a child to an agency which provides child welfare services. (NRS 62C.015, 432B.220, 432C.110) Upon receiving such a report, existing law requires an agency which provides child welfare services to: (1) conduct an assessment to determine whether the child is a victim of commercial sexual exploitation; and (2) take certain actions to protect the safety of the child and meet the other needs of the child. (NRS 432C.130)

Existing law requires a local facility for the detention of children, a regional facility for the treatment and rehabilitation of children and a state facility for the detention of children to screen each child who is committed to, or placed under the custody of, the facility to determine whether the child is in need of mental health services or has a substance use disorder. (NRS 62C.035, 62E.513) ~~Sections 1 and 2 of this bill~~ **With certain exceptions, sections 2 and 3** of this bill additionally require such facilities to screen each child to determine whether the child is a victim of commercial sexual exploitation. **Sections 2 and 3** also: (1) require such facilities to report the commercial sexual exploitation of the child to an agency which provides child welfare services if the results of the screening indicate that the child is a victim of commercial sexual exploitation; and (2) deem such a report to be a report of commercial sexual exploitation for purposes of certain mandatory requirements and procedures for reporting abuse, neglect or exploitation of a child. **Section 1** of this bill makes a conforming change by removing certain requirements relating to the reporting of commercial sexual exploitation of a child that are now addressed by **section 2**. **Section 6** of this bill requires an agency which provides child welfare services to take certain actions to protect the safety of the child and meet the

other needs of the child upon receipt of a report submitted pursuant to **sections 2 and 3**.

Existing law prescribes certain requirements relating to the method of screening used by a local facility for the detention of children to comply with certain statutory requirements relating to the screening of a child in its custody. (NRS 62E.516) **Section 4** of this bill additionally requires the method of screening to be reliable and valid for identifying a child who is a victim of commercial sexual exploitation.

~~[Section]~~ **With certain exceptions, section 5** of this bill requires an agency which provides child welfare services to screen each child in its custody to determine whether the child is a victim of commercial sexual exploitation. **Section 5** also: (1) prescribes requirements relating to the method used by an agency which provides child welfare services to conduct the screening; and (2) requires the agency to take the actions required by **section 6** if the results of the screening indicate that the child is a victim of commercial sexual exploitation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 62C.015 is hereby amended to read as follows:

62C.015 1. A child must not be adjudicated as delinquent or in need of supervision for engaging in prostitution or solicitation for prostitution pursuant to NRS 201.353 or 201.354 or paragraph (b) of subsection 1 of NRS 207.030.

2. A child must not be placed in a state or local facility for the detention of children if:

(a) The child is alleged to have violated:

(1) The provisions of NRS 197.190, 207.200 or 463.350; or

(2) A county or municipal ordinance imposing a curfew on a child or prohibiting jaywalking or loitering for the purpose of solicitation for prostitution; and

(b) There is reasonable cause to believe that the child is a commercially sexually exploited child.

3. If a court finds that a child committed an act described in subsection 2 and that clear and convincing evidence exists that the child committed the act in connection with commercial sexual exploitation, the court shall not adjudicate the child as a delinquent child or a child in need of supervision based on that act. Upon such a finding, the court shall report the commercial sexual exploitation of the child to an agency which provides child welfare services.

4. ~~[A juvenile justice agency that has reasonable cause to believe that a child in its custody is or has been a commercially sexually exploited child shall report the commercial sexual exploitation of the child to an agency which provides child welfare services.~~

~~—5.]~~ As used in this section:

(a) “Commercial sexual exploitation” means the sex trafficking of a child in violation of NRS 201.300 or the sexual abuse or sexual exploitation of a child for the financial benefit of any person or in exchange for anything of value, including, without limitation, monetary or nonmonetary benefits given or received by any person.

(b) “Commercially sexually exploited child” has the meaning ascribed to it in NRS 424.0115.

~~[(c) “Juvenile justice agency” means the Youth Parole Bureau or a director of juvenile services.]~~

Sec. 2. NRS 62C.035 is hereby amended to read as follows:

62C.035 1. ~~Each~~ ***Except as otherwise provided in subsection 4, each*** child who is taken into custody by a peace officer or probation officer and detained in a local facility for the detention of children while awaiting a detention hearing pursuant to NRS 62C.040 or 62C.050 must be screened to determine whether the child:

- (a) Is in need of mental health services; ~~or~~
- (b) Has an alcohol or other substance use disorder ~~[-]~~; ***or***
- (c) ***Is a victim of commercial sexual exploitation.***

2. The facility in which the child is detained shall ~~cause~~:

- (a) ***Cause*** the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been detained in the facility ~~[-]~~; ***and***
- (b) ***Report the commercial sexual exploitation of the child to an agency which provides child welfare services as soon as practicable after conducting the screening if the results of the screening indicate that the child is a victim of commercial sexual exploitation.***

3. The method for conducting the screening required pursuant to :

(a) Paragraph (a) or (b) of subsection 1 must satisfy the requirements of NRS 62E.516.

(b) Paragraph (c) of subsection 1 must:

- (1) Satisfy the requirements of NRS 62E.516; and
- (2) Be reliable and valid for identifying whether a child who is the same age as the child to whom the requirement applies is a victim of commercial sexual exploitation.

4. The requirement prescribed by paragraph (c) of subsection 1 does not apply if the method for conducting the screening is not reliable and valid for identifying whether a child who is the same age as the child to whom the requirement applies is a victim of commercial sexual exploitation.

5. If a local facility for the detention of children reports the commercial sexual exploitation of a child pursuant to subsection 2, the report made pursuant to subsection 2 shall be deemed to be a report of the commercial sexual exploitation of the child that has been made pursuant to NRS 432C.110 and:

- (a) ***The child welfare agency shall act upon the report pursuant to chapter 432C of NRS; and***

(b) *The report may be used in the same manner as other reports that are made pursuant to NRS 432C.110.*

~~5.7~~ 6. *As used in this section, “commercial sexual exploitation” has the meaning ascribed to it in NRS 432C.050.*

Sec. 3. NRS 62E.513 is hereby amended to read as follows:

62E.513 1. ~~Each~~ ***Except as otherwise provided in subsection 5, each*** child who is adjudicated delinquent and committed by the juvenile court to a regional facility for the treatment and rehabilitation of children or state facility for the detention of children or ordered by the juvenile court to be placed in a facility for the detention of children pursuant to NRS 62E.710 must be screened to determine whether the child:

(a) Is in need of mental health services; ~~or~~

(b) Has an alcohol or other substance use disorder ~~;~~

~~or~~; *or*

(c) *Is a victim of commercial sexual exploitation.*

2. *The facility to which the child is committed or in which the child is placed shall:*

(a) *Cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child has been committed or placed in the facility; and*

(b) *Additionally screen each child committed to, or placed under the custody of, the facility to determine whether the child is in need of mental health services or has an alcohol or other substance use disorder once every 6 months or when significant changes to the child’s case plan developed pursuant to NRS 62E.507 or 62E.525, as applicable, are made.*

~~2.7~~ 3. The facility to which the child is committed or in which the child is placed shall ~~cause the screening required pursuant to subsection 1 to be conducted~~ ***report the commercial sexual exploitation of the child to an agency which provides child welfare services*** as soon as practicable after ***conducting the screening required by subsection 1 if the results of the screening indicate that the child*** ~~has been committed to or placed in the facility.~~

~~3.7~~ ***is a victim of commercial sexual exploitation.***

4. The method for conducting ~~the~~ ~~for~~ screening required pursuant to:

(a) Paragraph (a) or (b) of subsection 1 ~~by this section~~ must satisfy the requirements of NRS 62E.516.

(b) Paragraph (c) of subsection 1 must:

(1) Satisfy the requirements of NRS 62E.516; and

(2) Be reliable and valid for identifying whether a child who is the same age as the child to whom the requirement applies is a victim of commercial sexual exploitation.

5. The requirement prescribed by paragraph (c) of subsection 1 does not apply if the method for conducting the screening is not reliable and valid for identifying whether a child who is the same age as the child to whom the requirement applies is a victim of commercial sexual exploitation.

6. *If a facility reports the commercial sexual exploitation of a child pursuant to subsection 3, the report made pursuant to subsection 3 shall be deemed to be a report of the commercial sexual exploitation of the child that has been made pursuant to NRS 432C.110 and:*

(a) The child welfare agency shall act upon the report pursuant to chapter 432C of NRS; and

(b) The report may be used in the same manner as other reports that are made pursuant to NRS 432C.110.

~~6.~~ **7.** *As used in this section, “commercial sexual exploitation” has the meaning ascribed to it in NRS 432C.050.*

Sec. 4. NRS 62E.516 is hereby amended to read as follows:

62E.516 1. Each local facility for the detention of children shall conduct the screening required pursuant to NRS 62C.035 using a method that has been approved by the Division of Child and Family Services. The Division shall approve a method upon determining that the method is:

(a) Based on research; and

(b) Reliable and valid for identifying a child who:

(1) Is in need of mental health services; ~~or~~

(2) Has an alcohol or other substance use disorder ~~or~~; *or*

(3) Is a victim of commercial sexual exploitation.

