NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 20, 2023

Assembly called to order at 11:41 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Deacon Tom Roberts.

Let us pray. Kind and loving God, we thank You for having created us, for loving us, and for bringing us here together as a part of the human family. As our Creator and our Shepherd, we give thanks to You for the gifts of diversity and inclusion, for that binds us together, in the spirit of common community and gratitude for our many blessings. We gather together this morning with the richness of many beliefs and faith traditions. May these spiritual gifts wash over us with respect for one another. We humbly ask You, Lord, for Your blessing upon this Legislature, upon our Governor, and upon everyone working in our state government, all who are entrusted with the privilege of service to all of God's children here in the great state of Nevada.

We implore You to seal us with Your wisdom, Your compassion, and Your empathy, especially for some of the most vulnerable among us: the poor, the hungry, the homeless, and the voiceless—all who depend on government and private sector services to survive and thrive.

May we together, as a community, be effective stewards in caring for our sisters and brothers in greatest need, always with dignity and compassion. Place in our hearts, Lord, the spirit to make a positive difference in our families, in our communities, in our state, and in our nation. Help us to achieve these goals with determination, perseverance, goodness, and a sense of humor. Give us balance and humility in times of distraction and uncertainty. And, Lord, give us Your peace.

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.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 12:07 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 218, 298, 410, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 73, 228, 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. 224, 333, 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 Government Affairs, to which were referred Assembly Bills Nos. 305, 310, 391, 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 Natural Resources, to which were referred Assembly Bills Nos. 91, 249, 313, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which was referred Assembly Bill No. 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA BACKUS, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-3605

April 19, 2023

THE HONORABLE STEVE YEAGER, Speaker, Nevada State Assembly, 401 South Carson Street, Carson City, Nevada 89701

THE HONORABLE NICOLE J. CANNIZZARO, Majority Leader, Nevada State Senate, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER YEAGER AND LEADER CANNIZZARO:

I am requesting the opportunity to speak before the distinguished members of the Nevada State Legislature on Wednesday, May 31, 2023. I look forward to addressing the joint session about the pressing issues before the United States Congress in the upcoming months and their impact on

the great state of Nevada. Please contact Kianna Shlemon at (702) 701-6942 if you have any questions. Thank you in advance for your kind consideration.

Sincerely,
SUSIE LEE
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 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. 131, 134, 215, 252, 309, 340, 378, 397, 401, 442.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 11, 27, 50, 85, 90, 113, 169, 172, 203, 208, 239, 249, 264, 270, 283, 316, 317, 368, 381, 382.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 19, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bills Nos. 54, 139, 222, 389.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Senate Bill No. 107.

WAYNE THORLEY
Fiscal Analysis Division

April 20, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 125, 222.

SARAH COFFMAN
Fiscal Analysis Division

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of April 20, 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.

Sho-Pai News: Christina Pete.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 50 be taken from the Chief Clerk's Desk and placed on General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Yeager (emergency request of Speaker of the Assembly):

Assembly Bill No. 465—AN ACT relating to the state militia; revising the age requirements for enlisted personnel and commissioned officers; revising provisions governing the Adjutant General of the Office of the Military; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 11.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 27.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 50.

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

Motion carried.

Senate Bill No. 85.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 90.

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

Motion carried.

Senate Bill No. 113.

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

Motion carried.

Senate Bill No. 131.

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

Motion carried.

Senate Bill No. 134.

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

Motion carried.

Senate Bill No. 169.

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

Motion carried.

Senate Bill No. 172.

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

Motion carried.

Senate Bill No. 203.

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

Motion carried.

Senate Bill No. 208.

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

Motion carried.

Senate Bill No. 215.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 239.

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

Motion carried.

Senate Bill No. 249.

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

Motion carried.

Senate Bill No. 252.

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

Motion carried.

Senate Bill No. 264.

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

Motion carried.

Senate Bill No. 270.

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

Motion carried.

Senate Bill No. 283.

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

Motion carried.

Senate Bill No. 309.

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

Motion carried.

Senate Bill No. 316.

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

Motion carried.

Senate Bill No. 317.

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

Motion carried.

Senate Bill No. 340.

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

Motion carried.

Senate Bill No. 368.

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

Motion carried.

Senate Bill No. 378.

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

Motion carried.

Senate Bill No. 381.

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

Motion carried.

Senate Bill No. 382.

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

Motion carried.

Senate Bill No. 397.

Assemblywoman Jauregui moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Senate Bill No. 401.

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

Motion carried.

Senate Bill No. 442.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 257.

SUMMARY— ~~[Revises provisions relating to the state business portal.]~~ **Creates the Business Licensing Working Group.** (BDR ~~[7-405)]~~ **S-405)**

AN ACT relating to business; ~~[revising provisions governing the state business portal; requiring the Secretary of State to provide for the integration with the state business portal of the applications of a state or local agency or health district for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State; requiring, with certain exceptions, each state agency, local agency and health district to comply with certain requirements relating to the state business portal;]~~ **creating the Business Licensing Working Group to study certain issues relating to business licensing during the 2023-2024 interim; prescribing the membership and duties of the Working Group;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Secretary of State is required to establish the state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through the state business portal. ~~[Existing law authorizes each state or local agency or health district, to the extent practicable: (1) to make available on its Internet website applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State and to integrate such applications into the state business portal; (2) to ensure that the state or local agency or health district is capable of using the state business portal to accept and disseminate common business registration information to participating state and local agencies and health districts to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State; (3) to require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State to include in the application the applicant's business identification number; and (4) to accept the electronic transfer of common business registration information from the state business portal for certain purposes; (5) to allow for the acceptance of an electronic signature for certain purposes; and (6) to establish and maintain certain rules, data and processes relating to businesses. (NRS 75A.100) With certain exceptions, section 1 of this bill requires, rather than authorizes, each state agency, local~~

~~agency and health district to comply with such requirements to the extent practicable. However, with respect to the integration with the state business portal of the applications of a state or local agency or health district for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State, section 1 requires: (1) the Secretary of State to provide for such integration; and (2) each state agency, local agency and health district to assist the Secretary of State with such integration. Additionally, section 1 maintains provisions of existing law which provide that a state or local agency or health district is not required to upgrade its information technology system or incur significant expense to comply with the requirements of section 1. Finally, section 1 defines "state agency" and "local agency" for the purposes of section 1.~~

~~Section 2 of this bill makes a conforming change to refer to provisions that have been renumbered as a result of the changes in section 1.~~**]** **(NRS 75A.100) Section 5 of this bill creates the Business Licensing Working Group to study certain issues relating to business licensing during the 2023-2024 interim. Section 6 of this bill requires the Secretary of State to serve as Chair of the Working Group and prescribes certain requirements for the operation of the Working Group. Section 7 of this bill requires the Working Group to: (1) study and make recommendations to the Secretary of State on the efficacy of consolidating an electronic application process for a license, certificate, registration, permit or similar type of authorization required to conduct a business in this State; (2) evaluate current systems for sharing information between local business licensing entities and the Office of the Secretary of State; and (3) evaluate the availability of certain information technology systems. Section 7 authorizes the Working Group to consider certain other matters. Section 7 requires the Working Group, on or before December 31, 2024, to submit a report to the Legislature that addresses any issue reviewed or studied and any recommendations made by the Working Group. Section 8 of this bill requires the Office of the Secretary of State to provide administrative support to the Working Group and authorizes the Working Group to engage in certain other activities.**

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

Section 1. **[**~~NRS 75A.100 is hereby amended to read as follows:~~

~~75A.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.~~

~~2. The Secretary of State shall:~~

~~(a) Establish, through cooperative efforts and consultation with representatives of state agencies, local governments, health districts and~~

businesses, the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency ***or health district*** to participate in the state business portal;

(c) Authorize a state or local agency ***or health district*** to participate in the state business portal if the Secretary of State determines that the agency ***or district*** meets the standards and requirements necessary for such participation and the agency ***or district*** has entered into an agreement for access to the state business portal with the Secretary of State;

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal;

(e) Cause the state business portal to interface with the system established by the Secretary of State to assign business identification numbers;

(f) ***Provide for the integration with the state business portal of the applications of a state or local agency or health district for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State;***

(g) For the purpose of coordinating the collection of common information from businesses using the state business portal:

(1) Establish common business registration information to be collected from businesses by state and local agencies and health districts which issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, which collect taxes or fees or which conduct other necessary transactions with businesses in this State; and

(2) Cause the state business portal to exchange the common business registration information among state and local agencies and health districts which participate in the state business portal and which use the common business registration information to issue licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State, to collect taxes or fees or to conduct other necessary transactions with businesses in this State;

[(g)**]** ***(h)*** In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of NRS 231.053; and

[(h)**]** ***(i)*** Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

3. Each state ***or local*** agency or health district that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in this State **[**may,**]** ***shall,*** to the extent practicable **: [**, and each local agency that issues a license, certificate, registration, permit or similar type of authorization to conduct a business in the jurisdiction of the local agency may, as approved by the governing body of the local government:**]**

~~— (a) Make available on its Internet website any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.~~

~~— (b) Accept the electronic transfer of common business registration information from the state business portal for use in any electronic application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State or for use in any application processing system.~~

~~— (c) **[**Integrate**]** ***Assist the Secretary of State to integrate*** with the state business portal any of its applications for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State. **[**As used in this paragraph, "integrate" means to consolidate an electronic application process so that it is capable of collecting and disseminating information to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.**]**~~

~~— (d) Allow for the acceptance of an electronic signature for a declaration or affirmation under penalty of perjury or as provided for in statute.~~

~~— (e) Require an applicant for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State to include in the application the applicant's business identification number.~~

~~— (f) Ensure that the state or local agency or health district, as applicable, is capable of using the state business portal to accept and disseminate to participating state and local agencies and health districts the common business registration information established pursuant to subparagraph (1) of paragraph **[**(f)**]** ***(g)*** of subsection 2 which is needed by the state or local agency or health district to issue a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.~~

~~— (g) Establish and maintain its rules, data and processes relating to businesses in accordance with the agreement entered into by the state or local agency or health district pursuant to paragraph (c) of subsection 2 and any corresponding technical documentation.~~

~~— 4. The provisions of subsection 3 do not require a state or local agency or health district to:~~

~~— (a) Disseminate or release information if such action would result in the state or local agency or health district violating any provision of state or federal law relating to the confidentiality of the information.~~

~~— (b) Upgrade its information technology system or incur significant expense to comply with the provisions of this section.~~

~~— 5. Except as otherwise provided in NRS 239.0115, all records containing technical specifications, processing protocols or programmatic or system architecture of the state business portal, and any other records containing information the disclosure of which would endanger the security of the state business portal, or proprietary information related to the functions, operations, processes or architecture of the state business portal, are deemed confidential and privileged.~~

~~6. As used in this section:~~

~~(a) "Business identification number" means the number assigned by the Secretary of State pursuant to NRS 225.082 to an entity organized pursuant to this title or to a person who is issued a state business license or who claims to be excluded or exempt from the requirement to obtain a state business license pursuant to chapter 76 of NRS.~~

~~(b) "Disseminate" means to distribute in an electronic format that is capable of being accepted by participating state and local agencies and health districts and used by participants as the common business registration information used to issue a license, certificate, registration, permit or similar type of authorization, to collect taxes or fees or to conduct other necessary transactions with businesses in this State.~~

~~*(c) "Integrate" or "integration" means to consolidate an electronic application process so that it is capable of collecting and disseminating information to a state or local agency or health district for the processing of the application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.*~~

~~*(d) "Local agency" means any local legislative body, agency, bureau, board, commission, department, division, office or other unit of any county, city or other political subdivision, as defined in NRS 281A.145. The term does not include a health district.*~~

~~*(e) "State agency" means an agency, bureau, board, commission, department, division, officer, employee or agent or any other unit of the Executive Department of the State Government.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 75A.150 is hereby amended to read as follows:~~

~~75A.150 1. Except as otherwise provided in subsection 2 and NRS 239.0115, the records and files collected by the Secretary of State pursuant to paragraph~~ **[**(f)**]** ~~*(g)* of subsection 2 of NRS 75A.100 are confidential and privileged. The Secretary of State and any employee of the Secretary of State who is authorized to view or use the information in such records or files:~~

~~(a) Shall not disclose any information obtained from such records or files other than specific information contained in the record or file that is deemed a public record; and~~

~~(b) May not be required to produce any of the records, files and information for the inspection of any person or governmental entity or for use in any action or proceeding.~~

~~2. The records and files collected pursuant to paragraph~~ **[**(f)**]** ~~*(g)* of subsection 2 of NRS 75A.100 are not confidential and privileged in the following cases:~~

~~(a) Testimony by the Secretary of State or any employee of the Secretary of State and the production of records, files and information on behalf of the Secretary of State or a person in any action or proceeding before the Secretary of State or a court in this State if that testimony or the records, files or information, or the facts shown thereby, are directly involved in the action or proceeding.~~

~~(b) Delivery to a person or his or her authorized representative of a copy of any document filed by the person pursuant to this chapter.~~

~~(c) Publication by a governmental agency of statistics so classified as to prevent the identification of a particular business or document.~~

~~(d) Exchanges of information with the Secretary of State or a federal agency in accordance with any agreement made and provided for in such cases, or disclosure in confidence to any federal agency that requests the information for use by the agency in a civil or criminal investigation or prosecution.~~

~~(e) Disclosure in confidence to the Attorney General or other legal representative of the State or a federal agency in connection with an action or proceeding relating to a taxpayer, or to any agency of this or any other state or the Federal Government charged with the administration or enforcement of laws relating to workers' compensation, unemployment compensation, public assistance, taxation, labor or gaming or which issues licenses, certificates, registrations, permits or similar types of authorization to conduct a business in this State.~~

~~(f) Disclosure by the Secretary of State for the purpose of collection of a debt, fee or obligation owed to the Secretary of State.~~

~~(g) A business that submits information to the state business portal and agrees to a provision authorizing the release of information contained in the records and files of the state business portal for a purpose which must be specified in the provision.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~**[**This act becomes effective on July 1, 2024.~~**]** **(Deleted by amendment.)**

Sec. 4. **As used in sections 5 to 8, inclusive, of this act, unless the context otherwise requires, "Working Group" means the Business Licensing Working Group created by section 5 of this act.**

Sec. 5. **1. The Business Licensing Working Group is hereby created to study certain issues relating to business licensing during the 2023-2024 interim.**

2. The Working Group consists of the following members:

(a) The Secretary of State or his or her designee;

(b) The Lieutenant Governor or his or her designee;

(c) The following members appointed by the Nevada Association of Counties or its successor organization:

(1) One representative of a county whose population is less than 100,000;

(2) One representative of a county whose population is 100,000 or more but less than 700,000; and

(3) One representative of a county whose population is 700,000 or more;

(d) The following members appointed by the Nevada League of Cities and Municipalities or its successor organization:

(1) One representative of a city whose population is less than 100,000;

(2) One representative of a city whose population is 100,000 or more but less than 500,000; and

(3) One representative of a city whose population is 500,000 or more;

(e) One representative from the Nevada Small Business Development Center, appointed by the Secretary of State;

(f) One representative of a chamber of commerce in this State, appointed by the Lieutenant Governor;

(g) One owner of a business in this State, appointed by the Secretary of State; and

(h) One owner of a business in this State, appointed by the Lieutenant Governor.

3. If a vacancy occurs during a member's term, the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

4. The members of the Working Group serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. A member of the Working Group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Working Group and perform any work necessary to carry out the duties of the Working Group. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Working Group to:

(a) Make up the time he or she is absent from work to carry out his or her duties as a member of the Working Group; or

(b) Take annual leave or compensatory time for the absence.

Sec. 6. **1. The Secretary of State or his or her designee shall serve as Chair of the Working Group. The Lieutenant Governor or his or her designee shall serve as the Vice Chair of the Working Group.**

2. The Working Group shall meet at the call of the Chair or a majority of its members.

3. A majority of the members of the Working Group constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Working Group.

Sec. 7. **1. The Working Group shall, during the 2023-2024 interim:**

(a) Study and make recommendations to the Secretary of State concerning the efficacy of consolidating, to the extent practicable, an electronic application process that is capable of collecting and disseminating information to a state or local agency or health district for the processing of an application for a license, certificate, registration, permit or similar type of authorization to conduct a business in this State.

(b) Evaluate the current systems for sharing information between local business licensing entities and the Office of the Secretary of State.

(c) Evaluate the availability of information technology systems capable of:

(1) Hosting a consolidated electronic business license application process; and

(2) Sharing information between local business licensing entities and the Office of the Secretary of State.

(d) Evaluate the ways to encourage cooperation between local governments in the regulation of business.

2. The Working Group may consider, at its discretion, any other matters submitted by a member.

3. The Working Group shall, on or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau for transmittal to the 84th Session of the Legislature a report concerning the activities of the Working Group that addresses, without limitation, any issue reviewed or studied and any recommendations made by the Working Group pursuant to this section.

Sec. 8. **1. The Office of the Secretary of State shall provide administrative support to the Working Group.**

2. The Working Group may establish such subcommittees, task forces and similar entities from within or outside of its membership as necessary to address specific issues or otherwise to assist in its work.

3. To the extent that money is available for the purpose, the Working Group may enter into contracts with consultants to assist the Working Group in the performance of its duties.

4. Within the limits of available resources, state agencies, boards and commissions shall, upon the request of the Chair of the Working Group, provide advice and technical assistance to the Working Group.

Sec. 9. **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. 49.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 151.

AN ACT relating to criminal procedure; prescribing separate forms for certain postconviction petitions for a writ of habeas corpus; revising various provisions relating to postconviction petitions for a writ of habeas corpus; eliminating the requirement that the respondent to a postconviction petition for a writ of habeas corpus file a return with the court; revising provisions relating

to a petition for a hearing to establish the factual innocence of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an offender who is convicted of a crime and under a sentence of death or imprisonment to file a postconviction petition for a writ of habeas corpus to challenge: (1) the validity of a judgment of conviction; or (2) the computation of time that the person has served pursuant to a judgment of conviction. (NRS 34.724) Existing law also authorizes a person who has been convicted of a felony to file a petition for a hearing to establish the factual innocence of the person based on newly discovered evidence. (NRS 34.960) **Section 2** of this bill defines the term "prosecuting agency" for the purpose of clarifying certain requirements relating to such petitions. **Sections 5, 10, 11, 13 and 20-24** of this bill make conforming changes to substitute the defined term where appropriate.

Sections 3 and 11 of this bill prescribe separate and distinct forms for a petition for a writ of habeas corpus that challenges the computation of time that a person has served pursuant to a judgment of conviction and a petition for a writ of habeas corpus that challenges the validity of a judgment of conviction, respectively. **Section 10** of this bill makes a conforming change by requiring each type of petition to be: (1) appropriately titled; and (2) in substantially the form prescribed by **sections 3 and 11**. **Sections 6, 7 and 17** of this bill make conforming changes to indicate the proper placement of **section 3** in the Nevada Revised Statutes.

Section 8 of this bill makes a nonsubstantive change to clarify that a person may file a postconviction petition for a writ of habeas corpus without paying a filing fee. **Sections 9, 10, 12-14, 16, 18 and 19** of this bill make certain other nonsubstantive changes in statutes concerning postconviction petitions.

Existing law requires the respondent on a postconviction petition for a writ of habeas corpus to file with the court: (1) a return, which includes certain information relating to the basis on which the respondent has the petitioner in his or her custody or power; and (2) an answer responding to the allegations of the petition. (NRS 34.430, 34.745) **Section 26** of this bill repeals the requirement that the respondent file a return with the court. **Section 15** of this bill requires instead that the response or answer filed by the respondent include the information contained in a return under existing law. **Sections 13, 14 and 16** make conforming changes relating to the elimination of the requirement that a respondent file a return with the court.

Section 25 of this bill makes the amendatory provisions of this bill applicable to a postconviction petition for a writ of habeas corpus filed on or after July 1, 2023.

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

Section 1. Chapter 34 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *As used in this chapter, "prosecuting agency" means:*

1. The district attorney of the county in which the judgment of conviction or sentence being challenged in a petition for a writ of habeas corpus was obtained, if the district attorney or a deputy district attorney prosecuted the petitioner in the original proceeding which led to the judgment of conviction or sentence; or

2. The Attorney General, if the Attorney General or a deputy attorney general prosecuted the petitioner in the original proceeding which led to the judgment of conviction or sentence being challenged in a petition for a writ of habeas corpus.

Sec. 3. *A petition for a writ of habeas corpus that challenges the computation of time that the petitioner has served pursuant to a judgment of conviction must be in substantially the following form, with appropriate modifications if the petition is filed in the Court of Appeals or the Supreme Court:*

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF.....

.....
Petitioner,

v. *PETITION FOR WRIT OF HABEAS CORPUS (COMPUTATION OF TIME)*

.....
Respondent.

INSTRUCTIONS:

(1) Use this form if you are currently serving a sentence pursuant to a judgment of conviction and are challenging the postconviction computation of your time served, the revocation of your parole or the forfeiture of your credits. Do not use this form if you are requesting relief from a judgment of conviction.

(2) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.

~~*[(2) Additional pages are not permitted except where noted or with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.]*~~

(3) You must include facts which support your grounds for relief. You do not need to cite law or authorities. You may submit additional pages if necessary with this form.

(4) If you want an attorney appointed, you must complete ~~[the]~~ an Affidavit in Support of Request to Proceed in Forma Pauperis. ~~[You must have an]~~ An authorized officer at the prison must complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

~~[(4)]~~ (5) You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but:

(a) Within its custody, name the Director of the Department of Corrections.

(b) Under the supervision of the Division of Parole and Probation of the Department of Public Safety, name the probation officer or parole officer assigned to you at this time.

~~[(5)]~~ (6) You must include all grounds for relief which you may have regarding the computation of time served on your sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging the same computation of time issue.

~~[(6)]~~ (7) You must allege specific facts supporting the claims in this petition. Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed.

~~[(7)]~~ (8) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you are incarcerated, or, if you are incarcerated outside this State, the First Judicial District Court in and for Carson City. One copy must be mailed to the respondent and one copy must be mailed to the Attorney General's Office. Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: .....
.....

2. Name and location of court that sentenced you: .....
.....

3. Case number: .....

4. Date of judgment of conviction: .....

5. (a) Nature of the underlying offense involved in the sentence being challenged in this petition: .....

(b) Date on which the underlying offense involved in the sentence being challenged in this petition was committed: .....

6. Length of sentence being challenged in this petition:
.....
.....

7. Are you presently serving a sentence other than the sentence being challenged in this petition? Yes ..... No .....
If "yes," list each crime, case number and sentence being served at this time:
.....
.....
8. Have your sentences been aggregated? Yes ..... No .....
If "yes," list each case number and sentence, the terms of which have been aggregated:
.....
.....
9. Do you have any future sentences to serve after you complete the sentence being challenged in this petition (whether in the same judgment or a different judgment)? Yes ..... No .....
If "yes," specify where and when it is to be served, if you know:
10. Have you had a parole hearing relating to the sentence you are challenging in this petition? Yes ..... No .....
If "yes," give the following information:
(a) Date of most recent parole hearing: .....
(b) Outcome of most recent parole hearing: .....
(c) Date on which the rehearing is to be held, if you know: .....
11. Are you challenging a decision of the State Board of Parole Commissioners to revoke your parole? Yes ..... No .....
If "yes," give the following information:
(a) Date of revocation hearing: .....
(b) Date on which your next parole hearing is scheduled, if you know:
(c) Did you forfeit any credit as a result of the revocation of parole? Yes ..... No .....
(d) If you forfeited any credit as a result of the revocation of parole, has any of the credit forfeited been restored? Yes ..... No .....
12. Are you challenging a disciplinary sanction? Yes ..... No .....
If "yes," give the following information:
(a) Date on which you were served with a notice of the disciplinary offense charged: .....
(b) Date on which the disciplinary hearing involving the charged offense was conducted:.....
(c) Did you forfeit any credit as a result of the disciplinary hearing? Yes ..... No .....
(d) If you forfeited any credit as a result of the disciplinary hearing, has any of the credit forfeited been restored? Yes ..... No .....
13. Have you previously filed any petitions, applications or motions with respect to the challenge raised in this petition in any court, state or federal? Yes ..... No .....

14. If your answer to No. 13 was "yes," give the following information:

(a) (1) Name of court: .....

(2) Nature of proceeding: .....

.....

(3) Grounds raised: .....

.....

.....

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....

(5) Result: .....

(6) Date of result: .....

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: .....

(b) As to any second or subsequent additional petitions, applications or motions, give the same information as above, list them on a separate sheet and attach.

(c) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes ..... No .....

Citation or date of decision .....

(2) Second or subsequent petitions, applications or motions? Yes ..... No .....

Citation or date of decision .....

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

.....

.....

15. Do you have any petition or appeal now pending in any court, state or federal, regarding the computation of time you are challenging in this petition? Yes ..... No .....

If "yes," give the following information:

(a) Name of court:

(b) Case number:

16. Have you filed a grievance raising the same computation of time issue as you are raising in this petition? Yes ..... No .....

17. If your answer to No. 16 was "yes," answer the following:

(a) Number assigned to your grievance:

(b) Result of grievance:

(c) Did you complete all levels of the grievance procedure? Yes ..... No .....

(d) If you did not complete all levels of the grievance procedure, explain briefly why you did not:

18. If any of the grounds being raised in this petition have been submitted for review and resolution by way of the grievance process, explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) .....
.....
.....

19. State concisely every ground on which you claim that the computation of time you have served has been improperly computed. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting the same.

(a) Ground one: .....
.....
Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....

(b) Ground two: .....
.....
Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....

(c) Ground three: .....
.....
Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....

(d) Ground four: .....
.....
Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....

WHEREFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at ..... on the ..... day of the month of ..... of the year .....

.....
Signature of petitioner
.....
Address
.....
Signature of attorney (if any)
.....
Attorney for petitioner
.....
Address

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

.....
Petitioner
.....
Attorney for petitioner

CERTIFICATE OF SERVICE BY MAIL

I, ..., hereby certify, pursuant to N.R.C.P. 5(b), that on this ..... day of the month of ..... of the year ....., I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS (COMPUTATION OF TIME) addressed to:

.....
Respondent prison or jail official
.....
Address
.....
Attorney General
100 North Carson Street
Carson City, Nevada 89701

.....
Signature of petitioner

Sec. 4. NRS 34.370 is hereby amended to read as follows:

34.370 1. A petition for a writ of habeas corpus must be verified by the petitioner or the petitioner's counsel. If the petition is verified by counsel, counsel shall also verify that the petitioner personally authorized counsel to commence the action.

2. A verified petition for issuance of a writ of habeas corpus must specify that the petitioner is imprisoned or restrained of the petitioner's liberty, the officer or other person by whom the petitioner is confined or restrained, and the place where the petitioner is confined, naming all the parties if they are known, or describing them if they are not known.

3. If the petitioner claims that the imprisonment is illegal, the petitioner must state facts which show that the restraint or detention is illegal.

4. If the petition requests relief from a judgment of conviction or sentence in a criminal case, the petition must identify the proceedings in which the petitioner was convicted, give the date of entry of the final judgment and set forth which constitutional rights of the petitioner were violated and the acts constituting violations of those rights. Affidavits, records or other evidence supporting the allegations in the petition must be attached unless the petition recites the cause for failure to attach these materials. The petition must identify any previous proceeding in state or federal court initiated by the petitioner to secure relief from the petitioner's ***judgment of*** conviction or sentence. Argument, citations and other supporting documents are unnecessary.

Sec. 5. NRS 34.700 is hereby amended to read as follows:

34.700 1. Except as provided in subsection 3, a pretrial petition for a writ of habeas corpus based on alleged lack of probable cause or otherwise challenging the court's right or jurisdiction to proceed to the trial of a criminal charge may not be considered unless:

(a) The petition and all supporting documents are filed within 21 days after the first appearance of the accused in the district court; and

(b) The petition contains a statement that the accused:

(1) Waives the 60-day limitation for bringing an accused to trial; or

(2) If the petition is not decided within 15 days before the date set for trial, consents that the court may, without notice or hearing, continue the trial indefinitely or to a date designated by the court.

2. The arraignment and entry of a plea by the accused must not be continued to avoid the requirement that a pretrial petition be filed within the period specified in subsection 1.

3. The court may extend, for good cause, the time to file a petition. Good cause shall be deemed to exist if the transcript of the preliminary hearing or of the proceedings before the grand jury is not available within 14 days after the accused's initial appearance and the court shall grant an ex parte application to extend the time for filing a petition. All other applications may be made only after appropriate notice has been given to the prosecuting ~~[attorney.]~~ ***agency.***

Sec. 6. NRS 34.720 is hereby amended to read as follows:

34.720 The provisions of NRS 34.720 to 34.830, inclusive, ***and section 3 of this act*** apply only to petitions for writs of habeas corpus in which the petitioner:

1. Requests relief from a judgment of conviction or sentence in a criminal case; or

2. Challenges the computation of time that the petitioner has served pursuant to a judgment of conviction.

Sec. 7. NRS 34.722 is hereby amended to read as follows:

34.722 As used in NRS 34.720 to 34.830, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, "petition" means a ~~[~~postconviction~~]~~ petition ~~[~~for habeas corpus~~]~~ ***to obtain relief from a judgment of conviction or sentence or to challenge the computation of time a person has served*** filed pursuant to NRS 34.724.

Sec. 8. NRS 34.724 is hereby amended to read as follows:

34.724 1. Any person convicted of a crime and under sentence of death or imprisonment who claims that the conviction was obtained, or that the sentence was imposed, in violation of the Constitution of the United States or the Constitution or laws of this State, or who, after exhausting all available administrative remedies, claims that the time the person has served pursuant to the judgment of conviction has been improperly computed ~~[~~,~~]~~ may ~~[~~, without paying a filing fee,~~]~~ file a ~~[~~postconviction~~]~~ petition ~~[~~for a writ of habeas corpus~~]~~ to obtain relief from the ***judgment of*** conviction or sentence or to challenge the computation of time that the person has served. ***A person must not be required to pay a filing fee to file such a petition.***

2. Such a petition:

(a) Is not a substitute for and does not affect any remedies which are incident to the proceedings in the trial court or the remedy of direct review of the sentence or conviction.

(b) Comprehends and takes the place of all other common-law, statutory or other remedies which have been available for challenging the validity of the ***judgment of*** conviction or sentence, and must be used exclusively in place of them.

(c) Is the only remedy available to an incarcerated person to challenge the computation of time that the person has served pursuant to a judgment of conviction, after all available administrative remedies have been exhausted.

3. For the purposes of this section, a motion to withdraw a plea of guilty, guilty but mentally ill or nolo contendere pursuant to NRS 176.165 that is made after sentence is imposed or imposition of sentence is suspended is a remedy which is incident to the proceedings in the trial court if:

(a) The person has not filed a prior motion to withdraw the plea and has not filed a prior ~~[~~postconviction~~]~~ petition ***;*** ~~[~~for a writ of habeas corpus;~~]~~

(b) The motion is filed within 1 year after the date on which the person was convicted, unless the person pleads specific facts demonstrating that some impediment external to the defense precluded bringing the motion earlier;

(c) At the time the person files the motion to withdraw the plea, the person is not incarcerated for the charge for which the person entered the plea; and

(d) The motion is not barred by the doctrine of laches. A motion filed more than 5 years after the date on which the person was convicted creates a rebuttable presumption of prejudice to the State on the basis of laches.

4. The court shall not appoint counsel to represent a person for the purpose of subsection 3.

Sec. 9. NRS 34.726 is hereby amended to read as follows:

34.726 1. Unless there is good cause shown for delay, a petition that challenges the validity of a judgment ***of conviction*** or sentence must be filed within 1 year after entry of the judgment of conviction or, if an appeal has been taken from the judgment, within 1 year after the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution issues its remittitur. For the purposes of this subsection, good cause for delay exists if the petitioner demonstrates to the satisfaction of the court:

(a) That the delay is not the fault of the petitioner; and

(b) That dismissal of the petition as untimely will unduly prejudice the petitioner.

2. The execution of a sentence must not be stayed for the period provided in subsection 1 solely because a petition may be filed within that period. A stay of sentence must not be granted unless:

(a) A petition is actually filed; and

(b) The petitioner establishes a compelling basis for the stay.

Sec. 10. NRS 34.730 is hereby amended to read as follows:

34.730 1. A petition must be verified by the petitioner or the petitioner's counsel. If the petition is verified by counsel, counsel shall also verify that the petitioner personally authorized counsel to commence the action.

2. ***A petition that challenges:***

(a) The computation of time that the petitioner has served pursuant to a judgment of conviction must be titled "Petition for Writ of Habeas Corpus (Computation of Time)" and be in substantially the form set forth in section 3 of this act.

(b) The ~~[~~petition~~]~~ ***validity of a judgment of conviction or sentence*** must be titled "Petition for Writ of Habeas Corpus ~~[~~("Postconviction")~~]~~ ***("Validity of Judgment of Conviction or Sentence)"*** and be in substantially the form set forth in NRS 34.735. ~~[~~The~~]~~

3. A petition must name as respondent and be served by mail upon the officer or other person by whom the petitioner is confined or restrained. A copy of the petition must be served by mail upon ~~[~~:

~~(a) The~~~~]~~ ***the*** Attorney General ~~[~~;~~]~~ and

~~[~~(b) In the case of a petition challenging the validity of a judgment of conviction or sentence, the district attorney in the county in which the petitioner was convicted.~~]~~ ***, if applicable, any other prosecuting agency.***

~~[~~3.~~]~~ ***4.*** Except as otherwise provided in this subsection, the clerk of the district court shall file a petition as a new action separate and distinct from any original proceeding in which a conviction has been had. If a petition challenges the validity of a ***judgment of*** conviction or sentence, it must be:

(a) Filed with the record of the original proceeding to which it relates; and

(b) Whenever possible, assigned to the original judge or court.

~~[4.]~~ ***5.*** No hearing upon the petition may be set until the requirements of NRS 34.740 to 34.770, inclusive, are satisfied.

Sec. 11. NRS 34.735 is hereby amended to read as follows:

34.735 A petition ***that challenges the validity of a judgment of conviction or sentence*** must be in substantially the following form, with appropriate modifications if the petition is filed in the Court of Appeals or the Supreme Court:

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF.....

.....
Petitioner,

v.

PETITION FOR WRIT OF HABEAS CORPUS ~~[(POSTCONVICTION)]~~ ***(VALIDITY OF JUDGMENT OF CONVICTION OR SENTENCE)***

.....
Respondent.

INSTRUCTIONS:

(1) ***Use this form if you are currently serving a sentence pursuant to a judgment of conviction and are seeking relief from your judgment of conviction or sentence. Do not use this form if you are challenging the postconviction computation of your time served.***

(2) This petition must be legibly handwritten or typewritten, signed by the petitioner and verified.

~~[(2)]~~ ***(3)*** Additional pages are not permitted except where noted or with respect to the facts ~~[which you rely upon to]~~ ***that*** support your grounds for relief. ~~[No citation of authorities need be furnished.]~~ ***You are not required to cite to law or authorities.*** If ***you submit*** briefs or arguments ***,*** ~~[are submitted,]~~ they ~~[should be submitted in the form of]~~ ***must be in*** a separate memorandum.

~~[(3)]~~ ***(4)*** If you want an attorney appointed, you must complete ~~[the]~~ ***an*** Affidavit in Support of Request to Proceed in Forma Pauperis. ~~[You must have an]~~ ***An*** authorized officer at the prison ***must*** complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

~~[(4)]~~ ***(5)*** You must name as respondent the person by whom you are confined or restrained. If you are in a specific institution of the

Department of Corrections, name the warden or head of the institution. If you are not in a specific institution of the Department but within its custody, name the Director of the Department of Corrections.

~~[(5)]~~ ***(6)*** You must include all grounds ~~[or claims]~~ for relief which you may have regarding your ***judgment of*** conviction or sentence. Failure to raise all grounds in this petition may preclude you from filing future petitions challenging your ***judgment of*** conviction and sentence.

~~[(6)]~~ ***(7)*** You must allege specific facts supporting the claims in ~~[the]~~ ***this*** petition ***.*** ~~[you file seeking relief from any conviction or sentence.]~~ Failure to allege specific facts rather than just conclusions may cause your petition to be dismissed. If your petition contains a claim of ineffective assistance of counsel, that claim will operate to waive the attorney-client privilege for the proceeding in which you claim your counsel was ineffective.

~~[(7)]~~ ***(8)*** When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you were convicted. One copy must be mailed to the respondent, one copy to the Attorney General's Office, and one copy to the ~~[district attorney of the county in which you were convicted or to the original prosecutor if you are challenging your original conviction or sentence.]~~ ***prosecuting agency.*** Copies must conform in all particulars to the original submitted for filing.

PETITION

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty: .....

2. Name and location of court which entered the judgment of conviction ~~[under attack:]~~ ***being challenged:***

.....

3. Date of judgment of conviction: .....

4. Case number: .....

5. (a) Length of sentence: .....

.....

(b) If sentence is death, state any date upon which execution is scheduled:.....

6. Are you presently serving a sentence for a ***judgment of*** conviction other than the ***judgment of*** conviction ~~[under attack]~~ ***you are challenging*** in this ~~[motion?]~~ ***petition?*** Yes ..... No .....

If "yes," list ***each*** crime, case number and sentence being served at this time:

.....

.....

7. Nature of offense involved in ***the judgment of*** conviction being challenged: .....
.....

8. What was your plea? (check one)

(a) Not guilty .....

(b) Guilty .....

(c) Guilty but mentally ill .....

(d) Nolo contendere .....

9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details: .....
.....
.....

10. If you were found guilty or guilty but mentally ill after a plea of not guilty, was the finding made by: (check one)

(a) Jury .....

(b) Judge without a jury .....

11. Did you testify at the trial? Yes ..... No .....

12. Did you appeal from the judgment of conviction? Yes ..... No .....

13. If you did appeal, answer the following:

(a) Name of court:

(b) Case number or citation:

(c) Result:

(d) Date of result:

(Attach copy of order or decision, if available.)

14. If you did not appeal, explain briefly why you did not: .....
.....
.....

15. Other than a direct appeal from the judgment of conviction **,** ~~[and sentence,]~~ have you previously filed any petitions, applications or motions with respect to this judgment in any court, state or federal? Yes ..... No .....

16. If your answer to No. 15 was "yes," give the following information:

(a) (1) Name of court: .....

(2) Nature of proceeding: .....
.....

(3) Grounds raised: .....
.....
.....

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....

(5) Result: .....

(6) Date of result: .....

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: .....

.....

(b) As to any second petition, application or motion, give the same information:

(1) Name of court: .....

(2) Nature of proceeding: .....

(3) Grounds raised: .....

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes ..... No .....

(5) Result: .....

(6) Date of result: .....

(7) If known, citations of any written opinion or date of orders entered pursuant to such result: .....

.....

(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes ..... No .....

Citation or date of decision: .....

(2) Second petition, application or motion? Yes ..... No .....

Citation or date of decision: .....

(3) Third or subsequent petitions, applications or motions? Yes ..... No .....

Citation or date of decision: .....

.....

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

.....

.....

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify:

(a) Which of the grounds is the same: .....

.....

(b) The proceedings in which these grounds were raised: .....

.....

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) .....
.....

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)
.....

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) .....
.....

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment ~~[under attack?]~~ ***of conviction you are challenging in this petition?*** Yes ..... No .....
If yes, state what court and the case number:
.....

21. Give the name of each attorney who represented you in the proceeding resulting in your ***judgment of*** conviction and on direct appeal:
.....

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment ~~[under attack?]~~ ***of conviction you are challenging in this petition?*** Yes ..... No .....
If yes, specify where and when it is to be served, if you know: .....
.....

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary you may attach pages stating additional grounds and facts supporting the same.

(a) Ground one: .....
.....
Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....

(b) Ground two: .....
.....

Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....
(c) Ground three: .....
.....
Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....
(d) Ground four: .....
.....
Supporting FACTS (Tell your story briefly without citing cases or law.):
.....
.....

WHEREFORE, petitioner prays that the court grant petitioner relief to which petitioner may be entitled in this proceeding.

EXECUTED at ..... on the ..... day of the month of ..... of the year .....

.....
Signature of petitioner
.....
Address
.....
Signature of attorney (if any)
.....
Attorney for petitioner
.....
Address

VERIFICATION

Under penalty of perjury, the undersigned declares that the undersigned is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of the undersigned's own knowledge, except as to those matters stated on information and belief, and as to such matters the undersigned believes them to be true.

.....
Petitioner
.....
Attorney for petitioner

CERTIFICATE OF SERVICE BY MAIL

I, ..., hereby certify, pursuant to N.R.C.P. 5(b), that on this ..... day of the month of ..... of the year ....., I mailed a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS

CORPUS ***(VALIDITY OF JUDGMENT OF CONVICTION OR SENTENCE)*** addressed to:

.....
Respondent prison or jail official
.....
Address
.....
Attorney General
~~[Heroes' Memorial Building~~
~~Capitol Complex]~~ ***100 North Carson Street***
Carson City, Nevada ~~[89710]~~ ***89701***

.....
District Attorney of County of Conviction
.....
Address

.....
Signature of petitioner

Sec. 12. NRS 34.738 is hereby amended to read as follows:

34.738 1. A petition that challenges the validity of a ***judgment of*** conviction or sentence must be filed with the clerk of the district court for the county in which the conviction occurred. Any other petition must be filed with the clerk of:

(a) The district court for the county in which the petitioner is incarcerated; or

(b) The First Judicial District Court in and for Carson City, if the petitioner is incarcerated outside this State while serving a term of imprisonment imposed by a court of this State.