2. Each local facility for the detention of children shall submit its method for conducting the screening required pursuant to NRS 62C.035 to the Division of Child and Family Services for approval on or before July 1 of each fifth year after the date on which the method was initially approved by the Division. Before a local facility for the detention of children may begin using a new method for conducting the screening required pursuant to NRS 62C.035, the facility must obtain approval of the method from the Division pursuant to subsection 1.

3. If the Division of Child and Family Services does not approve a method for conducting the screening required pursuant to NRS 62C.035 that is submitted by a local facility for the detention of children, and the facility does not submit a new method for conducting the screening for approval within 90 days after the denial, the Division of Child and Family Services shall notify the appropriate board of county commissioners or other governing body which administers the facility and the chief judge of the appropriate judicial district that the facility has not received approval of its method for conducting the screening as required by this section.

4. Upon receiving the notice required by subsection 3, the appropriate board of county commissioners or governing body and the chief judge shall take appropriate action to ensure that the facility complies with the requirements of this section and NRS 62C.035.

5. Each regional facility for the treatment and rehabilitation of children shall conduct the screening required pursuant to NRS 62E.513 using the assessment tool that has been approved by the Commission pursuant to NRS 62B.610.

6. Each state facility for the detention of children shall use the assessment tool for conducting the screening required pursuant to NRS 62E.513 selected by the Commission pursuant to NRS 62B.610.

7. The Division of Child and Family Services shall adopt such regulations as are necessary to carry out the provisions of this section and NRS 62C.035 and 62E.513, including, without limitation, regulations prescribing the requirements for:

(a) Transmitting information obtained from the screening conducted pursuant to NRS 62C.035 and 62E.513; and

(b) Protecting the confidentiality of information obtained from such screening.

8. *As used in this section, “commercial sexual exploitation” has the meaning ascribed to it in NRS 432C.050.*

Sec. 5. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~Each~~ Except as otherwise provided in subsection 4, each child in the custody of an agency which provides child welfare services must be screened to determine whether the child is a victim of commercial sexual exploitation.

2. *An agency which provides child welfare services shall:*

(a) *Cause the screening required pursuant to subsection 1 to be conducted as soon as practicable after the child is placed in its custody; and*

(b) *If the results of the screening indicate that the child is a victim of commercial sexual exploitation, take the actions prescribed by NRS 432C.130.*

3. *The method for conducting the screening required pursuant to subsection 1 must be:*

(a) *Based on research; and*

(b) *Reliable and valid for identifying a child who is a victim of commercial sexual exploitation.*

4. *The requirement prescribed by subsection 1 does not apply if the agency which provides child welfare services has determined that no method for conducting the screening satisfies the requirements prescribed by subsection 3 for a child who is the same age as the child to whom the requirement applies.*

5. *As used in this section, “commercial sexual exploitation” has the meaning ascribed to it in NRS 432C.050.*

Sec. 6. NRS 432C.130 is hereby amended to read as follows:

432C.130 1. Upon the receipt of a report pursuant to NRS 62C.035, 62E.513 or 432C.110, an agency which provides child welfare services:

(a) Shall conduct an assessment to determine whether there is reasonable cause to believe that the child:

(1) Is a victim of commercial sexual exploitation;

(2) Is a victim of the abuse or neglect of a child;

(3) Is in immediate danger of serious bodily harm; or

(4) Suffers from any unmet basic need, including, without limitation, the need for behavioral health services, medical services, detoxification services and educational services;

(b) Upon the completion of an assessment of a child who resides within the jurisdiction of the agency which provides child welfare services pursuant to paragraph (a), shall:

(1) Engage in appropriate planning to ensure the safety of the child; and

(2) Refer the child for any services necessary to address an unmet basic need identified pursuant to subparagraph (4) of paragraph (a);

(c) Shall make a report to the appropriate law enforcement agency for the purpose of identifying the perpetrator of the commercial sexual exploitation; and

(d) If the child resides in another jurisdiction, may initiate contact with an agency which provides child welfare services in the jurisdiction in which the child resides to provide notification of the circumstances surrounding the child's removal from the jurisdiction or placement in another location.

2. An agency which provides child welfare services shall use the resources of a children's advocacy center when conducting an assessment pursuant to paragraph (a) of subsection 1 when such resources are available and appropriate based on the circumstances contained in the report received pursuant to NRS 432C.110.

3. If an agency which provides child welfare services conducts an assessment pursuant to paragraph (a) of subsection 1 and no abuse or neglect of a child is identified, the agency may:

(a) Conduct an assessment of the family of the child to determine which services, if any, the family needs or refer the family to a person or an organization that has entered into a written agreement with the agency to make such an assessment; and

(b) If appropriate, provide to the child and his or her family counseling, training or other services relating to commercial sexual exploitation or refer the child and his or her family to a person or an organization that has entered into an agreement with the agency to provide those services.

4. If an agency which provides child welfare services conducts an assessment pursuant to paragraph (a) of subsection 1 and abuse or neglect of a child is identified, the agency which provides child welfare services may take any action authorized under chapter 432B of NRS. If the agency which provides child welfare services places a child who is a victim of commercial sexual exploitation into protective custody pursuant to NRS 432B.390, the agency which provides child welfare services shall, whenever possible, place the child in a placement appropriate for the needs of the child, including, without limitation, the need for safety.

5. If an agency which provides child welfare services has entered into an agreement with a person or an organization to provide services to a child or his or her family and the person or organization will provide such services

pursuant to subsection 3, the agency shall require the person or organization to notify the agency if:

(a) The child or his or her family refuses or fails to participate in such services; or

(b) The person or organization determines that there is a serious risk to the health or safety of the child.

6. As used in this section:

(a) “Abuse or neglect of a child” has the meaning ascribed to it in NRS 432B.020.

(b) “Children’s advocacy center” means a public or private entity that provides an environment friendly to children where multidisciplinary teams work to:

(1) Investigate and help children recover from abuse or neglect; and

(2) Hold perpetrators of abuse or neglect of children accountable.

(c) “Multidisciplinary team” means a team of different types of professionals convened by a children’s advocacy center to respond to the abuse or neglect of a child, including, without limitation, law enforcement officers, representatives of agencies which provide child welfare services, district attorneys or their deputies, providers of health care and advocates for victims of abuse or neglect of children.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

(a) Upon passage and approval for purposes of adopting any regulations or performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2023, for all other purposes.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 30.

SUMMARY—Revises provisions governing certain fees for drivers’ licenses ~~for~~ **and identification cards.** (BDR 43-636)

AN ACT relating to ~~motor vehicles;~~ **offenders;** requiring the Department of Motor Vehicles to waive the fee for the administration of the examination required for the issuance of a noncommercial driver’s license for certain persons released from prison; requiring the Department to waive any fee that would otherwise be imposed against a person for the late renewal of a driver’s license if the late renewal resulted from the person being incarcerated; requiring the Department to reinstate free of charge a driver’s license or to

provide an original or renewal driver's license or an original or renewal identification card to certain persons released from prison in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the waiver of: (1) certain fees for furnishing a duplicate driver's license or a duplicate identification card to a person who was released from prison, a county, city or town jail or a detention facility within the 90 days immediately preceding the person's application for the driver's license ~~or~~ or identification card; and (2) the cost of producing a photograph for a driver's license ~~or~~ or an identification card. The person must reimburse the Department of Motor Vehicles for certain portions of the fee if the vendor who produces the photograph of the person for the license or identification card does not waive the cost it charges the Department to produce the photograph. (NRS 483.417 ~~or~~ , 483.825) **Section 3** of this bill requires the Department to waive the fees for: (1) furnishing an original or renewal driver's license; (2) reinstating a driver's license; and (3) producing a photograph for a driver's license, including any reimbursement, if a person submits documentation verifying the person was released from prison within the year immediately preceding the person's application for a driver's license. **Section 3.5 of this bill requires the Department to waive the fees for: (1) furnishing an original identification card or for renewing an identification card; and (2) producing a photograph for an identification card, including any reimbursement, if a person submits documentation verifying the person was released from prison within the year immediately preceding the person's application for an identification card.**

Existing law authorizes the Department to require applicants for a driver's license to submit to an examination. (NRS 483.330) The fee for administration of the examination for a noncommercial driver's license is \$25. (NRS 483.410) **Section 1** of this bill requires the Department to waive the fee for the examination not more than one time for a person who submits documentation verifying the person was released from prison within the immediately preceding year.