2. A petition that is not filed in the district court for the appropriate county:

(a) Shall be deemed to be filed on the date it is received by the clerk of the district court in which the petition is initially lodged; and

(b) Must be transferred by the clerk of that court to the clerk of the district court for the appropriate county.

3. A petition must not challenge both the validity of a judgment of conviction or sentence and the computation of time that the petitioner has served pursuant to ~~[that]~~ ***a*** judgment ~~[.]~~ ***of conviction.*** If a petition improperly challenges both the validity of a judgment of conviction or sentence and the computation of time that the petitioner has served pursuant to ~~[that]~~ ***a*** judgment ~~[,]~~ ***of conviction,*** the district court for the appropriate county shall resolve that portion of the petition that challenges the validity of the judgment of conviction or sentence and dismiss the remainder of the petition without prejudice.

Sec. 13. NRS 34.745 is hereby amended to read as follows:

34.745 1. ~~[If a petition challenges the validity of a judgment of conviction or sentence and is the first petition filed by the petitioner, the]~~ ***The*** judge or justice shall order the ~~[district attorney or the Attorney General, whichever is appropriate,]~~ ***prosecuting agency*** to:

(a) File:

~~[(1) A]~~ ***a*** response or an answer to the petition ~~[; and~~

~~(2) If an evidentiary hearing is required pursuant to NRS 34.770, a return,~~

~~]~~ within 45 days or a longer period fixed by the judge or justice; or

(b) Take other action that the judge or justice deems appropriate.

2. ~~[If a petition challenges the computation of time that the petitioner has served pursuant to a judgment of conviction, the judge or justice shall order the Attorney General to:~~

~~(a) File:~~

~~(1) A response or an answer to the petition; and~~

~~(2) A return,~~

~~within 45 days or a longer period fixed by the judge or justice.~~

~~(b) Take other action that the judge or justice deems appropriate.~~

~~3.]~~ An order entered pursuant to subsection 1 ~~[or 2]~~ must be in substantially the following form, with appropriate modifications if the order is entered by a judge of the Court of Appeals or a justice of the Supreme Court:

Case No. .....
Dept. No. .....

IN THE ..... JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF .....

.....
Petitioner,

v. ORDER

.....
Respondent.

Petitioner filed a petition for a writ of habeas corpus on ..... (month) ..... (day), ... (year). The court has reviewed the petition and has determined that a response would assist the court in determining whether petitioner is illegally imprisoned and restrained of petitioner's liberty. Respondent shall, within 45 days after the date of this order, answer or otherwise respond to the petition ~~[and file a return]~~ in accordance with the provisions of NRS 34.360 to 34.830, inclusive ~~[.]~~ ***, and section 3 of this act.***

Dated ..... (month) ..... (day), ... (year)

.....
District Judge

➥ A copy of the order must be served on the petitioner or the petitioner's counsel, the respondent, the Attorney General and ~~[the district attorney of the county in which the petitioner was convicted.~~

~~4.]~~ ***, if applicable, any other prosecuting agency.***

3. If the petition is a second or successive petition challenging the validity of a judgment of conviction or sentence and if it plainly appears from the face of the petition or an amended petition and documents and exhibits that are annexed to it, or from records of the court that the petitioner is not entitled to relief based on any of the grounds set forth in subsection ~~[2]~~ ***3*** of NRS 34.810, the judge or justice shall enter an order for its summary dismissal and cause the petitioner to be notified of the entry of the order.

~~[5.]~~ ***4.*** If the judge or justice relies on the records of the court in entering an order pursuant to this section, those records must be made a part of the record of the proceeding before entry of the order.

Sec. 14. NRS 34.750 is hereby amended to read as follows:

34.750 1. A petition may allege that the petitioner is unable to pay the costs of the proceedings or to employ counsel. If the court is satisfied that the allegation of indigency is true and the petition is not dismissed summarily, the court may appoint counsel to represent the petitioner. In making its determination, the court may consider, among other things, the severity of the consequences facing the petitioner and whether:

(a) The issues presented are difficult;

(b) The petitioner is unable to comprehend the proceedings; or

(c) Counsel is necessary to proceed with discovery.

2. If the court determines that the petitioner is unable to pay all necessary costs and expenses incident to the proceedings of the trial court and the reviewing court, including court costs, stenographic services, printing and reasonable compensation for legal services, all costs must be paid from money appropriated to the office of the State Public Defender for that purpose. After appropriations for that purpose are exhausted, money must be allocated to the office of the State Public Defender from the Reserve for Statutory Contingency Account for the payment of the costs, expenses and compensation.

3. After appointment by the court, counsel for the petitioner may file and serve supplemental pleadings, exhibits, transcripts and documents within 30 days after:

(a) The date the court orders the filing of ~~[an]~~ ***a response or*** answer ***;*** ~~[and a return;]~~ or

(b) The date of counsel's appointment,

➥ whichever is later. If it has not previously been filed, the ***response or*** answer by the respondent must be filed within 15 days after receipt of the supplemental pleadings and include any response to the supplemental pleadings.

4. The petitioner shall respond within 15 days after service to a motion by the State to dismiss the action.

5. No further pleadings may be filed except as ordered by the court.

Sec. 15. NRS 34.760 is hereby amended to read as follows:

34.760 1. ~~[The]~~ ***A response or*** answer must ~~[state]~~ ***:***

(a) State plainly and unequivocally whether the respondent has or had the petitioner in custody or under the respondent's power or restraint and, if the respondent:

(1) Has the petitioner in custody or under his or her power or restraint at the time of filing the response or answer, set forth with specificity the basis for custody, including, without limitation, the authority and cause of the imprisonment or restraint.

(2) Had the petitioner in custody or under the respondent's power or restraint but no longer has the petitioner in custody or under the respondent's power or restraint, state particularly to whom, at what time and place, for what cause and by what authority the transfer took place.

(b) Indicate whether the petitioner has previously applied for relief from the petitioner's ***judgment of*** conviction or sentence in any proceeding in a state or federal court, including a direct appeal or a petition for a writ of habeas corpus or other postconviction relief.

2. ~~[The]~~ ***If a petition challenges the validity of a judgment of conviction or sentence, the response or*** answer must indicate what transcripts of pretrial, trial, sentencing and postconviction proceedings are available, when these transcripts can be furnished and what proceedings have been recorded and not transcribed. The respondent shall attach to the ***response or*** answer any portions of the transcripts, except those in the court's file, which the respondent deems relevant. The court on its own motion or upon request of the petitioner may order additional portions of existing transcripts to be furnished or certain portions of the proceedings which were not transcribed to be transcribed and furnished. If a transcript is not available or procurable, the court may require a narrative summary of the evidence to be submitted.

3. ***If a petition challenges the computation of time that the petitioner has served pursuant to a judgment of conviction, the respondent shall attach a copy of the judgment of conviction to the response or answer.***

4. If the petitioner appealed ~~[from]~~ the judgment of conviction ***or sentence*** or any adverse judgment or order in a prior petition ***,*** ~~[for a writ of habeas corpus or postconviction relief,]~~ a copy of the petitioner's brief on appeal and any opinion of the appellate court must be filed by the respondent with the ***response or*** answer.

Sec. 16. NRS 34.770 is hereby amended to read as follows:

34.770 1. The judge or justice, upon review of the ~~[return,]~~ ***response or*** answer and all supporting documents which are filed, shall determine whether an evidentiary hearing is required. A petitioner must not be discharged or committed to the custody of a person other than the respondent unless an evidentiary hearing is held.

2. If the judge or justice determines that the petitioner is not entitled to relief and an evidentiary hearing is not required, the judge or justice shall dismiss the petition without a hearing.

3. If the judge or justice determines that an evidentiary hearing is required, the judge or justice shall grant the writ and shall set a date for the hearing.

Sec. 17. NRS 34.780 is hereby amended to read as follows:

34.780 1. The Nevada Rules of Civil Procedure, to the extent that they are not inconsistent with NRS 34.360 to 34.830, inclusive, ***and section 3 of this act*** apply to proceedings pursuant to NRS 34.720 to 34.830, inclusive ~~[.]~~ **,** ***and section 3 of this act.***

2. After the writ has been granted and a date set for the hearing, a party may invoke any method of discovery available under the Nevada Rules of Civil Procedure if, and to the extent that, the judge or justice for good cause shown grants leave to do so.

3. A request for discovery which is available under the Nevada Rules of Civil Procedure must be accompanied by a statement of the interrogatories or requests for admission and a list of any documents sought to be produced.

Sec. 18. NRS 34.800 is hereby amended to read as follows:

34.800 1. A petition may be dismissed if delay in the filing of the petition:

(a) Prejudices the respondent or the State of Nevada in responding to the petition, unless the petitioner shows that the petition is based upon grounds of which the petitioner could not have had knowledge by the exercise of reasonable diligence before the circumstances prejudicial to the State occurred; or

(b) Prejudices the State of Nevada in its ability to conduct a retrial of the petitioner, unless the petitioner demonstrates that a fundamental miscarriage of justice has occurred in the proceedings resulting in the judgment of conviction **.** ~~[or sentence.]~~

2. A period exceeding 5 years between the filing of a judgment of conviction, an order imposing a sentence of imprisonment or a decision on direct appeal of a judgment of conviction and the filing of a petition challenging the validity of a judgment of conviction creates a rebuttable presumption of prejudice to the State. In a motion to dismiss the petition based on that prejudice, the respondent or the State of Nevada must specifically plead laches. The petitioner must be given an opportunity to respond to the allegations in the pleading before a ruling on the motion is made.

Sec. 19. NRS 34.810 is hereby amended to read as follows:

34.810 1. The court shall dismiss a petition ***that challenges the validity of a judgment of conviction or sentence*** if the court determines that:

(a) The petitioner's conviction was upon a plea of guilty or guilty but mentally ill and the petition is not based upon an allegation that the plea was involuntarily or unknowingly entered or that the plea was entered without effective assistance of counsel.

(b) The petitioner's conviction was the result of a trial and the grounds for the petition could have been:

(1) Presented to the trial court;

(2) Raised in a direct appeal or a prior petition for a writ of habeas corpus or postconviction relief; or

(3) Raised in any other proceeding that the petitioner has taken to secure relief from the petitioner's ***judgment of*** conviction and sentence,

➥ unless the court finds both cause for the failure to present the grounds and actual prejudice to the petitioner.

2. ***The court shall dismiss a petition that challenges the computation of time served pursuant to a judgment of conviction without prejudice if the court determines that the petitioner did not exhaust all available administrative remedies to resolve such a challenge as required by NRS 34.724.***

3. A second or successive petition must be dismissed if the judge or justice determines that it fails to allege new or different grounds for relief and that the prior determination was on the merits or, if new and different grounds are alleged, the judge or justice finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

~~[3.]~~ ***4.*** Pursuant to subsections 1 and ~~[2,]~~ ***3,*** the petitioner has the burden of pleading and proving specific facts that demonstrate:

(a) Good cause for the petitioner's failure to present the claim or for presenting the claim again; and

(b) Actual prejudice to the petitioner.

➥ The petitioner shall include in the petition all prior proceedings in which the petitioner challenged the same ***judgment of*** conviction or sentence.

~~[4. The court shall dismiss a petition without prejudice if:~~

~~(a) The petition challenges the computation of time that the petitioner has served pursuant to a judgment of conviction; and~~

~~(b) The court determines that the petitioner did not exhaust all available administrative remedies to resolve such a challenge as required by NRS 34.724.]~~

5. The court may dismiss a petition that fails to include any prior proceedings of which the court has knowledge through the record of the court or through the pleadings submitted by the respondent.

Sec. 20. NRS 34.820 is hereby amended to read as follows:

34.820 1. If a petitioner has been sentenced to death and the petition is the first one challenging the validity of the petitioner's ***judgment of*** conviction or sentence, the court shall:

(a) Appoint counsel to represent the petitioner; and

(b) Stay execution of the judgment pending disposition of the petition and the appeal.

2. The petition must include the date upon which execution is scheduled, if it has been scheduled. The petitioner is not entitled to an evidentiary hearing unless the petition states that:

(a) Each issue of fact to be considered at the hearing has not been determined in any prior evidentiary hearing in a state or federal court; or

(b) For each issue of fact which has been determined in a prior evidentiary hearing, the hearing was not a full and fair consideration of the issue. The petition must specify all respects in which the hearing was inadequate.

3. If the petitioner has previously filed a petition for relief or for a stay of the execution in the same court, the petition must be assigned to the judge or justice who considered the previous matter.

4. The court shall inform the petitioner and the petitioner's counsel that all claims which challenge the ***judgment of*** conviction or imposition of the sentence must be joined in a single petition and that any matter not included in the petition will not be considered in a subsequent proceeding.

5. If relief is granted or the execution is stayed, the clerk shall forthwith notify the respondent ~~[~~, the Attorney General~~]~~ and the ~~[~~district attorney of the county in which the petitioner was convicted.~~]~~ ***prosecuting agency.***

6. If a district judge conducts an evidentiary hearing, a daily transcript must be prepared for the purpose of appellate review.

7. The judge or justice who considers a petition filed by a petitioner who has been sentenced to death shall make all reasonable efforts to expedite the matter and shall render a decision within 60 days after submission of the matter for decision.

Sec. 21. NRS 34.830 is hereby amended to read as follows:

34.830 1. Any order that finally disposes of a petition, whether or not an evidentiary hearing was held, must contain specific findings of fact and conclusions of law supporting the decision of the court.

2. A copy of any decision or order discharging the petitioner from the custody or restraint under which the petitioner is held, committing the petitioner to the custody of another person, dismissing the petition or denying the requested relief must be served by the clerk of the court upon the petitioner and the petitioner's counsel, if any, the respondent ~~[~~, the Attorney General~~]~~ and the ~~[~~district attorney of the county in which the petitioner was convicted.~~]~~ ***prosecuting agency.***

3. Whenever a decision or order described in this section is entered by the district court, the clerk of the court shall prepare a notice in substantially the following form and mail a copy of the notice to each person listed in subsection 2:

Case No. .....
Dept. No. .....
IN THE ..... JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR THE COUNTY OF .....

.....
Petitioner,

v. NOTICE OF ENTRY OF DECISION OR ORDER

.....

Respondent.

PLEASE TAKE NOTICE that on ..... (month) ..... (day) ..... (year), the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within 33 days after the date this notice is mailed to you. This notice was mailed on ..... (month) ..... (day) ..... (year)

Dated ..... (month) ..... (day) ..... (year)

.....

Clerk of court

(SEAL) By .....

Deputy

Sec. 22. NRS 34.960 is hereby amended to read as follows:

34.960 1. At any time after the expiration of the period during which a motion for a new trial based on newly discovered evidence may be made pursuant to NRS 176.515, a person who has been convicted of a felony may petition the district court in the county in which the person was convicted for a hearing to establish the factual innocence of the person based on newly discovered evidence. A person who files a petition pursuant to this subsection shall serve notice and a copy of the petition upon the ~~[district attorney of the county in which the conviction was obtained and the Attorney General.]~~ ***prosecuting agency.***

2. A petition filed pursuant to subsection 1 must contain an assertion of factual innocence under oath by the petitioner and must aver, with supporting affidavits or other credible documents, that:

(a) Newly discovered evidence exists that is specifically identified and, if credible, establishes a bona fide issue of factual innocence;

(b) The newly discovered evidence identified by the petitioner:

(1) Establishes innocence and is material to the case and the determination of factual innocence;

(2) Is not merely cumulative of evidence that was known, is not reliant solely upon recantation of testimony by a witness against the petitioner and is not merely impeachment evidence; and

(3) Is distinguishable from any claims made in any previous petitions;

(c) If some or all of the newly discovered evidence alleged in the petition is a biological specimen, that a genetic marker analysis was performed pursuant to NRS 176.0918, 176.09183 and 176.09187 and the results were favorable to the petitioner; and

(d) When viewed with all other evidence in the case, regardless of whether such evidence was admitted during trial, the newly discovered evidence demonstrates the factual innocence of the petitioner.

3. In addition to the requirements set forth in subsection 2, a petition filed pursuant to subsection 1 must also assert that:

(a) Neither the petitioner nor the petitioner's counsel knew of the newly discovered evidence at the time of trial or sentencing or in time to include the evidence in any previously filed post-trial motion or postconviction petition, and the evidence could not have been discovered by the petitioner or the petitioner's counsel through the exercise of reasonable diligence; or

(b) A court has found ineffective assistance of counsel for failing to exercise reasonable diligence in uncovering the newly discovered evidence.

4. The court shall review the petition and determine whether the petition satisfies the requirements of subsection 2. If the court determines that the petition:

(a) Does not meet the requirements of subsection 2, the court shall dismiss the petition without prejudice, state the basis for the dismissal and send notice of the dismissal to the petitioner ~~[, the district attorney]~~ and the ~~[Attorney General.]~~ ***prosecuting agency.***

(b) Meets the requirements of subsection 2, the court shall determine whether the petition satisfies the requirements of subsection 3. If the court determines that the petition does not meet the requirements of subsection 3, the court may:

(1) Dismiss the petition without prejudice, state the basis for the dismissal and send notice of the dismissal to the petitioner ~~[, the district attorney]~~ and the ~~[Attorney General;]~~ ***prosecuting agency;*** or

(2) Waive the requirements of subsection 3 if the court finds the petition should proceed to a hearing and that there is other evidence that could have been discovered through the exercise of reasonable diligence by the petitioner or the petitioner's counsel at trial, and the other evidence:

(I) Was not discovered by the petitioner or the petitioner's counsel;

(II) Is material upon the issue of factual innocence; and

(III) Has never been presented to a court.

5. Any second or subsequent petition filed by a person must be dismissed if the court determines that the petition fails to identify new or different evidence in support of the factual innocence claim or, if new and different grounds are alleged, the court finds that the failure of the petitioner to assert those grounds in a prior petition filed pursuant to this section constituted an abuse of the writ.

6. The court shall provide a written explanation of its order to dismiss or not to dismiss the petition based on the requirements set forth in subsections 2 and 3.

7. A person who has already obtained postconviction relief that vacated or reversed the person's conviction or sentence may also file a petition pursuant to subsection 1 in the same manner and form as described in this section if no retrial or appeal regarding the offense is pending.

8. After a petition is filed pursuant to subsection 1, any prosecuting ~~[attorney,]~~ ***agency,*** law enforcement agency or forensic laboratory that is in

possession of any evidence that is the subject of the petition shall preserve such evidence and any information necessary to determine the sufficiency of the chain of custody of such evidence.

9. A petition filed pursuant to subsection 1 must include the underlying criminal case number.

10. Except as otherwise provided in NRS 34.900 to 34.990, inclusive, the Nevada Rules of Civil Procedure govern all proceedings concerning a petition filed pursuant to subsection 1.

11. As used in this section:

(a) "Biological specimen" has the meaning ascribed to it in NRS 176.09112.

(b) "Forensic laboratory" has the meaning ascribed to it in NRS 176.09117.

(c) "Genetic marker analysis" has the meaning ascribed to it in NRS 176.09118.

Sec. 23. NRS 34.970 is hereby amended to read as follows:

34.970 1. If the court does not dismiss a petition after reviewing the petition in accordance with NRS 34.960, the court shall order the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** to file a response to the petition. The court's order must:

(a) Specify which claims identified in the petition warrant a response from the ~~[district attorney or the Attorney General;]~~ ***prosecuting agency;*** and

(b) Specify which newly discovered evidence identified in the petition, if credible, might establish a bona fide issue of factual innocence.

2. The ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** shall, not later than 120 days after receipt of the court's order requiring a response, or within any additional period the court allows, respond to the petition and serve a copy upon the petitioner and, if the ***prosecuting agency is the*** district attorney ~~[, is responding to the petition,]~~ the Attorney General.

3. Not later than 30 days after the date the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** responds to the petition, the petitioner may reply to the response. Not later than 30 days after the expiration of the period during which the petitioner may reply to the response, the court shall consider the petition, any response by the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** and any reply by the petitioner. If the court determines that the petition meets the requirements of NRS 34.960 and that there is a bona fide issue of factual innocence regarding the charges of which the petitioner was convicted, the court shall order a hearing on the petition. If the court does not make such a determination, the court shall enter an order denying the petition. For the purposes of this subsection, a bona fide issue of factual innocence does not exist if the petitioner is merely relitigating facts, issues or evidence presented in a previous proceeding or if the petitioner is unable to identify with sufficient specificity the nature and reliability of the newly discovered evidence that establishes the factual innocence of the petitioner. Unless stipulated to by the parties, the court may not grant a hearing on the

petition during any period in which criminal proceedings in the matter are pending before any trial or appellate court.

4. If the court grants a hearing on the petition, the hearing must be held and the final order must be entered not later than 150 days after the expiration of the period during which the petitioner may reply to the response to the petition by the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** pursuant to subsection 3 unless the court determines that additional time is required for good cause shown.

5. If the court grants a hearing on the petition, the court shall, upon the request of the petitioner, order the preservation of all material and relevant evidence in the possession or control of this State or any agent thereof during the pendency of the proceeding.

6. If the parties stipulate that the evidence establishes the factual innocence of the petitioner, the court may affirm the factual innocence of the petitioner without holding a hearing. If the prosecuting ~~[attorney]~~ ***agency*** does not stipulate that the evidence establishes the factual innocence of the petitioner, a determination of factual innocence must not be made by the court without a hearing.

7. If the parties stipulate that the evidence establishes the factual innocence of the petitioner, the prosecuting ~~[attorney]~~ ***agency*** makes a motion to dismiss the original charges against the petitioner or, after a hearing, the court determines that the petitioner has proven his or her factual innocence by clear and convincing evidence, the court shall:

(a) Vacate the petitioner's conviction and issue an order of factual innocence and exoneration; and

(b) Order the sealing of all documents, papers and exhibits in the 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.

8. The court shall provide a written explanation of its determination that the petitioner proved or failed to prove his or her factual innocence by clear and convincing evidence.

9. Any order granting or denying a hearing on a petition pursuant to this section may be appealed by either party.

Sec. 24. NRS 34.990 is hereby amended to read as follows:

34.990 After a petition is filed pursuant to NRS 34.960, if any victim of the crime for which the petitioner was convicted has indicated a desire to be notified regarding any postconviction proceedings, the ~~[district attorney]~~ ***prosecuting agency*** shall make reasonable efforts to provide notice to such a victim that the petition has been filed and that indicates the time and place for any hearing that may be held as a result of the petition and the disposition thereof.

Sec. 25. The amendatory provisions of this act do not apply to a postconviction petition for habeas corpus filed pursuant to NRS 34.724 before July 1, 2023.

Sec. 26. NRS 34.430 is hereby repealed.

Sec. 27. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 26, 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 July 1, 2023, for all other purposes.

TEXT OF REPEALED SECTION

34.430 Return and answer: Service and filing; contents; signature and verification.

1. Except as otherwise provided in subsection 1 of NRS 34.745, the respondent shall serve upon the petitioner and file with the court a return and an answer that must respond to the allegations of the petition within 45 days or a longer period fixed by the judge or justice.

2. The return must state plainly and unequivocally whether the respondent has the party in custody, or under the respondent's power or restraint. If the respondent has the petitioner in the respondent's custody or power, or under the respondent's restraint, the respondent shall state the authority and cause of the imprisonment or restraint, setting forth with specificity the basis for custody.

3. If the petitioner is detained by virtue of any judgment, writ, warrant or other written authority, a certified or exemplified copy must be annexed to the return.

4. If the respondent has the petitioner in the respondent's power or custody or under the respondent's restraint before or after the date of the writ of habeas corpus but has transferred custody or restraint to another, the return must state particularly to whom, at what time and place, for what cause, and by what authority the transfer took place.

5. The return must be signed by the respondent and, unless the respondent is a sworn public officer who makes the return in the respondent's official capacity, verified under oath or affirmation.

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. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 44.

AN ACT relating to unclaimed property; revising provisions of the Uniform Unclaimed Property Act; **authorizing the Administrator of Unclaimed Property to adopt regulations relating to certain agreements between an**

owner of property and another person concerning property paid or delivered to the Administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law enacts the Uniform Unclaimed Property Act, which generally establishes the powers, duties and liabilities of the State and other persons concerning unclaimed property. (Chapter 120A of NRS) Existing law makes the State Treasurer the Administrator of Unclaimed Property and requires the State Treasurer, in his or her capacity as the Administrator, to carry out the provisions of the Act. (NRS 120A.025, 120A.140)

~~[Existing law excludes a loyalty card from the definition of property for purposes of the Act. (NRS 120A.113) Section 3 of this bill defines the term "loyalty card" for that purpose.]~~ Existing law makes certain gift certificates subject to the provisions of the Act and provides that a gift certificate is presumed abandoned on the expiration date of the gift certificate. (NRS 120A.113, 120A.520) **Section 2** of this bill defines the term "gift certificate" for purposes of the Act. **Section 4** of this bill makes a conforming change indicating the proper placement of ~~[sections]~~ **section 2** ~~[and 3]~~ in the Nevada Revised Statutes.

~~[Existing law defines a "stored-value card" as a record evidencing a promise made for consideration by the seller or issuer that goods, services or money will be provided to the owner of record to the value or amount shown in the record. (NRS 120A.119) Section 5 of this bill provides that stored-value card includes a gift certificate.]~~ For consistency with the Act, **section 6** of this bill replaces the term "financial institution" with the term "financial organization."

Existing law governs when certain forms of property are presumed abandoned. (NRS 120A.500, 120A.520) **Section 7** of this bill makes various changes relating to the dates on which certain property that is unclaimed by the apparent owner is presumed abandoned. **Section 7** also provides that the signing of a return receipt constitutes an indication of an owner's interest in property for purposes of determining the date on which certain property is presumed abandoned. **Section 8** of this bill provides that a gift certificate that is no longer honored by the issuer is presumed abandoned on the date on which the gift certificate ceases to be honored by the issuer.

Among other duties, existing law requires a holder of property presumed to be abandoned to: (1) make a report to the Administrator concerning the property; and (2) send written notice to the apparent owner of the property under certain circumstances. (NRS 120A.560) **Section 9** of this bill revises provisions relating to the report filed with the Administrator. **Section 9** also requires the holder of property to send the required written notice by certified mail in certain circumstances. **Section 14** of this bill makes a conforming change updating references to **section 9**.

Existing law requires the Administrator to publish certain notice concerning unclaimed or abandoned property in a newspaper of general circulation. Among other requirements, existing law requires such notice to include the

name of a person reported to the Administrator as an apparent owner. (NRS 120A.580) **Section 10** of this bill instead requires the Administrator to create and maintain a statewide database that is searchable electronically and includes the name of a person reported to the Administrator as an apparent owner of unclaimed property. **Section 10** also requires the Administrator to: (1) make the database publicly available on the website of the Administrator; (2) publish general information regarding the Act on the website of the Administrator; and (3) annually publish certain information concerning unclaimed property by press release.

Existing law requires the Administrator to sell certain abandoned property at a public sale after providing certain notice of the sale to the public. (NRS 120A.610) **Section 11** of this bill revises the manner in which the Administrator is required to provide such notice. **Section 15** of this bill makes a conforming change updating references to **section 11**.

Existing law authorizes a holder of property, with the written consent of the Administrator, to report and deliver property to the Administrator before the property is presumed abandoned. (NRS 120A.660) **Section 12** of this bill removes the requirement that the Administrator must provide written consent before the delivery of such property if the Administrator determines that receipt of the property is in the best interests of the State.

Existing law authorizes the Administrator to enter into an intrastate agreement with an agency from this State to protect certain confidential information shared for the purpose of facilitating the return of property pursuant to the Act. (NRS 120A.715) **Section 13** of this bill instead: (1) authorizes the Administrator to request a state or local agency to provide him or her with certain confidential information for the purpose of facilitating the return of unclaimed or abandoned property; and (2) requires an agency to provide the information requested unless the provision of such information is prohibited by federal law.

Existing law prescribes requirements and restrictions relating to an agreement between an owner of property and another person, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property of the owner that is presumed abandoned. (NRS 120A.740) Section 14.5 of this bill authorizes the Administrator to adopt such regulations as are necessary to protect the interests of an owner who enters into such an agreement. Section 14.5 provides that such regulations may provide for the licensure or registration of a person with whom an owner enters into an agreement.

Section 16 of this bill eliminates a provision requiring that the Act must be applied and construed to effectuate its general purpose to make the law uniform among the states that enact the Act. (NRS 120A.750)

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

Section 1. Chapter 120A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Gift certificate" has the meaning ascribed to it in NRS 598.0921.***

Sec. 3. ~~***[1. "Loyalty card" means a record evidencing a promise made without consideration by the issuer of record that may be used by the owner of record to obtain goods or services provided by the issuer as part of an award, reward, benefit, loyalty, rebate or promotional program.***~~

~~***2. The term does not include:***~~

~~***(a) A stored value card; or***~~

~~***(b) Any other record that may be redeemed for money or otherwise monetized by the issuer.]***~~ **(Deleted by amendment.)**

Sec. 4. NRS 120A.020 is hereby amended to read as follows:

120A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 120A.025 to 120A.122, inclusive, ***and*** ~~***[sections]***~~ ***section 2*** ~~***[and 3]***~~ ***of this act*** have the meanings ascribed to them in those sections.

Sec. 5. ~~**[**NRS 120A.119 is hereby amended to read as follows:~~

~~120A.119 1. "Stored value card" means a record evidencing a promise made for consideration by the seller or issuer of the record that goods, services or money will be provided to the owner of record to the value or amount shown in the record.~~

~~2. The term includes:~~

~~(a) A record that contains or consists of a microprocessor chip, magnetic strip or other means for the storage of information which is prefunded and whose value or amount is decreased on each use and increased by payment of additional consideration; **[**and**]**~~

~~(b) A payroll card **[**.**]** ***; and***~~

~~***(c) A gift certificate.***~~

~~3. The term does not include a loyalty card or game-related digital content.**]***~~ **(Deleted by amendment.)**

Sec. 6. NRS 120A.125 is hereby amended to read as follows:

120A.125 The provisions of this chapter do not apply to tangible property held in a safe-deposit box or other safekeeping depository which is not maintained by:

1. A bank or other financial ~~**[**institution;**]**~~ ***organization;*** or
2. A safe-deposit company.

Sec. 7. NRS 120A.500 is hereby amended to read as follows:

120A.500 1. Except as otherwise provided in subsections 6***, 7*** and ~~**[**7,**]**~~ ***8,*** property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:

(a) A traveler's check, 15 years after issuance;

(b) A money order, 7 years after issuance;

(c) Any stock or other equity interest in a business association or financial organization, including a security entitlement under NRS 104.8101 to

104.8511, inclusive, 3 years after the ~~[earlier of the]~~ date of the ~~[most recent dividend, stock split or other distribution unclaimed]~~ ***last indication*** by the ~~[apparent]~~ owner ~~[, or the date of the second mailing of a statement]~~ of ~~[account or other notification or communication that was returned as undeliverable or after]~~ ***interest in*** the ~~[holder discontinued mailings, notifications or communications to the apparent owner;]~~ ***property;***

(d) Any debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, 3 years after the date of the most recent interest payment unclaimed by the apparent owner;

(e) A demand ~~[,]~~ ***or*** savings ~~[or]~~ ***deposit, 3 years after the date of the last indication by the owner of interest in the property;***

(f) Time deposits, 3 years after:

(1) The date of maturity for time ~~[deposit, including a deposit that is automatically renewable, 3 years after the earlier of maturity or the date of the last indication by the owner of interest in the property, but a deposit that is automatically renewable is deemed matured for purposes of this section upon its]~~ ***deposits that are not automatically renewable; or***

(2) The ~~[initial]~~ date of maturity ***, after the second renewal of the time deposit, for time deposits that are automatically renewable,*** unless ~~***[, for each renewal,]***~~ the owner has consented to a ***subsequent*** renewal at or about the time of ~~[the]~~ ***any such subsequent*** renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder;

~~[(f)]~~ ***(g)*** Except as otherwise provided in NRS 120A.520, any money or credits owed to a customer as a result of a retail business transaction, 3 years after the obligation accrued;

~~[(g)]~~ ***(h)*** Any amount owed by an ~~[insurer]~~ ***insurance company*** on a life or endowment insurance policy or an annuity ~~[that has matured or terminated,]~~ ***contract, including, without limitation, any amount in a retained asset account,*** 3 years after the ~~[obligation to pay arose under the terms of the policy or contract or, if a policy or contract for which payment is owed on proof of death has not matured by proof of death of the insured or annuitant:~~

~~(1) With respect to an amount owed for a life or endowment insurance policy, 3 years after the earlier]~~ ***earliest*** of ~~[the date:~~

~~(I)]~~ ***:***

(1) The ~~[insurance company has knowledge of the]~~ ***date of the*** death of the insured ~~[;]~~ or ***annuitant;***

~~[(II)]~~ ***(2) The maturity date of the insurance policy or annuity contract; or***

(3) The ***date that the*** insured ~~[has attained, or]~~ would have attained ***,*** if living, the limiting age under the mortality table on which the reserve is based;

~~[and~~

~~(2) With respect to an amount owed on an annuity contract, 3 years after the date the insurance company has knowledge of the death of the annuitant;~~

~~(h)~~ ***(i) Any amount owed by an insurance company on a policy or contract not described in paragraph (h), 3 years after the obligation to pay arose under the terms of the policy or contract;***

(j) Any property distributable by a business association or financial organization in a course of dissolution, 1 year after the property becomes distributable;

~~(i)~~ ***(k)*** Any property received by a court as proceeds of a class action and not distributed pursuant to the judgment, 1 year after the distribution date;

~~(j)~~ ***(l)*** Except as otherwise provided in NRS 607.170 and 703.375, any property held by a court, government, governmental subdivision, agency or instrumentality, 1 year after the property becomes distributable;

~~(k)~~ ***(m)*** Any wages or other compensation for personal services, 1 year after the compensation becomes payable;

~~(l)~~ ***(n)*** A deposit or refund owed to a subscriber by a utility, 1 year after the deposit or refund becomes payable;

~~(m)~~ ***(o)*** Any property in an individual retirement account, defined benefit plan or other account or plan ~~[, that is qualified for tax deferral under the income tax laws of the United States,]~~ ***established for retirement purposes,*** 3 years after ***:***

(1) If the account or plan is tax-deferred or tax-exempt, the ~~[later of:~~

~~(1) The]~~ date ~~[determined as follows:~~

~~(I) Except as otherwise provided in sub-subparagraph (II), the date a second consecutive communication sent by the holder by first-class United States mail to the apparent]~~ ***that the*** owner ~~[is returned to the holder undelivered by the United States Postal Service; or~~

~~(II) If the second communication is sent later than 30 days after the date the first communication is returned undelivered, the date the first communication was returned undelivered by the United States Postal Service;]~~ ***would have reached the age of required minimum distribution pursuant to the Internal Revenue Code;*** or

(2) ~~[The]~~ ***If the account or plan is not tax-deferred or tax-exempt, the*** ~~[earlier of :~~ the following dates:

~~(I) The]~~ date ~~[the apparent owner becomes 70.5 years of age, if determinable by the holder;]~~ ***that the property becomes distributable ; ; or***

~~(II) If the Internal Revenue Code requires distribution to avoid a tax penalty, 2 years after the *The* date the holder receives, in the ordinary course of business, confirmation of the *has knowledge of the* death of the apparent owner;~~

~~(n)~~ ***(p)*** The trust liability of a trust fund established with respect to a prepaid contract for funeral services or burial services as required by chapter 689 of NRS, 3 years after the ~~[earlier]~~ ***earliest*** of:

(1) The date ***the holder has knowledge*** of ***the*** death of the beneficiary ~~[,]~~ ***named in or otherwise ascertainable from the prepaid contract;*** or

(2) ~~[If the holder does not know whether the beneficiary is deceased, the]~~ ***The*** date the beneficiary ***named in or otherwise ascertainable from the***

prepaid contract has attained, or would have attained if living, the age of 105 years; and

~~[(o)]~~ ***(q)*** All other property, 3 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

2. At the time that an interest is presumed abandoned under subsection 1, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

3. Property is unclaimed if, for the applicable period set forth in subsection 1 ***, 7*** or ~~[7,]~~ ***8,*** as applicable, the apparent owner has not communicated, in writing or by other means reflected in a contemporaneous record prepared by ~~[or on behalf of]~~ the holder ~~[,]~~ ***or an agent of the holder*** with the holder concerning the property or the account in which the property is held and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or ~~[its representative]~~ ***an agent of the holder*** who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

4. An indication of an owner's interest in property ***:*** ~~[includes:]~~

(a) ***Includes:***

(1) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;

~~[(b)]~~ ***(2)*** Activity directed by an apparent owner in the account in which the property is held, including accessing the account or information concerning the account or a direction by the apparent owner to increase, decrease or change the amount or type of property held in the account;

~~[(c)]~~ ***(3)*** ~~[The]~~ ***Except as otherwise provided in paragraph (b), the*** making of a deposit to or withdrawal from a bank account; ~~[and~~

~~(d)]~~ ***(4)*** The payment of a premium with respect to a property interest in an insurance policy, but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions ~~[.]~~ ***; [and]***

(5) The signing of a return receipt by the apparent owner for notice provided pursuant to NRS 120A.560; and

(6) The execution of a Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting, Form W-8BEN of the Internal Revenue Service, by the owner for purposes of a security where the last-known address of the owner is in a foreign country; and

(b) Does not include the making of an automatically renewable [payments to] :

(1) Deposit, if the deposit is made by the holder or an agent of the holder; or ~~***[withdrawals from an account.]***~~

(2) Withdrawal, if the withdrawal is made by the holder or an agent of the holder.

➥ For the purposes of this subsection, an action by an agent or other representative of the apparent owner, other than the holder ***or an agent of the holder*** acting as the agent of the apparent owner, is presumed to be an action on behalf of the apparent owner.

5. Property is payable or distributable for purposes of this chapter notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

6. The following property clearly designated as such must not be presumed abandoned because of inactivity or failure to make a demand:

(a) An account or asset managed through a guardianship;

(b) An account blocked at the direction of a court;

(c) A trust account established to address a special need;

(d) A qualified income trust account;

(e) A trust account established for tuition purposes; and

(f) A trust account established on behalf of a client.

7. For property described in ~~[paragraphs (c) to (f), inclusive, and (o) of subsection 1, the 3-year period described in each of those paragraphs must be reduced to a 2-year period if the holder of the property reported more than $10 million in property presumed abandoned on the holder's most recent report of abandoned property made pursuant to NRS 120A.560.]~~ ***paragraph (p) of subsection 1, if the holder does not have knowledge of the death of the beneficiary named in or otherwise ascertainable from the prepaid contract for funeral services or burial services and the holder does not know the date of birth of the beneficiary, the property described in that paragraph is presumed abandoned*** ~~***[,]***~~ ***:***

(a) Forty years after the date the prepaid contract for funeral services or burial services was executed; or

(b) Three years after the last indication by the owner of interest in the property,

➥ ***whichever is later.***

8. For property described in paragraphs (c) to (f), inclusive, (o) and (q) of subsection 1, the property is presumed abandoned 3 years after the date described in each of those paragraphs or the date on which the holder has knowledge of the death of the owner, whichever is earlier.

9. The provisions of paragraph (h) of subsection 1 apply to a life or endowment insurance policy or an annuity contract, regardless of whether the policy or contract is matured, unmatured, or terminated.

~~***[9.]***~~ ***10. For purposes of this section, a person has knowledge of the death of a person when the person:***

(a) Receives proof of death of the person;

(b) Reasonably determines the death of a person pursuant to NRS 688D.090; or

(c) Otherwise validates, in good faith, the death of the person.

[10.] 11. As used in this section:

(a) "Proof of death" has the meaning ascribed to it in NRS 672.210.

(b) "Retained asset account" has the meaning ascribed to it in NRS 688D.060.

Sec. 8. NRS 120A.520 is hereby amended to read as follows:

120A.520 1. Sixty percent of the unredeemed or uncharged value remaining on a gift certificate which is issued or sold in this State ~~[and which has an expiration date]~~ is presumed abandoned and subject to the provisions of this chapter on the ~~[expiration]~~ ***:***

(a) Expiration date ~~[.]~~ ***; or***

(b) Date on which the certificate is no longer honored by the issuer or seller.

2. ~~[If a gift certificate is issued or sold in this State and the seller or issuer does not obtain and maintain in his or her records the name and address of the owner of the gift certificate, the address of the owner of the gift certificate shall be deemed to be the address of the Office of the State Treasurer in Carson City. —3.]~~ This section does not create a cause of action against a person who issues or sells a gift certificate.

~~[4. As used in this section, "gift certificate" has the meaning ascribed to it in NRS 598.0921.]~~

Sec. 9. NRS 120A.560 is hereby amended to read as follows:

120A.560 1. A holder of property presumed abandoned shall make a report to the Administrator concerning the property.