Under existing law, if the holder of a Nevada driver's license allows the license to expire for a period of 30 days or more, the person is required to pay a penalty of \$10 when renewing the license. (NRS 483.386, 483.410) Existing law provides an exception to this penalty to a person whose license expires during a period of suspension, but only if the person completes a renewal application within 30 days after the date of eligibility for renewal. (NRS 483.386) **Section 2** of this bill provides an additional exception to the penalty for any person whose license expires during a period of incarceration, if the person submits documentation verifying the person was released from prison within the immediately preceding year and the person completes a renewal application within 1 year after his or her release.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 483.330 is hereby amended to read as follows:

483.330 1. The Department may require every applicant for a driver's license, including a commercial driver's license issued pursuant to NRS 483.900 to 483.940, inclusive, to submit to an examination. The examination may include:

- (a) A test of the applicant's ability to understand official devices used to control traffic;
- (b) A test of the applicant's knowledge of practices for safe driving and the traffic laws of this State;
- (c) Except as otherwise provided in subsection 2, a test of the applicant's eyesight; and
- (d) Except as otherwise provided in subsection 3, an actual demonstration of the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the type or class of vehicle for which he or she is to be licensed.

↪ The examination may also include such further physical and mental examination as the Department finds necessary to determine the applicant's fitness to drive a motor vehicle safely upon the highways. If the Department requires an applicant to submit to a test specified in paragraph (b), the Department shall ensure that the test includes at least one question testing the applicant's knowledge of the provisions of NRS 484B.165.

2. The Department may provide by regulation for the acceptance of a report from an ophthalmologist, optician, optometrist, physician or advanced practice registered nurse in lieu of an eye test by a driver's license examiner.

3. If the Department establishes a type or classification of driver's license to operate a motor vehicle of a type which is not normally available to examine an applicant's ability to exercise ordinary and reasonable control of such a vehicle, the Department may, by regulation, provide for the acceptance of an affidavit from a:

- (a) Past, present or prospective employer of the applicant; or
- (b) Local joint apprenticeship committee which had jurisdiction over the training or testing, or both, of the applicant,

↪ in lieu of an actual demonstration.

4. The Department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:

- (a) Has not attained 21 years of age, except that the Department may, based on the driving record of the applicant, waive the examination to demonstrate the applicant's ability to exercise ordinary and reasonable control in the operation of a motor vehicle of the same type or class of vehicle for which he or she is to be licensed;

(b) Has had his or her license or privilege to drive a motor vehicle suspended, revoked or cancelled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Has been convicted of a violation of NRS 484C.130 or, during the immediately preceding 7 years, of a violation of NRS 484C.110, 484C.120 or 484C.430 or a law of any other jurisdiction that prohibits the same or similar conduct;

(d) Has restrictions to his or her driver's license which the Department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(e) Has had three or more convictions of, or findings by a court of having committed, moving traffic violations on his or her driving record during the immediately preceding 4 years; or

(f) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the provisions of Part 1327 of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.

5. The Department shall waive the fee prescribed by NRS 483.410 not more than one time for administration of the examination required pursuant to this section for ~~the~~:

(a) A homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.

(b) *A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding year.*

6. As used in this section, "homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 2. NRS 483.386 is hereby amended to read as follows:

483.386 All persons whose licenses have expired may be required by the Department, whenever good cause appears, to take all or part of the regular examinations as set forth in NRS 483.330. All persons whose licenses have expired for a period of 30 days or more shall pay to the Department the penalty provided in NRS 483.410 in addition to the cost of renewing the license except that the following persons are exempt from this penalty:

1. A person who has not driven a motor vehicle after the expiration of his or her Nevada driver's license and who submits an affidavit stating that fact;

2. A person renewing an expired Nevada driver's license who possesses a valid driver's license from another jurisdiction;

3. A person whose Nevada driver's license expires during a period of suspension if the person completes a renewal application within 30 days after the date of eligibility for renewal;

4. A person whose Nevada driver's license expires while the person is on active duty with any branch of the Armed Forces, if the person completes a renewal application within 30 days after his or her discharge; ~~and~~

5. A person whose Nevada driver's license expires while the person was a member of the military deployed to a combat or combat supporting position. As used in this subsection, "military" means the Armed Forces of the United States, a reserve component thereof or the National Guard ~~[]~~; *and*

6. *A person whose Nevada driver's license expires while the person is serving a period of incarceration, if the person submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding year and the person completes a renewal application within 1 year after his or her release.*

Sec. 3. NRS 483.417 is hereby amended to read as follows:

483.417 1. Except as otherwise provided in subsection ~~[4.]~~ 5, the Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate driver's license to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding ~~[90 days.]~~ **year.**

(c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail or detention facility, as applicable, within the immediately preceding 90 days.

2. *The Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for:*

(a) *Furnishing an original or renewal driver's license to; or*

(b) *The reinstating after suspension, revocation or cancellation of the driver's license of,*

↪ a person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding year.

3. A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of ~~[a]~~ :

(a) A homeless person or person released from prison or a county, city or town jail or detention facility for a duplicate driver's license ~~[]~~; *or*

(b) *A person released from prison for an original or renewal driver's license or for the reinstatement of a driver's license.*

~~[3.]~~ 4. Except as otherwise provided in subsection ~~[4.]~~ 5, if the vendor does not waive pursuant to subsection ~~[2.]~~ 3 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her driver's license; and

(b) Is employed at the time of such application.

~~{4.}~~ 5. The Department shall waive the fee prescribed by NRS 483.410, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection ~~{3}~~ 4 not more than one time for furnishing ~~{an}~~ :

(a) *An original driver's license or a duplicate driver's license to a homeless child or youth under the age of 25 years who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and under the age of 25 years.*

(b) *An original or renewal driver's license to or reinstating the driver's license of a person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding year.*

~~{5.}~~ 6. The Department may accept gifts, grants and donations of money to fund the provision of original , *renewal* and duplicate drivers' licenses *or the reinstatement of drivers' licenses* without a fee to persons pursuant to subsections 1 , 2 and ~~{4.}~~ 5.

~~{6.}~~ 7. As used in this section, "homeless child or youth" has the meaning ascribed to it in 42 U.S.C. § 11434a.

Sec. 3.5. NRS 483.825 is hereby amended to read as follows:

483.825 1. Except as otherwise provided in subsection ~~{4.}~~ 5, the Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding ~~{90 days.}~~ *year.*

(c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail, as applicable, within the immediately preceding 90 days.

2. **The Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing an original identification card or a renewal of an identification card to a person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding year.**

3. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of ~~{an}~~ :

(a) **A homeless person or person released from prison, a county, city or town jail or detention facility for a duplicate identification card ~~{an}~~; or**

(b) A person released from prison for an original identification card or for the renewal of an identification card.

~~3~~ 4. Except as otherwise provided in subsection ~~4~~ 5, if the vendor does not waive pursuant to subsection ~~2~~ 3 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

~~4~~ 5. The Department shall waive the fee prescribed by NRS 483.820, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection ~~3~~ 4 not more than one time for furnishing ~~one~~ :

(a) An original identification card or a duplicate identification card to a homeless child or youth less than 25 years of age who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and less than 25 years of age.

(b) An original identification card or for renewing an identification card to a person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding year.

~~5~~ 6. The Department may accept gifts, grants and donations of money to fund the provision of original, renewal and duplicate identification cards without a fee to persons pursuant to subsections 1, 2 and ~~4~~ 5.

~~6~~ 7. As used in this section:

(a) “Homeless child or youth” has the meaning ascribed to it in 42 U.S.C. § 11434a.

(b) “Photograph” has the meaning ascribed to it in NRS 483.125.

Sec. 4. This act becomes effective on July 1, 2023.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 203.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 15.

ASSEMBLYMEN HAFEN, D’SILVA, GRAY; BROWN-MAY, DICKMAN, HANSEN, HARDY, MCARTHUR, PETERS, THOMAS, TORRES AND WATTS

JOINT ~~SPONSOR-SENATOR~~ SPONSORS: SENATORS NGUYEN ; AND TITUS

AN ACT relating to motor vehicles; authorizing the combination of personalized prestige license plates and certain special license plates;

exempting from the payment of certain parking fees vehicles with certain specially designed license plates associated with military service;

exempting from the payment of certain parking fees vehicles with certain specially designed license plates for family members of persons killed in the line of duty or who died of injuries sustained while on active duty in the Armed Forces of the United States; providing a penalty for persons who make certain false statements or submit false, fraudulent or misleading evidence in connection with an application for certain specially designed license plates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Motor Vehicles to issue personalized prestige license plates and certain special license plates associated with military or public service. (NRS 482.3667, 482.3757-482.3787) **Sections 1-7** of this bill provide that a person may request personalized prestige license plates be combined with certain special license plates associated with military or public service.

Existing law provides an exemption from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States, to a vehicle that displays certain special license plates associated with military service that are issued to a person who has suffered a qualifying service-connected disability and receives compensation from the United States for the disability. (NRS 482.3765, 482.3775, 482.378, 482.3783) Sections 3 and 5-7 of this bill expand this exemption to any vehicle that displays such special license plates, regardless of whether the person to whom the plates were issued has suffered a qualifying service-connected disability.