2. A holder may contract with a third party, including, without limitation, a transfer agent, to make the report required by subsection 1.

3. Whether or not a holder contracts with a third party pursuant to subsection 2, the holder is responsible:

(a) To the Administrator for the complete, accurate and timely reporting of property presumed abandoned;

(b) For paying or delivering to the Administrator the property described in the report; and

(c) For any penalties, interest and fees due pursuant to NRS 120A.730.

4. The report must contain:

(a) A description of the property;

(b) ~~[Except with respect to a traveler's check or money order,]~~ ***If known or readily ascertainable by the holder,*** the name ***,*** ~~[, if known, and]~~ last known address ~~[, if any,]~~ and the social security number or taxpayer identification number ~~[, if readily ascertainable,]~~ of the apparent owner of property;

(c) In the case of an amount held or owing under an annuity or a life or endowment insurance policy, the full name and last known address of the annuitant or insured and of the beneficiary;

(d) In the case of property held in a safe-deposit box or other safekeeping depository, an indication of the location of the property and where it may be inspected by the Administrator and any amounts owing to the holder;

(e) The date identified in subsection 1 ***or 8*** of NRS 120A.500 from which the length of time required in subsection 1 ***, 7*** or ~~[7.]~~ ***8*** of NRS 120A.500 must be measured to determine whether the property is presumed abandoned pursuant to NRS 120A.500 or, if the property is a gift certificate, the date identified in subsection 1 of NRS 120A.520, as applicable; and

(f) Other information that the Administrator by regulation prescribes as necessary for the administration of this chapter.

5. If ***the information described in paragraph (b) of subsection 4 is:***

(a) Partially recorded, the recorded portion must be contained in the report; or

(b) Not recorded in part or in full, the information contained in the report must be reported as unknown.

6. If a holder of property presumed abandoned is a successor to another person who previously held the property for the apparent owner or the holder has changed its name while holding the property, the holder shall file with the report its former names, if any, and the known names and addresses of all previous holders of the property.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** the report must be filed before November 1 of each year and cover the 12 months next preceding July 1 of that year.

~~[7.]~~ ***8.*** A report with respect to an insurance company must be filed before May 1 of each year for the immediately preceding calendar year.

~~[8. The]~~

9. Except as otherwise provided in subsection 10, the holder of property presumed abandoned shall send written notice to the apparent owner, not more than 120 days or less than 60 days before filing the report, stating that the holder is in possession of property subject to this chapter if:

(a) The holder has in its records an address for the apparent owner which the holder's records do not disclose to be invalid and is sufficient to direct delivery of first-class United States mail to the apparent owner; and

(b) The value of the property is $50 or more.

~~[→]~~

10. If the property presumed abandoned is in the form of stocks, equity, retirement accounts or virtual currency and the property is valued at $1,000 or more, the holder of the property shall send the written notice required by subsection 9 in the form of certified mail.

11. If a holder is required to send written notice to the apparent owner pursuant to ~~[this]~~ subsection ***9*** and the apparent owner has consented to receive delivery from the holder by electronic mail, as defined in NRS 41.715, the holder shall send the notice by first-class United States mail ***or certified mail, as applicable,*** to the apparent owner's last known mailing address, as

described in paragraph (a) ~~[,]~~ ***of subsection 9*** and by electronic mail, unless the holder believes the apparent owner's electronic mail address is invalid.

~~[9.]~~ ***12.*** Before the date for filing the report, the holder of property presumed abandoned may request the Administrator to extend the time for filing the report. The Administrator may grant the extension for good cause. The holder, upon receipt of the extension, may make an interim payment on the amount the holder estimates will ultimately be due, which terminates the accrual of additional interest on the amount paid.

~~[10.]~~ ***13.*** The holder of property presumed abandoned shall file with the report an affidavit stating that the holder has complied with subsection ~~[8.]~~ ***9.***

~~[11.]~~ ***14.*** Except as otherwise provided in subsection ~~[12,]~~ ***15,*** the holder of property presumed abandoned shall, through a business portal established by the Administrator, electronically file the report and make the payment of the total amount due.

~~[12.]~~ ***15.*** The Administrator may waive the requirement to file the report and make the payment electronically for good cause shown by the holder. The holder must request the waiver on or before the deadline established by the Administrator.

Sec. 10. NRS 120A.580 is hereby amended to read as follows:

120A.580 1. The Administrator shall ~~[publish a notice not later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the Administrator. The notice must:~~

~~(a) In a county whose population is 700,000 or more:~~

~~(1) Be published not less than six times per year, or more frequently as necessary to comply with the provisions of subparagraph (3), in a newspaper of general circulation in the county with a circulation of more than 15,000;~~

~~(2) Include instructions]~~ ***create and maintain a statewide database concerning unclaimed property. The database must be searchable electronically and include, without limitation, the name of each person reported to the Administrator pursuant to NRS 120A.560 as an apparent owner of property presumed abandoned.***

2. The Administrator shall make the database publicly available on the website of the Administrator.

3. The Administrator shall publish general information concerning the provisions of this chapter on the website of the Administrator. The information must be updated quarterly and include, without limitation:

(a) Instructions on how to search and access information relating to unclaimed property; ~~[and~~

~~(3) Be not less than one full page in size. The Administrator may comply with the requirement in this subparagraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than six full pages.~~

~~(b) In a county whose population is less than 700,000:~~

~~(1) Be published not less than once each year in a newspaper of general circulation in the county; and~~

~~(2) Include the last known city of any person named in the notice.~~

~~2. The notice required by subsection 1 must be in a form that, in the judgment of the Administrator, is likely to attract the attention of persons who may have a legal or equitable interest in unclaimed property or of the legal representatives of such persons. The form must contain:~~

~~(a)~~**]** ***(b)*** The name, physical address, telephone number and Internet address of the website of the Administrator;

[~~(b)~~**]** ***(c)*** A statement explaining that unclaimed property is presumed to be abandoned and has been taken into the protective custody of the Administrator; **[**~~and~~

~~(c)~~**]** ***(d)*** A statement that information about property taken into protective custody and its return to the owner is available to the owner or a person having a legal or beneficial interest in the property, upon request to the Administrator, directed to the Deputy of Unclaimed Property **[**~~.~~

~~3. In addition to publishing the notice required by subsection 1,~~**]** ***; [and]***

(e) Information concerning the requirements prescribed by NRS 120A.560 and 120A.640; and

(f) Any other information deemed necessary by the Administrator.

4. At least once a year, the Administrator shall publish **[**~~a notice not later than February 1 and August 1 of each year summarizing the requirements of this chapter as they apply to the holders of unclaimed property. The notice must:~~

~~(a) Be published in a newspaper of general circulation in this State; and~~

~~(b) Be not less than one full page in size. The Administrator may comply with the requirement of this paragraph by publishing one or more versions of the notice that are less than one full page in size if the size of all the versions of the notice published during the year is cumulatively not less than two full pages.~~

~~4. In addition to complying with the requirements of subsections 1, 2 and 3,~~**]** ***the information made available on the website of the Administrator pursuant to subsection 3 by press release.***

5. Nothing in this section shall be construed to limit the ability of the Administrator **[**~~may~~**]** ***to*** advertise or otherwise provide information concerning unclaimed or abandoned property **[**~~, including, without limitation, the information set forth in subsections 2 and 3,~~**]** at any other time and in any other manner that the Administrator selects.

Sec. 11. NRS 120A.610 is hereby amended to read as follows:

120A.610 1. Except as otherwise provided in subsections **[**~~4~~**]** ***5*** to **[**~~8,~~**]** ***9,*** inclusive, all abandoned property other than money delivered to the Administrator under this chapter must, within 2 years after the delivery, be sold by the Administrator to the highest bidder at public sale in whatever manner affords, in his or her judgment, the most favorable market for the

property. The Administrator may decline the highest bid and reoffer the property for sale if the Administrator considers the bid to be insufficient.

2. ~~[Any sale held under this section must be preceded by a single publication of notice, not less than]~~ ***At least*** 21 days before ***a*** sale, ~~[in a newspaper of general circulation in the county in which the property is to be sold. The]~~ ***held under this section, the*** Administrator ~~[may]~~ ***shall provide notice to the public of the sale by posting notice of the sale:***

(a) At the principal office of the Administrator;

(b) At not less than three other prominent places within this State;

(c) On the website of the Administrator; and

(d) By press release.

3. The Administrator may provide additional notice of ~~[any such]~~ ***a*** sale ***held under this section*** at any time and in any manner that the Administrator selects.

~~[3.]~~ ***4.*** The purchaser of property at any sale conducted by the Administrator pursuant to this chapter takes the property free of all claims of the owner or previous holder and of all persons claiming through or under them. The Administrator shall execute all documents necessary to complete the transfer of ownership.

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[5,]~~ ***6,*** the Administrator need not offer any property for sale if the Administrator considers that the probable cost of the sale will exceed the proceeds of the sale. The Administrator may destroy or otherwise dispose of such property or may transfer it to:

(a) The Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society, upon its written request, if the property has, in the opinion of the requesting institution, historical, artistic or literary value and is worthy of preservation; or

(b) A genealogical library, upon its written request, if the property has genealogical value and is not wanted by the Nevada State Museum Las Vegas, the Nevada State Museum or the Nevada Historical Society.

➥ An action may not be maintained by any person against the holder of the property because of that transfer, disposal or destruction.

~~[5.]~~ ***6.*** The Administrator shall transfer property to the Department of Veterans Services, upon its written request, if the property has military value.

~~[6.]~~ ***7.*** Securities delivered to the Administrator pursuant to this chapter may be sold by the Administrator at any time after the delivery. Securities listed on an established stock exchange must be sold at the prevailing price for that security on the exchange at the time of sale. Other securities not listed on an established stock exchange may be sold:

(a) Over the counter at the prevailing price for that security at the time of sale; or

(b) By any other method the Administrator deems acceptable.

~~[7.]~~ ***8.*** The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the

delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

~~[8.]~~ ***9.*** All proceeds received by the Administrator from abandoned gift certificates must be accounted for separately in the Abandoned Property Trust Account in the State General Fund. At the end of each fiscal year, before any other money in the Abandoned Property Trust Account is transferred pursuant to NRS 120A.620, the balance in the subaccount created pursuant to this subsection, less any costs, service charges or claims chargeable to the subaccount, must be transferred to the State Education Fund.

Sec. 12. NRS 120A.660 is hereby amended to read as follows:

120A.660 ~~[1.]~~ The Administrator may ~~[decline]~~ ***:***

1. Decline to receive property reported under this chapter which the Administrator considers to have a value less than the expenses of notice and sale ~~[.~~

~~2. A holder, with the written consent of the Administrator and upon conditions and terms prescribed by the Administrator, may report and deliver]~~ ***; and***

2. Receive property ***reported and delivered by a holder*** before the property is presumed abandoned ~~[.]~~ ***if the Administrator determines that receipt of such property is in the best interests of the State.***

Sec. 13. NRS 120A.715 is hereby amended to read as follows:

120A.715 ~~[In order to facilitate the return of property under this chapter, the]~~

1. The Administrator may ~~[enter into cooperative agreements with an]~~ ***request that a state agency or local*** agency ~~[from this State concerning the protection of shared]~~ ***provide to the Administrator certain*** confidential information ~~[, rules]~~ for ~~[data matching and other issues. Upon]~~ the ~~[execution]~~ ***purpose*** of ~~[such an agreement,]~~ ***facilitating*** the ~~[Administrator may provide to the agency with which the Administrator has entered the cooperative agreement information regarding the apparent owners]~~ ***return*** of unclaimed or abandoned property ~~[pursuant to]~~ ***under*** this chapter, including, without limitation, ~~[the name and social security number of the apparent owner. An agency that has entered into a cooperative agreement with the Administrator pursuant to this section shall notify the Administrator of]~~ the last known address of ~~[each]~~ ***an*** apparent owner ~~[for which information was provided to the agency pursuant to this section, except as]~~ ***of unclaimed or abandoned property.***

2. A state agency or local agency shall provide to the Administrator any information requested pursuant to subsection 1 as soon as reasonably practicable unless the provision of such information is prohibited by federal law.

3. Nothing in this section shall be construed to limit the ability of the Administrator to request or receive from a state agency or local agency information which is not deemed confidential.

4. As used in this section:

(a) "Local agency" has the meaning ascribed to it in NRS 223.466.

(b) "State agency" has the meaning ascribed to it in NRS 223.470.

Sec. 14. NRS 120A.730 is hereby amended to read as follows:

120A.730 1. A holder who fails to report, pay or deliver property within the time prescribed by this chapter shall pay to the Administrator interest at the rate of 18 percent per annum on the property or value thereof from the date the property should have been reported, paid or delivered.

2. Except as otherwise provided in subsection 3, a holder who fails to report, pay or deliver property within the time prescribed by this chapter or fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $200 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $5,000.

3. A holder who willfully fails to report, pay or deliver property within the time prescribed by this chapter or willfully fails to perform other duties imposed by this chapter shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day the report, payment or delivery is withheld or the duty is not performed, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

4. A holder who makes a fraudulent report shall pay to the Administrator, in addition to interest as provided in subsection 1, a civil penalty of $1,000 for each day from the date a report under this chapter was due, up to a maximum of $25,000, plus 25 percent of the value of any property that should have been but was not reported.

5. The Administrator for good cause may waive, in whole or in part, interest under subsection 1 and penalties under subsections 2 and 3, and shall waive penalties if the holder acted in good faith and without negligence.

6. A holder who fails to make a payment as required by subsections ~~[11]~~ ***14*** and ~~[12]~~ ***15*** of NRS 120A.560 must be assessed by the Administrator a fee for each such payment in an amount equal to the greater of $50 or 2 percent of the amount of the payment.

Sec. 14.5. **NRS 120A.740 is hereby amended to read as follows:**

120A.740 1. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property that is presumed abandoned, is void and unenforceable if it was entered into during the period commencing on the date the property was presumed abandoned and extending to a time that is 24 months after the date the property is paid or delivered to the Administrator. This subsection does not apply to an owner's agreement with an attorney to file a claim as to identified property or contest the Administrator's denial of a claim.

2. An agreement by an owner, the primary purpose of which is to locate, deliver, recover or assist in the recovery of property, is enforceable only if the agreement:

(a) Is in writing;

(b) Clearly sets forth the nature of the property and the services to be rendered;

(c) Sets forth the date on which the property was paid or delivered to the Administrator;

(d) Sets forth a statement of the provisions of this section;

(e) Is signed by the apparent owner; and

(f) States the value of the property before and after the fee or other compensation has been deducted.

3. If an agreement covered by this section applies to mineral proceeds and the agreement contains a provision to pay compensation that includes a portion of the underlying minerals or any mineral proceeds not then presumed abandoned, the provision is void and unenforceable.

4. An agreement covered by this section must not provide for compensation that is more than:

(a) If the property that is the subject of the agreement was paid or delivered to the Administrator less than 5 years before the signing of the agreement, 10 percent of the total value of the property.

(b) If the property that is the subject of the agreement was paid or delivered to the Administrator 5 years or more before the signing of the agreement, 20 percent of the total value of the property.

5. An agreement that provides for compensation that is more than the applicable percentage set forth in subsection 4 of the total value of the property that is the subject of the agreement is unenforceable except by the owner. An owner who has agreed to pay compensation that is more than the applicable percentage set forth in subsection 4 of the total value of the property that is the subject of the agreement, or the Administrator on behalf of the owner, may maintain an action to reduce the compensation to an amount that does not exceed the applicable percentage set forth in subsection 4 of the total value of the property. The court may award reasonable attorney's fees to an owner who prevails in the action.

6. This section does not preclude an owner from asserting that an agreement covered by this section is invalid on grounds other than noncompliance with the provisions of this section.

7. The Administrator may adopt such regulations as are necessary to protect the interests of an owner who enters into an agreement covered by this section. The regulations may, without limitation, provide for the licensure or registration of a person with whom an owner enters into an agreement.

Sec. 15. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction

for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

(a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;

(b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;

(c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;

(d) The money identified in subsection ~~[8]~~ ***9*** of NRS 120A.610;

(e) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(f) The money identified in paragraph (d) of subsection 6 of NRS 278C.250;

(g) The money identified in subsection 1 of NRS 328.450;

(h) The money identified in subsection 1 of NRS 328.460;

(i) The money identified in paragraph (a) of subsection 2 of NRS 360.850;

(j) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

(k) The money required to be transferred to the State Education Fund pursuant to NRS 362.100;

(l) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

(m) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

(n) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

(o) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

(p) The money identified in subsection 5 of NRS 445B.640;

(q) The money identified in paragraph (b) of subsection 4 of NRS 678B.390;

(r) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

(s) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

(t) The portion of the proceeds of the fee imposed pursuant to NRS 488.075 identified in subsection 2 of NRS 488.075;

(u) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

(v) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

(w) The portion of the net profits of the grantee of a franchise identified in NRS 709.270;

(x) The money required to be distributed to the State Education Fund pursuant to NRS 363D.290; and

(y) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

Sec. 16. NRS 120A.750 is hereby repealed.

Sec. 17. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

120A.750 Uniformity of application and construction. This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject matter of the Uniform Unclaimed Property Act among the states that enact it.

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. 70.

Bill read second time.

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

Amendment No. 199.

AN ACT relating to wildlife; revising provisions relating to the authorized uses of certain fees for processing each application for a game tag; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in addition to any fee charged and collected for a game tag, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department of Wildlife for costs related to certain programs and activities, including, without limitation, wildlife management activities relating to the protection of nonpredatory game animals and sensitive wildlife species. ~~[.]~~ **and conducting research relating to managing and controlling predatory wildlife.** (NRS 502.253) This bill revises the wildlife management activities for which the Department may use the proceeds of such fees. ~~[.]~~ to provide that the Department **, at the direction of the applicant,** may instead use the proceeds of such fees **only** for **: (1) developing and implementing an annual program for the lethal removal of predatory wildlife; or (2)** wildlife management activities relating to the protection of nonpredatory ~~[big]~~ game ~~[mammals]~~ **species** and the habitat of such ~~[big]~~ **nonpredatory** game ~~[mammals.]~~ **species.**

Existing law also requires that the Department expend on any program developed for the management and control of predatory wildlife not less than 80 percent of the total money collected from the $3 application processing fee in the most recent fiscal year for which the Department has information. (NRS 502.253) This bill removes the minimum 80 percent expenditure requirement for programs developed for the management and control of predatory wildlife **.** ~~[and requires that the Department, in expending any money collected from the $3 application processing fee: (1) prioritize programs, wildlife management activities and research that will provide the greatest benefit to populations of big game mammals in the State; and (2) consider the ability of a program, wildlife management activity or research to obtain grants and matching funds from federal and private sector sources.]~~

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

Section 1. NRS 502.253 is hereby amended to read as follows:

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund and used by the Department ***, at the direction of the applicant,*** for costs related to:

(a) Developing and implementing an annual program for the ~~[management and control]~~ ***lethal removal*** of predatory wildlife; ***or***

(b) Wildlife management activities relating to the protection of nonpredatory ~~***[big]***~~ game ~~[animals and sensitive wildlife]~~ species ~~[***, ***mammals]***~~ ***and the habitat of such*** ~~***[big]***~~ ***nonpredatory game*** ~~***[mammals;*** and]~~ ***species.***

~~[(c) Conducting research necessary to determine successful techniques for managing and controlling predatory wildlife.]~~

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity ~~[or research]~~ conducted pursuant to this section must be developed or conducted under the guidance of the Commission in accordance with the provisions of subsection 4 and the policies adopted by the Commission pursuant to NRS 501.181.

4. The Department ~~[:~~

~~(a) In]~~ ***, in*** adopting any program for the ~~[management and control]~~ ***lethal removal*** of predatory wildlife developed pursuant to this section, shall first consider the recommendations of the Commission and the State Predatory Animal and Rodent Committee created by NRS 567.020.

~~[(b) Shall not adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.~~ ***In expending any money collected pursuant to subsection 1 to develop or conduct the programs, wildlife management activities and research described in subsection 1, shall:***

~~*(1) Prioritize programs, wildlife management activities and research that will provide the greatest benefit to the populations of big game mammals in this State; and*~~

~~*(2) Consider the ability of a program, wildlife management activity or research to obtain grants and matching funds from federal and private sector sources.]*~~

5. The money in the Wildlife Account credited pursuant to this section remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 2. 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. 77.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 482.

AN ACT relating to economic development; creating the Office of Entrepreneurship within the Office of Economic Development; setting forth the powers and duties of the Office of Entrepreneurship; providing that the records, files and communications of the Office of ~~[Economic Development]~~

Entrepreneurship are confidential; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Economic Development within the Office of the Governor and which consists of the Division of Economic Development and the Nevada Film Office. (NRS 231.043) **Sections 6 and 12** of this bill create the Office of Entrepreneurship within the Office of Economic Development and require state agencies to cooperate with and assist the Office of Entrepreneurship. **Section 6** also authorizes the Office of Entrepreneurship to employ any necessary personnel to perform the functions and duties of the Office of Entrepreneurship. **Section 7** of this bill requires the Office of Entrepreneurship to: (1) work to strengthen policies and programs supporting the growth of entrepreneurship in the State; (2) work with stakeholders and organizations supporting entrepreneurship in the State to enhance the skills of, provide technical support to and expand resources for entrepreneurs across the State; and (3) serve as a point of contact to assist businesses in operation for 5 years or less in their interactions with state agencies ~~[.]~~ **and, where appropriate, refer businesses to other state and local agencies that provide assistance to businesses.** **Section 8** of this bill requires the Office of Entrepreneurship to submit annually to the Legislative Commission a report that includes, without limitation: (1) the number and total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years, including a breakdown by demographic segments and geographical areas throughout the State; (2) the percentage of the number of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total number of contracts awarded; (3) **the number of businesses owned by women, minorities or veterans that have been in operation for not more than 5 years and awarded a state contract; (4)** the percentage of the total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total dollar amount of contracts awarded; ~~[and (4)]~~ **(5) the types of businesses awarded a state contract; (6)** recommendations on improving access to state contracts for Nevada businesses that have been in operation for not more than 5 years, including those businesses in statistically underrepresented demographic segments and geographic areas of Nevada ~~[.]~~ **; (7) recommendations on improving overall entrepreneurship in this State including, without limitation, identifying regional challenges to entrepreneurship; and (8) any additional information deemed necessary by the Office of Economic Development to provide an accurate depiction of the condition of entrepreneurship in Nevada.** **Section 9** of this bill authorizes the Office of Economic Development to encourage 5 percent of the total number of state contracts to be awarded to businesses that have been in operation for not more than 5 years and whose principal place of business is in this State. **Sections 10 and 13** of this bill provide that the records, files and

communications of the Office of Entrepreneurship are confidential and are not public records.

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

Section 1. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***"Business" means any corporation, partnership, company, cooperative, sole proprietorship or other legal entity organized or operating for pecuniary or nonpecuniary gain.***

Sec. 3. ***"Entrepreneur" means a person who initiates and assumes the financial risk of a business.***

Sec. 4. ***"Office of Entrepreneurship" means the Office of Entrepreneurship created by section 6 of this act.***

Sec. 5. ***"State agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.***

Sec. 6. ***1. The Office of Entrepreneurship is hereby created within the Office of Economic Development.***

2. The Office of Entrepreneurship shall employ such personnel as are necessary to perform the functions and duties of the Office of Entrepreneurship set forth in sections 2 to 10, inclusive, of this act.

3. A state agency shall cooperate with and assist the Office of Entrepreneurship in the performance of its duties and functions.

Sec. 7. ***The Office of Entrepreneurship shall:***

1. Work to strengthen policies and programs supporting the growth of entrepreneurship in the State, including, without limitation, across demographic segments and geographic areas.

2. Work with stakeholders and organizations supporting entrepreneurship to enhance the learning and skills of, provide technical support to and expand access to resources for entrepreneurs across the State.

3. Serve as a point of contact to assist businesses that have been in operation for not more than 5 years in their interactions with state agencies ~~***[.]***~~ ***and, where appropriate, refer businesses to other state or local agencies that provide assistance to businesses.***

Sec. 8. ***On or before November 1 of each year beginning 2 years after the creation of the Office of Entrepreneurship, and annually thereafter, the Office of Entrepreneurship shall submit to the Legislative Commission a report that includes, without limitation:***

1. The number and total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years, including, without limitation, a breakdown by demographic segments and geographical areas throughout the State;

2. The percentage of the number of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total number of contracts awarded;

3. The number of businesses owned by women, minorities or veterans that have been in operation for not more than 5 years and have been awarded a state contract;

4. The percentage of the total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total dollar amount of contracts awarded; [and]

5. The types of businesses awarded a state contract;

[4.] 6. Recommendations on improving access to state contracts for businesses that have been in operation for not more than 5 years, including, without limitation, those businesses in statistically underrepresented demographic segments and geographic areas of Nevada [.] ;

7. Recommendations on improving overall entrepreneurship in this State including, without limitation, identifying regional challenges to entrepreneurship; and

8. Any additional information deemed necessary by the Office of Economic Development to provide an accurate depiction of the condition of entrepreneurship in Nevada.

Sec. 9. ***The Office of Economic Development shall encourage 5 percent of the total number of state contracts to be awarded to businesses that have been in operation for not more than 5 years and whose principal place of business is in this State.***

Sec. 10. ***All records, files and communications of the Office of Entrepreneurship made or received pursuant to sections 2 to 10, inclusive, of this act are confidential and not a public record.***

Sec. 11. NRS 231.002 is hereby amended to read as follows:

231.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 231.003 to 231.009, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 231.043 is hereby amended to read as follows:

231.043 1. There is hereby created within the Office of the Governor the Office of Economic Development, consisting of:

(a) A Division of Economic Development; ~~[and]~~

(b) The Nevada Film Office ~~[.]~~ ***; and***

(c) The Office of Entrepreneurship.

2. The Governor shall propose a budget for the Office.

3. Employees of the Office are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director.

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 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. 14. 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. 15. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 258.

ASSEMBLYWOMAN BACKUS

JOINT SPONSORS: SENATORS BUCK AND KRASNER

AN ACT relating to public safety; requiring the tribal liaison for the Department of Public Safety to maintain ongoing communication relating to missing or murdered indigenous persons between the Department and certain entities; ~~[requiring]~~ **authorizing** a law enforcement agency to accept a report relating to certain persons missing from an Indian reservation or Indian colony

located in whole or in part in this State; requiring the Peace Officers' Standards and Training Commission to adopt certain regulations for the training of peace officers related to missing indigenous persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each state agency that communicates with Indian tribes on a regular basis to designate a tribal liaison whose duties include maintaining ongoing communication between the state agency and affected Indian tribes. (NRS 233A.260) **Section 2** of this bill requires the tribal liaison for the Department of Public Safety to also maintain ongoing communication related to missing or murdered indigenous persons between the Department and: (1) Indian tribes and tribal communities in this State; (2) tribal organizations; (3) urban Indian organizations; (4) other tribal liaisons designated by state agencies; and (5) nongovernmental entities that provide services to women who are members of Indian tribes.

Existing law requires each sheriff, chief of police or other law enforcement agency which receives a report of a person missing under suspicious circumstances who is 18 years of age or older to enter the information concerning the missing person into the computer for the National Crime Information Center. (NRS 480.500) **Section 3** of this bill ~~[requires]~~ **authorizes** a sheriff, chief of police or other law enforcement agency to: (1) accept a report of a person who is 18 years of age or older and missing under ~~[suspicious]~~ **certain** circumstances from an Indian reservation or Indian colony that is located in whole or in any part of this State; and (2) enter the information concerning the missing person into the computer for the National Crime Information Center **.** ~~[and the National Missing and Unidentified Persons System.]~~

Existing law requires the Peace Officers' Standards and Training Commission to adopt regulations which require that all peace officers receive training in the handling of cases involving missing children. (NRS 289.510) **Section 4** of this bill requires the Commission to also adopt regulations which require that all peace officers receive training in the taking of reports and the handling of cases relating to missing indigenous women and other indigenous persons.

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

Section 1. Chapter 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***In addition to the duties set forth in NRS 233A.260, the tribal liaison for the Department shall maintain ongoing communication relating to missing or murdered indigenous persons between the Department and:***

1. Indian tribes and tribal communities in this State;

2. Tribal organizations;

3. Urban Indian organizations;

4. Other tribal liaisons designated by state agencies pursuant to NRS 233A.260; and

5. Nongovernmental entities that provide services to women who are members of Indian tribes.

Sec. 3. ***Notwithstanding any other provision of state or local law, a sheriff, chief of police or other law enforcement agency ~~[must:]~~ may:***

1. Accept a report of a person who is 18 years of age or older and missing ~~[under suspicious circumstances]~~ from an Indian reservation or Indian colony that is located in whole or in part in this State ~~[;]~~ if the person who is reported missing:

(a) Has a physical or mental disability;

(b) Is missing after an emergency or natural disaster;

(c) Is missing under:

(1) Circumstances that indicate he or she may be in danger or that his or her disappearance may not be voluntary; or

(2) Any other suspicious circumstance; and

2. Enter the information concerning the missing person into the computer for the National Crime Information Center pursuant to NRS 480.500 . ~~[and the National Missing and Unidentified Persons System.]~~

Sec. 4. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:

(1) Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;

(2) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:

(I) Racial profiling;

(II) Mental health, including, without limitation, crisis intervention;

(III) The well-being of officers;

(IV) Implicit bias recognition;

(V) De-escalation;

(VI) Human trafficking; and

(VII) Firearms.

(4) Qualifications for instructors of peace officers;

(5) Requirements for the certification of a course of training; and

(6) Standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.

(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.

(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in its regulations.

(f) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.

(g) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.680, inclusive.

(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.

(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.

2. Regulations adopted by the Commission:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;

(c) ***Must require that all peace officers receive training in the taking of reports and handling of cases relating to missing indigenous women and other indigenous persons.***

(d) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; and

~~[(d)]~~ ***(e)*** May require that training be carried on at institutions which it approves in those regulations.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective on July 1, 2023.

3. Section 4 of this act becomes 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 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. 126.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 323.

AN ACT relating to business entities; authorizing certain business entities to correct an erroneously filed record with the Office of the Secretary of State; clarifying provisions concerning certain records required to be kept by certain business entities; clarifying provisions relating to certain actions available to a board of directors of a corporation; establishing the circumstances under which a corporation may decrease the number of certain issued and outstanding shares without a vote of the stockholders; revising provisions related to stock certificates; revising provisions governing restrictions on transfers of stock; authorizing a board of directors to require a confidentiality agreement with certain persons; revising the definition of the term "acquisition" for certain purposes; establishing the circumstances under which a corporation may change the name of the corporation without a vote of the stockholders; revising provisions governing the restatement of articles of incorporation; ~~[clarifying provisions relating to the sale of certain assets;]~~ revising various definitions relating to dissenter's rights; making various other changes relating to business entities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a corporation to correct certain inaccurate or defective records filed with the Secretary of the State. (NRS 78.0295) **Section 1** of this bill additionally authorizes a corporation to correct a record filed with the Secretary of State if the record is filed erroneously. **Sections ~~[17-24]~~ 16.5-24** of this bill authorize certain other business entities to correct records filed with the Secretary of State under the same circumstances as corporations.

Existing law requires a private corporation to keep certain records and make such records available for inspection upon the demand of certain persons. (NRS 78.105, 78.257) **Sections 2 and 3** of this bill clarify the content of the affidavit required to be submitted with a demand to inspect such records. **Section 8** of this bill authorizes the board of directors of a corporation to require a confidentiality agreement with a stockholder or other person who submits a demand to inspect the books of account or financial statements of the corporation.

Sections 4, 9, 10 and 14 of this bill clarify the actions available to a board of directors with respect to the adoption or signing of plans, arrangements or instruments and protecting the interests of the corporation and its stockholders.

Section 5 of this bill authorizes a publicly traded corporation, with the approval of certain stockholders, to decrease the number of issued and outstanding shares of a class or series.

Existing law authorizes the board of directors of a corporation to issue certain uncertificated shares to stockholders. Existing law also requires the corporation to send to each stockholder to whom it issues an uncertificated share: (1) a written statement containing certain information; and (2) an annual statement confirming the information contained in the statement previously issued. (NRS 78.235) **Section 6** of this bill replaces the requirement that the corporation send such an annual statement with the requirement that the corporation send a confirming statement within 10 days after receiving a written request from a stockholder of such shares.

Section 7 of this bill revises provisions governing permissible restrictions on the transfer of shares of a corporation by clarifying the manner in which a transferee may be presumed to have knowledge of the restriction.

Section 11 of this bill adds an exception providing that an "acquisition" of a controlling interest in an issuing corporation does not include any acquisition of shares listed on a national securities exchange pursuant to a tender offer.

Existing law provides for an effective date of certain documents filed with the Secretary of State. (NRS 78.390) **Section 12** of this bill provides for a time at which such documents become effective. **Section 12** also authorizes the board of directors to change the name of a corporation without the approval of the stockholders, unless the articles of incorporation require such approval.

Section 13 of this bill clarifies that certain certificates of designation may be omitted from restated articles of incorporation.

Sections 15 and 29 of this bill make technical corrections to certain provisions by adding appropriate references to certain statutes to clarify that certain provisions of existing law are applicable to certain business entities.

~~**[**Existing law requires a corporation to obtain the approval of stockholders before it may sell, lease or exchange all of its property and assets, unless otherwise provided in the articles of incorporation. (NRS 78.565) Section 16 of this bill requires such approval by the stockholders before the corporation may sell, lease or exchange all or substantially all of its property and assets, unless otherwise provided in the articles of incorporation.**]**~~

Sections 25-28, 30 and 31 of this bill repeal, reenact and reorganize the definitions of "advance notice statement" and "statement of intent" for the purposes of certain provisions relating to dissenters' rights.

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

Section 1. NRS 78.0295 is hereby amended to read as follows:

78.0295 1. A corporation may correct a record filed in the Office of the Secretary of State with respect to the corporation if the record contains an inaccurate description of a corporate action or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the corporation must:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by an officer of the corporation or, if no stock has been issued by the corporation, by the incorporator or a director of the corporation, or by some other person specifically authorized by the corporation to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the corporation may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying the required fee pursuant to subsection 7 of NRS 78.785.

Sec. 2. NRS 78.105 is hereby amended to read as follows:

78.105 1. A corporation shall keep a copy of the following records at its principal office or with its custodian of records whose name and street address are available at the corporation's registered office:

(a) A copy certified by the Secretary of State of its articles of incorporation, and all amendments thereto;

(b) A copy certified by an officer of the corporation of its bylaws and all amendments thereto; and

(c) A stock ledger or a duplicate stock ledger, revised annually not later than 60 days after the date by which an annual list is required to be filed pursuant to NRS 78.150, containing only the names, alphabetically arranged, of all persons who are stockholders of record of the corporation, showing their places of residence, if known, and the number of shares held by them respectively. A corporation is not required to keep a list of any person who is a beneficial owner of any shares who is not simultaneously the stockholder of

record of such shares, or any other information concerning any person having an interest in the corporation, except for the stock ledger or duplicate stock ledger required by this paragraph. Absent manifest error or actual fraud, the stock ledger of the corporation, as maintained by the corporation or its designated transfer agent, shall conclusively determine the stockholders of record of the corporation.

2. Any person who has been a stockholder of record of a corporation for at least 6 months immediately preceding the demand, or any person holding, or thereunto authorized in writing by the holders of, at least 5 percent of all of its outstanding shares, upon at least 5 days' written demand, including the affidavit required pursuant to subsection 4, is entitled to inspect in person or by agent or attorney, during usual business hours, the records required by subsection 1 and make copies therefrom. Holders of voting trust certificates representing shares of the corporation must be regarded as stockholders for the purpose of this subsection. Every corporation that neglects or refuses to keep the records required by subsection 1 open for inspection, as required in this subsection, shall forfeit to the State the sum of $25 for every day of such neglect or refusal.

3. If the records required by subsection 1 are not made available for inspection at a location within this State pursuant to a proper demand made pursuant to subsection 2, the stockholder or other person demanding the inspection may serve a demand upon the corporation's registered agent that the records to be inspected be sent to the demanding stockholder or other person or the agent or attorney thereof. Upon such a demand, the corporation shall send copies of the requested records required by subsection 1, either in paper or electronic form, to the stockholder, other person, agent or attorney entitled to inspect the requested records within 10 business days after service of the demand upon the registered agent.

4. Together with the written demand required pursuant to subsection 2, a stockholder or other person who wishes to inspect the records required by subsection 1 or make copies therefrom shall furnish an affidavit to the corporation stating that the inspection is not desired for a purpose which is in the interest of a business or object other than the business of the corporation and that the stockholder or other person has not at any time sold or offered for sale any list of stockholders of any domestic or foreign corporation or aided or abetted any person in procuring any such record of stockholders for any such ~~[purpose.]~~ ***sale or offer for sale.***

5. If any corporation willfully neglects or refuses to make any proper entry in the stock ledger or duplicate copy thereof, or neglects or refuses to permit an inspection of the records required by subsection 1 upon demand by a person entitled to inspect them, or refuses to permit copies to be made therefrom, as provided in subsection 2, the corporation is liable to the person injured for all damages resulting to the person therefrom.

6. In every instance where an attorney or other agent of the stockholder seeks the right of inspection, the demand must be accompanied by a power of

attorney signed by the stockholder authorizing the attorney or other agent to inspect on behalf of the stockholder.

7. The right to copy records under subsection 2 includes, if reasonable, the right to make copies by photographic, xerographic or other means.

8. The corporation may impose a reasonable charge to recover the costs of labor and materials and the cost of copies of any records provided to the stockholder.

Sec. 3. NRS 78.107 is hereby amended to read as follows:

78.107 1. An inspection authorized by NRS 78.105 may be denied to a stockholder or other person upon the refusal of the stockholder or other person to furnish to the corporation the affidavit required pursuant to subsection 4 of NRS 78.105.

2. It is a defense to any action for penalties or damages under NRS 78.105 that the person suing has at any time sold, or offered for sale, any list of stockholders of the corporation, or any other corporation, or has aided or abetted any person in procuring any such stock list for any such ~~[purpose,]~~ ***sale or offer for sale,*** or that the person suing desired inspection for a purpose which is in the interest of a business or object other than the business of the corporation.

3. This section does not impair the power or jurisdiction of any court to compel the production for examination of the records required by subsection 1 of NRS 78.105 in any proper case. This subsection does not authorize or establish any right of inspection or examination independent from the right of inspection or examination authorized by NRS 78.105.

Sec. 4. NRS 78.195 is hereby amended to read as follows:

78.195 1. If a corporation desires to have more than one class or series of stock, the articles of incorporation must prescribe, or vest authority in the board of directors to prescribe, the classes, series and the number of each class or series of stock and the voting powers, designations, preferences, limitations, restrictions and relative rights of each class or series of stock. If more than one class or series of stock is authorized, the articles of incorporation or the resolution of the board of directors adopted pursuant to a provision of the articles must prescribe a distinguishing designation for each class and series. The voting powers, designations, preferences, limitations, restrictions, relative rights and distinguishing designation of each class or series of stock must be described in the articles of incorporation or the resolution of the board of directors and the certificate of designation filed pursuant to subsection 1 of NRS 78.1955 before the issuance of shares of that class or series.

2. All shares of a class or series must have voting powers, designations, preferences, limitations, restrictions and relative rights identical with those of other shares of the same class or series and, except to the extent otherwise provided in the description of the series, with those of other series of the same class.

3. Unless otherwise provided in the articles of incorporation, no stock issued as fully paid up may ever be assessed and the articles of incorporation must not be amended in this particular.

4. The voting powers, designations, preferences, limitations, restrictions and relative rights for the shares of a class or series of stock may be made dependent upon any fact or event which may be ascertained outside the articles of incorporation if the manner in which a fact or event may operate upon the voting powers, designations, preferences, limitations, restrictions and relative rights is stated in the articles of incorporation. As used in this subsection, "fact or event" includes, without limitation, the existence of a fact or occurrence of an event, including, without limitation, a determination or action by a person, the corporation itself or any government, governmental agency or political subdivision of a government.

5. ~~[~~The~~]~~ ***Without limiting the provisions of NRS 78.138 or 78.139, the*** provisions of this section do not restrict the directors of a corporation from taking action ***not in circumvention or contravention of this title*** to protect the ***long-term or short-term*** interests of the corporation ~~[~~and its~~]~~ ***or the long-term or short-term interests of the corporation's*** stockholders, including, but not limited to, adopting or signing plans, arrangements or instruments that ***issue,*** grant or deny rights ~~[~~, privileges, power or authority~~]~~ ***or options pursuant to NRS 78.200*** to a holder or holders of a specified number of shares or percentage of share ownership or voting power ~~[~~.~~]~~ ***, for the purpose or having the effect of granting or denying rights, privileges, power or authority to any such holder or holders.***

Sec. 5. NRS 78.2055 is hereby amended to read as follows:

78.2055 1. Unless otherwise provided in the articles of incorporation, a corporation that desires to decrease the number of issued and outstanding shares of a class or series held by each stockholder of record at the effective date and time of the change without correspondingly decreasing the number of authorized shares of the same class or series may do so if:

(a) The board of directors adopts a resolution setting forth the proposal to decrease the number of issued and outstanding shares of a class or series; and

(b) ~~[~~The~~]~~ ***If the corporation is:***

(1) A publicly traded corporation, the proposal is approved by the stockholders of the affected class or series, regardless of limitations or restrictions on the voting power of the affected class or series; or

(2) Not a publicly traded corporation, the proposal is approved by the vote of stockholders holding a majority of the voting power of the affected class or series, or such greater proportion as may be provided in the articles of incorporation, regardless of limitations or restrictions on the voting power of the affected class or series.

2. If the proposal required by subsection 1 is approved by the stockholders entitled to vote, the corporation may reissue its stock in accordance with the proposal after the effective date and time of the change.

3. Except as otherwise provided in this subsection, if a proposed decrease in the number of issued and outstanding shares of any class or series would adversely alter or change any preference, or any relative or other right given to any other class or series of outstanding shares, then the decrease must be approved by the vote, in addition to any vote otherwise required, of the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the decrease, or such greater proportion as may be provided in the articles of incorporation, regardless of limitations or restrictions on the voting power of the adversely affected class or series. The decrease does not have to be approved by the vote of the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the decrease if the articles of incorporation specifically deny the right to vote on such a decrease.

4. If any proposed corporate action pursuant to this section would result in only money being paid or scrip being issued to stockholders who:

(a) Before the decrease in the number of shares becomes effective, in the aggregate hold 1 percent or more of the outstanding shares of the affected class or series; and

(b) Would otherwise be entitled to receive a fraction of a share in exchange for the cancellation of all their outstanding shares,

➥ any stockholder who is obligated, as a result of the corporate action taken pursuant to this section, to accept money or scrip rather than receive a fraction of a share in exchange for the cancellation of all the stockholder's outstanding shares, may dissent in accordance with the provisions of NRS 92A.300 to 92A.500, inclusive, ***and sections 26 and 27 of this act*** and obtain payment of the fair value of the fraction of a share to which the stockholder would otherwise be entitled.

Sec. 6. NRS 78.235 is hereby amended to read as follows:

78.235 1. Except as otherwise provided in subsection 4, every stockholder is entitled to have a certificate, signed by officers or agents designated by the corporation for the purpose, certifying the number of shares in the corporation owned by the stockholder. A corporation has no power to issue a certificate in bearer form, and any such certificate that is issued is void and of no force or effect.

2. Whenever any certificate is countersigned or otherwise authenticated by a transfer agent or transfer clerk, and by a registrar, then a facsimile of the signatures of the officers or agents, the transfer agent or transfer clerk or the registrar of the corporation may be printed or lithographed upon the certificate in lieu of the actual signatures. If a corporation uses facsimile signatures of its officers and agents on its stock certificates, it cannot act as registrar of its own stock, but its transfer agent and registrar may be identical if the institution acting in those dual capacities countersigns or otherwise authenticates any stock certificates in both capacities.

3. If any officer or officers who have signed, or whose facsimile signature or signatures have been used on, any certificate or certificates for stock cease to be an officer or officers of the corporation, whether because of death, resignation or other reason, before the certificate or certificates have been delivered by the corporation, the certificate or certificates may nevertheless be adopted by the corporation and be issued and delivered as though the person or persons who signed the certificate or certificates, or whose facsimile signature or signatures have been used thereon, had not ceased to be an officer or officers of the corporation.

4. Unless otherwise provided in the articles of incorporation or bylaws, the board of directors may authorize the issuance of uncertificated shares of some or all of the shares of any or all of its classes or series. The issuance of uncertificated shares has no effect on existing certificates for shares until surrendered to the corporation, or on the respective rights and obligations of the stockholders. Unless otherwise provided by a specific statute, the rights and obligations of stockholders are identical whether or not their shares of stock are represented by certificates.

5. Within a reasonable time after the issuance ***of uncertificated shares*** or ***the*** transfer of ***uncertificated*** shares ~~[without certificates,]~~ ***on the books of the corporation,*** the corporation shall send the stockholder ***of record*** a written statement containing the information ***that otherwise would be*** required on the certificates ***for such shares*** pursuant to subsection 1. ~~[At least annually thereafter,]~~ ***Within 10 days after receipt of a written request from a stockholder of record,*** the corporation shall ~~[provide to its stockholders]~~ ***send the stockholder*** of record ~~[,]~~ a written statement confirming the information contained in the informational statement previously sent ***to the stockholder of record*** pursuant to this subsection.

6. Unless otherwise provided in the articles of incorporation or bylaws, a corporation may issue a new certificate of stock or, if authorized by the board of directors pursuant to subsection 4, uncertificated shares in place of a certificate previously issued by it and alleged to have been lost, stolen or destroyed. A corporation may require an owner or legal representative of an owner of a lost, stolen or destroyed certificate to give the corporation a bond or other security sufficient to indemnify it against any claim that may be made against it for the alleged loss, theft or destruction of a certificate, or the issuance of a new certificate or uncertificated shares.

Sec. 7. NRS 78.242 is hereby amended to read as follows:

78.242 1. Subject to the limitation imposed by NRS 104.8204, a written restriction on the transfer or registration of transfer of the stock of a corporation, if permitted by this section, may be enforced against the holder of the restricted stock or any successor or transferee of the holder, including an executor, administrator, trustee, guardian or other fiduciary entrusted with like responsibility for the person or estate of the holder.

2. A restriction on the transfer or registration of transfer of the stock of a corporation, or on the amount of a corporation's stock that may be owned by

a person or group of persons, may be imposed by the articles of incorporation or by the bylaws or by an agreement among any number of stockholders or between or among one or more stockholders and the corporation. No restriction so imposed is binding upon any stockholder with respect to the shares of stock owned by such stockholder at the time the restriction is adopted, regardless of any later effective time of such restriction, unless such stockholder is a party to the agreement or voted in favor of the restriction.

3. A restriction on the transfer or the registration of transfer of shares is valid and enforceable against ~~[the]~~ ***a*** transferee of the ~~[stockholder]~~ ***shares*** if the restriction is not prohibited by other law and ~~[its]~~ ***:***

(a) The restriction is set forth in the articles of incorporation;

(b) The existence ***of the restriction*** is noted conspicuously on the front or back of the stock certificate or is contained in the statement of information required by NRS 78.235 ~~[. Unless so noted, a restriction is not enforceable against a person without]~~ ***; or***

(c) The transferee otherwise has, or reasonably should have, knowledge of the restriction.

4. A restriction on the transfer or registration of transfer of the stock of a corporation or on the amount of such stock that may be owned by any person or group of persons is permitted, without limitation by this enumeration, if it:

(a) Obligates the stockholder first to offer to the corporation or to any other stockholder or stockholders of the corporation or to any other person or persons or to any combination of the foregoing a prior opportunity, to be exercised within a reasonable time, to acquire the stock;

(b) Obligates the corporation or any stockholder of the corporation or any other person or any combination of the foregoing to purchase stock which is the subject of an agreement respecting the purchase and sale of the stock;

(c) Requires the corporation or any stockholder or stockholders to:

(1) Consent to any proposed transfer of the stock;

(2) Approve the proposed transferee of stock; or

(3) Approve the amount of stock of the corporation proposed to be acquired by any person or group of persons;

(d) Prohibits or restricts the transfer of the stock to, or the ownership of stock by, designated persons or classes of persons, and such designation is not manifestly unreasonable; or

(e) Prohibits or restricts the transfer or registration of transfer of the stock or the amount of stock of a corporation that may be owned by a person or group of persons, for any of the following purposes:

(1) To maintain the corporation's status when it is dependent on the number or identity of its stockholders, including, without limitation, the corporation's status as an electing small business corporation under subchapter S of chapter 1 of subtitle A of the United States Internal Revenue Code, 26 U.S.C. §§ 1371 et seq., as amended, or any successor provision;

(2) To maintain or preserve the corporation's status or exemptions under federal or state laws governing taxes or securities, including, without

limitation, the qualification of the corporation as a real estate investment trust pursuant to 26 U.S.C. §§ 856 et seq., as amended, or any successor provision, and any regulations adopted pursuant thereto;

(3) To maintain or preserve any other local, state, federal or foreign tax advantage to, or attribute of, the corporation or its stockholders, including, without limitation, net operating losses;

(4) To maintain any statutory or regulatory advantage or to comply with any statutory or regulatory requirements under applicable local, state, federal or foreign law; or

(5) For any other reasonable purpose.

5. For the purposes of this section, "stock" includes a security convertible into or carrying an option or other right to subscribe for or to acquire stock.

Sec. 8. NRS 78.257 is hereby amended to read as follows:

78.257 1. Any person who has been a stockholder of record of any corporation and owns not less than 15 percent of all of the issued and outstanding shares of the stock of such corporation or has been authorized in writing by the holders of at least 15 percent of all its issued and outstanding shares, upon at least 5 days' written demand, including the affidavit ***and confidentiality agreement, if applicable,*** required pursuant to subsection 2, is entitled to inspect in person or by agent or attorney, during normal business hours, the books of account and ~~[~~all~~]~~ financial ~~[~~records~~]~~ ***statements*** of the corporation, to make copies ~~[~~of records,~~]~~ ***thereof,*** and to conduct an audit ~~[~~of such records.~~]~~ ***thereof.*** Holders of voting trust certificates representing 15 percent of the issued and outstanding shares of the corporation are regarded as stockholders for the purpose of this subsection. The right of stockholders to inspect the ~~[~~corporate records~~]~~ ***books of account and financial statements of the corporation in accordance with this section*** may not be limited in the articles or bylaws of any corporation.

2. Together with the written demand required pursuant to subsection 1, a person who wishes to exercise the rights set forth in subsection 1 shall furnish an affidavit to the corporation stating that the inspection, copies or audit is not desired for any purpose not related to his or her interest as a stockholder. ***As a condition to the rights authorized by subsection 1, the board of directors may require the stockholder and each other person exercising rights set forth in subsection 1 to enter into and comply with a confidentiality agreement having such terms and scope as are reasonably related to protecting the legitimate interests of the corporation.***

3. All costs for making copies ~~[~~of records~~]~~ or conducting an audit ***pursuant to this section*** must be borne by the person exercising the rights set forth in subsection 1.

4. The rights authorized by subsection 1 may be denied ~~[~~to any stockholder upon~~]~~ ***if the affidavit or confidentiality agreement required pursuant to subsection 2 is not furnished to the corporation, or if the stockholder or other person exercising rights set forth in subsection 1 at any time has used or attempted to use, or uses, attempts or threatens to use, any information***

obtained from the corporation pursuant to this section for any purpose not related to the stockholder's ~~[refusal to furnish]~~ ***interest in*** the corporation ~~[an affidavit required pursuant to subsection 2.]~~ ***as a stockholder, or if the stockholder or other person exercising rights set forth in subsection 1 at any time, and in any capacity, has used or attempted to use, or uses, attempts or threatens to use, any information obtained from the corporation pursuant to this section or otherwise for any improper purpose.*** Any stockholder or other person ~~[,]~~ exercising rights set forth in subsection 1 ~~[,]~~ who uses or attempts to use information ~~[, records or other data]~~ obtained from the corporation ~~[,]~~ ***pursuant to this section*** for any purpose not related to the stockholder's interest in the corporation as a stockholder ~~[,]~~ is guilty of a gross misdemeanor.

5. If any officer or agent of any corporation keeping ~~[records]~~ ***books of account and financial statements*** in this State ***knowingly and*** willfully ~~[neglects or]~~ refuses to permit an inspection of ~~[the]~~ ***such*** books of account and financial ~~[records]~~ ***statements*** upon demand by a person entitled to inspect them, or ***knowingly and willfully*** refuses to permit an audit ***of such books of account and financial statements*** to be conducted by such a person, as provided in subsection 1, the corporation shall forfeit to the State the sum of $100 for every day of such ~~[neglect or]~~ refusal, and the corporation ~~[, officer or agent thereof is jointly and severally]~~ ***is*** liable to the person injured for all damages ***directly*** resulting to the person ~~[.]~~ ***from such refusal.***

6. A stockholder who brings an action or proceeding to enforce any right set forth in this section or to recover damages resulting from its denial:

(a) Is entitled to costs and reasonable attorney's fees, if the stockholder prevails; or

(b) Is liable for such costs and fees, if the stockholder does not prevail,

➥ in the action or proceeding.

7. Except as otherwise provided in this subsection, the provisions of this section do not apply to any corporation that furnishes to its stockholders a detailed, annual financial statement or any corporation that has filed during the preceding 12 months all reports required to be filed pursuant to section 13 or section 15(d) of the Securities Exchange Act, 15 U.S.C. §§ 78m or 78o(d). A person who owns, or is authorized in writing by the owners of, at least 15 percent of the issued and outstanding shares of the stock of a corporation that has elected to be governed by subchapter S of the Internal Revenue Code and whose shares are not listed or traded on any recognized stock exchange is entitled to inspect the books of the corporation pursuant to subsection 1 and has the rights, duties and liabilities provided in subsections 2 to 6, inclusive.

Sec. 9. NRS 78.350 is hereby amended to read as follows:

78.350 1. Unless otherwise provided in the articles of incorporation, or in the certificate of designation establishing the class or series of stock, every stockholder of record of a corporation is entitled at each meeting of stockholders thereof to one vote for each share of stock standing in his or her name on the records of the corporation. If the articles of incorporation, or the certificate of designation establishing the class or series of stock provides for

more or less than one vote per share for any class or series of shares on any matter, every reference in this chapter to a majority or other proportion of stock shall be deemed to refer to a majority or other proportion of the voting power of all of the shares or those classes or series of shares, as may be required by the articles of incorporation, or in the certificate of designation establishing the class or series of stock or the provisions of this chapter.

2. Unless a period of more than 60 days or a period of less than 10 days is prescribed or fixed in the articles of incorporation, the board of directors may prescribe a period not exceeding 60 days before any meeting of the stockholders during which no transfer of stock on the books of the corporation may be made, or may fix a record date not more than 60 or less than 10 days before the date of any such meeting as the date as of which stockholders entitled to notice of and to vote at such meetings must be determined.

3. If a record date for a meeting of stockholders is fixed by the board of directors:

(a) The record date:

(1) Must be so fixed pursuant to a resolution adopted by the board of directors; and

(2) Must not precede the day on which the resolution is adopted by the board of directors, regardless of the effective date of the resolution.

(b) Only stockholders of record on the record date are entitled to notice of or to vote at the meeting.

4. If a record date for a meeting of stockholders is not fixed by the board of directors, the record date is at the close of business on the day before the day on which the first notice is given or, if notice is waived, at the close of business on the day before the meeting is held.

5. A determination of stockholders of record entitled to notice of or to vote at a meeting of stockholders applies to any adjournment or postponement of the meeting unless the board of directors fixes a new record date for the adjourned or postponed meeting. The board of directors must fix a new record date if the meeting is adjourned or postponed to a date more than 60 days later than the meeting date set for the original meeting.

6. The board of directors may adopt a resolution prescribing a date upon which the stockholders of record entitled to give written consent pursuant to NRS 78.320 must be determined. The date prescribed by the board of directors may not precede or be more than 10 days after the day on which the resolution is adopted by the board of directors, regardless of the effective date of the resolution.

7. If the board of directors does not adopt a resolution prescribing a date upon which the stockholders of record entitled to give written consent pursuant to NRS 78.320 must be determined and:

(a) No prior action by the board of directors is required by this chapter or chapter 92A of NRS before the matter is submitted for consideration by the stockholders, the date is the first date on which any stockholder delivers to the corporation such consent signed by the stockholder.

(b) Prior action by the board of directors is required by this chapter or chapter 92A of NRS before the matter is submitted for consideration by the stockholders, the date is at the close of business on the day the board of directors adopts the resolution.

8. ~~[The]~~ ***Without limiting the provisions of NRS 78.138 or 78.139, the*** provisions of this section do not restrict the directors ***of a corporation*** from taking action ***not in circumvention or contravention of this title*** to protect the ***long-term or short-term*** interests of the corporation ~~[and its]~~ ***or the long-term or short-term interests of the corporation's*** stockholders, including, but not limited to, adopting or signing plans, arrangements or instruments that ***issue,*** grant or deny rights ~~[, privileges, power or authority]~~ ***or options pursuant to NRS 78.200*** to a holder or holders of a specified number of shares or percentage of share ownership or voting power ~~[.]~~ ***, for the purpose or having the effect of granting or denying rights, privileges, power or authority to any such holder or holders.***

Sec. 10. NRS 78.378 is hereby amended to read as follows:

78.378 1. The provisions of NRS 78.378 to 78.3793, inclusive, apply to any acquisition of a controlling interest in an issuing corporation unless the articles of incorporation or bylaws of the corporation in effect on the 10th day following the acquisition of a controlling interest by an acquiring person provide that the provisions of those sections do not apply to the corporation or to an acquisition of a controlling interest specifically by types of existing or future stockholders, whether or not identified.

2. The articles of incorporation, the bylaws or a resolution adopted by the directors of the issuing corporation may impose stricter requirements on the acquisition of a controlling interest in the corporation than the provisions of NRS 78.378 to 78.3793, inclusive.

3. ~~[The]~~ ***Without limiting the provisions of NRS 78.138 or 78.139, the*** provisions of NRS 78.378 to 78.3793, inclusive, do not restrict the directors of an issuing corporation from taking action ***not in circumvention or contravention of this title*** to protect the ***long-term or short-term*** interests of the corporation ~~[and its]~~ ***or the long-term or short-term interests of the corporation's*** stockholders, including, but not limited to, adopting or signing plans, arrangements or instruments that ***issue,*** grant or deny rights ~~[, privileges, power or authority]~~ ***or options pursuant to NRS 78.200*** to a holder or holders of a specified number of shares or percentage of share ownership or voting power ~~[.]~~ ***, for the purpose of having the effect of granting or denying rights, privileges, power or authority to any such holder or holders.***

Sec. 11. NRS 78.3783 is hereby amended to read as follows:

78.3783 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 2 ~~[,]~~ ***and 3,*** "acquisition" means the direct or indirect acquisition of a controlling interest.

2. "Acquisition" does not include any acquisition of shares in good faith, and without an intent to avoid the requirements of NRS 78.378 to 78.3793, inclusive:

(a) By an acquiring person authorized pursuant to NRS 78.378 to 78.3793, inclusive, to exercise voting rights, to the extent that the new acquisition does not result in the acquiring person obtaining a controlling interest greater than that previously authorized; or

(b) Pursuant to:

(1) The laws of descent and distribution;

(2) The enforcement of a judgment;

(3) The satisfaction of a pledge or other security interest; or

(4) A merger, exchange, conversion, domestication or reorganization effected in compliance with the provisions of NRS 78.622, 92A.200 to 92A.240, inclusive, or 92A.270 to which the issuing corporation is a party.

3. "Acquisition" does not include any acquisition of shares listed on a national securities exchange pursuant to a tender offer under section 14(d) of the Securities Exchange Act, 15 U.S.C. § 78n(d), which shares collectively, absent the provisions of NRS 78.378 to 78.3793, inclusive, would be entitled to exercise a majority of the voting power.

Sec. 12. NRS 78.390 is hereby amended to read as follows:

78.390 1. Except as otherwise provided in ***subsection 8 or in*** NRS 77.340 or 78.209 or chapter 92A of NRS, every amendment to the articles of incorporation must be made in the following manner:

(a) The board of directors must adopt a resolution setting forth the amendment proposed and submit the proposed amendment to the stockholders for approval.

(b) If stockholders holding shares in the corporation representing at least a majority of the voting power, or such greater proportion of the voting power as may be required in the case of a vote by classes or series, as provided in subsections 2 and 4, or as may be required by the provisions of the articles of incorporation, have approved the amendment, an officer of the corporation shall sign a certificate setting forth the amendment, or setting forth the articles of incorporation as amended, and the vote by which the amendment was adopted.

(c) The certificate so signed must be filed with the Secretary of State.

2. Except as otherwise provided in this subsection, if any proposed amendment would adversely alter or change any preference or any relative or other right given to any class or series of outstanding shares, then, in addition to any approval otherwise required, the amendment must be approved by the holders of shares representing a majority of the voting power of each class or series adversely affected by the amendment regardless of limitations or restrictions on the voting power thereof. The amendment does not have to be approved by the holders of shares representing a majority of the voting power of each class or series whose preference or rights are adversely affected by the amendment if the articles of incorporation specifically deny the right to vote on such an amendment.

3. Provision may be made in the articles of incorporation requiring, in the case of any specified amendments, approval by a larger proportion of the voting power of stockholders than that required by this section.

4. Different series of the same class of shares do not constitute different classes of shares for the purpose of voting by classes except when the series is adversely affected by an amendment in a different manner than other series of the same class.

5. The ~~[resolution of the stockholders approving the proposed amendment may provide that at any time before the effective date of the amendment, notwithstanding approval of the proposed amendment by the stockholders, the]~~ board of directors may, by resolution, abandon the proposed amendment without further action by the stockholders ~~[.]~~ ***if the resolution of the stockholders approving the proposed amendment authorizes the board of directors to do so. The board of directors may, by resolution, abandon a proposed amendment pursuant to subsection 8 without any action by the stockholders.***

6. A certificate filed pursuant to subsection 1 is effective at the time of the filing of the certificate with the Secretary of State or upon a later date and time as specified in the certificate, which date must not be more than 90 days after the date on which the certificate is filed. If a certificate filed pursuant to subsection 1 specifies a later effective date but does not specify an effective time, the certificate is effective at 12:01 a.m. in the Pacific time zone on the specified later date.

7. If a certificate filed pursuant to subsection 1 specifies a later effective date ***or time*** and if ~~[the resolution of the stockholders approving the proposed amendment provides that]~~ the board of directors ~~[may]~~ ***is authorized to*** abandon the proposed amendment pursuant to subsection 5, the board of directors may terminate the effectiveness of the certificate by resolution and by filing a certificate of termination with the Secretary of State that:

(a) Is filed before the effective ~~[date specified in]~~ ***time of*** the certificate filed with the Secretary of State pursuant to subsection 1;

(b) Identifies the certificate being terminated;

(c) States that ~~[, pursuant to the resolution of the stockholders,]~~ the board of directors is authorized to terminate the effectiveness of the certificate;

(d) States that the effectiveness of the certificate has been terminated;

(e) Is signed by an officer of the corporation; and

(f) Is accompanied by a filing fee of $175.

8. No action by the stockholders is required if the proposed amendment to the articles of incorporation consists only of a change in the name of the corporation. The articles of incorporation may forbid a corporation from amending the articles of incorporation pursuant to this subsection without stockholder approval.

Sec. 13. NRS 78.403 is hereby amended to read as follows:

78.403 1. A corporation may restate, or amend and restate, in a single certificate the entire text of its articles of incorporation as amended by filing

with the Secretary of State a certificate in the manner provided in this section. If the certificate alters or amends the articles in any manner, it must comply with the provisions of NRS 78.380, 78.385 and 78.390, as applicable. ***An omission permitted by subsection 3 does not constitute an alteration or amendment to the articles for purposes of this section.***

2. If the certificate does not alter or amend the articles, it must be signed by an officer of the corporation and state that the officer has been authorized to sign the certificate by resolution of the board of directors adopted on the date stated, and that the certificate correctly sets forth the text of the articles of incorporation as amended to the date of the certificate.

3. The following may be omitted from ~~[the]~~ restated articles:

(a) The names, addresses, signatures and acknowledgments of the incorporators;

(b) The names and addresses of the members of the past and present boards of directors; ~~[and]~~

(c) The information required pursuant to NRS 77.310 ~~[.]~~ ***; and***

(d) The text of any certificate of designation filed pursuant to NRS 78.1955, including any amendments thereto, but only if the existence of each such certificate of designation not withdrawn prior to such restatement is expressly noted within the text of the restated articles. The effectiveness of any such certificate of designation or any amendment thereto is not affected by its omission from restated articles pursuant to this subsection.

4. Whenever a corporation is required to file a certified copy of its articles, in lieu thereof it may file a certified copy of the most recent certificate restating its articles as amended, subject to the provisions of subsection 2, together with certified copies of all certificates of amendment filed subsequent to the restated articles and certified copies of ~~[all]~~ ***any effective*** certificates ~~[supplementary to]~~ ***of designation or amendments thereto omitted from*** the ~~[original]~~ ***restated*** articles ~~[.]~~ ***pursuant to subsection 3.***

5. A certificate filed pursuant to this section is effective at the time of the filing of the certificate with the Secretary of State or upon a later date and time as specified in the certificate, which date must not be more than 90 days after the date on which the certificate is filed. If a certificate filed pursuant to this section specifies a later effective date but does not specify an effective time, the certificate is effective at 12:01 a.m. in the Pacific time zone on the specified later date.

Sec. 14. NRS 78.433 is hereby amended to read as follows:

78.433 1. NRS 78.411 to 78.444, inclusive, do not apply to any combination of a resident domestic corporation:

(a) Which was not, as of the date that the person first becomes an interested stockholder, a publicly traded corporation, unless the corporation's articles of incorporation provide otherwise.

(b) Whose articles of incorporation have been amended to provide that the resident domestic corporation is subject to NRS 78.411 to 78.444, inclusive, and which was not a publicly traded corporation on the effective date of the

amendment, if the combination is with a person who first became an interested stockholder before the effective date of the amendment.

(c) With an interested stockholder of the resident domestic corporation after the expiration of 4 years after the person first became an interested stockholder.

2. The articles of incorporation of a resident domestic corporation may impose on combinations of the resident domestic corporation stricter requirements than the requirements of NRS 78.411 to 78.444, inclusive.

3. ~~[The]~~ ***Without limiting the provisions of NRS 78.138 or 78.139, the*** provisions of NRS 78.411 to 78.444, inclusive, do not restrict the directors of a resident domestic corporation from taking action ***not in circumvention or contravention of this title*** to protect the ***long-term or short-term*** interests of the corporation ~~[and its]~~ ***or the long-term or short-term interests of the corporation's*** stockholders, including, without limitation, adopting or signing plans, arrangements or instruments that ***issue,*** grant or deny rights ~~[, privileges, power or authority]~~ ***or options pursuant to NRS 78.200*** to a holder or holders of a specified number of shares or percentage of share ownership or voting power ~~[.]~~ ***, for the purpose or having the effect of granting or denying rights, privileges, power or authority to any such holder or holders.***

Sec. 15. NRS 78.439 is hereby amended to read as follows:

78.439 A resident domestic corporation may not engage in any combination with an interested stockholder of the resident domestic corporation after the expiration of 2 years after the person first became an interested stockholder unless the combination meets all of the requirements of the articles of incorporation of the resident domestic corporation and:

1. The combination or transaction by which the person first became an interested stockholder is approved by the board of directors of the resident domestic corporation before the person first became an interested stockholder;

2. The combination is approved by a majority of the outstanding voting power of the resident domestic corporation not beneficially owned by the interested stockholder or any affiliate or associate of the interested stockholder; or

3. The combination meets the requirements specified in NRS ~~[78.411]~~ ***78.441*** to 78.444, inclusive.

Sec. 16. ~~[NRS 78.565 is hereby amended to read as follows:~~

~~78.565 1. Unless otherwise provided in the articles of incorporation, every corporation may, by action taken at any meeting of its board of directors, sell, lease or exchange all *or substantially all* of its property and assets, including its goodwill and its corporate franchises, upon such terms and conditions as its board of directors may approve, [when] *only if* and as authorized by the affirmative vote of stockholders holding stock in the corporation entitling them to exercise at least a majority of the voting power.~~

~~2. Unless otherwise provided in the articles of incorporation, a vote of stockholders is not necessary:~~

~~(a) For a transfer of assets by way of mortgage, or in trust or in pledge to secure indebtedness of the corporation; or~~

~~(b) To abandon the sale, lease or exchange of assets.~~ **(Deleted by amendment.)**

Sec. 16.5. **NRS 80.007 is hereby amended to read as follows:**

80.007 1. A foreign corporation may correct a record filed in the Office of the Secretary of State if the record contains an incorrect statement or was defectively signed, attested, sealed **,** ~~or~~ verified ~~.~~ ***or acknowledged, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the corporation must:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~;~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~the inaccurate or defective portion of the record in an accurate or corrected form;~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by an officer of the corporation or, if no stock has been issued by the corporation, by the incorporator or a director of the corporation, or by some other person specifically authorized by the corporation to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a foreign corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the foreign corporation may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying the required fee pursuant to subsection 7 of NRS 78.785.

Sec. 17. NRS 81.006 is hereby amended to read as follows:

81.006 1. A nonprofit cooperative corporation, a cooperative association, a charitable organization or any other entity formed under the provisions of this chapter may correct a record filed with the Secretary of State with respect to the entity if the record contains an inaccurate description of an action or if the record was defectively signed, attested, sealed, verified or acknowledged ~~.~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the entity must:

(a) Prepare a certificate of correction which:

(1) States the name of the entity;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by an officer of the entity or, if the certificate is filed before the first meeting of the board of directors, by an incorporator or director, or by some other person specifically authorized by the entity to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a nonprofit cooperative corporation, a cooperative association, a charitable organization or any other entity formed under the provisions of this chapter has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the nonprofit cooperative corporation, cooperative association, charitable organization or other entity may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 18. NRS 82.534 is hereby amended to read as follows:

82.534 1. A corporation may correct a record filed in the Office of the Secretary of State with respect to the corporation if the record contains an inaccurate description of a corporate action or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the corporation must:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by an officer of the corporation or, if the certificate is filed before the first meeting of the board of directors, by an incorporator or director, or by some other person specifically authorized by the corporation to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a corporation has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the corporation may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 19. NRS 84.009 is hereby amended to read as follows:

84.009 1. A corporation sole may correct a record filed with the Office of the Secretary of State with respect to the corporation sole if the record contains an inaccurate description of an action of the corporation sole or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the corporation sole must:

(a) Prepare a certificate of correction which:

(1) States the name of the corporation sole;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by an archbishop, bishop, president, trustee in trust, president of stake, president of congregation, overseer, presiding elder, district superintendent or other presiding officer or member of the clergy of a church, religious society or denomination, who has been chosen, elected or appointed in conformity with the constitution, canons, rites, regulations or discipline of the church, religious society or denomination, and in whom is vested the legal title to the property held for the purpose, use or benefit of the church or religious society or denomination or by some other person specifically authorized by the corporation sole to sign the certificate of correction.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $25 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a corporation sole has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the corporation sole may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 20. NRS 86.568 is hereby amended to read as follows:

86.568 1. A limited-liability company may correct a record filed in the Office of the Secretary of State with respect to the limited-liability company if the record contains an inaccurate description of a company action or was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the limited-liability company must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited-liability company;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by a manager of the company or, if management is not vested in a manager, by a member of the company, or by some other person specifically authorized by the company to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a limited-liability company has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the limited-liability company may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 21. NRS 87.547 is hereby amended to read as follows:

87.547 1. A registered limited-liability partnership may correct a record filed in the Office of the Secretary of State with respect to the registered limited-liability partnership if the record contains an inaccurate description of a partnership action or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the registered limited-liability partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the registered limited-liability partnership;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by a managing partner of the registered limited-liability partnership or by some other person specifically authorized by the registered limited-liability partnership to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a registered limited-liability partnership has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the registered limited-liability partnership may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 22. NRS 87A.275 is hereby amended to read as follows:

87A.275 1. A limited partnership or foreign limited partnership may correct a record filed in the Office of the Secretary of State with respect to the limited partnership or foreign limited partnership if the record contains false or erroneous information or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the limited partnership or foreign limited partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited partnership or foreign limited partnership;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the false or erroneous information or the defect ~~[;]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the false or erroneous information or the defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by a general partner of the limited partnership or foreign limited partnership or by some other person specifically authorized by the limited partnership or foreign limited partnership to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction must not state a delayed effective date and is effective on the effective date of the record it corrects, except that the certificate is effective when filed:

(a) For the purposes of subsections 3 and 4 of NRS 87A.150; and

(b) As to persons relying on the uncorrected record and adversely affected by the correction.

4. If a limited partnership or foreign limited partnership has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the limited partnership or foreign limited partnership may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 23. NRS 88.339 is hereby amended to read as follows:

88.339 1. A limited partnership may correct a record filed in the Office of the Secretary of State with respect to the limited partnership if the record contains an inaccurate description of a partnership action or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the limited partnership must:

(a) Prepare a certificate of correction that:

(1) States the name of the limited partnership;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by a general partner of the limited partnership or by some other person specifically authorized by the limited partnership to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a limited partnership has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the limited partnership may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 24. NRS 88A.930 is hereby amended to read as follows:

88A.930 1. A business trust may correct a record filed in the Office of the Secretary of State with respect to the business trust if the record contains an inaccurate description of a trust action or if the record was defectively signed, attested, sealed, verified or acknowledged ~~[.]~~ ***, including, without limitation, if the record was filed erroneously.***

2. To correct a record, the business trust must:

(a) Prepare a certificate of correction that:

(1) States the name of the business trust;

(2) Describes the record, including, without limitation, its filing date;

(3) Specifies the inaccuracy or defect ~~[.]~~ ***in the record, including, without limitation, if and to the extent applicable, the error in the filing of the record;***

(4) Sets forth ~~[the inaccurate or defective portion of the record in an accurate or corrected form;]~~ ***such information as is necessary so as to clarify or otherwise remedy the inaccuracy or defect;*** and

(5) Is signed by a trustee of the business trust or by some other person specifically authorized by the business trust to sign the certificate.

(b) Deliver the certificate to the Secretary of State for filing.

(c) Pay a filing fee of $175 to the Secretary of State.

3. A certificate of correction is effective on the effective date of the record it corrects except as to persons relying on the uncorrected record and adversely affected by the correction. As to those persons, the certificate is effective when filed.

4. If a business trust has made a filing with the Secretary of State and the Secretary of State has not processed the filing and placed the filing into the public record, the business trust may cancel the filing by:

(a) Filing a statement of cancellation with the Secretary of State; and

(b) Paying a fee of $50.

Sec. 25. Chapter 92A of NRS is hereby amended by adding thereto the provisions set forth as sections 26 and 27 of this act.

Sec. 26. ***"Advance notice statement" when used in reference to a proposed corporate action creating dissenter's rights that is taken or submitted for approval pursuant to a written consent of the stockholders or taken without a vote of the stockholders, means written notice of the proposed corporate action sent by the subject corporation to all stockholders of record entitled to assert dissenter's rights if the corporate action is effectuated. Such notice must:***

1. Be sent not later than 20 days before the effective date of the proposed corporate action;

2. Identify the proposed corporate action;

3. Provide that a stockholder who wishes to assert dissenter's rights with respect to any class or series of shares must deliver a statement of intent to the subject corporation and set a date by which the subject corporation must receive the statement of intent, which may not be less than 15 days after the date the notice is sent, and state that the stockholder shall be deemed to have waived the right to assert dissenter's rights with respect to the shares unless the statement of intent is received by the subject corporation by such specified date; and

4. Be accompanied by a copy of this section and NRS 92A.300 to 92A.500, inclusive, and section 27 of this act.

Sec. 27. ***"Statement of intent" when used in reference to a proposed corporate action creating dissenter's rights, means written notice of a stockholder's intent to assert dissenter's rights and demand payment for the stockholder's shares if the corporate action is effectuated.***

Sec. 28. NRS 92A.005 is hereby amended to read as follows:

92A.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[92A.006 to 92A.095,]~~ ***92A.007 to 92A.092,*** inclusive, have the meanings ascribed to them in those sections.

Sec. 29. NRS 92A.120 is hereby amended to read as follows:

92A.120 1. After adopting a plan of merger, exchange or conversion, the board of directors of each domestic corporation that is a constituent entity in the merger or conversion, or the board of directors of the domestic corporation whose shares will be acquired in the exchange, must submit the plan of merger, except as otherwise provided in NRS 92A.130 ***, 92A.133*** and 92A.180, the plan of conversion or the plan of exchange for approval by its stockholders who are entitled to vote on the plan in accordance with the provisions of this section.

2. For a plan of merger, conversion or exchange to be approved:

(a) The board of directors must recommend the plan of merger, conversion or exchange to the stockholders, unless the board of directors determines that because of a conflict of interest or other special circumstances it should make no recommendation and it communicates the basis for its determination to the stockholders with the plan; and

(b) The stockholders entitled to vote must approve the plan.

3. The board of directors may condition its submission of the proposed merger, conversion or exchange on any basis. The provisions of this section or this chapter must not be construed to permit a board of directors to submit, or to agree to submit, a plan of merger, conversion or exchange to the stockholders without the recommendation of the board required pursuant to paragraph (a) of subsection 2 unless the board of directors determines that because of a conflict of interest or other special circumstances it should make no recommendation and it communicates the basis for its determination to the stockholders with the plan. Any agreement of the board of directors to submit a plan of merger, conversion or exchange to the stockholders notwithstanding an adverse recommendation of the board of directors shall be deemed to be of no force or effect.

4. Unless the plan of merger, conversion or exchange is approved by the written consent of stockholders pursuant to subsection 7, the domestic corporation must notify each stockholder, whether or not the stockholder is entitled to vote, of the proposed stockholders' meeting in accordance with NRS 78.370. The notice must also state that the purpose, or one of the purposes, of the meeting is to consider the plan of merger, conversion or exchange and must contain or be accompanied by a copy or summary of the plan.

5. Unless this chapter, the articles of incorporation, the resolutions of the board of directors establishing the class or series of stock or the board of directors acting pursuant to subsection 3 require a greater vote or a vote by classes of stockholders, the plan of merger or conversion must be approved by a majority of the voting power of the stockholders.

6. Unless the articles of incorporation or the resolution of the board of directors establishing a class or series of stock provide otherwise, or unless the board of directors acting pursuant to subsection 3 requires a greater vote, the plan of exchange must be approved by a majority of the voting power of each class and each series to be exchanged pursuant to the plan of exchange.

7. Unless otherwise provided in the articles of incorporation or the bylaws of the domestic corporation, the plan of merger, conversion or exchange may be approved by written consent as provided in NRS 78.320.

8. If an officer, director or stockholder of a domestic corporation, which will be the constituent entity in a conversion, will have any liability for the obligations of the resulting entity after the conversion because the officer, director or stockholder will be the owner of an owner's interest in the resulting entity, then that officer, director or stockholder must also approve the plan of conversion.

9. Unless otherwise provided in the articles of incorporation or bylaws of a domestic corporation, a plan of merger, conversion or exchange may contain a provision that permits amendment of the plan of merger, conversion or exchange at any time after the stockholders of the domestic corporation approve the plan of merger, conversion or exchange, but before the articles of merger, conversion or exchange become effective, without obtaining the approval of the stockholders of the domestic corporation for the amendment if the amendment does not:

(a) Alter or change the manner or basis of exchanging an owner's interest to be acquired for owner's interests, rights to purchase owner's interests, or other securities of the acquiring entity or any other entity, or for cash or other property in whole or in part; or

(b) Alter or change any of the terms and conditions of the plan of merger, conversion or exchange in a manner that adversely affects the stockholders of the domestic corporation.

10. A board of directors shall cancel the proposed meeting or remove the plan of merger, conversion or exchange from consideration at the meeting if the board of directors determines that it is not advisable to submit the plan of merger, conversion or exchange to the stockholders for approval.

Sec. 30. NRS 92A.300 is hereby amended to read as follows:

92A.300 As used in NRS 92A.300 to 92A.500, inclusive, ***and sections 26 and 27 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 92A.305 to 92A.335, inclusive, ***and sections 26 and 27 of this act*** have the meanings ascribed to them in those sections.

Sec. 31. NRS 92A.006 and 92A.095 are hereby repealed.

Sec. 32. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

92A.006 "Advance notice statement" defined. "Advance notice statement" when used in reference to a proposed corporate action creating dissenter's rights that is taken or submitted for approval pursuant to a written consent of the stockholders or taken without a vote of the stockholders, means written notice of the proposed corporate action sent by the subject corporation to all stockholders of record entitled to assert dissenter's rights if the corporate action is effectuated. Such notice must:

1. Be sent not later than 20 days before the effective date of the proposed corporate action;
2. Identify the proposed corporate action;
3. Provide that a stockholder who wishes to assert dissenter's rights with respect to any class or series of shares must deliver a statement of intent to the subject corporation and set a date by which the subject corporation must receive the statement of intent, which may not be less than 15 days after the date the notice is sent, and state that the stockholder shall be deemed to have waived the right to assert dissenter's rights with respect to the shares unless the statement of intent is received by the subject corporation by such specified date; and
4. Be accompanied by a copy of NRS 92A.300 to 92A.500, inclusive.

92A.095 "Statement of intent" defined. "Statement of intent" when used in reference to a proposed corporate action creating dissenter's rights, means written notice of a stockholder's intent to assert dissenter's rights and demand payment for the stockholder's shares if the corporate action is effectuated.

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. 127.

Bill read second time.

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

Amendment No. 182.