Under existing law: (1) each family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States; and (2) each family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. (NRS 482.3785, 482.3787) **Sections 8 and 10** of this bill provide that a vehicle on which such specially designed license plates are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States. This is consistent with provisions that exempt from the payment of parking fees certain veterans with certain specially designed license plates. (NRS 482.3765-482.3783)

Sections 1, 9 and 11 of this bill also impose a criminal penalty against a person who: (1) makes a false statement on an application for certain specially designed license plates that he or she is a family member of a person killed in the line of duty or who died as a result of injuries sustained while on active duty in the Armed Forces of the United States or was killed in the line of duty while serving as a peace officer and awarded posthumously the Medal of Honor, or equivalent thereof; or (2) submits false, fraudulent or misleading evidence in connection with such an application.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.3757 is hereby amended to read as follows:

482.3757 1. Except as otherwise provided in this section, the Department shall design, prepare and issue license plates honoring peace officers who have received a medal specified in subsection 3, or the equivalent thereof.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the person. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is:

(a) A current or former peace officer who has received one or more of the following medals, or the equivalent thereof, for his or her service as a peace officer:

- (1) The Medal of Honor;
- (2) The Purple Heart;
- (3) The Medal of Valor;
- (4) The Lifesaving Medal;
- (5) The Meritorious Service Medal; or
- (6) The Distinguished Service Medal; or

(b) A family member of a person who was:

- (1) Killed in the line of duty while serving as a peace officer; and
- (2) Awarded posthumously the Medal of Honor, or the equivalent thereof, for his or her actions as a peace officer.

4. A qualifying event described in subsection 3 that entitles a person to special license plates issued pursuant to the provisions of this section is a qualifying event regardless of whether the event occurs or occurred before, on or after July 1, 2013.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. Except as otherwise provided in this ~~subsection,~~ **section**, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

7. *A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates issued pursuant to this section if the person pays the fees prescribed by NRS 482.367 for the personalized prestige license plates.*

8. *Any person who knowingly:*

(a) *Makes a false statement that he or she is a family member of a person who was killed in the line of duty while serving as a peace officer and awarded posthumously the Medal of Honor, or the equivalent thereof, for his or her actions as a peace officer on an application for special license plates pursuant to this section; or*

(b) *Submits any evidence pursuant to paragraph (b) of subsection 3 that is false, fraudulent or misleading,*

↪ is guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000. In addition, he or she shall surrender to the Department any license plates issued pursuant to this section.

9. As used in this section:

(a) “Family member” means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

(b) “Killed in the line of duty while serving as a peace officer” includes peace officers who:

(1) Are killed directly in the line of duty; and

(2) Die as a result of injuries sustained in the line of duty.

(c) “Peace officer” means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 2. NRS 482.376 is hereby amended to read as follows:

482.376 1. An owner of a motor vehicle who is a resident of this State and is an enlisted or commissioned member of the Nevada National Guard may, upon application on a form prescribed and furnished by the Department, signed by the member and his or her commanding officer and accompanied by proof of enlistment, be issued license plates upon which is inscribed NAT'L

GUARD with a number of characters, including numbers and letters, as determined necessary by the Director pursuant to NRS 482.367003. The applicant shall comply with the laws of this State concerning motor vehicles, including the payment of the regular registration fees, as prescribed by this chapter. There is an additional fee of \$5 for the issuance of those plates.

2. Each member may request two sets of license plates as described in subsection 1. The second set of license plates for an additional vehicle must have a different number than the first set of license plates issued to the same member. The license plates may only be used on private passenger vehicles or noncommercial trucks.

3. Any member of the Nevada National Guard other than the Adjutant General, who retires or is honorably discharged may retain any license plates issued to the member pursuant to subsection 1. The Adjutant General shall surrender any license plates issued to him or her as Adjutant General to the Department when he or she leaves office, and may then be issued special license plates as described in subsection 1. If a member is dishonorably discharged, the member shall surrender any of these special plates in his or her possession to the Department at least 10 days before the member's discharge and, in lieu of those plates, is entitled to receive regular Nevada license plates.

4. *A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates issued pursuant to this section if the person pays the fees prescribed by NRS 482.367, for the personalized prestige license plates in addition to the fees prescribed by this section for the license plates issued pursuant to this section.*

Sec. 3. NRS 482.3765 is hereby amended to read as follows:

482.3765 1. A veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, is entitled to specially designed license plates inscribed with the words "PEARL HARBOR VETERAN" or "PEARL HARBOR SURVIVOR," at the option of the veteran, and a number of characters, including numbers and letters, as determined necessary by the Director pursuant to NRS 482.367003.

2. A person who qualifies for special license plates pursuant to this section, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of their status as a survivor and, if applicable and subject to the provisions of NRS 417.0187, evidence of disability required by the Department.

5. A vehicle on which license plates issued by the Department pursuant to ~~subsection 2)~~ **this section** are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. The fee for a set of special license plates issued pursuant to this section is \$25, in addition to all other applicable registration and license fees and governmental services taxes. The annual fee for a renewal sticker for a set of special license plates issued pursuant to this section is \$5.

8. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate the person's status as a veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941, if the person pays the fees prescribed by NRS 482.367, for the personalized prestige license plates in addition to the fees prescribed by this section for the license plates that indicate the person's status as a veteran of the Armed Forces of the United States who survived the attack on Pearl Harbor on December 7, 1941.

Sec. 4. NRS 482.377 is hereby amended to read as follows:

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a qualifying service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates that must be inscribed with:

(1) The words "DISABLED VETERAN," "DISABLED FEMALE VETERAN" or "VETERAN WHO IS DISABLED," at the option of the veteran;

(2) The international symbol of access, which must comply with any applicable federal standards and must be white on a blue background; and

(3) A number of characters, including numbers and letters, as determined necessary by the Director pursuant to NRS 482.367003.

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words

“EX PRISONER OF WAR” and a number of characters, including numbers and letters, as determined necessary by the Director pursuant to NRS 482.367003.

2. A person who qualifies for special license plates pursuant to paragraph (b) of subsection 1, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and, subject to the provisions of NRS 417.0187, evidence of disability, former imprisonment or both, as applicable, required by the Department.

5. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. *A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates issued pursuant to this section if the person pays the fees prescribed by NRS 482.367 for the personalized prestige license plates.*

Sec. 5. NRS 482.3775 is hereby amended to read as follows:

482.3775 1. A veteran of the Armed Forces of the United States who was awarded the Purple Heart is entitled to specially designed license plates which indicate that the veteran is a recipient of the Purple Heart.

2. A person who qualifies for special license plates pursuant to this section, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation

from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Purple Heart and, if applicable and subject to the provisions of NRS 417.0187, evidence of disability as required by the Department. The Department may designate any appropriate colors for the special plates.

5. A vehicle on which license plates issued by the Department pursuant to ~~subsection 2~~ **this section** are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. Except as otherwise provided in this ~~subsection~~ **section**, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

8. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate the person's status as a veteran of the Armed Forces of the United States who was awarded the Purple Heart if the person pays the fees prescribed by NRS 482.367 for the personalized prestige license plates.

Sec. 6. NRS 482.378 is hereby amended to read as follows:

482.378 1. An owner of a motor vehicle who is a resident of this State and has been awarded the Congressional Medal of Honor may, upon signed application on a form prescribed and furnished by the Department, be issued

license plates which indicate that he or she is a recipient of the Congressional Medal of Honor. The applicant shall comply with the motor vehicle laws of this State, including the provisions of chapter 371 of NRS and the payment of the registration fees required by this chapter, but *except as otherwise provided in subsection 6*, no fee may be charged under NRS 482.367.

2. A person who qualifies for special license plates pursuant to this section, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with any applicable federal standards and must be white on a blue background.

3. Each person who is eligible for special license plates under this section may apply for two sets of plates. The second set of plates for an additional vehicle must have a different number than the first set of plates issued to the same applicant. The plates may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

4. A vehicle on which license plates issued by the Department pursuant to ~~subsection 2~~ *this section* are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

5. The Department may adopt regulations governing the issuance of special license plates to recipients of the Congressional Medal of Honor.

6. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate the person's status as a recipient of the Congressional Medal of Honor if that person pays the fees prescribed by NRS 482.367 for the personalized prestige license plates.

Sec. 7. NRS 482.3783 is hereby amended to read as follows:

482.3783 1. The Department shall design, prepare and issue license plates honoring veterans of the Armed Forces of the United States who have been awarded, as applicable, the:

- (a) Silver Star; or
- (b) Bronze Star Medal with "V" device, Combat V or Combat Distinguishing Device.

2. A person who qualifies for special license plates pursuant to this section, has suffered a qualifying service-connected disability as a result of his or her service in the Armed Forces of the United States and receives compensation from the United States for the disability is entitled to have his or her special license plates issued pursuant to this section inscribed with the international symbol of access, which must comply with the applicable federal standards and must be white on a blue background.

3. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies

for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may only be used on a private passenger vehicle, a noncommercial truck or a motor home.

4. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence of his or her status as a recipient of the Silver Star or the Bronze Star Medal with “V” device, Combat V or Combat Distinguishing Device, as applicable, and, subject to the provisions of NRS 417.0187, evidence of his or her service-connected disability, if applicable, as required by the Department. The Department may designate any appropriate colors for the special plates.

5. ~~Except as otherwise provided in this subsection, a~~ A vehicle on which license plates issued by the Department pursuant to ~~subsection 2)~~ **this section** are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.

6. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

7. ~~Except as otherwise provided in this subsection,~~ **section**, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special license plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

8. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that indicate the person’s status as a veteran of the Armed Forces of the United States who has been awarded the Silver Star or the Bronze Star Medal with “V” device, Combat V or Combat Distinguishing Device if the person pays the fees prescribed by NRS 482.367 for the personalized prestige license plates.

Sec. 8. NRS 482.3785 is hereby amended to read as follows:

482.3785 1. Each family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates, but must ensure that the design of the plates includes a gold star.

4. *A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.*

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~5.6.~~ **6.** Except as otherwise provided in this ~~subsection,~~ **section**, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

~~6.7.~~ **7.** As used in this section:

(a) “Family member” means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

(b) “Killed in the line of duty while on active duty in the Armed Forces of the United States” includes persons killed directly in the line of duty and persons who die as a result of injuries sustained in the line of duty.

Sec. 9. NRS 482.3785 is hereby amended to read as follows:

482.3785 1. Each family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates, but must ensure that the design of the plates includes a gold star.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. Except as otherwise provided in this section, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

7. *Any person who knowingly:*

(a) *Makes a false statement that he or she is a family member of a person killed in the line of duty while on active duty in the Armed Forces of the United States on an application for special license plates pursuant to this section; or*

(b) *Submits any evidence pursuant to subsection 3 that is false, fraudulent or misleading,*

↪ is guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000. In addition, he or she shall surrender to the Department any license plates issued pursuant to this section.

8. As used in this section:

(a) “Family member” means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

(b) “Killed in the line of duty while on active duty in the Armed Forces of the United States” includes persons killed directly in the line of duty and persons who die as a result of injuries sustained in the line of duty.

Sec. 10. NRS 482.3787 is hereby amended to read as follows:

482.3787 1. Each family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates.

4. *A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.*

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~{5-}~~6. Except as otherwise provided in this ~~{subsection,}~~ **section**, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

~~{6-}~~7. As used in this section:

(a) “Died as a result of injuries sustained while on active duty in the Armed Forces of the United States” includes persons who die as a result of an injury sustained while on active duty whether or not the person had been discharged from military service at the time of his or her death.

(b) “Family member” means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

Sec. 11. NRS 482.3787 is hereby amended to read as follows:

482.3787 1. Each family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States is entitled to specially designed license plates which indicate that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for any person qualified pursuant to this section who submits an application on a form prescribed by the Department and evidence satisfactory to the Department that the person is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including, without limitation, those collected through parking meters, charged by the State or any political subdivision or other public body within this State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

6. Except as otherwise provided in this section, no fee in addition to the applicable registration and license fees and governmental services taxes may be charged for the issuance or renewal of a set of special license plates pursuant to this section. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of duplicate number plates from the Department for the fees required pursuant to NRS 482.268.

7. *Any person who knowingly:*

(a) *Makes a false statement that he or she is a family member of a person who died as a result of injuries sustained while on active duty in the Armed Forces of the United States on an application for special license plates pursuant to this section; or*

(b) *Submits any evidence pursuant to subsection 3 that is false, fraudulent or misleading,*

↪ is guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000. In addition, he or she shall surrender to the Department any license plates issued pursuant to this section.

8. As used in this section:

(a) “Died as a result of injuries sustained while on active duty in the Armed Forces of the United States” includes persons who die as a result of an injury sustained while on active duty whether or not the person had been discharged from military service at the time of his or her death.

(b) “Family member” means a widow, widower, parent, stepparent, grandparent, child, stepchild, dependent, sibling, half sibling or stepsibling.

Sec. 11.5. As soon as practicable, upon determining that sufficient resources are available to enable the Department of Motor Vehicles to carry out the amendatory provisions of this act, the Director of the Department shall notify the Governor and the Director of the Legislative Counsel Bureau of that fact, and shall publish on the Internet website of the Department notice to the public of that fact.

Sec. 12. 1. This section and sections 8 ~~(and)~~, 10 and 11.5 of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, 9 and 11 of this act become effective ~~{30 days after}~~ **on** the date on which the **Director of the Department of Motor Vehicles** ~~[publishes on its Internet website a statement indicating that it has completed the preparatory administrative tasks that are necessary]~~, **pursuant to section 11.5 of this act, notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available** to carry out the **amendatory** provisions of this act.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 71.

AN ACT relating to pharmacy; revising requirements governing the language in which certain information relating to a prescription must be provided to a patient; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a prescription be dispensed in a container with a label or other device that provides certain information about the prescription ~~[-]~~, **including the specific directions for use given by the prescribing practitioner.** (NRS 639.2801) **Existing law requires a pharmacy, other than an institutional pharmacy, to provide the directions for use in English and, upon the request of the prescribing practitioner, a second language.** Existing law requires the State Board of Pharmacy to adopt regulations prescribing every language ~~[this]~~, **other than English, in which a pharmacy must provide such** information, ~~[is required to be provided in]~~ based on demographic trends and projections. (NRS 639.28013) This bill removes the requirement for the Board to adopt such regulations and instead requires each pharmacy to provide the information in the 10 languages mostly commonly spoken at home in this State, as determined by the most recent decennial census. **This bill also authorizes a pharmacy to provide the required information in a separate document if it is impractical to include the information in English on the label or other device affixed to the container of the prescription.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 639.28013 is hereby amended to read as follows:

639.28013 1. Each pharmacy, except for an institutional pharmacy, shall, upon the request of a prescribing practitioner, a patient or an authorized representative of a patient, provide the information required by subsection 6 of NRS 639.2801 in English and any language in which the information is required to be provided pursuant to subsection 3.

2. Each pharmacy subject to the requirements of subsection 1 shall post in a conspicuous place:

(a) Notice of the rights of a patient to request information in a language other than English pursuant to subsection 1; and

(b) A list of every language in which such information is available.

3. ~~[The Board]~~ **Each pharmacy** shall ~~[adopt regulations prescribing every language in which a pharmacy is required to]~~ provide **the** information required by **subsection 6 of** NRS 639.2801 ~~[-The]~~ **in any of the 10** languages ~~[in which a pharmacy is required to provide such information must be specified by the regulations adopted by the Board pursuant to this section based on demographic trends and projections.]~~ **most commonly spoken at home in this State, as determined by the most recent decennial census conducted by the Bureau of the Census of the United States Department of Commerce. If it is impractical to include the information required by subsection 6 of NRS 639.2801 on the label or other device which is affixed to the container of the prescription in English only, a pharmacy may provide the information in English and the other language in a separate document. If it is practical to include the information in English on such a label or other device, the**

pharmacy must also include the information in the other language on the label or other device.

4. The Board may adopt such ~~other~~ regulations as are necessary to carry out the provisions of this section.

5. If a pharmacy enters into a contract with a third party for the translation of the information that the pharmacy is required to provide pursuant to this section, the pharmacy and any employee of the pharmacy are not liable in any civil action for any injury resulting from the translation by the third party which is not the result of negligence, recklessness or deliberate misconduct of the pharmacy or employee.

Assemblywoman Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 255.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 59.

~~[ASSEMBLYWOMAN]~~ ASSEMBLYMEN COHEN , BILBRAY- AXELROD, HANSEN, NEWBY AND ORENTLICHER

AN ACT relating to adoption; revising provisions governing financial assistance to the adoptive family of a child with special needs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an agency which provides child welfare services to provide financial assistance to a family that adopts a child with special needs until the child attains majority, becomes self-sustaining, is emancipated or dies. (NRS 127.186) If such a child is still enrolled in school, this bill authorizes an agency which provides child welfare services to provide financial assistance until the child graduates high school or reaches 19 years of age, whichever comes first.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 127.186 is hereby amended to read as follows:

127.186 1. The agency which provides child welfare services or a child-placing agency licensed by the Division pursuant to this chapter may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the agency which provides child welfare services or the licensed agency by proposed adoptive parents when, in the judgment of the agency which provides child welfare services or the child-placing agency, it would be in the best interests of the child to be placed in that adoptive home.

2. The agency which provides child welfare services or child-placing agency, whichever has custody of the child, shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the proposed adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the proposed adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a child with special needs out of money provided for that purpose if the head of the agency which provides child welfare services or his or her designee has reviewed and approved in writing the grant of financial assistance.

4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the agency which provides child welfare services and the adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.