AN ACT relating to insurance; prohibiting an insurer from treating Medicare supplemental policies differently for certain purposes relating to the payment of commissions; 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 regulations define the term "Medicare supplemental

policy" to mean a policy offered by a private insurer that is primarily designed to pay expenses not reimbursed under Medicare because of certain limitations under Medicare. (42 C.F.R. § 403.205) Existing law requires an insurer offering a Medicare supplemental policy or the Public Employees' Benefits Program or any local government that provides a similar policy for public employees to offer an open enrollment period for persons covered by such policies, during which the insurer or governmental entity is prohibited from placing certain restrictions on the issuance of such a policy. (NRS 287.010, 287.04335, 687B.352, 695B.320) Existing federal law requires the issuance of a Medicare supplemental policy under certain circumstances, under which such a policy is considered to be guaranteed issue. (42 U.S.C. § 1395ss) This bill prohibits an insurer or other person or entity from varying the commission ~~[paid for]~~ **associated with** the ~~[sale]~~ **purchase** of Medicare supplemental policies ~~[,]~~ **during the open enrollment period,** paying differential commissions ~~[for]~~ **associated with** the ~~[sale]~~ **purchase** of Medicare supplemental policies **during the open enrollment period** or otherwise treating Medicare supplemental policies **purchased during the open enrollment period** differently for the purposes of commission for any reason, including: (1) because the Medicare supplemental policy is issued during the open enrollment period or classified as guaranteed issue; or (2) because of the age, health status, claims experience, receipt of health care or medical condition of the insured. **This bill additionally requires an insurer or other person or entity to treat the purchase of a Medicare supplemental policy during the open enrollment period in the same manner as the renewal of a Medicare supplemental policy for purposes relating to the payment of a commission.**

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

Section 1. NRS 687B.352 is hereby amended to read as follows:

687B.352 1. An insurer that issues a Medicare supplemental policy shall offer to a person currently insured under any such policy an annual open enrollment period commencing with the first day of the birthday month of the person and remaining open for at least 60 days thereafter, during which the person may purchase any Medicare supplemental policy made available by the insurer in this State that includes the same or lesser benefits. Innovative benefits, as described in 42 U.S.C. § 1395ss(p)(4)(B), must not be considered when determining whether a Medicare supplemental policy includes the same benefits as or lesser benefits than another such policy.

2. During the open enrollment period offered pursuant to subsection 1, an insurer shall not deny or condition the issuance or effectiveness, or discriminate in the price of coverage, of a Medicare supplemental policy based on the health status, claims experience, receipt of health care or medical condition of a person described in subsection 1.

3. At least 30 days before the beginning of the open enrollment period offered pursuant to subsection 1 but not more than 60 days before the beginning of that period, an insurer that issues a Medicare supplemental policy shall notify each person to whom the open enrollment period applies of:

(a) The dates on which the open enrollment period begins and ends and the rights of the person established by the provisions of this section; and

(b) Any modification to the benefits provided by the policy under which the person is currently insured or adjustment to the premiums charged for that policy.

4. ***An insurer or other person or entity shall not vary the commission ~~[paid for]~~ associated with the ~~[sale]~~ purchase of Medicare supplemental policies ~~[,]~~ during the open enrollment period offered pursuant to subsection 1, pay differential commissions ~~[for]~~ associated with the ~~[sale]~~ purchase of Medicare supplemental policies during that open enrollment period or otherwise treat Medicare supplemental policies purchased during that open enrollment period differently for the purposes of commission for any reason, including, without limitation:***

(a) Because ~~[a]~~ the Medicare supplemental policy was purchased during the open enrollment period offered pursuant to subsection 1;

(b) Because ~~[a]~~ the Medicare supplemental policy is classified as guaranteed issue under 42 U.S.C. § 1395ss or any other applicable federal or state law or regulations; or

(c) Because of the age, health status, claims experience, receipt of health care or medical condition of the insured.

5. An insurer or other person or entity must treat the purchase of a Medicare supplemental policy during the open enrollment period offered pursuant to subsection 1 in the same manner as the renewal of a Medicare supplemental policy for all purposes relating to the payment of a commission.

6. As used in this section, "Medicare supplemental policy" has the meaning ascribed to it in 42 C.F.R. § 403.205 and additionally includes policies offered by public entities that otherwise meet the requirements of that section.

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. 135.

Bill read second time.

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

Amendment No. 173.

AN ACT relating to homelessness; revising the process for persons who are homeless to apply for a certified or official copy of a birth certificate; requiring the Nevada Housing Crisis Response System to assist persons in crisis who are applying for a state identification card; revising requirements for the issuance of a state identification card to certain homeless children and youth; ~~[requiring certain counties to develop a strategic plan to address homelessness;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to provide, and the State Registrar of Vital Statistics to carry out, a system for the registration of births and deaths in this State. (NRS 440.120) Existing law requires the State Registrar, and authorizes certain other entities, to issue a certified copy of a certificate of birth to an applicant if the applicant meets certain requirements. (NRS 440.175, 440.650) Existing law prohibits: (1) the State Registrar from charging a fee for a certified copy of a record of birth to a homeless person who submits on a form prescribed by the State Registrar a statement signed under penalty of perjury that the person is homeless; and (2) another person or governmental organization from charging a fee for a certified or official copy of a certificate of birth to a homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless. (NRS 440.175, 440.700) Existing law prohibits the State Registrar from requiring the signed statement that a person is homeless be notarized. (NRS 440.700) **Section 1** of this bill: (1) requires a homeless person who wishes to obtain a certified or official copy of a certificate of birth from a person or governmental organization, other than the State Registrar, to submit a statement signed under penalty of perjury that the person is homeless rather than a signed affidavit; and (2) prohibits such a person or governmental entity from requiring that such a signed statement be notarized.

Sections 1 and 2 of this bill require the State Registrar and other entities who issue certified or official copies of birth certificates to notify an applicant for a certified or official copy of a birth certificate upon determining that required documents are missing from the application. If the applicant is homeless, **sections 1 and 2** require the State Registrar or other entity to allow the applicant at least 30 days after the notice was provided to submit the missing documents.

Existing law allows certain residents or seasonal residents of this State who do not hold a valid driver's license or identification card to apply for an identification card in this State. (NRS 483.810-483.890) Existing law requires the Department of Health and Human Services to establish and administer the Nevada Housing Crisis Response System to provide certain types of assistance to persons who are transient, at imminent risk of homelessness or homeless. (NRS 422A.680) **Section 3** of this bill requires the System to collaborate with the Department of Motor Vehicles to facilitate assistance to persons in crisis who wish to apply for such an identification card.

Existing law requires the Department of Motor Vehicles to waive, not more than one time, all fees and costs for the issuance of an original or duplicate identification card to a homeless child or youth less than 25 years of age. (NRS 483.825) **Section 4** of this bill removes the limitation that such fees and costs may be waived only once, thus requiring the Department to waive all fees and costs for the issuance of any identification card issued to a homeless child or youth less than 25 years of age.

Existing law requires an applicant for an identification card to provide to the Department of Motor Vehicles: (1) proof of his or her full legal name and age; and (2) if he or she has been issued a social security number, proof of that social security number. (NRS 483.850, 483.860) **Section 5** of this bill removes the requirement to provide proof of a social security number for any applicant who is a homeless child or youth less than 25 years of age. **Section 6** of this bill authorizes an applicant who is a homeless child or youth less than 25 years of age to prove his or her legal name and age by providing **: (1)** a school identification card that meets certain requirements ~~[.~~

~~Section 7 of this bill requires each county whose population is 100,000 or more (currently Clark and Washoe Counties), during the 2023-2024 legislative interim, to: (1) develop a strategic plan to address homelessness in the county and the cities or towns within the county; (2) submit the plan to the Joint Interim Standing Committee on Health and Human Services; and (3) present the contents of the plan at a meeting of the Committee.]~~ **; and (2) an unofficial transcript from the respective school that contains the date of birth of the applicant.**

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

Section 1. NRS 440.175 is hereby amended to read as follows:

440.175 1. Upon request, the State Registrar may furnish statistical data to any federal, state, local or other public or private agency, upon such terms or conditions as may be prescribed by the Board.

2. No person may prepare or issue any document which purports to be an original, certified copy, certified abstract or official copy of:

(a) A certificate of birth, death or fetal death, except as authorized in this chapter or by the Board.

(b) A certificate of marriage, except a county clerk, county recorder or a person so required pursuant to NRS 122.120.

(c) A decree of divorce or annulment of marriage, except a county clerk or the judge of a court of record.

3. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall:

(a) Not charge a fee for issuing a certified or official copy of a certificate of birth to:

(1) A homeless person who submits ~~[a signed affidavit]~~ on a form prescribed by the State Registrar ~~[stating]~~ ***a statement signed under penalty***

of perjury that the person is homeless. ***The issuing person or governmental organization shall not require such a statement to be notarized.***

(2) A person who submits documentation from the Department of Corrections verifying that the person is imprisoned or was released from prison within the immediately preceding 90 days.

(b) Remit to the State Registrar fees collected which are charged in an amount established by the State Registrar by regulation:

(1) For each registration of a birth or death in its district.

(2) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a).

(3) For each copy issued of a certificate of death in its district.

4. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall, upon determining that required documents are missing from an application for a certified or official copy of a certificate of birth, notify the applicant of the deficiency. Such notice must include, without limitation, notice of the additional documents that the applicant must submit. If the applicant is a homeless person who submits on a form prescribed by the State Registrar a statement signed under penalty of perjury that the person is homeless, the person or governmental organization shall allow the applicant at least 30 days after the date of the notice to submit the missing documents. The issuing person or governmental organization shall not require the signed statement to be notarized.

Sec. 2. NRS 440.650 is hereby amended to read as follows:

440.650 1. Upon request, the State Registrar shall furnish any applicant a certified copy of the record of any birth or death registered under the provisions of this chapter.

2. The State Registrar shall not issue a certified copy of a certificate or parts thereof unless the State Registrar is satisfied that the applicant therefor has a direct and tangible interest in the matter recorded, subject, however, to review by the Board or a court of competent jurisdiction under the limitations of NRS 440.170.

3. The State Registrar shall, upon determining that required documents are missing from an application for a certified copy of a certificate of birth, notify the applicant of the deficiency. Such notice must include, without limitation, notice of the additional documents that the applicant must submit. If the applicant is a homeless person who submits on a form prescribed by the State Registrar a statement signed under penalty of perjury that the person is homeless, the State Registrar shall allow the applicant at least 30 days after the date of the notice to submit the missing documents. The State Registrar shall not require the signed statement to be notarized.

Sec. 3. NRS 422A.680 is hereby amended to read as follows:

422A.680 1. To the extent that money is available for this purpose, the Department shall establish and administer the Nevada Housing Crisis Response System.

2. The System must:

(a) Coordinate with social service agencies, local governments and nonprofit organizations to, as quickly as possible, identify, assess, refer and connect persons in crisis to housing, assistance and services, including, without limitation, emergency services, emergency shelters, interim housing and permanent housing.

(b) Provide and operate a system for responding to a crisis that is accessible by a person in crisis 24 hours a day, 7 days a week, including holidays, through which a person in crisis may be identified, assessed, referred and connected to housing, assistance and services pursuant to paragraph (a).

(c) Provide education or information on how persons in crisis may access and use the System for responding to a crisis that is provided pursuant to paragraph (b).

(d) To prevent homelessness, develop prevention assistance programs that assist persons who are:

(1) Transient or at imminent risk of homelessness in:

(I) Preserving their current housing situation;

(II) Identifying housing arrangements as an alternative to their current housing situation; or

(III) Immediately finding housing arrangements for persons who are leaving a housing situation that is not safe; and

(2) Homeless in finding housing arrangements.

(e) Collaborate with the Department of Motor Vehicles to facilitate assistance to persons in crisis who wish to apply for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive.

3. The System may perform any other action that:

(a) Assists persons in crisis; and

(b) Helps prevent or address homelessness in this State.

4. The Department may adopt such regulations as are necessary to carry out the provisions of this section and NRS 422A.690, including, without limitation, regulations requiring a person or entity that accepts money from the Department or a division thereof to participate in the System.

5. As used in this section, "person in crisis" means a person who is transient, at imminent risk of homelessness or homeless.

Sec. 4. NRS 483.825 is hereby amended to read as follows:

483.825 1. Except as otherwise provided in subsection 4, 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.

(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. 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 a homeless person or person released from prison, a county, city or town jail or detention facility for a duplicate identification card.

3. Except as otherwise provided in subsection 4, if the vendor does not waive pursuant to subsection 2 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. 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 ~~[not more than one time]~~ for furnishing 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.

5. The Department may accept gifts, grants and donations of money to fund the provision of original and duplicate identification cards without a fee to persons pursuant to subsections 1 and 4.

6. As used in this section:

(a) "Homeless child or youth" has the meaning ascribed to ~~[it]~~ ***"homeless children and youths"*** in 42 U.S.C. § 11434a.

(b) "Photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 5. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. ~~[An]~~ ***Except as otherwise provided in subsection 6, an*** applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, preregister or register to vote pursuant to NRS 293.5727 or 293.5742.

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

6. The provisions of subsection 3 do not apply 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.

7. As used in this section, "homeless child or youth" has the meaning ascribed to "homeless children and youths" in 42 U.S.C. § 11434a.

Sec. 6. NRS 483.860 is hereby amended to read as follows:

483.860 1. ~~[Every]~~ ***Except as otherwise provided in subsection 4, every*** applicant for an identification card must furnish proof of his or her full legal name and age by presenting:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 5 of that section.

2. The Director shall adopt regulations:

(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen

of a foreign country must be based upon the purpose for which that person is present within the United States.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

4. If an applicant is 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, the applicant may satisfy the requirements of subsection 1 by presenting a school identification card ~~[,]~~ ***and an unofficial transcript from the respective school that includes the date of birth of the applicant. A school identification card presented pursuant to this subsection must include, without limitation:***

(a) The name of the school that issued the card;

(b) The first and last name of the applicant; and

(c) A photograph of the applicant ***.*** ~~***[; and***~~

~~***(d) The date of birth of the applicant.]***~~

5. As used in this section:

(a) "Homeless child or youth" has the meaning ascribed to "homeless children and youths" in 42 U.S.C. § 11434a.

(b) "Photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 7. ~~[1. During the 2023-2024 legislative interim, each county whose population is 100,000 or more shall develop a strategic plan to address homelessness in the county and the cities and towns within the county. The strategic plan must include, without limitation:~~

~~(a) A needs assessment, which must:~~

~~(1) Comprehensively address homelessness within the county, with a special focus on homeless children and youths less than 25 years of age and children in foster care who are at risk of becoming homeless; and~~

~~(2) Address behavioral and mental health issues of youth and young adults that may increase the risk of homelessness.~~

~~(b) Measures to establish a formal and holistic framework for coordination between the county and the cities and towns within the county to ensure the provision of permanent supportive housing and other services for persons who are homeless.~~

~~(c) A plan to increase the amount of permanent supportive housing for persons with severe mental health disorders who require long-term supportive care, with an emphasis on adults less than 25 years of age with such disorders.~~

~~(d) Solutions for simplifying the process to find and establish locations for permanent supportive housing, transitional housing or other services for persons who are homeless, including, without limitation, actions to remove barriers in local ordinances to the development of housing for persons who are homeless.~~

~~(e) Potential sources of funding, including, without limitation:~~

~~(1) Reimbursement through federal programs that would allow the county and cities and towns within the county to increase services for persons who are homeless in a sustainable manner; and~~

~~(2) Additional funding for transitional housing, including, without limitation, programs for independent living for youth and adults less than 25 years of age who are homeless or in foster care.~~

~~2. Each county that develops a strategic plan pursuant to subsection 1 shall, on or before August 1, 2024:~~

~~(a) Prepare and submit the plan to the Joint Interim Standing Committee on Health and Human Services; and~~

~~(b) Make a presentation of the contents of the plan at a meeting of the Joint Interim Standing Committee on Health and Human Services.~~

~~3. As used in this section, "homeless child or youth" has the meaning ascribed to "homeless children and youths" in 42 U.S.C. § 11434a.~~**]** **(Deleted by amendment.)**

Sec. 8. ~~[1. This section and section 7 of this act become effective on July 1, 2023.~~

~~2. Sections 1 to 6, inclusive, of this act become effective on October 1, 2023.~~**]** **(Deleted by amendment.)**

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. 169.

Bill read second time.

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

Amendment No. 126.

ASSEMBLYWOMEN GORELOW, BILBRAY-AXELROD THOMAS, GONZÁLEZ; **ANDERSON, BROWN-MAY,** DURAN **, PETERS** AND SUMMERS-ARMSTRONG

JOINT SPONSORS: SENATORS CANNIZZARO, DONDERO LOOP AND KRASNER

AN ACT relating to feminine hygiene products; **defining certain terms relating to the labeling of feminine hygiene products;** requiring, with certain exceptions, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State to bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product; **providing certain requirements for the revision of a list of ingredients in a feminine hygiene product;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions relating to the labeling of certain foods, drugs, devices and cosmetics. (Chapter 585 of NRS) **Section 3** of this bill **: (1)** requires, with certain exceptions, each package or box containing a

feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State to bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product ~~[. Section 2 of this bill defines "feminine hygiene product." Section 4 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes.]~~ **; (2) requires the ingredients identified on such label to be listed in order of predominance by weight and identified by using standardized nomenclature, unless the ingredient is confidential business information; (3) if the ingredient is confidential business information, authorizes the ingredient to be identified by its common name; and (4) requires, if a manufacturer has an Internet website, the manufacturer to post the list of ingredients on the Internet website of the manufacturer. Section 3.5 of this bill requires, with certain exceptions, a manufacturer to revise the list of ingredients on the label of a feminine hygiene product not later than: (1) for a label on a package or box containing a feminine hygiene product, 18 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list; and (2) for a list of ingredients posted on the Internet website of the manufacturer, 6 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list. Sections 1.3-2.9 of this bill define certain terms related to the labeling of feminine hygiene products.**

Existing law provides that a violation of any provision of chapter 585 of NRS relating to the labeling of certain foods, drugs, devices and cosmetics is a gross misdemeanor, except for certain violations of the chapter that are punishable as a category D felony. (NRS 585.550) A violation of ~~[section]~~ **sections 3 or 3.5** is also a gross misdemeanor.

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

Section 1. Chapter 585 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 and 3]~~ **1.1 to 3.5, inclusive,** of this act.

Sec. 1.1. As used in sections 1.1 to 3.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.3 to 2.9, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 1.3. 1. "Confidential business information" means an intentionally added ingredient or combination of ingredients for which:

(a) A claim has been approved by the Administrator of the United States Environmental Protection Agency for inclusion on the Toxic Substances Control Act confidential Chemical Substance Inventory pursuant to 15 U.S.C. § 2607(b); or

(b) The manufacturer or supplier claims is a trade secret, as that term is defined in NRS 600A.030.

2. The term does not include:

(a) An intentionally added ingredient or combination of ingredients that is on a designated list; or

(b) A fragrance allergen included on Annex III of the European Union Cosmetics Regulation No. 1223/2009, as that regulation existed on January 20, 2023, if the fragrance allergen is present in the product at a concentration at or above 0.001 percent or 10 parts per million.

Sec. 1.5. "Designated list" means any of the following, in the form most recently published:

1. Chemicals for which a reference does or reference concentration has been developed based on neurotoxicity in the Integrated Risk Information System maintained by the United States Environmental Protection Agency.

2. Chemicals identified as carcinogenic to humans, likely to be carcinogenic to humans, or as Group A, B1 or B2 carcinogens in the Integrated Risk Information System maintained by the United States Environmental Protection Agency.

3. Neurotoxicants that are identified in the Toxic Substances Portal of the Agency for Toxic Substances and Disease Registry of the United States Department of Health and Human Services.

4. Persistent bioaccumulative and toxic priority chemicals that are identified in the United States Environmental Protection Agency's National Waste Minimization Program.

5. Reproductive or developmental toxicants identified in monographs on the Potential Human Reproductive and Developmental Effects published by the National Toxicology Program.

6. Chemicals identified on the Toxics Release Inventory maintained by the United States Environmental Protection Agency as persistent, bioaccumulative and toxic that are subject to the reporting requirements pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11001 et seq.

7. Chemicals that are identified as known to be, or reasonably anticipated to be, human carcinogens by the 15th Report on Carcinogens published by the National Toxicology Program.

8. Chemicals that are identified as priority pollutants in the Nevada water quality control plans pursuant to 33 U.S.C. § 1341 or identified as pollutants by this State or the United States Environmental Protection Agency for one or more bodies of water in this State pursuant to 33 U.S.C. § 1341 and 40 C.F.R. § 130.7.

9. Chemicals that are identified with noncancer endpoints and listed with an inhalation or oral reference exposure level by the California Office of Environmental Health Hazard Assessment pursuant to Cal. Health & Safety Code § 44360(b)(2).

Sec. 2. *"Feminine hygiene product" means any product used for the purpose of catching menstruation and vaginal discharge, including, without limitation, tampons, pads and menstrual cups, whether disposable or reusable.*

Sec. 2.3. ***"Ingredient" means an ingredient for a fragrance or other intentionally added substance or combination of substances in a feminine hygiene product, unless the intentionally added substance or combination of substances is confidential business information.***

Sec. 2.6. ***"Intentionally added" means a substance that serves a technical or functional purpose in the finished feminine hygiene product.***

Sec. 2.9. ***"Manufacturer" means a person or entity:***

1. That manufacturers feminine hygiene products and whose name appears on the product label; or

2. For whom the product is manufactured or distributed, as identified on the product label pursuant to the Fair Packaging and Labeling Act, 15 U.S.C. §§ 1451 et seq.

Sec. 3. ***1. Except as otherwise provided in this ~~[section,]~~ subsection, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State must bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product. Reasonable variations shall be permitted, and exemptions as to a small package shall be established by regulations prescribed by the Commissioner.***

2. On the list of ingredients required pursuant to subsection 1, the ingredients must be:

(a) Listed in order of predominance by weight unless the weight of the ingredient is 1 percent or less. If the weight of an ingredient is less than 1 percent, the ingredient may be listed in any order following the other ingredients.

(b) Except as otherwise provided in this paragraph, identified using standardized nomenclature, including, without limitation, the International Nomenclature of Cosmetic Ingredients, the Consumer Product Ingredients Dictionary published by the Household and Commercial Products Association or the common name of the chemical. If the ingredient is confidential business information, the ingredient may be identified by its common name.

3. If a manufacturer has an Internet website, the list of ingredients that is required pursuant to subsection 1 must be posted on the Internet website of the manufacturer.

Sec. 3.5. ***A manufacturer must revise the list of ingredients on the label of a feminine hygiene product pursuant to section 3 of this act not later than:***

1. For the label on a package or box containing a feminine hygiene product, 18 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list, unless the designated list becomes effective at a later date.

2. For a list of ingredients posted on the Internet website of the manufacturer, 6 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list, unless the designated list becomes effective at a later date.

Sec. 4. ~~[NRS 585.020 is hereby amended to read as follows:~~

~~"585.020 For the purpose of this chapter, the words and terms defined in NRS 585.030 to 585.150, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.~~] **(Deleted by amendment.)**

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, 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. 171.

Bill read second time.

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

Amendment No. 250.

AN ACT relating to public works; revising the procedures governing the award of certain contracts for a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires, with limited exceptions, a public body or its authorized representative to award a contract for a public work for which the estimated cost exceeds $100,000 to the lowest responsive and responsible bidder or, if the estimated amount of the contract exceeds $250,000, to the contractor who submits the best bid if such a bid is not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder. (NRS 338.1385, 338.1389, 338.143, 338.147)

This bill authorizes a public body or its authorized representative to award a contract for a public work for which the estimated cost exceeds $100,000 to the responsive and responsible bidder offering the best value bid if, after notice and a public hearing, the public body or its authorized representative determines that the public work presents unique and complex construction challenges. This bill also sets forth the criteria for a public body or its authorized representative to consider in selecting the responsive and responsible bidder offering the best value bid, which are: (1) ~~[the estimated cost to complete the project;]~~ **whether the contractor provides bona fide fringe benefits, including, without limitation, health insurance coverage to the contractor's employees and the dependents of such employees;** (2) ~~[the qualifications, experience and technical expertise of the contractor, subcontractors and key personnel thereof; (3) the quality of the services, materials, equipment or labor offered in the bid; (4) the reputation of the~~

~~contractor and subcontractors for safety, quality and timeliness of completion of projects; (5)~~] the history of [~~customer satisfaction on previous projects completed by~~] the contractor [~~; (6)~~] **in complying with certain laws and regulations governing public works and prevailing wage; (3)** the history of the contractor in [~~initiating change orders or modifications to projects; (7) the history of the contractor in completing projects within the budget or with minimal increases to the budget; (8) any past experience that the public body has had with the contractor or subcontractors; (9) the uniqueness and complexity of the construction challenges; and (10) any other criteria that the public body determines is relevant.~~] **complying with certain laws and regulations governing industrial insurance; and (4) whether the contractor offers any workforce training or education program.**

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

Section 1. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection [~~9,~~] ***10,*** this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and having a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 6 ***and 7*** and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. ***A public body or its authorized representative may award a contract to the responsive and responsible bidder offering the best value bid if, after notice and a public hearing, the public body or its authorized representative determines that the public work presents unique and complex construction challenges. In selecting the responsive and responsible bidder offering the best value bid, a public body shall consider the following criteria:***

(a) ~~[The estimated cost to complete the project;]~~ Whether the contractor provides bona fide fringe benefits, as defined in subsection 2 of NRS 338.010, including, without limitation, health insurance coverage to the contractor's employees and the dependents of such employees. As used in this paragraph, the term "health insurance coverage" does not include Medicare, Medicaid or health insurance coverage purchased through the Silver State Health Insurance Exchange.

(b) ~~[The qualifications, experience and technical expertise of the contractor, subcontractors and key personnel thereof;~~

~~(c) The quality of the services, materials, equipment or labor offered in the bid;~~

~~(d) The reputation of the contractor and subcontractors for safety, quality and timeliness of completion of projects;~~

~~(e)]~~ The history of ~~[customer satisfaction on previous projects completed by the contractor;~~

~~(f)]~~ the contractor in complying with laws and regulations governing public works and prevailing wage as set forth in this chapter and any regulations adopted pursuant thereto.

(c) The history of the contractor in ~~[initiating change orders or modifications to projects;~~

~~(g) The history of]~~ complying with the laws and regulations governing industrial insurance set forth in chapters 616A to 616D, inclusive, of NRS and chapters 616A to 616D, inclusive, of NAC.

(d) Whether the contractor ~~[in completing projects within the budget or with minimal increases to the budget;~~

~~(h) Any past experience that the public body has had with the contractor or subcontractors;~~

~~(i) The uniqueness and complexity of the construction challenges; and~~

~~(j) Any other criteria that the public body determines is relevant,]~~ offers any workforce training or education program, including, without limitation, tuition assistance, participation in a registered apprenticeship program or reimbursement for a professional certificate or on-the-job training.

7. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

~~[7.]~~ ***8.*** A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder ~~[.~~ ~~8.]~~ ***or the responsive and responsible bidder offering the best value bid, as applicable.***

9. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including, the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

~~[9.]~~ ***10.*** This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.1685 to 338.16995, inclusive.

Sec. 2. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest ***or best value*** bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 3. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection ~~[8,]~~ ***9,*** a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published within the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation within the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 or 338.1446.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 5 ***and 6*** and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. ***A local government or its authorized representative may award a contract to the responsive and responsible bidder offering the best value bid if, after notice and a public hearing, the local government or its authorized representative determines that the public work presents unique and complex construction challenges. In selecting the responsive and responsible bidder offering the best value bid, a local government shall consider the following criteria:***

(a) ~~[The estimated cost to complete the project;]~~ Whether the contractor provides bona fide fringe benefits, as defined in subsection 2 of NRS 338.010, including, without limitation, health insurance coverage to the contractor's employees and the dependents of such employees. As used in this paragraph, the term "health insurance coverage" does not include Medicare, Medicaid or health insurance coverage purchased through the Silver State Health Insurance Exchange.

(b) ~~[The qualifications, experience and technical expertise of the contractor, subcontractors and key personnel thereof;~~

~~(c) The quality of the services, materials, equipment or labor offered in the bid;~~

~~(d) The reputation of the contractor and subcontractors for safety, quality and timeliness of completion of projects;~~

~~(e)]~~ The history of ~~[customer satisfaction on previous projects completed by the contractor;~~

~~(f)]~~ the contractor in complying with laws and regulations governing public works and prevailing wage as set forth in this chapter and any regulations adopted pursuant thereto.

(c) The history of the contractor in ~~[initiating change orders or modifications to projects;~~

~~(g) The history of]~~ complying with the laws and regulations governing industrial insurance set forth in chapters 616A to 616D, inclusive, of NRS and chapters 616A to 616D, inclusive, of NAC.

(d) Whether the contractor ~~[in completing projects within the budget or with minimal increases to the budget;~~

~~*(h) Any past experience that the local government has had with the contractor or subcontractors;*~~

~~*(i) The uniqueness and complexity of the construction challenges; and*~~

~~*(j) Any other criteria that the local government determines is relevant.]*~~ ***offers any workforce training or education program, including, without limitation, tuition assistance, participation in a registered apprenticeship program or reimbursement for a professional certificate or on-the-job training.***

6. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

~~[6.]~~ ***7.*** A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder ~~[~~.

~~7.]~~ ***or the responsive and responsible bidder offering the best value bid, as applicable.***

8. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

~~[8.]~~ ***9.*** This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.1685 to 338.16995, inclusive.

Sec. 4. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest ***or best value*** bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative;

(2) At the time the contractor submits his or her bid, provides a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) Within 2 hours after the completion of the opening of the bids by the local government or its authorized representative, submits a signed affidavit that meets the requirements of subsection 1 of NRS 338.0117; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who:

(1) Does not provide, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4; or

(2) Does not submit, within 2 hours after the completion of the opening of the bids by the public body or its authorized representative, a signed

affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (d), inclusive, of subsection 1 of NRS 338.0117 for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works:

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on

public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information; or

(b) Is found by the Board to have, within the preceding 5 years, materially breached a contract for a public work for which the cost exceeds $5,000,000, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may receive a preference in bidding only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person who submitted a bid on the public work or an entity who believes that the contractor who was awarded the contract for the public work wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 5. 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. 173.

Bill read second time.

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

Amendment No. 331.

AN ACT relating to public works; revising provisions relating to certain bids for a public work for which a list disclosing first tier subcontractors is required; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a prime contractor who submits a bid for certain public work to include the names of each first tier subcontractor who will ~~[perform]~~ **provide labor or** a certain portion of the work on the public work to the prime contractor ~~[.]~~ **for which the first tier subcontractor will be paid an amount exceeding $250,000.** Existing law further requires that if any one of the contractors who submitted one of the three lowest bids will employ a first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which that first tier subcontractor will not be paid an amount exceeding $250,000, the first tier subcontractor will be paid 1 percent of the prime contractor's total bid or $50,000, whichever is greater. (NRS 338.141) This bill ~~[revises]~~ **: (1) removes** this payment requirement ~~[to be not less than $50,000.]~~ **; and (2) revises the requirement for a prime contractor who submits a bid for certain public work to include the names of each first tier subcontractor who will provide labor or a certain portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding $100,000, instead of an amount exceeding $250,000.**

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

Section 1. NRS 338.141 is hereby amended to read as follows:

338.141 1. Except as otherwise provided in NRS 338.1727, each bid submitted to a public body for any public work to which paragraph (a) of subsection 1 of NRS 338.1385, paragraph (a) of subsection 1 of NRS 338.143 or NRS 408.327 applies, must include ~~[:~~

~~— (a) If the public body provides a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide such labor or portion of the work on the public work which is estimated to exceed 3 percent of the estimated cost of the public work; or~~

~~— (b) If the public body does not provide a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work,]~~ the name of each first tier subcontractor

who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 5 percent of the prime contractor's total bid. ~~[If the bid is submitted pursuant to this paragraph, within]~~ ***Within*** 2 hours after the completion of the opening of the bids, the contractors who submitted the three lowest bids must submit a list containing:

~~[(1)]~~ ***(a)*** The name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding ~~[$250,000.~~

~~(2) If any one of the contractors who submitted one of the three lowest bids will employ a first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will not be paid an amount exceeding $250,000, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid 1 percent of the prime contractor's total bid or *not less than* $50,000 ., whichever is greater.~~

~~(3)]~~ ***$100,000.***

(b) For each first tier subcontractor whose name is listed pursuant to ~~[subparagraph (1) or (2),]~~ ***paragraph (a),*** the number of the license issued ***, if applicable,*** to the first tier subcontractor pursuant to chapter 624 of NRS.

2. The ~~[lists]~~ ***list*** required by subsection 1 must include a description of the labor or portion of the work which each first tier subcontractor named in the list will provide to the prime contractor.

3. A prime contractor shall include his or her name on a list required by ~~[paragraph (a) or (b) of]~~ subsection 1. If the prime contractor will perform any work which is more than 1 percent of the prime contractor's total bid and which is not being performed by a subcontractor listed pursuant to ~~[paragraph (a) or (b) of]~~ subsection 1, the prime contractor shall also include on the list:

(a) A description of the labor or portion of the work that the prime contractor will perform; or

(b) A statement that the prime contractor will perform all work other than that being performed by a subcontractor listed pursuant to ~~[paragraph (a) or (b) of]~~ subsection 1.

4. Except as otherwise provided in this subsection, if a contractor:

(a) Fails to submit the list within the required time; or

(b) Submits a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376,

➥ the contractor's bid shall be deemed not responsive. A contractor's bid shall not be deemed not responsive on the grounds that the contractor submitted a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the Division pursuant to NRS 338.1376 if the contractor, before the award of the contract, provides an acceptable

replacement subcontractor in the manner set forth in subsection 1 or 2 of NRS 338.13895.

5. A prime contractor shall not substitute a subcontractor for any subcontractor who is named in the bid, unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change.

(b) The substitution is approved by the public body or its authorized representative. The substitution must be approved if the public body or its authorized representative determines that:

(1) The named subcontractor, after having a reasonable opportunity, fails or refuses to execute a written contract with the contractor which was offered to the named subcontractor with the same general terms that all other subcontractors on the project were offered;

(2) The named subcontractor files for bankruptcy or becomes insolvent;

(3) The named subcontractor fails or refuses to perform his or her subcontract within a reasonable time or is unable to furnish a performance bond and payment bond pursuant to NRS 339.025; or

(4) The named subcontractor is not properly licensed to provide that labor or portion of the work.

(c) If the public body awarding the contract is a governing body, the public body or its authorized representative, in awarding the contract pursuant to NRS 338.1375 to 338.139, inclusive:

(1) Applies such criteria set forth in NRS 338.1377 as are appropriate for subcontractors and determines that the subcontractor does not meet that criteria; and

(2) Requests in writing a substitution of the subcontractor.

6. If a prime contractor substitutes a subcontractor for any subcontractor who is named in the bid without complying with the provisions of subsection 5, the prime contractor shall forfeit, as a penalty to the public body that awarded the contract, an amount equal to 1 percent of the total amount of the contract.

7. If a prime contractor, after the submission of the bid, substitutes a subcontractor to perform the work indicated pursuant to subsection 3 that the prime contractor would perform, the prime contractor shall forfeit as a penalty to the public body that awarded the contract, the lesser of, and excluding any amount of the contract that is attributable to change orders:

(a) An amount equal to 2.5 percent of the total amount of the contract; or

(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the prime contractor indicated pursuant to subsection 3 that he or she would perform on the public work.

8. As used in this section:

(a) "First tier subcontractor" means a subcontractor who contracts directly with a prime contractor to provide labor, materials or services for a construction project.

(b) "General terms" means the terms and conditions of a contract that set the basic requirements for a public work and apply without regard to the particular trade or specialty of a subcontractor, but does not include any provision that controls or relates to the specific portion of the public work that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.

Sec. 2. 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. 175.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 497.

AN ACT relating to education; revising provisions governing the election and appointment of members of the board of trustees of certain school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the members of the board of trustees of a county school district in which more than 75,000 pupils are enrolled (currently Clark County School District) are elected from seven election districts, established by the board of trustees, that are as nearly equal in population as possible and are composed of contiguous territory. (NRS 386.165) **Section ~~[1]~~ 1.5** of this bill ~~[amends the electoral process for electing members of the board of trustees of a county school district in which more than 75,000 pupils are enrolled by requiring that the board of trustees consist of: (1)]~~ **adds** four **nonvoting** members ~~[elected in election districts established by]~~ **to** the board of ~~[county commissioners]~~ **trustees** of ~~[the]~~ **such a** county ~~[in which the]~~ school district ~~[is located; (2)]~~ **, of whom: (1)** one **nonvoting** member **must be** appointed by the board of county commissioners of the county in which the school district is located who **must** also ~~[resides]~~ **reside** in the school district; and ~~[(3) two]~~ **(2) three nonvoting** members **must be** appointed by the governing bodies of the ~~[two]~~ **three** most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member who ~~[resides]~~ **must reside** in the city of the governing body that appoints him or her.

~~[Existing law similarly requires that the members of the board of trustees of a county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled (currently Washoe County School District) establish seven election districts as follows: (1) five districts which are as nearly equal in population as is practicable, each of which includes approximately one-fifth of the population of the county; and (2) two districts which are as nearly equal~~

~~in population as possible, each of which includes approximately one-half of the population of the county. (NRS 386.165) Section 1 revises the provisions governing the election of members of the board of trustees of a county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled by requiring: (1) four members to be elected in an election district established by the board of county commissioners of the county in which the school district is located; (2) one member to be appointed by the board of county commissioners of the county in which the school district is located; and (3) two members to be appointed by the governing bodies of the two most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member.]~~

Section ~~[1 additionally requires election districts established by the board of county commissioners of the county in which a school district is located to be as nearly equal in population as possible and composed of contiguous territory.]~~ **1.5 also provides that the nonvoting members of the board of trustees have: (1) the same rights and responsibilities as the voting members; (2) voting rights for the election of officers; and (3) the authority to serve as an officer of the board of trustees. Section** ~~[1]~~ **1.5** further provides that each trustee holds office until his or her successor is appointed or elected and qualified.

Section 1 of this bill makes a conforming change to provide that a board of trustees of a county school district in which more than 75,000 pupils are enrolled consists of 11 members.

Sections 2-4 of this bill make conforming changes that clarify that certain requirements for a candidate for the board of trustees of a school district only apply to candidates who are elected and not appointed.

Section 5 of this bill makes a conforming change that requires vacancies among the elected members of a board of trustees of a school district to be filled by appointment at a public meeting of the board of trustees. **Section 5** additionally requires that vacancies that occur among the appointed members of a board of trustees of a school district must be filled by the appointing authority. **Section 6** of this bill makes a conforming change by allowing for the governing body, and not exclusively the board of trustees, to appoint a member to a temporary vacancy in the event a vacancy occurs due to a member entering active military service.

Section 7 of this bill makes a conforming change by deleting certain provisions governing the term of office of a member of a board of trustees of a school district which have been moved to section ~~[1.]~~ **1.5.**

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

Section 1. **NRS 386.120 is hereby amended to read as follows:**

386.120 1. The board of trustees of a county school district consists of ~~[five]~~ ***5, 7*** or ~~[seven]~~ ***11*** members as follows:

(a) ***If more than 75,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of 11 members. The members of the board must be elected and appointed as provided in NRS 386.165.***

(b) If 1,000 or more ***but not more than 75,000*** pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members. Except in school districts in which more than 25,000 pupils are enrolled, the members of the board must be elected at large until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

~~[(b)]~~ ***(c)*** If fewer than 1,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of five members. The members of the board must be elected as provided in NRS 386.160 until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

~~[(c)]~~ ***(d)*** If 1,000 or more, but fewer than 1,500 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members unless the board, on or before December 1 in any year before a general election will be held, adopts a resolution specifying that the board will consist of five members. If the board consists of seven members, the election of members is governed by paragraph ~~[(a).]~~ ***(b).*** If the board consists of five members, the election of members is governed by paragraph ~~[(b).]~~ ***(c).***

2. Before the adoption of a resolution pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1, the board of trustees shall post conspicuously, in three different places in the school district, a notice containing in full the text of the resolution with the
date upon which the board of trustees of the school district is to meet to act upon the resolution. Posting of the notice must be made not less than 10 days before the date fixed in the resolution for action thereon.

3. If a board of trustees adopts a resolution pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1, it must transmit a copy of the resolution to the Superintendent of Public Instruction on or before December 15 of the year before the general election will be held.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 386.165 is hereby amended to read as follows:

386.165 1. In each county school district in which more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees. The districts must be:

(a) As nearly equal in population as practicable; and

(b) Composed of contiguous territory.

2. The board of trustees in each county school district in which more than 75,000 pupils are enrolled is composed of ~~[seven]~~ 11 members, of whom:

(a) ~~[Four]~~ Seven voting members must be elected in election districts established pursuant to subsection 1 by the board of ~~[county commissioners of the county in which the school district is located.]~~ trustees.

(b) One nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.

(c) ~~[Two]~~ Three nonvoting members must be appointed by the governing bodies of the ~~[two]~~ three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.

~~[2.]~~ ***3.*** In each county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees, as follows:

(a) Five districts which are as nearly equal in population as practicable, each of which includes approximately one-fifth of the population of the county; and

(b) Two districts which are as nearly equal in population as practicable, each of which includes approximately one-half of the population of the county.

➥ The districts must be composed of contiguous territory.

~~[~~3. Each trustee of a school district to which this section applies must reside in the election district which the trustee represents and be elected by the voters of that election district.~~]~~

4. In each school district in which more than 25,000 pupils ***but not more than 75,000 pupils*** are enrolled, the ***board of trustees is composed of seven ~~[~~members, of whom:***

~~(a) Four]~~ members who must be elected in an election district established pursuant to subsection 3 by the board of ~~[county commissioners of the county in which the school district is located.~~

~~(b) One member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.~~

~~(c) Two members must be appointed by the governing bodies of the two most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.~~

~~3. Election districts established by a board of county commissioners pursuant to subsection 1 or 2 must be:~~

~~(a) As nearly equal in population as practicable; and~~

~~(b) Composed of contiguous territory.~~

~~4.]~~ trustees.

5. The appointing authority shall make an appointment pursuant to [this section] subsection 2 at least 30 days but not more than 90 days before the expiration of the term of office of the incumbent member.

[5.] 6. The term of ***office of*** a school trustee is 4 years ***[***. Three trustees must be elected at the general election of 1982 and four trustees must be elected at the general election of 1984.***]*** ***, commencing on the first Monday of January thereafter next following the election [or appointment] of the trustee.***

[6.] 7. Each trustee shall hold office until his or her successor is appointed or elected and qualified.

8. The nonvoting members of the board of trustees appointed pursuant to subsection 2 shall have:

(a) The same rights and responsibilities as voting members of the board of trustees, including, without limitation, being involved in any briefings, interviews, evaluations, closed-door sessions and policy and operational discussions;

(b) Voting rights for the election of officers; and

(c) The authority to serve as an officer of the board of trustees.

Sec. 2. NRS 386.240 is hereby amended to read as follows:

386.240 A candidate for ***election to*** the office of trustee of a school district shall:

1. Be a qualified elector.

2. Have the qualifications of residence within the county school district required for the office for which he or she seeks election.

Sec. 3. NRS 386.250 is hereby amended to read as follows:

386.250 A candidate for ***election to*** the office of trustee of a county school district must:

1. Be nominated in the manner provided by the primary election laws of this State; and

2. File a declaration of candidacy, as defined in NRS 293.0455, with the county clerk of the county whose boundaries are conterminous with the boundaries of the county school district.

Sec. 4. NRS 386.260 is hereby amended to read as follows:

386.260 1. Trustees ***[***shall***]*** ***who are required to be elected pursuant to NRS 386.165 must*** be elected as provided in the election laws of this state.

2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue election certificates to the candidates elected.

3. Immediately, the county clerk shall transmit a copy of each election certificate to the Superintendent of Public Instruction.

Sec. 5. NRS 386.270 is hereby amended to read as follows:

386.270 Except as otherwise provided in NRS 386.275:

1. Any vacancy occurring ***[***in***]*** ***among the elected members of*** a board of trustees must be filled by appointment by the remaining members of the board

at a public meeting held after notice of the meeting is published at least once each week for 2 weeks in a newspaper qualified pursuant to the provisions of chapter 238 of NRS. The appointee shall serve until the next general election, at which time his or her successor must be elected for the balance of the unexpired term.

2. ***Any vacancy occurring among the appointed members of a board of trustees must be filled by the appointing authority. The appointee serves for the balance of the unexpired term and may be reappointed.***

3. Any person appointed to fill a vacancy must have the qualifications provided in NRS ***386.165 or*** 386.240 ~~[.]~~ ***, as applicable.***

Sec. 6. NRS 386.275 is hereby amended to read as follows:

386.275 1. If a vacancy occurs, or will occur, in a board of trustees because a member of the board has entered, or is entering, into active military service, ~~[the board of trustees may appoint]~~ a person ***may be appointed*** to serve as a temporary replacement for that member. Such a temporary appointment must be made in the manner, and subject to the requirements, otherwise prescribed in NRS 386.270, except that the member of the board of trustees who has entered, or is entering, into active military service may participate in the process to appoint his or her temporary replacement.

2. If a person is temporarily appointed to serve on a board of trustees pursuant to this section:

(a) The person fully assumes the duties, rights and responsibilities of a member of the board of trustees, and is entitled to the compensation, allowances and expenses otherwise payable to a member, for the duration of his or her appointment.

(b) The member of a board of trustees who is temporarily replaced shall be deemed to be on leave without pay from the board of trustees for the duration of the appointment of his or her temporary replacement.

3. A person appointed to serve on the board of trustees pursuant to this section serves:

(a) Until the member of the board of trustees being temporarily replaced returns from active military service; or

(b) For the remainder of the unexpired term of that member,

➥ whichever occurs first.

Sec. 7. NRS 386.300 is hereby amended to read as follows:

386.300 Each trustee shall:

1. ~~[Enter upon the duties of office on the 1st Monday in January next following the election of the trustee.~~

~~2. Hold office until his or her successor is elected and qualified.~~

~~3.]~~ Take and subscribe to the official oath.

~~[4.]~~ ***2.*** File with the Superintendent of Public Instruction a copy of his or her official oath together with a statement showing the term for which the trustee has been elected or appointed.

Sec. 8. ~~[1. Notwithstanding the provisions of NRS 386.165, as amended by section 1 of this act, the members of a board of trustees:~~

~~— (a) Of a school district in which more than 25,000 pupils are enrolled; and~~

~~— (b) Who are incumbent on July 1, 2023,~~

~~→ shall continue to serve until the expiration of the term for which each was elected.~~

~~— 2. The successors of the members of the board of trustees of each school district in which more than 25,000 pupils are enrolled whose terms expire on January 5, 2025, must be elected at large at the general election on November 5, 2024, in accordance with the provisions of NRS 386.165, as amended by section 1 of this act, to terms commencing on January 6, 2025. Any vacancy occurring before the expiration of the term of such a member must be filled as provided in NRS 386.270, as amended by section 5 of this act.~~

~~— 3. Between October 5, 2026, and December 4, 2026, the appointing authorities shall appoint the successors of the members of the board of trustees of each school district in which more than 25,000 pupils are enrolled whose terms expire on January 3, 2027, in accordance with the provisions of NRS 386.165, as amended by section 1 of this act, to terms commencing on January 4, 2027. Any vacancy occurring before the expiration of the term of a such a member must be filled as provided in NRS 386.270, as amended by section 5 of this act.~~**]** **(Deleted by amendment.)**

Sec. 9. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 184.

Bill read second time.

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

Amendment No. 200.

AN ACT relating to air pollution; creating the Account for Clean Trucks and Buses; creating the Clean Trucks and Buses Incentive Program; establishing various requirements for the Program; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Environmental Commission to prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines. (NRS 445B.760) Existing law also requires the Commission to establish, by regulation, a program for the regulation of smoke and other emissions by inspection of heavy-duty motor vehicles that are powered by diesel fuel or motor vehicle fuel. (NRS 445B.780) This bill establishes a voucher incentive program called the Clean Trucks and Buses Incentive Program in which the Division of Environmental Protection of the State Department of Conservation and Natural Resources will, within the limits of ~~[federal and private]~~ money

available for such purposes, issue vouchers to approved contractors to redeem with the Division for offering certain price incentives to certain entities for the sale of eligible zero-emission medium-duty and heavy-duty vehicles.

Sections 2-15 of this bill define various terms related to the Clean Trucks and Buses Incentive Program.

Section 16 of this bill creates the Account for Clean Trucks and Buses, which is administered by the Division to carry out the Clean Trucks and Buses Incentive Program. **Section 16** requires ~~[that]~~ **the Department of Transportation to enter into an agreement with the Division to: (1) enable the Division to administer** 35 percent of the ~~[allocation]~~ **apportionment** of federal money to this State for the federal Carbon Reduction Program, 23 U.S.C. § 175, ~~[be deposited in the Account]~~ beginning in January 2024 **;** ~~[, and continuing for as long as the Carbon Reduction Program allocates money to the states that may be used for this purpose.]~~ **; (2) coordinate with the Division to ensure that the use of the money is consistent with all requirements of federal law; and (3) ensure that any necessary waivers for the Clean Trucks and Buses Program are obtained from the federal government.**

Section 17 of this bill creates the Clean Trucks and Buses Incentive Program and sets forth the base incentives and incentive increases that are available to eligible entities for the purchase of a clean truck or bus. To be eligible for an incentive from the Program, **section 17** requires that an entity: (1) own or operate a diesel-powered or gasoline-powered medium-duty or heavy-vehicle or a fleet of medium-duty or heavy-duty vehicles; and (2) be domiciled in this State.

Section ~~[18]~~ **20.5** of this bill ~~[authorizes a contractor to submit an application to]~~ **requires the Commission to adopt regulations to carry out the Program, which must include requirements for: (1)** the Division to approve a clean truck or bus or repowered vehicle as eligible for purchase using an incentive from the Program ~~[.~~

~~Section 19 of this bill establishes requirements for]~~ **; (2)** a contractor to submit an application to be approved to sell eligible clean trucks or buses using an incentive from the Program ~~[.~~

~~Section 20 of this bill requires an entity that would like to receive an incentive from the Program to: (1) agree to operate the clean truck or bus for at least 5 years and domicile the clean truck or bus in this State for at least 5 years; (2) certify that the clean truck or bus will travel at least 5,000 miles per year or for 1,000 hours per year; and (3) certify that the clean truck or bus will be operated in this State 75 percent of the time that it is being operated. Section 20 also: (1) requires]~~ **; and (3)** an eligible entity to work with an approved contractor to submit an application to receive an incentive from the Program **.** ~~[; and (2) sets forth certain criteria that must be included in an application to receive an incentive from the Program, which will be used by the Division to prioritize applications for an incentive.]~~

Section 21 of this bill requires the Division to review applications on a quarterly basis. Upon approval of an application, **section 21** requires the Division to reserve the amount of the incentive from the Program offered to the entity in the Account for Clean Trucks and Buses and, with certain exceptions, issue the approved contractor a voucher for that amount, which is valid for 1 year ~~.~~ **and may be extended for an additional 1 year upon the request of the approved contractor.** Once the clean truck or bus has been purchased, delivered and placed into operation by the entity, **section 21** authorizes the contractor to redeem the voucher with the Division.

Section 22 of this bill requires an entity that receives an incentive for the purchase of a clean truck or bus from the Clean Trucks and Buses Incentive Program to submit written reports to the Division in accordance with regulations adopted by the ~~[State Environmental]~~ Commission. **Section 22** further requires the Division to submit an annual summary of these reports to the Director of the Legislative Counsel Bureau.

Section 22.5 of this bill makes an appropriation to the Account for Clean Trucks and Buses created by section 16 for carrying out the Clean Trucks and Buses Program.

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

Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 15, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Clean truck or bus" means a medium-duty or heavy-duty vehicle that:***

1. Is powered by electricity that is stored in a battery or produced by a hydrogen fuel cell; and

2. Produces zero exhaust emissions.

Sec. 4. ***"Clean Trucks and Buses Incentive Program" or "Program" means the Clean Trucks and Buses Incentive Program created by section 17 of this act.***

Sec. 5. ***"Commission" means the State Environmental Commission.***

Sec. 6. ***"Contractor" means:***

1. An original equipment manufacturer;

2. An upfit manufacturer; or

3. A vehicle dealership that sells clean trucks or buses and that has an agreement with an original equipment manufacturer or upfit manufacturer to sell eligible clean trucks or buses using incentives from the Clean Trucks and Buses Incentive Program.

Sec. 7. ***"Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.***

Sec. 8. ***"Eligible entity" or "entity" means:***

1. A local government, which includes, without limitation, any county, city, district, agency, regional transportation commission, school district or other political subdivision of this State;

2. A state agency that operates a medium-duty or heavy-duty vehicle or a fleet of medium-duty or heavy-duty vehicles;

3. A nonprofit organization;

[3.] 4. A commercial entity that owns a medium-duty or heavy-duty vehicle or a fleet of medium-duty or heavy-duty vehicles; or

[4.] 5. An independent truck operator.

Sec. 9. *"Gross vehicle weight rating" means the maximum weight specified by the manufacturer of a vehicle at which a vehicle can be operated safely.*

Sec. 10. *"Historically underserved community" has the meaning ascribed to it in NRS 445B.834.*

Sec. 11. *"Independent truck operator" means a person who is the owner or operator of a medium-duty or heavy-duty vehicle that is hired as a third-party contractor to transport goods for a commercial entity.*

Sec. 12. *"Medium-duty or heavy-duty vehicle" means any medium-duty vehicle or heavy-duty vehicle that:*

1. Has a gross vehicle weight rating of more than 8,500 pounds; or

2. Is classified as having a gross vehicle weight rating class established by the [Federal Highway Administration of the] United States [Department of Transportation] Environmental Protection Agency of 2b or higher.

Sec. 13. *"Original equipment manufacturer" means a company that builds or assembles the completed drivetrain and chassis of a medium-duty or heavy-duty vehicle.*

Sec. 14. *"Repowered vehicle" means a medium-duty or heavy-duty vehicle that was previously powered by diesel or gasoline which has been upfitted or retrofitted by an upfit manufacturer to be powered by a battery electric or fuel cell electric powertrain.*

Sec. 15. *"Upfit manufacturer" means a company that installs equipment on the rolling chassis of a medium-duty or heavy-duty vehicle that was purchased from an original equipment manufacturer to switch the power source of the vehicle from diesel or gasoline to a battery electric or a fuel cell electric powertrain in order to create a repowered vehicle.*

Sec. 16. *1. The Account for Clean Trucks and Buses is hereby created in the State Treasury to be administered by the Division.*

2. The interest and income earned on the money in the Account must, after deducting any applicable charges, be credited to the Account. All claims against the Account must be paid as other clams against the State are paid.

3. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund remaining, and the balance in the Account must be carried forward to the next fiscal year.

4. All money that is deposited or paid into the Account must be used by the Division to carry out the Clean Trucks and Buses Incentive Program created pursuant to section 17 of this act.

5. Beginning in fiscal year 2024, and for the duration of the time in which ~~[such allocations]~~ apportionments are made to the State of Nevada by the Federal Government pursuant to the federal Carbon Reduction Program, 23 U.S.C. § 175, and available for such purposes, the Department of Transportation shall ~~[deposit]~~ :

(a) Enter into an agreement with the Division under which the Division will administer 35 percent of the federal money ~~[allocated]~~ apportioned to this State pursuant to the federal Carbon Reduction Program, 23 U.S.C. § 175, ~~[into the Account]~~ and the Department of Transportation will make such federal money available for use by the Division to carry out the provisions of sections 2 to 22, inclusive, of this act, including, without limitation, to the extent authorized by federal law, for the costs of administering the Clean Trucks and Buses Incentive Program and staffing costs.

(b) Coordinate with the Division to ensure all requirements of federal law are met in developing the Clean Trucks and Buses Incentive Program created by section 17 of this act and administering any federal money apportioned under federal law.

(c) Assist the Division to request and obtain any waivers from the Federal Highway Administration that are necessary to comply with federal law and any conditions for any federal money.

6. The Division may apply for and accept gifts, grants, donations, bequests and any other source of money available under federal law, including, without limitation, the Clean Heavy-Duty Vehicle Program, 42 U.S.C. § 7432, the Greenhouse Gas Reduction Fund, 42 U.S.C. § 7434 or the Diesel Emissions Reduction Act, 42 U.S.C. §§ 16131-16139, inclusive, and from private sources for deposit in the Account to carry out the provisions of the Clean Trucks and Buses Incentive Program created by section 17 of this act.

Sec. 17. *1. The Clean Trucks and Buses Incentive Program is hereby created for the purpose of awarding incentives to eligible entities for the purchase of eligible clean trucks and buses from approved contractors. ~~[The]~~ Except as otherwise provided in subsection 2, the Division shall administer the Program in accordance with the provisions of sections 2 to 22, inclusive, of this act.*

2. In accordance with subsection 5 of section 16 of this act, the Department of Transportation shall oversee the use of federal money for the Clean Trucks and Buses Incentive Program, ensure all requirements of federal law are met for such federal money and administer payments of federal money to the Division to carry out the Program.

3. In administering the Clean Trucks and Buses Incentive Program, the Division shall establish [:] , in accordance with the regulations adopted by the Commission pursuant to section 20.5 of this act:

(a) The clean trucks and buses that are eligible for purchase using an incentive from the Program ; [pursuant to section 18 of this act;]

(b) The contractors that are approved to sell eligible clean trucks and buses ; [pursuant to section 19 of this act;]

(c) A process for reviewing applications submitted by an approved contractor to determine which entities will receive an incentive in accordance with the requirements set forth in this section ; [and section 20 of this act;] and

(d) A process for issuing vouchers to approved contractors who have sold an eligible clean truck or bus to an eligible entity to redeem the incentive offered to the entity.

[3] 4. To receive an incentive for the purchase of an eligible clean truck or bus, an entity must:

(a) Own or operate a diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle or a fleet of medium-duty or heavy-duty vehicles; and

(b) Be domiciled in this State.

[4] 5. The base incentive that is available to an eligible entity from the Program for a clean truck or bus is based on the gross vehicle weight rating class established by [the Federal Highway Administration of] the United States [Department of Transportation] Environmental Protection Agency as follows:

(a) For a gross vehicle weight rating class of 2b, $20,000;

(b) For a gross vehicle weight rating class of 3, $50,000;

(c) For a gross vehicle weight rating class of 4, $65,000;

(d) For a gross vehicle weight rating class of 5, $75,000;

(e) For a gross vehicle weight rating class of 6, $90,000;

(f) For a gross vehicle weight rating class of 7, $135,000; and

(g) For a gross vehicle weight rating class of 8, $175,000.

[5] 6. If an eligible entity demonstrates that the entity meets one of the following criteria, the base incentives set forth in subsection 4 may be increased as follows:

(a) For a minority-owned , [or] veteran-owned , LGBTQ-owned or woman-owned business, a 5 percent increase to the base incentive.

(b) For a small business, a 20 percent increase to the base incentive.

(c) For an independent truck operator, a 33 percent increase to the base incentive. An independent truck operator may not also apply to receive the small business increase to the base incentive.

(d) For a regional transportation commission, a 10 percent increase to the base incentive.

(e) For a school district, charter school or university school for profoundly gifted pupils:

(1) A 10 percent increase to the base incentive; or

(2) If the school district, charter school or university school for profoundly gifted pupils is located in a historically underserved community, a 20 percent increase to the base incentive.

(f) For a tribal government, a 20 percent increase to the base incentive.

(g) For a business owned by a resident of an Indian reservation or Indian colony, a 20 percent increase to the base incentive.

~~[6.]~~ 7. An eligible entity:

(a) May not receive more than 2 increases to the base incentive pursuant to subsection ~~[5,]~~ 6;

(b) Except as otherwise provided in paragraph (c), may not receive more than ~~[5]~~ 10 incentives in one year; and

(c) That is a school district or regional transportation commission in a county whose population is 700,000 or more may not receive more than ~~[10]~~ 15 incentives in a year.

~~[7.]~~ 8. ~~[The Commission may adopt any regulations necessary to carry out the Program in accordance with the provisions of sections 2 to 22, inclusive, of this act.]~~ As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Minority group" means:

(1) A racial or ethnic minority group; or

(2) A group of persons with disabilities.

(d) "Minority-owned business" means a business that:

(1) Is owned by a natural person who is a member of a minority group; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who is a member of a minority group.

Sec. 18. ~~*[1. A contractor may submit an application, in the form required by the Division, for approval of the eligibility of a clean truck or bus to be purchased by an entity who receives an incentive from the Program.*~~

~~*2. Except as otherwise provided in subsection 4, to be eligible for the Program:*~~

~~*(a) A clean truck or bus must have a model year that is not more than 1 year older than the calendar year in which the clean truck or bus is being purchased; and*~~

~~*(b) The final assembly of the clean truck or bus must have been in the United States.*~~

~~*3. An application for approval of a clean truck or bus submitted to the Division pursuant to this section must include, without limitation:*~~

~~(a) The make and model of the clean truck or bus;~~
~~(b) The model year of the clean truck or bus;~~
~~(c) The fuel type used by the clean truck or bus;~~
~~(d) The manufacturer's gross vehicle weight rating of the clean truck or bus;~~
~~(e) The energy and environmental attributes of the clean truck or bus;~~
~~(f) The manufacturer's suggested retail price for the clean truck or bus, which must be the price of the clean truck or bus before taxes and must include, without limitation, evidence of the price of the clean truck or bus;~~
~~(g) The price before taxes to purchase a comparable diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle instead of the clean truck or bus which must include, without limitation, evidence of the price of the comparable diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle;~~
~~(h) The incremental cost of the clean truck or bus in comparison to the comparable diesel-powered or gasoline-powered alternative;~~
~~(i) Evidence that the final assembly of the clean truck or bus occurred in the United States, which must include, without limitation, the location where the final assembly occurred, the actions performed during the final assembly and the total value of the final assembly;~~
~~(j) An affirmation that the clean truck or bus meets any applicable federal and state requirements; and~~
~~(k) Proof that the clean truck or bus has a guaranteed warranty for the motor, powertrain, parts and labor.~~
~~4. An upfit manufacturer may submit an application to the Division for the approval of a repowered vehicle as a clean truck or bus if the repowered vehicle is:~~
~~(a) At least 8 years older than the current model year of medium-duty and heavy-duty vehicles; and~~
~~(b) Certified with an expected operational lifespan of at least 10 years.~~
~~5. In addition to the applicable requirements of subsection 3, the application for a repowered vehicle submitted pursuant to subsection 4 must include, without limitation, a comparison of the cost of purchasing a comparable diesel-powered or gasoline-powered alternative to the repowered vehicle. The Division shall determine the level of incentive to be offered based on the cost of the purchase of such a comparable vehicle, but the incentive offered for a repowered vehicle must not be more than the incentive offered for the purchase of a new clean truck or bus.~~
~~6. For the purposes of paragraph (h) of subsection 3:~~
~~(a) The incremental cost of a clean truck or bus is the difference in cost between the new clean truck or bus and a comparable new diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle.~~
~~(b) The incremental cost of a repowered vehicle is the entire cost to repower the vehicle.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[*1. A contractor may submit an application to the Division, in the form required by the Division, for approval to participate as an approved contractor in the Clean Trucks and Buses Incentive Program.*~~

~~*2. A vehicle dealership that sells clean trucks or buses must submit with his or her application proof that the dealership has been authorized by an original equipment manufacturer or an upfit manufacturer to sell a clean truck or bus using an incentive from the Program.*~~

~~*3. An approved contractor may:*~~

~~*(a) Market the availability of incentives from the Clean Trucks and Buses Incentive Program;*~~

~~*(b) Submit an application for a voucher to the Division on behalf of an eligible entity pursuant to section 20 of this act; and*~~

~~*(c) Redeem a voucher with the Division after selling an eligible clean truck or bus to an eligible entity in accordance with the provisions of sections 20 and 21 of this act.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~[*1. To receive an incentive for the purchase of an eligible clean truck or bus pursuant to sections 2 to 22, inclusive, of this act, an entity must:*~~

~~*(a) Agree to operate the clean truck or bus for at least 5 years;*~~

~~*(b) Agree to domicile the clean truck or bus in this State for at least 5 years;*~~

~~*(c) Certify that the clean truck or bus will travel at least 5,000 miles per year or for 1,000 hours per year; and*~~

~~*(d) Certify that the clean truck or bus will be operated in this State for at least 75 percent of the time that the clean truck or bus is operated.*~~

~~*2. An eligible entity must work with a contractor approved pursuant to section 19 of this act who shall submit an application on behalf of the entity. An application submitted on behalf of an entity must include, without limitation:*~~

~~*(a) Whether the entity is domiciled in this State and operates in a historically underserved community;*~~

~~*(b) Whether the entity has the necessary infrastructure in place to charge clean trucks or buses or has plans to install such infrastructure;*~~

~~*(c) Whether the entity qualifies for one or more of the increases to the base incentive described in subsection 4 of section 17 of this act;*~~

~~*(d) How the entity plans to meet the demands of its charging loads, including, without limitation, any managed charging programs or vehicle-to-grid or vehicle-to-building use;*~~

~~*(e) The estimated annual mileage of the clean truck or bus that will be purchased by the entity;*~~

~~*(f) Any long-term plans of the entity for the additional electrification of the fleet of medium-duty and heavy-duty vehicles of the entity, if applicable;*~~

~~*(g) Whether the entity has been waitlisted pursuant to section 21 of this act during the previous application cycle; and*~~

~~*(h) Any other criteria the Division determines is appropriate for prioritizing applications for an incentive.*~~

~~*3. The Division may reject an application that the Division determines is incomplete.]*~~ **(Deleted by amendment.)**

Sec. 20.5. ***The Commission shall adopt regulations to carry out the Clean Trucks and Buses Incentive Program in accordance with the provisions of sections 2 to 22, inclusive of this act. Any such regulations adopted by the Commission pursuant to this section must be consistent with all applicable requirements of federal law and must include, without limitation:***

1. The requirements to approve a clean truck or bus as eligible for an incentive, including, without limitation:

(a) The process by which applications must be submitted to the Division to approve a clean truck or bus as eligible to receive an incentive;

(b) The contents of an application required for approval of a clean truck or bus as eligible to receive an incentive;

(c) Any specific requirements relating to the manufacturing and final assembly of clean trucks or buses that are necessary to meet any requirements of federal law for the use of federal money;

(d) Any specific requirements for repowered vehicles; and

(e) Any other necessary requirements relating to approving a clean truck or bus, as determined by the Commission.

2. The requirements to approve a contractor to participate as an approved contractor in the Program, including, without limitation:

(a) The process by which applications must be submitted by contractors to the Division;

(b) The contents of the application required to be submitted by a contractor to participate as an approved contractor;

(c) Any activities in which an approved contractor may engage under the Program; and

(d) Any other necessary requirements relating to approving a contractor, as determined by the Commission.

3. The requirements relating to entities which are eligible to receive an incentive for the purchase of an eligible clean truck or bus, including, without limitation:

(a) The process to determine the eligibility of entities to receive an incentive;

(b) Any requirements for eligible entities;

(c) The contents of the application submitted by an entity who may be eligible for an incentive and an approved contractor for a voucher from the Program;

(d) The process by which applications for a voucher are submitted and processed by the Division;

(e) Any performance requirements for eligible vehicles to meet in order to participate in the Program; and

(f) Any other necessary requirements relating to applications for incentives, as determined by the Commission.

Sec. 21. *1. The Division shall review the applications submitted in accordance with the regulations adopted pursuant to section ~~[20]~~ 20.5 of this act on a rolling basis beginning on January 1, March 1, June 1 and September 1 of each year and, within the limits of money available from the Account for Clean Trucks and Buses for that quarter, grant applications for incentives. If an eligible entity meets the requirements for an incentive but does not receive an incentive after submitting an application, the entity must be waitlisted and granted priority to receive an incentive during the next application cycle.*

2. Upon approving an application, the Division shall reserve the amount of the incentive in the Account for Clean Trucks and Buses and, except as otherwise provided in subsection 4, issue the approved contractor a voucher for that amount, which , except as otherwise provided in this subsection, is valid for a period of 1 year from the date of issuance. The approved contractor may redeem the voucher by submitting proof to the Division that the clean truck or bus has been purchased, delivered and placed into operation by the entity who received the incentive. The approved contractor may submit a request to the Division for an extension of the voucher for an additional period of 1 year.

3. The approved contractor must reduce the price of the clean truck or bus by the full amount of the voucher issued to the approved contractor and must not charge any additional fees for selling the clean truck or bus, including, without limitation, any fees associated with processing the voucher.

4. If the incremental cost of an eligible clean truck or bus is less than the incentive which an entity is eligible to receive, the Division shall reduce the value of the voucher to the incremental cost of purchasing the clean truck or bus instead of a comparable diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle.

Sec. 22. *1. An entity that receives an incentive for the purchase of a clean truck or bus from the Clean Trucks and Buses Incentive Program must submit written reports to the Division in accordance with the regulations adopted by the Commission pursuant to subsection 2.*

2. The Commission shall adopt regulations establishing reporting requirements in accordance with this section for recipients of an incentive from the Program. Such regulations:

(a) ~~[Must require recipients to demonstrate that the recipient is complying with the requirements of subsection 1 of section 20 of this act;~~

~~(b)]~~ May not require a recipient to submit a report more than two times each year; and

~~[(c)]~~ (b) May not require a recipient to submit a report for more than 3 years ~~[.]~~ , unless otherwise required to comply with federal law.

3. On or before December 31 of each year, the Division shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session to the Legislative Commission, a summary of the reports submitted to the Division pursuant to this section.

Sec. 22.5. **There is hereby appropriated from the State General Fund to the Account for Clean Trucks and Buses, created by section 16 of this act, the sum of $4,000,000 for carrying out the Clean Trucks and Buses Incentive Program created by section 17 of this act.**

Sec. 23. 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. 24. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[23,]~~ **20.5,** inclusive, **22 and 23** 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.

3. Section 21 of this act becomes effective on the date that the permanent regulations required to be adopted by the State Environmental Commission pursuant to section 20.5 of this act are filed with the Secretary of State pursuant to NRS 233B.070.

4. Section 22.5 of 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. 190.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 384.

AN ACT relating to elections; requiring the Secretary of State to prescribe by regulation a voter registration form that ~~[must]~~ **may** be distributed by a title company **,** ~~[and certain]~~ apartment ~~[associations]~~ **association** and property management ~~[companies]~~ **company** under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe standard and special forms for applications to preregister or register to vote. (NRS 293.507) This bill requires the Secretary of State to also prescribe by regulation the content of and instructions for completing a voter registration form to be provided to title companies **,** ~~[and certain]~~ apartment associations and property

management companies in this State for distribution to persons who complete a real estate transaction or enter into a lease in this State at the time of closing or at the signing of the lease. Such a form must allow a person to register to vote, update his or her voter registration information or cancel his or her voter registration in this State.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State shall prescribe by regulation the content of and instructions for completing a voter registration form to register to vote, update voter registration information or cancel voter registration which must be provided to title companies, apartment associations and property management companies in this State to distribute to any person who purchases or sells real estate or enters into a lease in this State at the time of the closing of a real estate transaction or the signing of the lease.

2. The voter registration form prescribed pursuant to subsection 1 must:

(a) Allow a person to:

(1) Register to vote in this State;

(2) Update his or her voter registration information in this State, including, without limitation, his or her name, address and political party affiliation; and

(3) Cancel his or her voter registration in this State;

(b) Be in paper form which may be returned by mail; and

(c) Be accepted by each county clerk in this State.

3. The instructions for the voter registration form prescribed pursuant to subsection 1 must provide any information relevant to voter registration, including, without limitation, the qualifications to register to vote and all methods of registering to vote or updating voter registration information in this State.

4. A title company, apartment association or property management company ~~[shall]~~ may distribute the voter registration form prescribed by the Secretary of State pursuant to subsection 1 at the time of the closing of a real estate transaction or the signing of a lease.

~~***[5. For the purposes of this section:***~~

~~***(a) "Apartment association" means an owner of a complex that has more than 100 apartment units.***~~

~~***(b) "Property management company" means a company that manages more than 100 properties.]***~~

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 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 Gorelow moved the adoption of the amendment.
Remarks by Assemblywoman Gorelow.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 193.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 260.

AN ACT relating to criminal procedure; prohibiting a peace officer or other person authorized to conduct a custodial interrogation of a child from making certain statements during a custodial interrogation of a child; **providing that a statement by a child obtained in violation of such a prohibition is presumed involuntary and inadmissible in any criminal or juvenile proceeding;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements relating to custodial interrogations. (NRS 62C.013, 171.1239) This bill prohibits a peace officer or other person authorized to conduct a custodial interrogation of a child from: (1) knowingly ~~[providing]~~ **making** certain **materially** false ~~[information]~~ **statements** about evidence to a child who is the subject of a custodial interrogation; or (2) making certain express or implied promises of leniency or advantage to a child who is the subject of a custodial interrogation. **This bill additionally creates a presumption that any statement by a child obtained in violation of this bill is involuntary and inadmissible in any criminal or juvenile proceeding. To overcome this presumption, the State must prove, by a preponderance of the evidence, that the statement was voluntary, reliable and not induced by a violation of this bill. Finally, this bill creates an exception to the prohibition created by this bill for circumstances in which: (1) the peace officer or other person who conducted the custodial interrogation reasonably believed that the information sought was necessary to protect life or property from an imminent threat; and (2) the questions asked by such a person were limited to those reasonably necessary to obtain information related to the imminent threat.**

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

Section 1. Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 3, a peace officer or other person authorized to conduct a custodial interrogation of a child taken into custody shall not ~~[, at any time]~~ during a custodial interrogation of a child:

(a) Knowingly ~~[provide]~~ make a materially false ~~[information]~~ statement about evidence that is reasonably likely to elicit an incriminating response from the child; or

(b) Make any express or implied promise to the child of leniency or advantage for the child that the peace officer or other person conducting the investigation lacks the authority to make, including, without limitation, any promise about the filing of charges or prosecution of the child.

2. A statement by a child obtained in violation of this section is presumed to be involuntary and inadmissible in any criminal or juvenile proceeding. The State may overcome the presumption set forth in this subsection by proving by a preponderance of the evidence that the statement was voluntary, reliable and not induced by an act in violation of this section. In making a determination pursuant to this subsection of whether the presumption has been overcome, the finder of fact shall consider the totality of the circumstances of the interrogation.

3. Subsection 1 does not apply to a custodial interrogation of a child if:

(a) The peace officer or other person who conducted the custodial interrogation of the child reasonably believed the information sought was necessary to protect life or property from an imminent threat; and

(b) The questions asked by the peace officer or other person were limited to those reasonably necessary to obtain information related to the imminent threat.

4. As used in this section:

(a) "Child" means a person who is less than 18 years of age.

(b) "Custodial interrogation" means any interrogation of a person who is required to be advised of his or her rights pursuant to Miranda v. Arizona, 384 U.S. 436 (1966).

Sec. 2. This act becomes effective on July 1, **~~[~~2023.~~]~~ 2024.**

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. 197.

Bill read second time.

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

Amendment No. 175.

AN ACT relating to health care; authorizing the Division of Health Care Financing and Policy of the Department of Health and Human Services to impose an assessment on certain health care providers; creating the Account to Improve Health Care Quality and Access for Patients of Certain Providers; prescribing the authorized uses of the revenue generated by the assessment; requiring the Division to adopt regulations establishing administrative penalties against a health care provider who does not pay an assessment in a

timely manner; authorizing the Division to take certain measures to collect an unpaid assessment or administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Health Care Financing and Policy of the Department of Health and Human Services to impose an assessment on agencies to provide personal care services in the home or medical facilities that are required to obtain a certain type of license after obtaining the approval of at least 67 percent of the operators of such agencies or facilities. (NRS 422.3794) Existing law requires the Division to expend the revenue generated from the assessment to: (1) provide supplemental payments and enhanced ratio of reimbursements to operators of agencies to provide personal care in the home and operators of medical facilities for services rendered to recipients of Medicaid; and (2) pay administrative costs. (NRS 422.37945) **Sections 2-8** of this bill authorize the imposition of a similar assessment on groups of health care providers, other than hospitals ~~[,]~~ **or physicians,** who provide similar services or ~~[physicians who]~~ practice in a specialty area. **Sections 3-5** of this bill define necessary terms. **Section 6** of this bill provides for the imposition of the assessment upon the affirmative vote of at least 67 percent of the affected providers.

Section 7 of this bill creates the Account to Improve Health Care Quality and Access for Patients of Certain Providers and requires the Division to administer the Account and deposit the proceeds from the assessment into the Account. **Section 7** authorizes the Division to use the money in the Account to: (1) increase the rates of reimbursement of providers in the assessed group receive from Medicaid to rates equal to certain benchmarks prescribed in federal law; and (2) pay administrative costs related to the assessment. If the Legislature authorizes the money in the Account for any other purpose, **section 7** requires the Division to poll each provider group against which an assessment is currently being imposed concerning the continued imposition of the assessment. If the poll does not receive an affirmative vote from at least 67 percent of the affected providers, **section 7**: (1) requires that the Division cease imposing the assessment; and (2) provides that the regulations adopted to impose the assessment are void.

Section 8 of this bill requires the Division to adopt regulations establishing administrative penalties against a health care provider who fails to pay an assessment in a timely manner. **Section 8** also authorizes the Division, after notifying the provider, to deduct the amount of an unpaid assessment or administrative penalty from future payments owed to the provider under the State Plan for Medicaid. Finally, **section 8** authorizes the Division to negotiate a payment plan with a health care provider before making such deductions.

Section 9 of this bill makes a conforming change to indicate the proper placement of **sections 2-8** in the Nevada Revised Statutes.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 [, 4 and] to 5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Account" means the Account to Improve Health Care Quality and Access for Patients of Certain Providers created by section 7 of this act.***

Sec. 4. ***"Health care provider" has the meaning ascribed to it in 42 C.F.R. § 433.52, except that the term does not include a hospital [, as defined in NRS 449.012,] or a physician.***

Sec. 4.5. "Hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 5. ***"Provider group" : [means:]***

1. [All] Except as otherwise provided in subsection 3, means all health care providers who provide a class of health care items or services listed in 42 C.F.R. § [433.56(a)(1) to (18), inclusive; and] 433.56(a) or who are otherwise eligible to be subject to an assessment under 42 C.F.R. § 433.68.

2. [All physicians who practice in a specialty area.] Includes, without limitation, a group described in subsection 1 that includes health care providers who practice in only one specialty area or in different specialty areas.

3. Does not include hospitals, providers of physician services or physicians acting in any other capacity.

Sec. 6. ***1. Except as otherwise provided in this section, after polling the health care providers in a provider group and receiving an affirmative vote from at least 67 percent of the health care providers in that provider group, the Division may impose by regulation, against each health care provider in the provider group, an assessment in an amount equal to a percentage of the net revenue generated by the health care provider from providing care in this State during a calendar or fiscal year. The Division shall adopt:***

(a) Regulations prescribing the percentage that must be used to calculate the amount of the assessment, the date on which the assessment is due and the manner in which the assessment must be paid; and

(b) Any other regulations necessary or convenient to carry out the provisions of this section.

2. The revenue from an assessment imposed pursuant to subsection 1 must be deposited in the Account.

3. An assessment imposed pursuant to subsection 1 must comply with the provisions of 42 C.F.R. § 433.68. An assessment must not be imposed pursuant to

subsection 1 if federal law or regulations prohibit using the revenue generated by the assessment for the purposes prescribed in section 7 of this

act. If new federal law or regulations imposing such a prohibition are enacted or adopted, as applicable:

(a) An assessment must not be collected after the effective date of the law or regulations; and

(b) Any money collected during the calendar or fiscal year, as applicable, in which the federal law or regulations become effective must be returned to the health care providers from whom it was collected.

4. A health care provider shall submit to the Division any information requested by the Division for the purposes of carrying out the provisions of this section.

Sec. 7. *1. The Account to Improve Health Care Quality and Access for Patients of Certain Providers is hereby created in the State General Fund. The Division shall administer the Account. The revenue from assessments and penalties imposed on the health care providers in each provider group pursuant to section 6 of this act must be accounted for separately in the Account.*

2. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. The money in the Account must be expended to:

(a) Increase the rates of reimbursement that health care providers in the provider group upon whom an assessment is imposed would otherwise receive under the State Plan for Medicaid to rates that are equal to:

(1) The upper payment limit for the relevant services established pursuant to 42 C.F.R. § 447.272 or 447.321, as applicable; or

(2) If no upper payment limit has been established for the relevant services, the average commercial rate for the relevant services, as calculated in accordance with the guidance prescribed by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(b) Administer the provisions of sections 2 to 8, inclusive, of this act.

4. Money in the Account must not be expended to replace money that would otherwise be used to provide reimbursement under the State Plan for Medicaid to health care providers in a provider group upon whom an assessment is imposed.

5. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance of the Account must be carried forward to the next fiscal year.

6. If the Legislature authorizes money in the Account to be used for any purpose other than those authorized by subsection 3, the Division shall poll the health care providers in each provider group against which an assessment is being imposed pursuant to section 6 of this act concerning the continued imposition of the assessment. If the poll does not receive an affirmative vote from at least 67 percent of the health care providers in that provider group:

(a) The Division shall cease imposing the assessment against the provider group; and

(b) The regulations adopted to impose the assessment pursuant to section 6 of this act against the provider group are void.

Sec. 8. ***1. The Division shall adopt regulations that establish administrative penalties for failure to timely pay an assessment imposed pursuant to section 6 of this act. Any money collected from such a penalty must be deposited in the Account.***

2. If a health care provider fails to remit to the Division any penalty imposed pursuant to this section or any assessment imposed pursuant to section 6 of this act within 30 days after the date on which the penalty or assessment is due, the Division may deduct the amount of the assessment or penalty, as applicable, from future payments owed to the health care provider under the State Plan for Medicaid. Before doing so, the Division:

(a) Shall notify the health care provider of the intended deduction; and

(b) May negotiate a payment plan with the health care provider.

Sec. 9. 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 sections 2 to 8, inclusive, 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. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, 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. 222.

Bill read second time.

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

Amendment No. 252.