5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the agency which provides child welfare services. The evaluation must be presented for approval to the head of the agency which provides child welfare services or his or her designee. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the agency which provides child welfare services that continued assistance is denied.

6. All financial assistance provided under this section ceases immediately when the child ~~[attains majority, becomes]~~ :

(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;

(b) Graduates from high school, if the child is at least 18 years of age;

(c) Becomes self-supporting [is];

(d) Is emancipated ; or [dies, whichever occurs first.]

(e) Dies.

7. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

8. A court shall waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the agency which

provides child welfare services or child-placing agency consents to the adoption of such a child pursuant to this section.

9. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the procedures for applying for a grant of financial assistance pursuant to this section.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Remarks by Assemblywoman Brittney Miller.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 277.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 70.

ASSEMBLYMEN KOENIG, YUREK, GRAY, GURR; DELONG, DICKMAN, D’SILVA, **GONZÁLEZ, GORELOW, HAFEN, HANSEN, HARDY, HIBBETTS,** NGUYEN, **ORENTLICHER, PETERS, TAYLOR, THOMAS** AND TORRES

AN ACT relating to health care; establishing a rural emergency hospital as a type of medical facility licensed in this State; authorizing a rural emergency hospital that meets certain requirements to receive an endorsement as a crisis stabilization center; requiring the Department of Health and Human Services to take certain measures to increase reimbursement under Medicaid for certain services provided by rural emergency hospitals; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal law establishes a rural emergency hospital as a Medicare provider type and defines the term “rural emergency hospital” to mean, in general, a facility: (1) in a rural area with less than 50 beds; (2) with an emergency department that is staffed 24 hours per day, 7 days per week; (3) that generally does not provide acute care inpatient services; and (4) has a transfer agreement with a level I or level II trauma center. (42 U.S.C. § 1395x(kkk)) **Section 1** of this bill defines the term “rural emergency hospital” to be consistent with federal law. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Section 3 of this bill establishes a rural emergency hospital as a unique type of medical facility licensed and regulated by the State Board of Health and the Division of Public and Behavioral Health of the Department of Health and Human Services. **Section 4** of this bill requires the Board to adopt regulations

for the licensure of rural emergency hospitals, which take into consideration the unique problems of operating such a facility in a rural area.

Existing law authorizes the Division to issue an endorsement as a crisis stabilization center to certain medical facilities that provide behavioral health services designed to de-escalate or stabilize a behavioral crisis. (NRS 449.0915) **Section 5** of this bill authorizes the Division to issue such an endorsement to a rural emergency hospital if the rural emergency hospital meets certain requirements.

Existing law requires the Director of the Department to develop and adopt a State Plan for Medicaid which includes, without limitation, a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270-422.27495) Existing law authorizes the Director, under certain circumstances, to seek a waiver of certain provisions of federal law governing Medicaid to enable the State to receive federal funding for certain Medicaid coverage. (NRS 422.270-422.27495) **Section 7** of this bill authorizes the Department to apply to the United States Secretary of Health and Human Services for such a waiver or an amendment to the State Plan for Medicaid that authorizes the Department to receive federal funding to increase rates of reimbursement under the State Plan for rural emergency hospital services provided by a rural emergency hospital. **Section 6** of this bill makes a conforming change to indicate that the provisions of **section 7** will be administered in the same manner as the provisions of existing law governing the State Plan.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

“Rural emergency hospital” means a hospital that is a rural emergency hospital, as defined in 42 U.S.C. § 1395x(kkk).

Sec. 2. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, **and section 1 of this act** have the meanings ascribed to them in those sections.

Sec. 3. NRS 449.0151 is hereby amended to read as follows:

449.0151 “Medical facility” includes:

1. A surgical center for ambulatory patients;
2. A freestanding birthing center;
3. An independent center for emergency medical care;
4. An agency to provide nursing in the home;
5. A facility for intermediate care;
6. A facility for skilled nursing;
7. A facility for hospice care;
8. A hospital;
9. A psychiatric hospital;

10. A facility for the treatment of irreversible renal disease;
11. A rural clinic;
12. A nursing pool;
13. A facility for modified medical detoxification;
14. A facility for refractive surgery;
15. A mobile unit; ~~and~~
16. A community triage center ~~[-]~~; **and**
17. ***A rural emergency hospital.***

Sec. 4. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

↳ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals ***and rural emergency hospitals*** which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

↪ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement

services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. As used in this section, “living unit” means an individual private accommodation designated for a resident within the facility.

Sec. 5. NRS 449.0915 is hereby amended to read as follows:

449.0915 1. The Division may issue an endorsement as a crisis stabilization center to the holder of a license to operate a hospital that meets the requirements of this section.

2. A hospital that wishes to obtain an endorsement as a crisis stabilization center must submit an application in the form prescribed by the Division which must include, without limitation, proof that the applicant meets the requirements of subsection 3.

3. An endorsement as a crisis stabilization center may only be issued if the hospital to which the endorsement will apply:

(a) Operates in accordance with established administrative protocols, evidence-based protocols for providing treatment and evidence-based standards for documenting information concerning services rendered and recipients of such services in accordance with best practices for providing crisis stabilization services;

(b) Delivers crisis stabilization services:

(1) To patients in an area devoted to crisis stabilization or detoxification before releasing the patient into the community, referring the patient to another facility or transferring the patient to a bed within the hospital for short-term treatment, if the hospital has such beds;

(2) In accordance with best practices for the delivery of crisis stabilization services; and

(3) In a manner that promotes concepts that are integral to recovery for persons with behavioral health issues, including, without limitation, hope, personal empowerment, respect, social connections, self-responsibility and self-determination;

(c) Employs peer recovery support specialists, as defined in NRS 433.627, to provide peer recovery support services, as defined in NRS 433.626, when appropriate;

(d) Uses a data management tool to collect and maintain data relating to admissions, discharges, diagnoses and long-term outcomes for recipients of crisis stabilization services;

(e) Accepts all patients, without regard to:

(1) The race, ethnicity, gender, socioeconomic status, sexual orientation or place of residence of the patient;

(2) Any social conditions that affect the patient;

(3) The ability of the patient to pay; or

(4) Whether the patient is admitted voluntarily to the hospital pursuant to NRS 433A.140 or admitted to the hospital under an emergency admission pursuant to NRS 433A.162;

(f) Performs an initial assessment on any patient who presents at the hospital, regardless of the severity of the behavioral health issues that the patient is experiencing;

(g) Has the equipment and personnel necessary to conduct a medical examination of a patient pursuant to NRS 433A.165; and

(h) Considers whether each patient would be better served by another facility and transfer a patient to another facility when appropriate.

4. Crisis stabilization services that may be provided pursuant to paragraph (b) of subsection 3 may include, without limitation:

(a) Case management services, including, without limitation, such services to assist patients to obtain housing, food, primary health care and other basic needs;

(b) Services to intervene effectively when a behavioral health crisis occurs and address underlying issues that lead to repeated behavioral health crises;

(c) Treatment specific to the diagnosis of a patient; and

(d) Coordination of aftercare for patients, including, without limitation, at least one follow-up contact with a patient not later than 72 hours after the patient is discharged.

5. An endorsement as a crisis stabilization center must be renewed at the same time as the license to which the endorsement applies. An application to renew an endorsement as a crisis stabilization center must include, without limitation:

(a) The information described in subsection 3; and

(b) Proof that the hospital is a rural hospital *or rural emergency hospital* or is accredited by the Commission on Accreditation of Rehabilitation Facilities, the Center for Improvement in Healthcare Quality, DNV GL Healthcare, the Accreditation Commission for Health Care or the Joint Commission, or their successor organizations.

6. As used in this section, “crisis stabilization services” means behavioral health services designed to:

(a) De-escalate or stabilize a behavioral crisis, including, without limitation, a behavioral health crisis experienced by a person with a co-occurring substance use disorder; and

(b) When appropriate, avoid admission of a patient to another inpatient mental health facility or hospital and connect the patient with providers of ongoing care as appropriate for the unique needs of the patient.

Sec. 6. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 7 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

Sec. 7. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *The Department may apply to the Secretary of Health and Human Services for a waiver of federal law or amendment to the State Plan for Medicaid that authorizes the Department to receive federal funding to provide increased rates of reimbursement under the State Plan for rural emergency hospital services provided by a rural emergency hospital. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.*

2. *As used in this section:*

(a) *“Rural emergency hospital” has the meaning ascribed to it in section 1 of this act.*

(b) *“Rural emergency hospital services” has the meaning ascribed to it in 42 U.S.C. § 1395x(kkk).*

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 7, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2024, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Remarks by Assemblywoman Peters.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 366.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 13.

Bill read third time.

Remarks by Assemblyman D'Silva.

ASSEMBLYMAN D'SILVA:

Assembly Bill 13 imposes a time limit of 60 working days after the date on which an alleged violation of certain whistleblower laws occurred—or the date of a related reprisal or retaliatory

action—for a state officer or employee to file a written appeal. The measure eliminates the authority of a hearing officer to order the termination of employment of the proper person determined to have violated certain whistleblower protections.