AN ACT relating to the Public Employees' Retirement System; revising the computation of credit for service for certain members of the Public Employees' Retirement System who are employed by a school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a method for calculating the credit for service received by a public employee who is a member of the Public Employees' Retirement System. (NRS 286.470-286.505) Under existing law, a school district employee who is a member of the System receives a full year of service credit if the employee works full-time for the full school year. (NRS 286.501) **Section 2** of this bill provides for an employee of a school district who is a member of the Public Employees' Retirement System to receive a full year of service credit if the employee works ~~[on a scheduled basis, an on-call basis or any combination thereof, for not less than 8 months of the]~~ **at least 900 hours in a** school year. **Section 1** of this bill makes a conforming change to allow for the computation of service credit in **section 2**.

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

Section 1. NRS 286.481 is hereby amended to read as follows:

286.481 A member shall not be credited with service for:

1. Except as otherwise provided in NRS 286.385, leave of absence without pay;
2. Overtime work;
3. Employment in a position which does not qualify the member for participation in the System;
4. ~~[More]~~ ***Except as otherwise provided in NRS 286.501, more*** than 1 day within a day, 1 month within a month, or 1 year of service in any 12-month period; or
5. Any period for which compensation is not received by the member unless specifically otherwise provided in this chapter.

Sec. 2. NRS 286.501 is hereby amended to read as follows:

286.501 Each member who is employed by a school district for less than 12 months per school year and each member of the professional staff of the Nevada System of Higher Education employed for the academic year who is employed for less than 12 months per fiscal year is credited with service as follows:

1. Service is credited on the basis of a full year if the member works ~~*[:*~~ ~~*(a) Works*~~ ~~full-time for the full]~~ ***at least 900 hours in a*** school year ***.*** ~~*[; or*~~ ~~*(b) Is employed by a school district and works on a scheduled basis, on an on-call basis or any combination thereof, for not less than 8 months of the school year.]*~~
2. Employment for ~~[a part of]~~ ***less than 900 hours in*** a school year is ~~*[,*~~ ~~*except as otherwise provided in paragraph (b) of subsection 1,]*~~ credited on a ratio of one and one-third days for each day worked, but credit may not be given in advance or until the appropriate period has expired.
3. A full year of service is not credited until the full 12-month period has expired. If the employee begins work under a new contract before the expiration of the 12-month period for the old contract, credit must be granted

for the period of overlap, as certified by the school district, at the first period in which there is a lapse in service.

4. Service credit under this section must be computed according to:

(a) The school year for school district employees.

(b) The fiscal year for members of the professional staff of the Nevada System of Higher Education.

5. A member receives full credit while on sabbatical leave if the public employer certifies that the compensation and contributions reported for the member are the same as if the member were employed full-time. If the employer does not so certify, the member receives credit in the proportion that the member's actual compensation bears to the member's previous compensation.

➥ No member may receive less credit under this section than was provided under the law in force when the credit was earned.

Sec. 3. **This bill 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. 223.

Bill read second time.

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

Amendment No. 72.

AN ACT relating to collection agencies; requiring a collection agency to provide a payoff letter upon the request of a debtor; **requiring a collection agency to provide a satisfaction letter to a debtor after a claim has been satisfied;** authorizing a debtor to bring a civil action against a collection agency that violates ~~[that]~~ **the** requirement ~~[,]~~ **to provide a payoff letter or a satisfaction letter to the debtor; revising the method by which a collection agency must notify a medical debtor before taking any action to collect a medical debt;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons who operate a collection agency or otherwise engage in the collection of claims for others in this State to obtain a license from the Commissioner of Financial Institutions and adhere to certain other requirements. (Chapter 649 of NRS) **Section 1** of this bill requires a collection agency to provide, without charge, a debtor with a **: (1)** payoff letter concerning a claim which is owed or asserted to be owed by the debtor not later than 10 **business** days after the debtor requests the payoff letter ~~[.]~~ **; and (2) satisfaction letter concerning a claim which is owed or asserted to be owed by the debtor not later than 5 business days after a claim has been satisfied.** **Section 1** defines the term **: (1)** "payoff letter" to mean a written communication from a collection agency ~~[stating, at minimum,]~~ **containing**

the amount outstanding and required to be paid to satisfy a claim ~~.~~ **and certain other information relating to the claim; and (2) "satisfaction letter" to mean a written communication from a collection agency stating that a claim has been satisfied. Section 1 sets forth various requirements for the content and provision of a payoff letter or satisfaction letter and** authorizes a debtor aggrieved by a violation of the requirement to provide a payoff letter **or a satisfaction letter** to bring a civil action against the collection agency that committed the violation. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law requires a collection agency, not less than 60 days before taking any action to collect a medical debt, to send by registered or certified mail to the medical debtor written notification setting forth certain information. (NRS 649.366) Section 3 of this bill removes the requirement that the written notification be sent by mail that is registered or certified.

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

Section 1. Chapter 649 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in subsection 4, a collection agency shall, without charge, provide a debtor with a payoff letter concerning a claim which is owed or asserted to be owed by the debtor not later than 10 business days after the date on which the debtor requests the payoff letter.

2. A request made by a debtor for a payoff letter to be provided pursuant to subsection 1 must:

(a) Be in writing;

(b) Be provided to the collection agency by:

(1) Any method of mailing offered by the United States Postal Service or another mail delivery service that may provide evidence of mailing; or

(2) Electronic mail at an electronic mail address that the collection agency has:

(I) Used to communicate with the debtor;

(II) Provided in written correspondence with the debtor; or

(III) Made publicly available; and

(c) Contain, without limitation, the following information:

(1) The first and last name of the debtor;

(2) The account number associated with the claim which is owed or asserted to be owed by the debtor or any other information reasonably necessary for the collection agency to identify the claim;

(3) The mailing address of the debtor; and

(4) If the request is sent by electronic mail, the electronic mail address of the debtor.

3. A payoff letter provided to a debtor by a collection agency pursuant to subsection 1:

(a) Must contain, without limitation, the date on which the payoff letter is prepared and the following information concerning the claim which is owed or asserted to be owed by the debtor:

(1) The total amount required to satisfy the claim as of the date on which the payoff letter is prepared;

(2) The principal amount of the claim;

(3) The amount of interest and each fee or other charge included in the amount identified pursuant to subparagraph (1) that has accrued as of the date on which the payoff letter is prepared;

(4) The name of the creditor to whom the claim was originally owed or asserted to have been owed; and

(5) A method to calculate interest, fees or other charges accruing after the date on which the payoff letter is prepared to allow the debtor to reasonably determine the total amount required to satisfy the claim at a future date.

(b) Must not contain any estimate of the total amount required to satisfy the claim that is owed or asserted to be owed by the debtor as of any future date that is later than 60 days after the date on which the payoff letter is prepared.

4. A debtor is entitled to request, within any 180-day period, not more than three payoff letters concerning a single claim to be provided without charge pursuant to subsection 1. A collection agency may charge a debtor a reasonable fee to provide any additional payoff letter concerning the claim in excess of that amount that is requested by the debtor within the 180-day period.

5. A collection agency shall, without charge, provide a debtor with a satisfaction letter concerning a claim that is owed or asserted to be owed by the debtor not later than 5 business days after the date on which the debtor satisfies the claim. The satisfaction letter must be:

(a) Written or printed on letterhead that identifies the collection agency; and

(b) Provided to the debtor by:

(1) A method of mailing offered by the United Stated Postal Service or another mail delivery service which may provide evidence of the mailing; and

(2) Electronic mail, if requested by the debtor.

6. In addition to any other remedies, a debtor aggrieved by a violation of subsection 1 or 5 may bring a civil action against the collection agency that committed the violation in any court of competent jurisdiction to seek any or all of the following relief:

(a) Declaratory and injunctive relief;

(b) Actual damages;

(c) Reasonable attorney's fees and costs; and

(d) Any other legal or equitable relief that a court deems appropriate.

~~[3.]~~ 7. As used in this section ~~[, "payoff]~~ :

(a) "Payoff letter" means a written communication from a collection agency ~~[stating, at minimum,]~~ containing the ~~[amount outstanding and]~~ information required ~~[to be paid to satisfy a claim.]~~ by subsection 3.

(b) "Satisfaction letter" means a written communication from a collection agency stating that a claim has been satisfied.

Sec. 2. NRS 649.171 is hereby amended to read as follows:

649.171 1. A person who is not licensed in this State as a collection agency may apply to the Commissioner for a certificate of registration as a foreign collection agency.

2. To be issued and to hold a certificate of registration as a foreign collection agency, a person:

(a) Must meet the qualifications to do business as a collection agency in this State;

(b) Must not have any employees or agents present in this State who engage in the collection of claims and must not maintain any business locations in this State as a collection agency;

(c) Must submit proof to the Commissioner, upon application and upon each annual renewal of the certificate of registration, that the person and his or her employees and agents will not, in this State:

(1) Engage in the business of soliciting the right to collect or receive payment for another of any claim;

(2) Respond to a bid, proposal or invitation for the right to collect or receive payment for another of any claim, unless the bid, proposal or invitation is for the collection of claims owed by residents of another state; or

(3) Advertise or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim;

(d) When collecting claims against debtors who are present in this State, must:

(1) Limit his or her activities and those of his or her employees and agents to interstate communications by telephone, mail or facsimile;

(2) Limit his or her activities and those of his or her employees and agents to the collection of claims from residents of this State on behalf of residents of another state; and

(3) Comply with the requirements of NRS 649.305 to 649.375, inclusive, ***and section 1 of this act*** with regard to his or her activities and those of his or her employees and agents;

(e) Must pay:

(1) A fee to apply for a certificate of registration of not less than $200 prorated on the basis of the registration year as determined by the Commissioner; and

(2) An annual renewal fee of not more than $200;

(f) Must deposit and maintain a bond or an appropriate substitute for the bond in the same manner as an applicant or licensee pursuant to NRS 649.105, 649.115 and 649.119;

(g) Must maintain the accounts, books and records of the collection agency in accordance with generally accepted accounting principles and in accordance with the requirements of subsection 1 of NRS 649.335; and

(h) Must pay any fees related to any examination of the accounts, books and records of the collection agency conducted by the Commissioner pursuant to subsection 5.

3. A certificate of registration issued pursuant to this section expires on December 31 of each year, unless it is renewed. To renew a certificate of registration, a foreign collection agency must submit to the Commissioner:

(a) An application for renewal which contains, without limitation, the information specified in paragraph (c) of subsection 2; and

(b) The renewal fee specified in subparagraph (2) of paragraph (e) of subsection 2.

4. If a foreign collection agency fails to submit any item required pursuant to subsection 3 to the Commissioner on or after November 1 and on or before December 31 of any year, the certificate of registration of the foreign collection agency is cancelled as of December 31 of that year. The Commissioner shall not reinstate a certificate of registration that has been cancelled pursuant to this subsection.

5. The Commissioner may conduct an annual examination and any additional examinations pursuant to NRS 649.335 of the accounts, books and records of each person who holds a certificate of registration as a foreign collection agency.

6. The Commissioner may take disciplinary action pursuant to NRS 649.385, 649.390 and 649.395 against a person who holds a certificate of registration as a foreign collection agency for any act or omission that would be grounds for taking such disciplinary action under those sections.

7. The Commissioner shall adopt:

(a) Regulations establishing the amount of the fees required pursuant to this section; and

(b) Any other regulations as may be necessary to carry out the provisions of this section.

Sec. 3. **NRS 649.366 is hereby amended to read as follows:**

649.366 1. Not less than 60 days before taking any action to collect a medical debt, a collection agency shall send by ~~[registered or certified]~~ mail to the medical debtor written notification that sets forth:

(a) The name of the medical facility, provider of health care or provider of emergency medical services that provided the goods or services for which the medical debt is owed;

(b) The date on which those goods or services were provided; and

(c) The principal amount of the medical debt.

2. The written notification required by subsection 1 must:

(a) Identify the name of the collection agency; and

(b) Inform the medical debtor that, as applicable:

(1) The medical debt has been assigned to the collection agency for collection; or

(2) The collection agency has otherwise obtained the medical debt for collection.

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. 252.

Bill read second time.

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

Amendment No. 254.

AN ACT relating to governmental administration; creating the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund; revising the membership of the Board of Museums and History; requiring the Administrator of the Division of Museums and History of the Department of Tourism and Cultural Affairs to develop and maintain an Internet website related to institutions of the Division and ensure that the Internet website is accessible to persons ~~[who are blind or visually impaired;]~~ **with disabilities;** authorizing the Administrator to authorize or require a museum director of an institution of the Division to establish certain procedures that enable the accessibility of the exhibits in the institution to persons who are blind or visually impaired; requiring the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to study during the 2023-2024 interim any issues that exist that limit the ability of persons with disabilities to access the institutions of the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Division of Museums and History of the Department of Tourism and Cultural Affairs, which consists of the Office of the Administrator and certain museums and historical societies which are established as institutions of the Division. (NRS 381.004) Existing law further sets forth various duties of the Administrator. (NRS 381.006, 381.0063) **Section 3** of this bill requires the Administrator to also: (1) develop and maintain an Internet website related to the institutions of the Division and ensure that the Internet website is accessible to persons **with disabilities, including, without limitation, persons** who are blind or visually impaired; and (2) consult with certain organizations regarding the accessibility of institutions of the Division to persons **with disabilities, including, without limitation, persons** who are blind or visually impaired. **Section 4** of this bill authorizes the Administrator to authorize or require a museum director of an

institution of the Division to establish certain procedures that enable the accessibility of the exhibits in the institution for persons who are blind or visually impaired.

Section 1 of this bill creates the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund, to be administered by the Administrator. Money in the Account must be expended only to improve access at institutions of the Division for persons with disabilities, including, without limitation, persons who are blind or visually impaired.

Existing law creates the Board of Museums and History, which consists of twelve members, including five representatives of the general public who are knowledgeable about museums. (NRS 381.002) **Section 2** of this bill provides that one of the representatives of the general public must be a person who is knowledgeable about museums and has a disability**.** ~~[, including, without limitation, a person who is blind or visually impaired.]~~ **Section 6** of this bill clarifies that the provisions of **section 2** do not affect the term of any person who is a member of the Board on June 30, 2023.

Section 5 of this bill requires the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to study during the 2023-2024 interim any issues that exist which limit the ability of persons with disabilities, including, without limitation, persons who are blind or visually impaired, to access the institutions of the Division.

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

Section 1. Chapter 381 of NRS is hereby amended by adding thereto a new section to read as follows:

1. There is hereby created the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund. The Account shall be administered by the Administrator.

2. The money in the Account must be expended only to improve access at institutions of the Division that are established pursuant to NRS 381.004 for persons with disabilities, including, without limitation, persons who are blind or visually impaired.

3. The Administrator may apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account.

4. The interest and income earned on money in the Account from any gift, donation, bequest or appropriation, after deducting any applicable charges, must be credited to the Account.

5. Money from any gift, donation, bequest or appropriation that remains in the Account at the end of the 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.

Sec. 2. NRS 381.002 is hereby amended to read as follows:

381.002 1. The Board of Museums and History, consisting of twelve members appointed by the Governor, is hereby created.

2. The Governor shall appoint to the Board:

(a) Five representatives of the general public who are knowledgeable about museums ~~[.]~~ ***, one of whom must be a person with a disability*** ***. [, including, without limitation, a person who is blind or visually impaired.]***

(b) Six members representing the fields of history, prehistoric archeology, historical archeology, architectural history, and architecture with qualifications as defined by the Secretary of Interior's standards for historic preservation in the following fields:

(1) One member who is qualified in history;

(2) One member who is qualified in prehistoric archeology;

(3) One member who is qualified in historic archeology;

(4) One member who is qualified in architectural history;

(5) One member who is qualified as an architect; and

(6) One additional member who is qualified, as defined by the Secretary of Interior's standards for historic preservation, in any of the fields of expertise described in subparagraphs (1) to (5), inclusive.

(c) One member, after giving consideration to any recommendation of an enrolled member of a Nevada Indian tribe which is submitted by the Nevada Indian Commission, after consultation with the Inter-Tribal Council of Nevada, Inc., or its successor organization.

3. The Board shall elect a Chair and a Vice Chair from among its members at its first meeting of every even-numbered year. The terms of the Chair and Vice Chair are 2 years or until their successors are elected.

4. With respect to the functions of the Office of Historic Preservation, the Board may develop, review and approve policy for:

(a) Matters relating to the State Historic Preservation Plan;

(b) Nominations to the National Register of Historic Places and make a determination of eligibility for listing on the Register for each property nominated; and

(c) Nominations to the State Register of Historic Places and make determination of eligibility for listing on the Register for each property nominated.

5. With respect to the functions of the Division, the Board shall develop, review and make policy for investments, budgets, expenditures and general control of the Division's private and endowed dedicated trust funds pursuant to NRS 381.003 to 381.0037, inclusive.

6. In all other matters pertaining to the Office of Historic Preservation and the Division of Museums and History, the Board serves in an advisory capacity.

7. The Board may adopt such regulations as it deems necessary to carry out its powers and duties.

Sec. 2.5. **NRS 381.0031 is hereby amended to read as follows:**

381.0031 1. ~~[All]~~ ***Except as otherwise provided in subsection 5, all*** money and the proceeds from property received by the Division or any institution of the Division through any grant other than a grant of federal money, bequest or devise, and the proceeds from memberships, sales, interest and dividends from any sources other than appropriation by the Legislature, admission charges and sales of tickets for train rides, are private money and not state money. The Board shall establish a Division of Museums and History Dedicated Trust Fund. All private money must be accounted for in that Fund. No other money may be accounted for in that Fund.

2. Except as otherwise provided in this chapter, all of the money in the Dedicated Trust Fund must be deposited in a financial institution to draw interest or be expended, invested and reinvested pursuant to the specific instructions of the donor, or, where no such specific instructions exist, in the sound discretion of the Board. The provisions of subsections 3 and 4 of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

3. The Board shall account separately for the portions of the private money received by each institution of the Division but may combine all or any portion of the private money for the purposes of investment and reinvestment.

4. The Board shall adopt an investment policy for the private money.

5. The provisions of this section do not apply to any money received for deposit in the Account for Improving Access to State Museums for Persons with Disabilities created by section 1 of this act.

Sec. 3. NRS 381.006 is hereby amended to read as follows:

381.006 ***1.*** For the property and facilities of the Division, the Administrator:

~~[1.]~~ ***(a)*** Is responsible to the Director for the general administration of the Division and its institutions and for the submission of its budgets, which must include the combined budgets of its institutions.

~~[2.]~~ ***(b)*** Shall supervise the museum directors of its institutions in matters pertaining to the general administration of the institutions.

~~[3.]~~ ***(c)*** Shall coordinate the submission of requests by its institutions for assistance from governmental sources.

~~[4.]~~ ***(d)*** Shall oversee the public relations of its institutions.

~~[5.]~~ ***(e)*** Shall superintend the planning and development of any new facilities for the Division or its institutions.

~~[6.]~~ ***(f)*** Shall assist the efforts of its institutions in improving their services to the rural counties.

~~[7.]~~ ***(g)*** Shall supervise the facilities for storage which are jointly owned or used by any of its institutions.

~~[8.]~~ ***(h)*** Shall trade, exchange and transfer exhibits and equipment when the Administrator considers it proper and the transactions are not sales.

~~[9.]~~ ***(i)*** May contract with any person to provide concessions on the grounds of the property and facilities of the Division, provided that any contract permitting control of real property of the Division by a

nongovernmental entity must be executed as a lease pursuant to NRS 321.003, 321.335, 322.050, 322.060 and 322.070.

~~[10.]~~ ***(j)*** Shall oversee the supervision, control, management and operation of any buildings or properties in this State that are under the control of the Division.

~~[11.]~~ ***(k)*** Shall supervise the furnishing, remodeling, repairing, alteration and erection of premises and buildings of the Division or premises and buildings that may be conveyed or made available to the Division.

2. In addition to the duties set forth in subsection 1, the Administrator shall:

(a) Develop and maintain an Internet website related to the museums and historical societies established as institutions of the Division pursuant to NRS 381.004 and ensure that the Internet website is accessible to persons with disabilities, including, without limitation, persons who are blind or visually impaired.

(b) Consult with organizations that are dedicated to the welfare of persons with disabilities, including, without limitation, persons who are blind or visually impaired . ~~[, including,]~~ Such organizations may include, without limitation, the American Council of the Blind and the National Federation of the Blind, regarding the accessibility of institutions of the Division that are established pursuant to NRS 381.004 to persons who are blind or visually impaired.

Sec. 4. NRS 381.0063 is hereby amended to read as follows:

381.0063 1. The Administrator shall, in accordance with any directive received from the Director pursuant to NRS 232.005, authorize or require each museum director to perform such duties set forth in subsections 2 and 3 as are necessary for the operation of the institution administered by the museum director, after giving consideration to:

(a) The size and complexity of the programs the museum director is required to administer;

(b) The number of personnel needed to carry out those programs;

(c) Requirements for accreditation; and

(d) Such other factors as are relevant to the needs of the institution and the Division.

2. The Administrator may authorize or require a museum director to:

(a) Oversee duties related to the auditing and approval of all bills, claims and accounts of the institution administered by the museum director.

(b) Receive, collect, exchange, preserve, house, care for, document, interpret, display and exhibit, particularly, but not exclusively, respecting the State of Nevada:

(1) Samples of the useful and fine arts, sciences and industries, relics, memorabilia, products, works, records, rare and valuable articles and objects, including, without limitation, drawings, etchings, lithographs, photographs, paintings, statuary, sculpture, fabrics, furniture, implements, machines,

geological and mineral specimens, precious, semiprecious and commercial minerals, metals, earths, gems and stones.

(2) Books, papers, records and documents of historic, artistic, literary or industrial value or interest by reason of rarity, representative character or otherwise.

(c) Collect, gather and prepare the natural history of Nevada and the Great Basin.

(d) Establish such programs in history, archeology, anthropology, paleontology, mineralogy, ethnology, ornithology and such other programs as in the judgment of the Board and Administrator may be proper and necessary to carry out the objects and purposes appropriate to the institution administered by the museum director.

(e) Receive and collect property from any appropriate agency of the State of Nevada, or from accessions, gifts, exchanges, loans or purchases from any other agencies, persons or sources.

(f) House and preserve, care for and display or exhibit property received by an institution. This paragraph does not prevent the permanent or temporary retention, placement, housing or exhibition of a portion of the property in other places or locations in or outside of the State at the sole discretion of the Board.

(g) Make and obtain plans and specifications and let and supervise contracts for work or have the work done on force account or day labor, supplying material or labor, or otherwise.

(h) Receive, accept and obtain by exchange in the name of the State of Nevada all property loaned to the institution administered by the museum director for preservation, care, display or exhibit, or decline and reject the property in his or her discretion, and undertake to be responsible for all property loaned to the institution or make just payment of any reasonable costs or rentals therefor.

(i) Apply for and expend all gifts and grants that the institution administered by the museum director is authorized to accept in accordance with the terms and conditions of the gift or grant.

(j) Govern, manage and control the exhibit and display of all property and things of the institution administered by the museum director at other exhibits, expositions, world's fairs and places of public or private exhibition. Any property of the State of Nevada that may be placed on display or on exhibition at any world's fair or exposition must be taken into custody by the Administrator at the conclusion of the world's fair or exposition and placed and kept in the institution, subject to being removed and again exhibited at the discretion of the Administrator or a person designated by the Administrator.

(k) Negotiate and consult with and agree with other institutions, departments, officers and persons or corporations of and in the State of Nevada and elsewhere respecting quarters for and the preservation, care, transportation, storage, custody, documentation, interpretation, display and exhibit of articles and things controlled by the institutions and respecting the terms and cost, the manner, time, place and extent, and the return thereof.

(l) Trade, exchange and transfer exhibits and duplicates when the Administrator deems it proper. Such transactions shall not be deemed sales.

(m) Establish the qualifications for life, honorary, annual, sustaining and such other memberships as are established by the Board pursuant to NRS 381.0045.

(n) Adopt rules for the internal operations of the institution administered by the museum director, including, without limitation, the operation of equipment of the institution.

(o) Establish procedures that enable the accessibility of the exhibits in an institution administered by the museum director for persons who are blind or visually impaired, including, without limitation, by providing audio guides, audio descriptive displays, tactile displays and experiences, dedicated tours for persons who are blind or visually impaired, Braille signage and descriptions, temporary lighting and adapted educational classes.

3. The Administrator shall require a museum director to serve as, or to designate an employee to serve as, ex officio State Paleontologist. The State Paleontologist shall, within the limits of available time, money and staff:

(a) Systematically inventory the paleontological resources within the State of Nevada;

(b) Compile a database of fossil resources within this State;

(c) Coordinate and promote paleontological research activities within this State, including, without limitation, regulating and issuing permits to engage in such activities;

(d) Disseminate and assist other persons in disseminating information gained from research conducted by the State Paleontologist; and

(e) Display and promote, and assist other persons in displaying and promoting, the paleontological resources of this State to enhance education, culture and tourism within this State.

4. The enumeration of the powers and duties that may be assigned to a museum director pursuant to this section is not exclusive of other general objects and purposes appropriate to a public museum.

5. The provisions of this section do not prohibit the Administrator from making such administrative and organizational changes as are necessary for the efficient operation of the Division and its institutions and to ensure that an institution properly carries out the duties and responsibilities assigned to that institution.

Sec. 5. 1. The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 shall study during the 2023-2024 interim any issues that exist which limit the ability of persons with disabilities, including, without limitation, persons who are blind or visually impaired, to access the museums and historical societies established as institutions of the Division of Museums and History of the Department of Tourism and Cultural Affairs pursuant to NRS 381.004.

2. In the report required pursuant to subsection 3 of NRS 218E.760, the Legislative Committee on Senior Citizens, Veterans and Adults With Special

Needs shall set forth any recommended legislation for improving the accessibility of the museums and historical societies established as institutions of the Division of Museums and History of the Department of Tourism and Cultural Affairs pursuant to NRS 381.004 to persons with disabilities, including, without limitation, persons who are blind or visually impaired.

Sec. 6. The provisions of NRS 381.002, as amended by section 2 of this act, do not apply to the existing terms of members of the Board of Museums and History who were appointed to the Board pursuant to paragraph (a) of subsection 2 of NRS 381.002, as that section existed on June 30, 2023.

Sec. 7. 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. 256.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 145.

AN ACT relating to education; **revising the requirements to receive approval from the State Board of Education to offer a work-based learning program;** requiring the Department of Education to adopt regulations prescribing a method for the board of trustees of a school district to determine whether the employment and supervision of a pupil in a work-based learning program is appropriate; ~~[requiring]~~ **authorizing the board of trustees of a school district to exempt** certain volunteers participating in a work-based learning program ~~[to be exempted]~~ from submitting fingerprints for the purpose of a criminal background check; deeming certain employees of a business, agency or organization that participates in a work-based learning program not to be volunteers at a school**;** ~~[for the purposes of certain fingerprinting requirements;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each volunteer at a public school, including a charter school or university school for profoundly gifted pupils, and a private school who is likely to have unsupervised contact with pupils to submit his or her fingerprints to the governing body of a charter school or university school for profoundly gifted pupils, the administrator of the private school or the board of trustees of the school district, as applicable, for the purposes of a criminal background check before beginning his or her service as a volunteer and at least once every 5 years thereafter. (NRS 388A.515, 388C.200, 391.104, 394.155) Existing law defines the term "volunteer" to mean any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by the school during or outside of school hours. (NRS 388A.510, 388C.190, 391.1035, 394.154)

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon application to and with the approval of the State Board of Education. **Under existing law, a work-based learning program must include certain requirements to receive approval from the State Board to offer a work-based learning program.** (NRS 389.167) **Section 1.5 of this bill requires a work-based learning program to additionally include a requirement that each pupil participating in the work-based learning program complete training on: (1) identifying and reporting harassment in the workplace; and (2) developing and maintaining healthy relationships in the workplace.**

Section 2 of this bill requires the Department of Education to prescribe by regulation a method for the board of trustees of a school district to: (1) examine a business, agency or organization seeking to participate in a work-based learning program; and (2) determine if the employment and supervision of a pupil by the business, agency or organization would be appropriate. If the board of trustees of a school district determines the employment and supervision of a pupil in a work-based learning program by the business, agency or organization is appropriate, **section 2** ~~[exempts]~~ **authorizes a board of trustees of a school district to exempt** a volunteer employed by the business, agency or organization from submitting his or her fingerprints for the purposes of a criminal background check. **Section 5** of this bill makes a conforming change to specifically exempt such a volunteer from submitting his or her fingerprints for the purposes of a criminal background check. **Section 3** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Sections 1 and 4 of this bill revise the definition of the term "volunteer" for the purposes of public schools to exclude an employee of a business, agency or organization that participates in a work-based learning program, other than an employee who directly oversees the participation of a pupil in the work-based learning program**.** ~~[, thereby excluding such an employee from the requirement to submit his or her fingerprints for the purposes of a criminal background check.]~~

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

Section 1. NRS 388A.510 is hereby amended to read as follows:

388A.510 "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a charter school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of any overnight trip.

2. Does not include ~~[a]~~ ***:***

(a) A student who is enrolled at an institution of higher education and is:

~~[(a)]~~ ***(1)*** Taking a course which requires the student to be present in the classroom of the charter school on a limited basis to observe and to be observed in the classroom; and

~~[(b)]~~ ***(2)*** Under direct supervision of a teacher or his or her professor at all times while in the classroom.

(b) An employee of a business, agency or organization that participates in a work-based learning program pursuant to NRS 389.167, other than an employee who directly oversees the participation of a pupil in the work-based learning program.

Sec. 1.5. **NRS 389.167 is hereby amended to read as follows:**

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes the number of hours in a work-based learning program required by regulation of the State Board to earn such credits. Any credits earned for successful completion of a work-based learning program must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to and with the approval of the State Board. An application to offer a work-based learning program must include, without limitation:

(a) The fields, trades or occupations in which a work-based learning program will be offered.

(b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.

(c) A description of the process that will be used by pupils to apply to participate in a work-based learning program.

(d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.

(e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the State Board of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body shall:

(a) Designate an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ensure that each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program is suitable for participation in a work-based learning program.

(b) Establish and maintain a list of businesses, agencies and organizations that have been found suitable by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the State Board to offer a work-based learning program, the work-based learning program must include, without limitation, requirements that:

(a) A detailed training agreement and training plan be completed for each pupil participating in the work-based learning program for credit that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;

(b) A pupil participating in the work-based learning program be allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program; ~~[and]~~

(c) Participation by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway ~~[.]~~ ***; and***

(d) Training be completed by each pupil participating in the work-based learning program on:

(1) Identifying and reporting harassment in the workplace; and

(2) Developing and maintaining healthy relationships in the workplace.

5. A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. The report must include, without limitation:

(a) The number of pupils participating in the work-based learning program; and

(b) The types of work-based learning offered through the work-based learning program.

7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:

(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;

(b) Gender of pupils;

(c) Pupils who are migrants; and

(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall prescribe by regulation a method for the board of trustees of a school district to determine if a business, agency or organization that is seeking to employ and supervise a pupil as a part of a work-based learning program pursuant to NRS 389.167 should be subject to the provisions of NRS 391.104 requiring a volunteer who is likely to have unsupervised contact with pupils to submit his or her fingerprints for an investigation into the criminal background of the volunteer.

2. The method prescribed by the Department pursuant to subsection 1 must include, without limitation, a process outlining how the board of trustees of a school district shall:

(a) Examine a business, agency or organization seeking to participate in a work-based learning program pursuant to NRS 389.167; and

(b) Determine if the employment and supervision of a pupil in the work-based learning program by the business, agency or organization examined pursuant to paragraph (a) would be appropriate for the pupil.

3. If the board of trustees of a school district determines the employment of a pupil in a work-based learning program pursuant to this section is appropriate for the pupil pursuant to subsection 2, the board of trustees may exempt any volunteers employed by the business, agency or organization [are exempt] from the requirements of NRS 391.104 requiring a volunteer who is likely to have unsupervised contact with pupils to submit his or her fingerprints for an investigation into the criminal background of the volunteer.

Sec. 3. NRS 391.1025 is hereby amended to read as follows:

391.1025 As used in NRS 391.1025 to 391.106, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 391.103 and 391.1035 have the meanings ascribed to them in those sections.

Sec. 4. NRS 391.1035 is hereby amended to read as follows:

391.1035 "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a public school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of an overnight trip.

2. Does not include [~~a~~] ***:***

(a) A student who is enrolled at an institution of higher education and is:

[~~(a)~~] ***(1)*** Taking a course which requires the student to be present in the classroom of the public school on a limited basis to observe and to be observed in the classroom; and

[~~(b)~~] ***(2)*** Under direct supervision of a teacher or his or her professor at all times while in the classroom.

(b) An employee of a business, agency or organization that participates in a work-based learning program pursuant to NRS 389.167, other than an

employee who directly oversees the participation of a pupil in the work-based learning program.

Sec. 5. NRS 391.104 is hereby amended to read as follows:

391.104 1. Except as otherwise provided in NRS 391.105 ~~[,]~~ ***and section 2 of this act,*** each applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2 and NRS 391.105.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3 or NRS 391.105.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Section 2 of this act becomes 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 July 1, 2023, for all other purposes.

3. Sections 1, **1.5,** 3, 4 and 5 of this act become effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 394.

AN ACT relating to forensic medical examinations; requiring the county in whose jurisdiction a domestic violence battery by strangulation is committed to pay the costs of a strangulation forensic medical examination of the victim; authorizing a county to be reimbursed for such costs **~~[.]~~ , to the extent that money is available from legislative appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a county in whose jurisdiction a sexual assault is committed to pay for the costs of a forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim. (NRS 217.300) **Section 1** of this bill similarly: (1) requires a county in whose jurisdiction a domestic violence battery by strangulation was committed to pay for the costs of a strangulation forensic medical examination of the victim; and (2) provides that such costs must not be charged directly to the victim.

~~[Existing law authorizes a compensation officer of the Department of Administration to order the payment of compensation from the Fund for the Compensation of Victims of Crime to or for the benefit of victims of certain crimes or to certain other specified persons. (NRS 217.033, 217.160, 217.260) Section 2 of this bill additionally authorizes a compensation officer to order the payment of compensation to a county for the reimbursement of costs associated with conducting a strangulation forensic medical examination of a victim of domestic violence battery by strangulation that are paid by the county pursuant to section 1.]~~ **Section 1 additionally provides that a county which pays such costs may receive reimbursement from the State, to the extent that money is available for that purpose from legislative appropriation.**

Section 3 of this bill makes a conforming change 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 217 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The county in whose jurisdiction a domestic violence battery by strangulation is committed shall pay any costs incurred by a hospital for a strangulation forensic medical examination of the victim.

2. Any costs incurred pursuant to subsection 1:

(a) Must not be charged directly to the victim.

(b) Must be charged to the county in whose jurisdiction the offense was committed.

3. A county which pays costs related to a strangulation forensic medical examination pursuant to subsection 1 may, to the extent that money is available for that purpose from legislative appropriation, receive reimbursement from the State.

4. The filing of a report with the appropriate law enforcement agency must not be a prerequisite to qualify for a strangulation forensic medical examination pursuant to this section.

5. Nothing in this section shall be construed to prohibit the use of evidence obtained from a strangulation forensic medical examination during the investigation or prosecution of a person for domestic violence battery by strangulation.

~~[4.]~~ 6. As used in this section:

(a) "Domestic violence battery by strangulation" means a battery which constitutes domestic violence pursuant to NRS 33.018 that is committed by strangulation as described in NRS 200.481.

(b) "Strangulation forensic medical examination" means an examination conducted by a health care provider ~~[to obtain evidence from]~~ for the purpose of assessing the health care needs of a victim of a domestic violence battery by strangulation ~~[.]~~ and coordinating the treatment of any injuries of the victim.

Sec. 2. ~~[NRS 217.160 is hereby amended to read as follows:~~

~~217.160 1. The compensation officer may order the payment of compensation:~~

~~(a) To or for the benefit of the victim.~~

~~(b) If the victim has suffered personal injury, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of the injury.~~

~~(c) If the victim dies, to or for the benefit of any one or more of the dependents of the victim.~~

~~(d) To a minor who is a member of the household or immediate family of a victim of a battery which constitutes domestic violence pursuant to NRS 33.018 who needs an assessment, a psychological evaluation or psychological counseling for emotional trauma suffered by the minor as a result of the battery.~~

~~(e) To a member of the victim's household or immediate family for psychological counseling for emotional trauma suffered by the member as a result of the crime of murder as defined in NRS 200.010.~~

~~(f) To a county in whose jurisdiction a sexual assault was committed for the reimbursement of costs associated with a forensic medical examination of a victim of sexual assault that are paid by the county pursuant to NRS 217.300. A county may be reimbursed pursuant to this paragraph in an amount equal to the cost of 10 forensic medical examinations or $10,000, whichever is less, each fiscal year.~~

~~*(g) To a county in whose jurisdiction a domestic violence battery by strangulation was committed for the reimbursement of costs associated with conducting a strangulation forensic medical examination of a victim of domestic violence battery by strangulation that are paid by the county pursuant to section 1 of this act.*~~

~~2. As used in this section:~~

~~(a) "Battery" has the meaning ascribed to it in paragraph (a) of subsection 1 of NRS 200.481.~~

~~(b) *"Domestic violence battery by strangulation" has the meaning ascribed to it in section 1 of this act.*~~

~~*(c)* "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.~~

~~[(c)]~~ ***(d)*** ~~"Household" means an association of persons who live in the same home or dwelling and who:~~

~~(1) Have significant personal ties to the victim; or~~

~~(2) Are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.~~

~~[(d)]~~ ***(e)*** ~~"Immediate family" means persons who are related by blood, adoption or marriage, within the first degree of consanguinity or affinity.~~

~~[(e)]~~ ***(f) "Strangulation forensic medical examination" has the meaning ascribed to it in section 1 of this act.***

~~***(g)*** "Victim of sexual assault" has the meaning ascribed to it in NRS 217.280.~~] **(Deleted by amendment.)**

Sec. 3. NRS 217.400 is hereby amended to read as follows:

217.400 As used in NRS 217.400 to 217.475, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "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.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Domestic violence" means:

(a) The attempt to cause or the causing of bodily injury to a family or household member or the placing of the member in fear of imminent physical harm by threat of force.

(b) Any of the following acts committed by a person against a family or household member, a person with whom he or she had or is having a dating relationship or with whom he or she has a child in common, or upon his or her minor child or a minor child of that person:

(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, without limitation:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(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.

4. "Family or household member" means a spouse, a former spouse, a parent or other adult person who is related by blood or marriage or is or was actually residing with the person committing the act of domestic violence.

5. "Participant" means an adult, child or incapacitated person for whom a fictitious address has been issued pursuant to NRS 217.462 to 217.471, inclusive.

6. "Victim of domestic violence" includes the dependent children of the victim.

7. "Victim of human trafficking" means a person who is a victim of:

(a) Involuntary servitude as set forth in NRS 200.463 or 200.464.

(b) A violation of any provision of NRS 200.465.

(c) Trafficking in persons in violation of any provision of NRS 200.467 or 200.468.

(d) Sex trafficking in violation of any provision of NRS 201.300.

(e) A violation of NRS 201.320 or 201.395.

8. "Victim of sexual assault" and "victim of sexual violence" mean a person who has been sexually assaulted as defined in NRS 200.366 or a person upon whom a sexual assault has been attempted.

9. "Victim of stalking" means a person who is a victim of the crime of stalking or aggravated stalking as set forth in NRS 200.575.

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.

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. 259.

Bill read second time.

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

Amendment No. 177.

AN ACT relating to disabilities; requiring a provider of jobs and day training services to develop a plan to transition persons earning less than the state minimum wage to earning at least the state minimum wage or pursuing other services and assisting such persons to participate in certain activities; requiring a provider of jobs and day training services to submit a report relating to such a plan to the Aging and Disability Services Division of the Department of Health and Human Services; authorizing a recipient of jobs and day training services to have an advocate present at certain meetings; prohibiting any person from paying less than the state minimum wage to a person with an intellectual disability or developmental disability after a certain date; providing for the inclusion ~~[in the State Plan for]~~ **under** Medicaid **of** certain services to assist such a person in pursuing competitive integrated employment; requiring the Department to seek a waiver of certain federal

requirements governing the compensation of a recipient of prevocational services under Medicaid; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state and federal law authorize a provider of jobs and day training services to enter into a contract or other arrangement with an employer to provide for the employment of a person with an intellectual disability or person with a developmental disability for less than the state minimum wage if: (1) the person was employed on July 22, 2016, and the employer holds a federal certification authorizing the employer to pay less than the state minimum wage; or (2) before the person began employment, the person received certain employment-related services and applied for federal vocational rehabilitation services. (29 U.S.C. § 794g; NRS 435.305) Existing federal law authorizes an employer to request a special certificate to employ a person impaired by age, physical or mental deficiency or injury at wages less than minimum wage. (29 U.S.C. § 214(c))

Section 8 of this bill prohibits a provider of jobs and day training services from entering into a contract that provides for a recipient of jobs and day training services to receive a wage that is less than the state minimum wage on or after January 1, ~~[2024.]~~ **2025. Sections 6 and 7** of this bill make conforming changes to remove references to such contracts. **Sections 9, 13 and 14** of this bill prohibit the payment of a wage that is less than the state minimum wage to a recipient of jobs and day training services on or after January 1, 2028. **Section 12** of this bill prohibits a person from employing a person under a special certificate at less than minimum wage on or after that date. **Section 3** of this bill requires a provider of jobs and day training services that ~~[has entered into a contract or other arrangement that provides for a recipient of such services to receive a wage that is less than the state minimum wage]~~ **holds a special certificate** to annually submit to the Aging and Disability Services Division of the Department of Health and Human Services for approval a plan to: (1) transition the recipient earning less than the state minimum wage to earning at least the state minimum wage by January 1, 2028, or in obtaining competitive integrated employment, supported employment or community activities related to the goals of the person; and (2) assist the recipient in participating in unpaid activities that are not related to employment. **Section 3** requires the plan submitted by a provider of jobs and day training services to be accompanied by a report that includes ~~[: (1)]~~ certain benchmarks showing the progress the provider is making toward transitioning a recipient of jobs and day training services who is earning less than the state minimum wage to earning at least the state minimum wage **.** ~~[; and (2) data relating to the plan.]~~

Section 4 of this bill: (1) authorizes a person with a disability who is earning less than the state minimum wage to choose a person to advocate on his or her behalf at any meeting concerning employment with his or her employer or a member of the staff of a provider of jobs and day training services; and (2) requires the Division **, upon the request of such a person,** to assist ~~[such a]~~ **the** person in finding such an advocate. **Section 2** of this bill defines the term

"competitive integrated employment" and **sections 5, 8 and 9** of this bill make conforming changes to indicate the proper placement of **sections 2-4** in the Nevada Revised Statutes.

Federal law authorizes states to receive federal financial participation to support the provision of certain home and community-based services, including habilitation services, for recipients of Medicaid who are elderly or disabled. (42 U.SC. § 1396n(i)) Existing law requires the Department to apply to the Secretary of Health and Human Services for a waiver that provides such federal authorization. (NRS 422.396) **Section 11** of this bill requires the Department to amend its waiver to: (1) include as medical assistance under ~~[the State Plan for]~~ Medicaid certain habilitation services that are designed to provide persons assistance in pursuing competitive integrated employment; and (2) authorize the compensation of a recipient of Medicaid who is receiving prevocational services at a rate equal to or greater than the state minimum wage. **Section 11** also requires the Department to adopt necessary regulations to carry out the provisions of **section 11**. **Section 10** of this bill makes a conforming change to indicate the proper placement of **section 11** in the Nevada Revised Statutes.

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

Section 1. Chapter 435 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***"Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705(5).***

Sec. 3. ***1. On or before January 1 of each year, a provider of jobs and day training services that*** ~~***[has entered into a contract or other arrangement pursuant to subsection 1 of NRS 435.305 to provide for the employment of a person under 25 years of age under which the person will be paid]***~~ ***holds a valid certificate issued pursuant to 29 U.S.C. § 214(c) authorizing the provider of jobs and day training services to pay less than the state minimum wage in effect on that date***

shall submit to the Division for its approval a plan detailing the manner in which the provider of jobs and day training services will:

(a) Transition such persons from earning less than the state minimum wage to earning at least the state minimum wage by January 1, 2028, or support such persons in obtaining competitive integrated employment, supported employment or community activities related to the goals of the persons; and

(b) Assist such persons to participate in unpaid activities that are not related to employment.

2. A plan submitted pursuant to subsection 1 must be informed by evidence-based practices and models for providing effective employment and align with any applicable federal laws and regulations. Such a plan must be accompanied by a report that contains ~~***[:***~~

~~(a) For~~ for each person who is earning less than the state minimum wage ~~[~~pursuant to~~]~~ under a ~~[~~contract or other arrangement entered into pursuant to subsection 1 of NRS 435.305,~~]~~ valid certificate issued pursuant to 29 U.S.C. § 214(c), measurable benchmarks to show the progress the provider of jobs and day training services is making toward:

~~[(1)]~~ (a) Transitioning the person to earning at least the state minimum wage or supporting the person in pursuing competitive integrated employment, supported employment or community activities related to the goals of the person; and

~~[(2)]~~ (b) Assisting the person to participate in unpaid activities that are not related to employment . ~~[~~;

~~(b) The number of active contracts or other arrangements the provider of jobs and day training services has entered into pursuant to subsection 1 of NRS 435.305;~~

~~(c) The number of persons currently earning less than the state minimum wage pursuant to a contract or other arrangement entered into by the provider of jobs and day training services pursuant to subsection 1 of NRS 435.305;~~

~~(d) The number of hours per week worked by each person described in paragraph (c) and the hourly wage currently paid to each such person;~~

~~(e) The number of persons who met the criteria specified in paragraph (c) when the pervious plan was submitted pursuant to this section and have, in the time period after the plan was submitted:~~

~~(1) Begun to earn at least the state minimum wage;~~

~~(2) Resigned their employment with an employer to pursue employment with a different employer;~~

~~(3) Begun to receive services from a different provider of jobs and day training services;~~

~~(4) Transitioned to competitive integrated employment;~~

~~(5) Transitioned to supported employment that is not competitive integrated employment;~~

~~(6) Transitioned to another community activity related to the goals of the person; or~~

~~(7) Participated in unpaid activities that are not related to employment.]~~

3. If the Division determines that a plan submitted pursuant to this section does not meet the requirements of this section or will not make adequate progress towards the goals prescribed by subsection 1, the Division shall require the provider of jobs and day training services to submit a revised plan.

4. ~~[The Division shall compile the data submitted pursuant to subsection 1 and make the data available to the public on an Internet website of the Division.~~

~~5.]~~ The Division may adopt any regulations necessary to carry out the provisions of this section and section 4 of this act.

~~*[6.]*~~ *5. As used in this section, "supported employment" has the meaning ascribed to it in 29 U.S.C. § 705(38).*

Sec. 4. *1. A person with an intellectual disability or person with a developmental disability who is earning less than the state minimum wage* ~~*[pursuant to]*~~ *under a* ~~*[contract or other arrangement described in subsection 1 of NRS 435.305,]*~~ *valid certificate issued pursuant to 29 U.S.C. § 214(c) may choose a person, including, without limitation, his or her case manager, parent or legal guardian, to advocate on his or her behalf at any meeting concerning the employment with his or her employer or a member of the staff of the provider of jobs and day training services.*

2. ~~*[The Division shall notify each person with an intellectual disability or person with a developmental disability who is earning less than the state minimum wage pursuant to a contract or other arrangement described in subsection 1 of NRS 435.305 of the provisions of subsection 1.]*~~ *Upon request* ~~*[,]*~~ *of a person with an intellectual disability or person with a developmental disability, the Division shall assist the person in finding an independent advocate to perform the functions described in subsection 1.*

Sec. 5. NRS 435.140 is hereby amended to read as follows:

435.140 As used in NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 435.172, 435.176 and 435.179 ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 435.220 is hereby amended to read as follows:

435.220 1. The Administrator shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.

3. For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency that will provide persons with intellectual disabilities or persons with developmental disabilities with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that ~~[:~~ ~~(a) Is~~~~]~~ ***is*** comparable to employment of persons without intellectual disabilities or persons without developmental disabilities ***.*** ~~[; and~~

~~(b) Pays at or above the minimum wage set forth in NRS 608.250.]~~

Sec. 7. NRS 435.225 is hereby amended to read as follows:

435.225 1. A partnership, firm, corporation or association, including, without limitation, a nonprofit organization, or a state or local government or agency thereof shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will provide persons with intellectual disabilities or persons with developmental disabilities with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that ~~[:~~ ~~(a) Is~~~~]~~ ***is*** comparable to employment of persons without intellectual disabilities or persons without developmental disabilities **.** ~~[; and~~

~~(b) Pays at or above the minimum wage set forth in NRS 608.250.]~~

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

Sec. 8. NRS 435.305 is hereby amended to read as follows:

435.305 1. Except as otherwise provided in subsection 3, a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act*** may enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age under which the person will be paid less than the state minimum wage if the person was ~~[employed]~~ ***:***

(a) Employed on July 22, 2016, by an entity that holds a valid certificate pursuant to 29 U.S.C. § 214(c) ***;*** or ~~[.]~~

(b) ~~*[The person was employed before January 1, 2024, and,* before]~~ ***Before*** beginning such employment, the person has:

~~[(a)]~~ ***(1)*** Received preemployment transition services available under the provisions of 29 U.S.C. § 733 or transition services under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

~~[(b)]~~ ***(2)*** Received career counseling, information and referrals to federal and state programs and other resources in the geographic area in which the person resides that offer services and supports that are designed to enable the person to attain competitive integrated employment and meet the requirements of subsection 2; and

~~[(c)]~~ ***(3)*** Applied for vocational rehabilitation services under the provisions of 29 U.S.C. §§ 720 to 751, inclusive, and been found:

~~[(1)]~~ ***(I)*** Ineligible for such services; or

~~[(2)]~~ ***(II)*** Eligible for such services and ~~[:~~

~~(I) Has~~] ***has*** an individualized plan for employment pursuant to 29 U.S.C. § 722 ~~[~~;

~~(II) Has~~] ***,*** ***has*** been working, with appropriate supports and services, toward an employment outcome specified in that plan without success ~~[~~;] and

~~[(III) The~~] ***the*** person's vocational rehabilitation case has been closed.

2. Counseling, information, referrals, services and supports provided pursuant to ***subparagraph (2) of*** paragraph (b) of subsection 1 must not be provided to a person for the purpose of obtaining employment compensated at less than the state minimum wage.

3. A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act*** shall not enter into a contract or other arrangement described in subsection 1 ~~[with:~~

~~(a) With~~ a local educational agency ~~.; or~~

~~(b) On]~~ ***on or after January 1, ~~[2024,]~~ 2025.***

4. Except as otherwise provided in subsection 5, if a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act*** enters into a contract or other arrangement described in subsection 1:

(a) The Division shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, provide the person employed pursuant to the arrangement with career counseling, information and referrals as described in ***subparagraph (2) of*** paragraph (b) of subsection 1 in a manner that facilitates independent decisions and informed choice; and

(b) The employer of the person shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, inform the person of opportunities in the geographic area in which the person resides to receive training concerning self-advocacy, self-determination and peer mentoring that is provided by a person or entity that does not have a financial interest in the employment outcome of the person.

5. If a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, ***and sections 2, 3 and 4 of this act*** enters into a contract or other arrangement described in subsection 1 with a business with fewer than 15 employees, the business may satisfy the requirements of subsection 4 by referring a person employed pursuant to the arrangement to the Division for the services described in that subsection at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment.

6. The Division, in consultation with the Department of Education, shall adopt regulations prescribing the manner in which compliance with the requirements of subsections 1 and 4 may be documented.

7. An employer who employs a person pursuant to a contract or other arrangement described in subsection 1 shall:

(a) Before the employment begins, verify that the person meets the requirements of subsection 1 by reviewing the documentation prescribed for that purpose pursuant to subsection 6;

(b) For the duration of the employment:

(1) Verify that the person has received the services required by subsection 4 by reviewing the documentation prescribed for that purpose pursuant to subsection 6; and

(2) Maintain on file a copy of the documentation reviewed pursuant to subparagraph (1) and paragraph (a).

8. The Division may inspect the documentation maintained pursuant to subparagraph (2) of paragraph (b) of subsection 7 as necessary to ensure compliance with the requirements of this section.

~~[9. As used in this section:~~

~~(a) "Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705.~~

~~(b) "Local~~ ***, "local*** ~~educational agency" has the meaning ascribed to it in 20 U.S.C. § 1401(19).]~~

Sec. 9. NRS 435.310 is hereby amended to read as follows:

435.310 A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive ~~[.]~~ ***, and sections 2, 3 and 4 of this act:***

1. Except as otherwise provided in subsection 2, may enter into contracts with authorized county and school officials and public and private agencies to give care and training to persons with intellectual disabilities or persons with developmental disabilities who would also qualify for care or training programs offered by the public schools or by county welfare programs.

2. ~~[Except as otherwise provided in NRS 435.305, shall]~~ ***Shall*** not enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person ~~[under 25 years of age]~~ where the person will be paid less than the state minimum wage.

Sec. 10. 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 11 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. 11. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall apply to the Secretary of Health and Human Services to amend its home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n. The waiver must be amended, in addition to providing coverage for any home and community-based service which the waiver covers on January 1, ~~[2024,]~~ 2025, to authorize:

(a) The Department to include as medical assistance under Medicaid the funding of habilitation services designed to provide persons with intellectual disabilities or persons with developmental disabilities assistance in pursuing competitive integrated employment, including, without limitation:

(1) Benefit counseling to assist a person with an intellectual disability or person with a developmental disability in earning a higher income while retaining any benefits or services that the person may be receiving.

(2) Job coaching and job development. To the extent authorized by the Federal Government, the services described in this subparagraph must not be subject to authorization limits.

(b) The compensation of a recipient of ~~[Medicaid]~~ services under the waiver described in subsection 1 who is receiving prevocational services at a rate equal to or greater than the state minimum wage ~~[.]~~ , including, without limitation, by waiving the requirement prescribed by 42 C.F.R. § 440.180(c)(2)(i)(B) that a person receiving prevocational services be compensated at less than 50 percent of the minimum wage.

2. The Department shall:

(a) Cooperate with the Federal Government in amending the waiver pursuant to this section;

(b) If the Federal Government approves the amendments to the waiver, adopt regulations necessary to carry out the provisions of this section, including, without limitation, the criteria to be used in determining eligibility for the habilitation services designed to provide assistance to persons pursuing competitive integrated employment pursuant to subsection 1; and

(c) Implement the amendments to the waiver only to the extent that the amendments are approved by the Federal Government.

3. As used in this section, "competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705(5).

Sec. 12. NRS 608.250 is hereby amended to read as follows:

608.250 1. Each employer shall pay to each employee of the employer a wage of not less than:

(a) Beginning July 1, 2019:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $7.25 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $8.25 per hour worked.

(b) Beginning July 1, 2020:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $8.00 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $9.00 per hour worked.

(c) Beginning July 1, 2021:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $8.75 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $9.75 per hour worked.

(d) Beginning July 1, 2022:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $9.50 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $10.50 per hour worked.

(e) Beginning July 1, 2023:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $10.25 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $11.25 per hour worked.

(f) Beginning July 1, 2024:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $11.00 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, $12.00 per hour worked.

2. It is unlawful for any person ***, including, without limitation, a person who employs a person under a special certificate issued pursuant to 29 U.S.C. § 214(c),*** to employ, cause to be employed or permit to be employed, or to contract with, cause to be contracted with or permit to be contracted with, any person for a wage less than that established by this section.

Sec. 13. 1. Any contract or other arrangement entered into pursuant to NRS 435.305 between a provider of jobs and day training services and a person or governmental entity that provides for the employment of a person under which the person will be paid less than the state minimum wage must expire or terminate on or before December 31, 2027.

2. As used in this section, "jobs and day training services" has the meaning ascribed to it in NRS 435.176.

Sec. 14. NRS 435.305 is hereby repealed.

Sec. 15. 1. This section and section 13 of this act become effective upon passage and approval.

2. Sections 1 to 8, inclusive, 10 and 11 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~~]~~ **January** 1, ~~[~~2024,~~]~~ **2025,** for all other purposes.

3. Sections 9, 12 and 14 of this act become effective on January 1, 2028.

4. Sections 2, 3 and 4 of this act expire by limitation on December 31, 2027.

~~[~~TEXT~~]~~ **LEADLINE OF REPEALED SECTION**

435.305 Conditions under which provider of services may enter into arrangement to provide for employment of person under 25 years of age for less than state minimum wage; regulations concerning documentation.

~~[~~435.305 1. Except as otherwise provided in subsection 3, a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, may enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age under which the person will be paid less than the state minimum wage if the person was employed on July 22, 2016, by an entity that holds a valid certificate pursuant to 29 U.S.C. § 214(c) or, employed on or before January 1, 2024, the person has:

(a) Received preemployment transition services available under the provisions of 29 U.S.C. § 733 or transition services under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

(b) Received career counseling, information and referrals to federal and state programs and other resources in the geographic area in which the person resides that offer services and supports that are designed to enable the person to attain competitive integrated employment and meet the requirements of subsection 2; and

(c) Applied for vocational rehabilitation services under the provisions of 29 U.S.C. §§ 720 to 751, inclusive, and been found:

(1) Ineligible for such services; or

(2) Eligible for such services and:

(I) Has an individualized plan for employment pursuant to 29 U.S.C. § 722;

(II) Has been working, with appropriate supports and services, toward an employment outcome specified in that plan without success; and

(III) The person's vocational rehabilitation case has been closed.

2. Counseling, information, referrals, services and supports provided pursuant to paragraph (b) of subsection 1 must not be provided to a person for the purpose of obtaining employment compensated at less than the state minimum wage.

3. A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, shall not enter into a contract or other arrangement described in subsection 1 with a local educational agency.

~~— 4. Except as otherwise provided in subsection 5, if a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, enters into a contract or other arrangement described in subsection 1:~~

~~— (a) The Division shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, provide the person employed pursuant to the arrangement with career counseling, information and referrals as described in paragraph (b) of subsection 1 in a manner that facilitates independent decisions and informed choice; and~~

~~— (b) The employer of the person shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, inform the person of opportunities in the geographic area in which the person resides to receive training concerning self-advocacy, self-determination and peer mentoring that is provided by a person or entity that does not have a financial interest in the employment outcome of the person.~~

~~— 5. If a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, enters into a contract or other arrangement described in subsection 1 with a business with fewer than 15 employees, the business may satisfy the requirements of subsection 4 by referring a person employed pursuant to the arrangement to the Division for the services described in that subsection at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment.~~

~~— 6. The Division, in consultation with the Department of Education, shall adopt regulations prescribing the manner in which compliance with the requirements of subsections 1 and 4 may be documented.~~

~~— 7. An employer who employs a person pursuant to a contract or other arrangement described in subsection 1 shall:~~

~~— (a) Before the employment begins, verify that the person meets the requirements of subsection 1 by reviewing the documentation prescribed for that purpose pursuant to subsection 6;~~

~~— (b) For the duration of the employment:~~

~~— (1) Verify that the person has received the services required by subsection 4 by reviewing the documentation prescribed for that purpose pursuant to subsection 6; and~~

~~— (2) Maintain on file a copy of the documentation reviewed pursuant to subparagraph (1) and paragraph (a).~~

~~— 8. The Division may inspect the documentation maintained pursuant to subparagraph (2) of paragraph (b) of subsection 7 as necessary to ensure compliance with the requirements of this section.~~

~~— 9. As used in this section:~~

~~— (a) "Competitive integrated employment" has the meaning ascribed to it in 29 U.S.C. § 705.~~

~~— (b) "Local educational agency" has the meaning ascribed to it in 20 U.S.C. § 1401(19).~~**]**

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. 261.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 479.

AN ACT relating to governmental administration; requiring the State Plan for Economic Development to include a statement regarding the efficient use of water resources; requiring a plan submitted by a regional development authority to include water conservation strategies; requiring the Office of ~~[Energy]~~ **Economic Development** to conduct a study relating to consumptive water use and economic development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law **creates the Office of Economic Development within the Office of the Governor and** requires the Executive Director of the Office of Economic Development to develop and periodically revise a State Plan for Economic Development. (NRS **231.043,** 231.053) **Section 1** of this bill requires the Executive Director ~~[of the Office of Economic Development]~~ to include a statement in the State Plan regarding the manner in which this State can maximize the efficient use of the water resources of this State through its economic development programs.

Existing law requires each regional development authority to present a plan to the Executive Director ~~[of the Office of Economic Development]~~ regarding the development and enhancement of certain recruiting and marketing efforts. (NRS 231.054) **Section 2** of this bill requires such a plan to also include strategies on conserving the water resources of this State through such recruiting and marketing efforts.

~~[Existing law creates the Office of Energy within the Office of the Governor and prescribes the duties of the Office of Energy relating to the supply, demand and conservation of energy in this State. (NRS 701.150)]~~ **Section 3** of this bill requires the Office of ~~[Energy]~~ **Economic Development** to conduct a study of consumptive water use and economic development of businesses receiving certain related abatements and submit a report of its findings and recommendations for legislation to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

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

Section 1. NRS 231.053 is hereby amended to read as follows:

231.053 After considering any advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which:

(a) Must include a statement of:

(1) New industries which have the potential to be developed in this State;

(2) The strengths and weaknesses of this State for business incubation;

(3) The competitive advantages and weaknesses of this State;

(4) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(5) The manner in which this State can maximize the efficient use of the water resources of this State through the programs of economic development in this State;

~~[(5)]~~ ***(6)*** A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

~~[(6)]~~ ***(7)*** Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities; and

(b) Must not include provisions for the granting of any abatement, partial abatement or exemption from taxes or any other incentive for economic development to a person who will locate or expand a business in this State that is subject to the tax imposed pursuant to NRS 362.130 or the gaming license fees imposed by the provisions of NRS 463.370.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.

7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.

8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.

Sec. 2. NRS 231.054 is hereby amended to read as follows:

231.054 Each regional development authority shall present a plan to the Executive Director ~~[regarding]~~ ***that includes ~~[, without limitation,]~~*** the development and enhancement of a recruiting and marketing effort to attract professionals and businesses to the region of this State served by the regional development authority ~~[.]~~ ***and strategies to encourage the conservation of the water resources of this State through such effort.*** The Executive Director shall consider any plan presented pursuant to this section in carrying out the provisions of NRS 231.053.

Sec. 3. 1. The Office of ~~[Energy]~~ **Economic Development** shall conduct a study during the 2023-2024 interim relating to consumptive water use and economic development of businesses receiving certain abatements pursuant to NRS 360.750.

2. The study must include, without limitation, a review of:

(a) The amount of consumptive water use per primary job created under NRS 360.750 organized by the economic sector in which the business related to the job operates;

(b) Any consumptive water analysis conducted by businesses for measurement of consumptive water use over the duration for which the abatement or partial abatement of certain property taxes is granted;

(c) Financial incentives that encourage companies to manage water efficiently; and

(d) Programs that are mutually beneficial for new businesses and the State that reduce water risks and operating costs related to economic development.

3. In conducting the study, the Office shall consult with and solicit input from persons and organizations with relevant expertise, including, without limitation:

(a) Institutions of higher education;

(b) Nonprofit organizations;

(c) Private industry and chambers of commerce;

(d) Regional development authorities; and

(e) Water authorities.

4. In carrying out its duties pursuant to this section, the Office may enter into contracts necessary to complete the study conducted pursuant to subsection 1.

5. On or before September 1, 2024, the Office shall submit a report of the results of the study conducted pursuant to subsection 1 and any recommendations for legislation to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

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

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 274.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 141.

ASSEMBLYMEN NGUYEN, GALLANT, CONSIDINE, SUMMERS-ARMSTRONG; BILBRAY-AXELROD, COHEN, D'SILVA, GONZÁLEZ, GORELOW, **GRAY,** GURR, HIBBETTS, KASAMA, KOENIG, BRITTNEY MILLER, C.H. MILLER, MOSCA, NEWBY, PETERS, TAYLOR AND THOMAS.

JOINT SPONSORS: SENATORS DONDERO LOOP, PAZINA, D. HARRIS, BUCK; HAMMOND, KRASNER AND LANGE.

CONTAINS UNFUNDED MANDATE (§ ~~(1)~~ **1.5**

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to education; **changing the membership of the State Financial Literacy Advisory Council;** requiring certain pupils enrolled in a public high school to enroll in a certain number of credits in social studies, which includes a certain number of credits in financial literacy; requiring instruction in financial literacy to include certain skills necessary to develop a personal financial plan; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the State Financial Literacy Advisory Council, composed of members appointed by the Governor, certain Legislators and the Chancellor of the Nevada System of Higher Education. Existing law requires the Council to: (1) develop a strategic plan for the development of educational resources in financial literacy; (2) identify learning activities targeted toward standards and criteria of a curriculum in financial literacy; (3) develop and facilitate certain events related to financial literacy; (4) develop the criteria required for a pupil to earn the State Seal of Financial Literacy; (5) apply for grants, gifts and donations to carry out its objectives; and (6) prepare a written report to provide to certain entities. (NRS 388.5966, 388.5968) Section 1 of this bill changes the composition of the Council by eliminating certain members appointed by the Governor, certain Legislators and the Chancellor of the System and adding a pupil enrolled in high school as a member of the Council. Section 1 also places the Council within the Department of Education and

provides that the Superintendent of Public Instruction must appoint the members of the Council.

Existing law: (1) designates certain academic subjects, including social studies, which encompasses financial literacy, as core academic subjects that must be taught in all public schools; and (2) requires a pupil enrolled in a public high school to enroll in a minimum of one-half unit of credit in the subject of economics. (NRS 389.018) **Section ~~1~~ 1.5** of this bill revises the contents of the one-half unit of credit in economics in which a pupil must enroll to also include financial literacy.

Existing law: (1) requires that pupils who are enrolled in public schools are provided with instruction in financial literacy; and (2) sets forth the required contents for such instruction, including the skills necessary to manage finances, which includes developing a personal financial plan. (NRS 389.074) **Section 2** of this bill provides that the skills necessary to manage finances relating to developing a personal financial plan include understanding and budgeting for the costs of housing, transportation and health care.

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

Section 1. **NRS 388.5966 is hereby amended to read as follows:**

388.5966 1. The State Financial Literacy Advisory Council is hereby created ~~[.]~~ ***in the Department.*** The Council consists of ~~[:~~

~~(a) The following ex officio members:~~

~~(1) The Superintendent of Public Instruction or his or her designee; and~~

~~(2) The Chancellor of the Nevada System of Higher Education or his or her designee;~~

~~(b) Three members appointed by the Governor;~~

~~(c) Two members appointed by the Majority Leader of the Senate;~~

~~(d) Two members appointed by the Speaker of the Assembly;~~

~~(e) One member appointed by the Minority Leader of the Senate;~~

~~(f) One member appointed by the Minority Leader of the Assembly; and~~

~~(g) One member appointed by the Chancellor of the Nevada System of Higher Education who has a background in economics or financial literacy.~~

~~2. The Governor, the Majority Leader and the Minority Leader of the Senate, the Speaker and Minority Leader of the Assembly and the Chancellor of the Nevada System of Higher Education shall coordinate their respective appointments of members to the Council to ensure that, to the extent practicable, the members appointed to the Council reflect the gender, ethnic and geographic diversity of this State and that:~~] ***the following members appointed by the Superintendent of Public Instruction:***

(a) Three members ~~[of the Council]~~ ***who*** are members of the business community with a background in economics;

(b) One member ~~[of the Council]~~ ***who*** is a member of the business community who is employed in the banking industry;

(c) One member ~~[of the Council]~~ ***who*** is a member of the business community who is employed by a credit union;

(d) Three members ~~[of the Council]~~ ***who*** are teachers who hold a license to teach elementary, middle or junior high school or secondary education, respectively, and who:

(1) Teach in an elementary, middle or junior high or high school, respectively;

(2) Have received training in financial literacy; and

(3) Are responsible for teaching courses relating to financial literacy;

(e) One member ~~[of the Council]~~ ***who*** is an administrator of a public school; ~~[and]~~

(f) One member ~~[of the Council]~~ ***who*** is an administrator of a school district ~~[.]~~ ***; and***

(g) One member who is a pupil enrolled in high school.

~~[3.]~~ ***2.*** Any vacancy occurring in the membership of the Council must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

~~[4.]~~ ***3.*** The Council shall elect a Chair and Vice Chair from among its members at the first meeting of the Council and at the first meeting of the calendar year each year thereafter. The Chair and Vice Chair serve a term of 1 year.

~~[5.]~~ ***4.*** Each member of the Council serves a term of 2 years and may be reappointed.

~~[6.]~~ ***5.*** The Council shall meet at least four times a year at the call of the Chair. One meeting of the Council must be held in person and any other meeting may be held by videoconference.

~~[7.]~~ ***6.*** A majority of the members of the Council constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Council.

~~[8.]~~ ***7.*** The Chair may appoint such subcommittees of the Council as the Chair determines necessary to carry out the duties of the Council.

~~[9.]~~ ***8.*** The members of the Council serve without compensation, except that each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Council.

~~[10.]~~ ***9.*** Each member of the Council who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Council and perform any work necessary to carry out the duties of the Council in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Council to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

~~[11.]~~ ***10.*** Any costs associated with employing a substitute teacher while a member of the Council who is a teacher attends a meeting of the Council must be paid by the school district that employs the member.

~~[12. To the extent that money is available, the Department shall provide administrative support to the Council.]~~

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) One-half unit of credit in American government;

(2) Two units of credit in American history, world history or geography; and

(3) One-half unit of credit in economics ~~[.]~~ ***and financial literacy.***

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable. A school district may authorize one or more public high schools in the school district to offer a combined course in American government and economics ***and financial literacy*** for one unit of credit which satisfies the requirements of subparagraphs (1) and (3) if the curriculum of an advanced placement course is used for American government in the combined course.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

Sec. 2. NRS 389.074 is hereby amended to read as follows:

389.074 1. The board of trustees of each school district and the governing body of each charter school shall ensure that instruction in financial literacy is provided to pupils enrolled in grades 3 to 12, inclusive, in each public school within the school district or in the charter school, as applicable. The instruction must include, without limitation:

(a) The skills necessary to develop financial responsibility, including, without limitation:

(1) Making reasonable financial decisions by analyzing the alternatives and consequences of those financial decisions;

(2) Locating and evaluating financial information from various sources;

(3) Judging the quality of services offered by a financial institution;

(4) Developing communication strategies to discuss financial issues;

(5) Controlling personal information; and

(6) Reviewing and summarizing federal and state consumer protection laws.

(b) The skills necessary to manage finances, including, without limitation:

(1) Developing a plan for spending and saving;

(2) Developing a system for keeping and using financial records; and

(3) Developing a personal financial plan ~~[.]~~ ***that includes, without limitation, understanding and budgeting for the costs of housing, transportation and health care.***

(c) The skills necessary to understand the use of credit and the incurrence of debt, including, without limitation:

(1) Identifying the costs and benefits of various types of credit;

(2) Understanding the methods to manage debt and the consequences of acquiring debt;

(3) Understanding how interest rates, compounding frequency and the terms of a loan can affect the cost of credit;

(4) Completing an application for a loan;

(5) Understanding different types of loans, including, without limitation, payday loans, automobile loans, student loans and mortgages;

(6) Explaining the purpose of a credit report, including, without limitation, the manner in which a credit report is used by lenders;

(7) Describing the rights of a borrower regarding his or her credit report;

(8) Identifying methods to avoid and resolve debt problems; and

(9) Reviewing and summarizing federal and state consumer credit protection laws.

(d) The skills necessary to understand the basic principles of saving and investing, including, without limitation:

(1) Understanding how saving and investing contribute to financial well-being;

(2) Understanding the methods of investing and alternatives to investing;

(3) Understanding how to buy and sell investments;

(4) Understanding compound interest, including, without limitation, in the context of investments;

(5) Understanding various types of securities, including, without limitation, stocks and bonds; and

(6) Understanding how the regulation of financial institutions protects investors.

(e) The skills necessary to prevent and limit the consequences of identity theft and fraud.

(f) The skills necessary to understand the basic assessment of taxes, including, without limitation, understanding the matter in which taxes are computed by local, state and federal governmental entities.

(g) The skills necessary to understand the basic principles of insurance, including, without limitation:

(1) Understanding the function of various insurance policies; and

(2) Determining the quality of an insurance provider.

(h) The skills necessary to plan for higher education and career choices, including, without limitation:

(1) Information concerning institutions of higher education and college preparedness;

(2) Information concerning career options;

(3) Writing a resume;

(4) Information concerning opportunities for financial aid, including the Free Application for Federal Student Aid and the programs of the Western Interstate Commission for Higher Education, and the manner in which to qualify for such opportunities;

(5) Information concerning scholarship opportunities, including, without limitation, the Governor Guinn Millennium Scholarship Program and Silver State Opportunity Grant Program; and

(6) Information concerning prepaid tuition and college savings programs and plans established pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529.

2. The standards of content and performance for the instruction in financial literacy required by subsection 1 must be included in the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520. The instruction required by subsection 1 must be:

(a) Age-appropriate; and

(b) Included within a course of study for which the Council has established the relevant standards of content and performance, including, without limitation, a course of study in economics, mathematics or social studies.

3. The board of trustees of each school district and the governing body of each charter school in which pupils are enrolled in any grade of grades 3 to 12, inclusive, shall encourage:

(a) Persons to volunteer time, expertise and resources to assist a school district, governing body of a charter school, public school or teacher in the provision of instruction in financial literacy; and

(b) Partnerships between a school district or charter school and relevant persons, businesses or entities in which those persons, businesses or entities provide the resources necessary to provide instruction in financial literacy.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1**, 1.5** and 2 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 July 1, 2028, for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 275.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 261.

ASSEMBLYMEN HARDY, HAFEN, YUREK; **CONSIDINE,** HANSEN **, TAYLOR** AND THOMAS

JOINT SPONSORS: SENATORS HAMMOND AND SPEARMAN

AN ACT relating to criminal records; **requiring a convicted person who is petitioning the court to have his or her criminal record sealed to include certain information in the petition under certain circumstances;** prohibiting a court or agency of criminal justice from charging fees related to the sealing of criminal records under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain acts that constitute the crime of sex trafficking. (NRS 201.300) Existing law authorizes a person convicted of certain offenses to petition the court to seal all records relating to the conviction. (NRS 179.245) This bill **: (1) requires, in certain circumstances, such a petition to include a statement from the petitioner certifying that at the time the crime for which the records to be sealed was committed, the petitioner was being sex trafficked; and (2)** prohibits a court or agency of criminal justice in this State from charging any fees related to the sealing of a criminal record if, at the time the crime for which the record to be sealed was committed, the petitioner was being sex trafficked.

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

Section 1. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; ~~[and]~~

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain ~~[.]~~ ***; and***

(e) If applicable, include a statement from the petitioner certifying that at the time the crime for which the records to be sealed was committed, the petitioner was being sex trafficked pursuant to NRS 201.300.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including,

without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.430;

(f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

(a) Paragraph (b) of subsection 1 of NRS 484C.400; or

(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. ***Notwithstanding any other provision of law, no fee may be charged by any court or agency of criminal justice in this State related to a petition for the sealing of records pursuant to this section if, at the time the crime for which the records to be sealed was committed, the petitioner was being sex trafficked pursuant to NRS 201.300. As used in this subsection, "fee" includes, without limitation, any fee to file a petition, obtain fingerprints if provided by a governmental agency of this State, obtain any records of criminal history, obtain records of past arrests and convictions or obtain or certify copies of documents pursuant to NRS 19.013 and any other fee related to the sealing of records pursuant to this section.***

10. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

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. 279.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 372.

AN ACT relating to the Nevada System of Higher Education; prohibiting the assessment of tuition charges against a student within the System whose parent is a veteran who has been awarded the Purple Heart; requiring the waiver of the payment of registration fees and certain other fees assessed against such a student; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to assess tuition charges for students at all campuses of the Nevada System of Higher Education who are not residents of Nevada. Existing law also prevents the Board of Regents from assessing tuition charges against veterans who have been awarded the Purple Heart. (NRS 396.540) **Section 1** of this bill prohibits the Board of Regents from assessing tuition charges against the child of a veteran who has been awarded the Purple Heart.

Existing law authorizes the Board of Regents to grant a waiver of registration and certain other fees to certain persons, including a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart. (NRS 396.5443) **Section 2** of this bill requires the Board of Regents to waive the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is the child of a veteran of the Armed Forces of the United States who has been awarded the Purple Heart to the extent that the fees exceed the amount of any federal educational benefits to which the student is entitled. **Section 2 additionally provides that a child who is eligible to receive such a waiver may use it for: (1) ten years after he or she attains 18 years of age; or (2) if he or she enrolls in the System before attaining 18 years of age, for 10 years after the date of enrollment.**

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

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the student is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged;

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart ~~[.]~~ ***and the children of such veterans;***

(l) All students who are:

(1) Veterans using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after January 1, 2013; or

(2) Spouses or dependents using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive;

(m) All students who are using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566, inclusive; and

(n) Students who graduated from a high school located in this State, regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States than the exemptions provided pursuant to subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 2. NRS 396.5443 is hereby amended to read as follows:

396.5443 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart ~~[.]~~ ***or the child of such a veteran.***

2. The amount of the waiver must be equal to:

(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or

(b) If the student is not entitled to receive any federal educational benefits for a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

4. For the purpose of assessing fees and charges against a student to whom a waiver is granted pursuant to this section, including, without limitation, tuition charges pursuant to NRS 396.540, such a student shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may grant more favorable waivers of registration fees, laboratory fees and any other mandatory fees for veterans of the Armed Forces of the United States who have been awarded the Purple Heart ***or the***

child of such a veteran than the waiver provided pursuant to this section if required for the receipt of federal money.

6. A child of a veteran of the Armed Forces of the United States who has been awarded the Purple Heart may use a waiver granted pursuant to this section for 10 years after the child attains 18 years of age, or, if the child enrolls in the System before attaining 18 years of age, for 10 years after the date of such enrollment.

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

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Remarks by Assemblywoman Bilbray-Axelrod.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 293.

Bill read second time.

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

Amendment No. 178.

AN ACT relating to Medicaid; requiring the Medicaid program to provide coverage of certain services provided by a medical-legal partnership; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to ~~[develop and]~~ administer ~~[a State Plan for]~~ Medicaid**.** ~~[which includes a list of specific medical services required to be provided to Medicaid recipients.]~~ (NRS ~~[422.063,]~~ 422.270**)** ~~[; 42 U.S.C. § 1396a)]~~ **Section 1** of this bill requires the Director of the Department, to the extent that money and federal financial participation are available, to ~~[cover]~~ **include under Medicaid coverage for** supports and services provided to recipients of Medicaid through medical-legal partnerships that are aimed at addressing social determinants of health. **Section 1** also authorizes the Department to apply to the Federal Government for any waiver granted pursuant to federal law or amendment necessary to the State Plan for Medicaid to receive federal funding to ~~[include]~~ **provide** such coverage ~~[in the State Plan.]~~ **under Medicaid. Section 2** of this bill makes a conforming change to indicate that the provisions of **section 1** will be administered in the same manner as the provisions of existing law governing ~~[the State Plan for]~~ Medicaid.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall, to the extent that money and federal financial participation are available, ~~[cover]~~ include under Medicaid coverage for

supports and services provided to recipients of Medicaid through medical-legal partnerships that are aimed at addressing social determinants of health. Such services:

(a) May be provided by a case manager.

(b) Must be limited to providing advice and counsel to recipients of Medicaid concerning matters that have legal implications that influence the ability to secure or maintain optimal health.

(c) Must not consist of legal representation.

2. The Department may apply to the Secretary of Health and Human Services for any waiver granted pursuant to federal law or amendment to the State Plan for Medicaid that authorizes the Department to receive federal funding to ~~[include in the State Plan for Medicaid]~~ provide the coverage described in subsection 1 ~~[.]~~ under Medicaid. 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.

3. As used in this section, "medical-legal partnership" means the delivery of services in a manner that integrates legal supports and services into a health-care setting to address legal matters that may affect the health and well-being of a person, including, without limitation, eviction, denial of health care coverage and denial of social services or benefits.

Sec. 2. 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 1 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. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 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. 316.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 144.

AN ACT relating to motor vehicles; **authorizing the governing body of a local government to adopt an ordinance prohibiting the unlawful possession of unregistered vehicles unfit for use;** revising the penalty for the unlawful possession of unregistered vehicles unfit for use; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law makes it a misdemeanor for a person to keep more than two unregistered vehicles on real property owned by or under the possession or control of the person if the vehicles are no longer intended for or in condition for lawful use on the highway. (NRS 487.290, 487.300) ~~[This]~~ **Sections 1 and 3 of this** bill ~~[revises]~~ **revise** the penalty by providing that such an act is punishable by a civil penalty of not more than $100 for each day of the violation. **Section 1 authorizes a local authority to adopt an ordinance prohibiting the same conduct and imposing a different, non-criminal penalty for such conduct. Section 1 provides that such a local ordinance applies instead of the state law prohibiting the same conduct under certain circumstances. Section 2 of this bill makes a conforming change 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 487 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this section, any person who violates any provisions of NRS 487.290 is liable for a civil penalty of not more than $100 for each day of the violation.

2. A local authority may adopt an ordinance prohibiting the same conduct as is prohibited by NRS 487.290. If a local authority adopts such an ordinance:

(a) The local authority may establish a different penalty for a violation of the ordinance than the penalty provided by subsection 1, except that a local authority shall not establish a criminal penalty for the violation of such an ordinance.

(b) A person who commits the conduct prohibited by NRS 487.290 within the jurisdiction of the local authority shall be subject to the provisions of the local ordinance, including, without limitation, any penalty established by the local ordinance, instead of the penalty provided by subsection 1.

3. As used in this section, "local authority" means the governing board of a county, city or other political subdivision having authority to enact ordinances.

Sec. 2. **NRS 487.210 is hereby amended to read as follows:**

487.210 As used in NRS 487.210 to 487.300, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Abandoned vehicle" means a vehicle:

(a) If the vehicle is discovered upon public lands, that the owner has discarded.

(b) If the vehicle is discovered upon public or private property other than public lands:

(1) That the owner has discarded; or

(2) Which has