Roll call on Assembly Bill No. 13:

YEAS—42.

NAYS—None.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22.

Bill read third time.

Remarks by Assemblyman Yurek.

ASSEMBLYMAN YUREK:

Assembly Bill 22 revises the actions the State Contractors' Board is authorized or required to take after the issuance of a cease and desist order. The bill requires the Board to issue an administrative citation and impose an administrative fine if the violation is a first violation and does not involve fraud or theft. For a second or subsequent violation or for a first violation involving fraud or theft, the Board must either issue an administrative citation and impose an administrative fine or report the violation for possible criminal prosecution.

Roll call on Assembly Bill No. 22

YEAS—42.

NAYS—None.

Assembly Bill No. 22 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 24.

Bill read third time.

Remarks by Assemblywoman González.

ASSEMBLYWOMAN GONZÁLEZ:

Assembly Bill 24 adds two members to the Committee on Emergency Medical Services. One member shall be employed by or serve as a volunteer with a local governmental agency that provides emergency medical services but which is not part of a firefighting agency or law enforcement agency. The other member shall be employed by or a volunteer with an agency, organization, or other operator that provides emergency medical services on tribal land.

Roll call on Assembly Bill No. 24:

YEAS—42.

NAYS—None.

Assembly Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 29.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 29 provides that the making, or the causing to be made, of a false or misleading statement or representation or the omission of a material fact by a licensee who is a natural person; an owner of a licensee; a managing officer of a licensee; or any person who qualifies on behalf of a licensee in connection with the application of another person for a contractor's license for the purpose of assisting the applicant to obtain a license, constitutes cause for disciplinary action against a licensee by the State Contractors' Board.

Roll call on Assembly Bill No. 29:

YEAS—42.

NAYS—None.

Assembly Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Assembly Bill 110 authorizes a manufacturer or wholesaler to dispense dialysate drugs and deliver devices necessary to administer dialysis at a residence, after satisfying certain requirements, to a patient with irreversible renal disease, or his or her designee; health care provider; or hospital or facility for the treatment of irreversible renal disease.

Roll call on Assembly Bill No. 110:

YEAS—42.

NAYS—None.

Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 164.

Bill read third time.

Remarks by Assemblywoman Taylor.

ASSEMBLYWOMAN TAYLOR:

Assembly Bill 164—the best bill of the session, I was told—requires the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into public education curriculum. The bill outlines the membership, duties, and abilities of the Advisory Working Group and the requirements of the Division related to the Advisory Working Group. Finally, the bill authorizes the Advisory Working Group to request the drafting of one legislative measure for the 2025 Legislative Session.

This bill is effective upon passage and approval for provisions concerning appointing members to the Advisory Working Group and performing preparatory administrative tasks, and on July 1, 2023, for all other purposes.

Roll call on Assembly Bill No. 164:

YEAS—42.

NAYS—None.

Assembly Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 189.

Bill read third time.

Remarks by Assemblywoman Jauregui.

ASSEMBLYWOMAN JAUREGUI:

Assembly Bill 189 provides that if the board of county commissioners in a county whose population is 700,000 or more or the governing body of a city which is located in such a county adopts an ordinance restricting the hours in which construction work may begin in a common-interest community in which the original developer controls a majority of the units, the hours for construction work in such a community must be allowed to begin at, but not earlier than, 5 a.m. during the period beginning on April 1 and ending on September 30. The governing body of a county or city to which these provisions apply must amend any ordinance not in compliance with these provisions as of the effective date of this measure. Any existing ordinance regulating excessive noise is also subject to these provisions.

Roll call on Assembly Bill No. 189:

YEAS—42.

NAYS—None.

Assembly Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 206.

Bill read third time.

Remarks by Assemblywoman Brown-May.

ASSEMBLYWOMAN BROWN-MAY:

Assembly Bill 206 relates to the Nevada Commission for Persons Who Are Deaf and Hard of Hearing. This bill adds a twelfth member to the Nevada Commission for Persons Who Are Deaf and Hard of Hearing, one of whom must be a registered sign language interpreter and possess certain experience and knowledge.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 206:

YEAS—42.

NAYS—None.

Assembly Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 276.

Bill read third time.

Remarks by Assemblywoman Duran.

ASSEMBLYWOMAN DURAN:

Assembly Bill 276 clarifies that the term “telehealth” includes communication between a provider of health care who is providing in-person services to a patient and another provider of health care at a different location. The measure also authorizes a provider of health care who is

conducting a forensic medical examination of an apparent victim of sexual assault or strangulation to use telehealth to connect to an appropriately trained physician, physician assistant, or registered nurse for the purpose of obtaining instructions and guidance on conducting the examination.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 276:

YEAS—42.

NAYS—None.

Assembly Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284.

Bill read third time.

Remarks by Assemblywoman Kasama.

ASSEMBLYWOMAN KASAMA:

Assembly Bill 284 authorizes an employee of a mortgage company, including a mortgage loan originator employed by or associated with the mortgage company, to conduct the business of the mortgage company at a remote location if authorized by the mortgage company. The measure sets forth certain requirements for a mortgage company to authorize an employee to conduct the business of the mortgage company at a remote location and certain restrictions on an employee conducting the business of the mortgage company at a remote location.

The measure requires the Commissioner of Mortgage Lending to adopt regulations governing the conducting of the business of a mortgage company at a remote location that include requirements for the keeping and maintenance of records for mortgage transactions made by an employee at a remote location.

In addition, the measure exempts a remote location from certain requirements to store records relating to mortgage transactions made at a location where a mortgage company conducts business in this state and instead requires the mortgage company to keep and maintain records of all mortgage transactions made by an employee at a remote location in accordance with the requirements established by the Commissioner.

Roll call on Assembly Bill No. 284:

YEAS—42.

NAYS—None.

Assembly Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 289.

Bill read third time.

Remarks by Assemblyman Carter.

ASSEMBLYMAN CARTER:

Assembly Bill 289 authorizes the use of natural organic reduction for disposing human remains, which is the contained, accelerated conversion of human remains to soil. The Nevada Funeral and Cemetery Services Board may adopt regulations governing natural organic reduction.

The bill includes natural organic reduction in the definition of “cremation,” thereby applying existing penalty provisions for violating requirements governing the disposition of human remains and the licensing, permitting, and certification of operators and facilities for the disposition of human remains. Upon written consent from the board of county commissioners of the county or the governing body of the city or town, as applicable, the Board may license crematories using only natural organic reduction located within certain cities and towns. Finally, the bill exempts

soil resulting from natural organic reduction from the size requirement for cremated remains and makes several other conforming changes.

Roll call on Assembly Bill No. 289:

YEAS—38.

NAYS—Dickman, Gallant, Hansen, McArthur—4.

Assembly Bill No. 289 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 45, 46, 67, 109, 151, 167, 195, 203, 255, and 277 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Jauregui moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 1:05 p.m.

ASSEMBLY IN SESSION

At 4:56 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblywoman Torres and Assemblyman McArthur as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Catherine Cortez Masto.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which were referred Assembly Bills Nos. 304, 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

The President pro Tempore of the Senate and members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President pro Tempore of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:03 p.m.

Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Watts, who was excused.

Mr. Speaker appointed a Committee on Escort consisting of Senator Lange and Assemblywoman Jauregui to wait upon United States Senator Catherine Cortez Masto and escort her to the Assembly Chamber.

The Committee on Escort, in company with The Honorable Catherine Cortez Masto, United States Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed United States Senator Catherine Cortez Masto and invited her to deliver her message.

United States Senator Catherine Cortez Masto delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
EIGHTY-SECOND SESSION, 2023

First, let me just say, it is such a pleasure to be here at home with all of you. Thank you for inviting me. Governor, thank you so much for being here. To our constitutional officers, thank you as well. To our Speaker and Majority Leader, thank you so much for the invitation. To all of our members of the Assembly and Senate, thank you. Thank you for the work that you do, and thank you for the opportunity to continue to work with all of you every single day.

I am going to be brief. There are certain things I want to focus on. I want to touch on one of them today, and that is what I am going to talk about. I know you have a busy legislative session. We are going to have plenty of time to talk about some of the issues we need to address to make sure we are doing everything for our businesses and our working families. There is one thing I want to touch on with your indulgence. We are going to get right into it.

I think most of you know, I love everything about this state. I always travel all over the state. I try to get out as much as I possibly can, and I have heard from everyone. I am so proud of the work we have done together to not only bring our economy back from the brink—which we all know we have addressed—but to look to the future. In our future, Nevada is at the forefront of leading in the 21st century innovation economy. I call Nevada the Innovation State because we have the workforce, we have the companies, we have the universities, the colleges, the institutes—thanks to DRI [Desert Research Institute]—and the labs that are incubating ideas and pioneering the technologies and the jobs of the future.

Let me start with the clean energy economy. Ask anyone in the country what they see when they think of Nevada. They will tell you: the sun. That is what we have here. We have certainly capitalized on our solar economy. But what most people do not know is that Nevada is the center of this country's clean energy and critical mineral future. It is the only state in the U.S. that encompasses nearly every facet of the critical mineral and advanced battery technology—from extraction; to research and development; to processing, refining, and manufacturing; to recycling operations. Nevada is primed to lead the rest of the country into the clean energy future, and we

need to take advantage of this important opportunity to grow our economy, create good-paying jobs—union jobs, by the way—and support Nevada families.

Here in Nevada, we have seen the clean energy revolution coming for a long time. You all know this. When I got to the Senate, I saw a unique opportunity to make Nevada the center of our nation's clean energy economy. That is why I launched the Innovation State Initiative—to promote everything we can do right here in Nevada.

You all know that Nevada is the perfect state for solar. You have worked so hard to promote its economy. You continue to do so, and I thank you for that. That is why I led the fight for a solar tax credit that kept new companies and new jobs coming to Nevada. I got this tax credit extended and signed into law under President Trump and then expanded under President Biden. Businesses are continuing to invest in solar production and jobs, and now we have the number one solar economy in the country thanks to all of the work we are doing. We know that it cuts costs for families, and it supports our workforce. Just a few months ago, I spent some time with IBEW [International Brotherhood of Electrical Workers] at the Gemini solar project, one of the new solar arrays in southern Nevada. These are good-paying jobs for our workers.

While our solar industry is booming, Nevada has the critical minerals to power the world. I cannot stress that enough. But for too long, they have been extracted and shipped overseas for processing and manufacturing. We should be developing Nevada's minerals. We should be developing that lithium in Nevada, whether it is through extraction or recycling. That is why I ensured the bipartisan infrastructure law included legislation to boost our critical mineral supply chain while at the same time investing in battery manufacturing and recycling projects right here at home. I have been talking about this so much on the floor of the U.S. Senate that they are sick and tired of hearing me talk about it. But this is Nevada's future, and this is our opportunity.

I was one of the first Senators to introduce and pass legislation to boost electric vehicles, develop our national strategy, and create a really critical mineral supply chain. That was crucial for all of us here in Nevada. It already has delivered millions to companies like Lilac Solutions in Fernley and American Battery Technology Company's project in Tonopah. Just a few years ago, these jobs did not exist, and now they are supporting thousands of families across our state.

Yesterday, I was at TRIC [Tahoe-Reno Industrial Center] visiting Aqua Metals. Aqua Metals has pioneered a process to recycle lithium-ion batteries and recover the valuable metals and lithium hydroxide, creating a circular supply of critical minerals for domestic battery manufacturing. Why is that important? Because the lithium hydroxide they produce can be recycled to support companies like Dragonfly Energy, which recycles and manufactures batteries right here in northern Nevada. Aqua Metals is a key piece, but there are so many others we are benefiting from.

Aqua Metals, by the way, benefited from the tax credits we passed in the Inflation Reduction Act. As they grow, they are looking to hire more workers right here in northern Nevada. We have it all here, and we have the potential to make the most of it—as long as we are working together.

Last summer, I was just a few miles down the road from the TRIC at a company called Fulcrum BioEnergy. Fulcrum BioEnergy is literally taking municipal waste out of our landfills and turning it into clean-burning jet fuel right here in Nevada. I know Fulcrum because I like to travel around the state and get out to talk to everybody. When I first toured their facility, they were having challenges at the federal level with getting support to move forward with their production. They were having challenges with the EPA [Environmental Protection Agency]. I worked at the federal level, talking with the folks in the administration about where we needed to go. From the work that I have done—working with all of you—to allow these companies to come here, Fulcrum is fully operational. The plant is supporting more than 1,000 connected jobs across Nevada, and it is a perfect example of the innovation economy growing right here in our state. A key piece of that innovation economy is smarter, more efficient technology that will make a big difference for Nevada families.

Thanks to the bipartisan legislation we all passed, we are investing in Nevada's infrastructure—and not just for airports, roads, and broadband. Let us talk about wildfires. We see them in the north. We see the drought in the south of this state. Every Nevadan is feeling one of the impacts of this climate crisis. That is why the bipartisan infrastructure package we passed included legislation that I fought for to support our firefighters and make sure we have the state-of-the-art technology we need to take on the wildfire season. It is why in the Senate I worked with

Representative Susie Lee in the House to support large-scale water recycling facilities in the infrastructure law and then personally negotiated for \$4 billion for drought funding in the Inflation Reduction Act.

That is essential to making sure we are doing everything we can to address these needs while also looking to our future. That is why we have to continue to work together—to ensure that Nevada leans into this 21st century and takes advantage of the investments coming our way at the federal level. These are once-in-a-lifetime investments. These do not come around quite often. They are going to be there for the next five to ten years. There is so much money that is coming to the state—from the CARES [Coronavirus Aid, Relief, and Economic Security] Act to ARPA [American Rescue Plan Act]—but let us just talk about the bipartisan infrastructure law, the CHIPS [Creating Helpful Incentives to Produce Semiconductors] and Science Act, and the Inflation Reduction Act. Just those three combined will invest more than \$135 billion to build America’s electric vehicle future, including critical minerals sourcing and processing and battery manufacturing. I am here to tell you, if we do not go after it, some other state will. That is why we need to be at the forefront of this.

I have spent the last several years in the Senate working with my colleagues in a bipartisan way to pass some of this legislation and lay the groundwork to support Nevada’s innovation economy. But you all are my partners in this effort. I cannot do this without all of you. That includes ensuring Nevada is in a position not only to go after these funds but also to use them in a timely manner so we do not lose them. That is what this is about for all of us. This is not a partisan issue. I have had conversations with so many of you. We are all on the same page. I am asking you to join me in supporting Nevada families and businesses by advancing pragmatic, responsible investments in innovation and infrastructure to grow our economy and, at the end of the day, create good-paying jobs for our families and businesses.

Where do you want Nevada to be in five to ten years? I hope you all are thinking about that, because I am. I know that when we look forward and lean into this 21st century, we want to lead and pioneer beyond the cutting edge of this innovation economy, which is going to take our families and businesses in this state into a future that is bright for all of us. I know you all feel the same way. I am looking for that opportunity to continue to partner with all of you. I am going to challenge you like I hope you challenge me. At the end of the day—I know the Governor feels this way; we just had this conversation—this is about Nevada first and all of our family businesses.

Thank you all for the opportunity to talk with you today. I wish you the best this session. Thank you.

Senator Neal moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Cortez Masto for her timely, able, and constructive message.

Seconded by Assemblywoman González.

Motion carried.

The Committee on Escort escorted Senator Cortez Masto to the bar of the Assembly.

Assemblywoman Considine moved that the Joint Session be dissolved.

Seconded by Senator Doñate.

Motion carried.

Joint Session dissolved at 5:22 p.m.

ASSEMBLY IN SESSION

At 5:23 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

On request of Assemblywoman Natha Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Caitlin Scruggs and Justin Hopsin.

On request of Assemblywoman Shea Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Izack Tenorio, Julia Salas, and Marc McDermont.

On request of Assemblywoman Lesley Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to Roisin Downey and Victoria Supple.

On request of Assemblywoman Michelle Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb Chavez, Carlos Hernandez, and Susie Martinez.

On request of Assemblyman Gregory Hafen, the privilege of the floor of the Assembly Chamber for this day was extended to Amanda Flocchini.

On request of Assemblywoman Melissa Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Oliver and Isabella Hammond.

On request of Assemblyman Gregory Koenig, the privilege of the floor of the Assembly Chamber for this day was extended to Caitlyn Dock, Connor Simerson, Jack Harrison, Laurinda Chamlee, Scarlet Harrison, and Tieris Williams.

On request of Assemblywoman Selena La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Jayne Malorni.

On request of Assemblywoman Elaine Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Audrey Dempsey.

On request of Assemblywoman Erica Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Concepcion Johnson, Phyllice Pichon, and Rosa Menoza.

On request of Assemblywoman Sabra Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Dielle Telada and Kiera Fincher.

On request of Assemblyman Duy Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Elisabeth Hadler, Jennifer Denoo, John Ahdunko, Sarah Mahler, and Travis Brewer LaChapelle.

On request of Assemblyman P.K. O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to Tanner McCune.

On request of Assemblywoman Sarah Peters, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones Fred W. Traner Middle School: Amani Nobles, Ashley Gracia, Ashley Silva Dominguez, Braydon Basco, Dania Aguilar, Hannah Nguyen, Isaiah Lopez, Isela Cortez, Jennifer Munez, John Vong, Jonathan Phung, Lucas Reyes, Oliver Arechiga, Romeo Vu, and Yasmin Martinez De Silverio.

On request of Assemblywoman Angie Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Zbinden.

Assemblywoman Jauregui moved that the Assembly adjourn until Thursday, April 13, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 5:23 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly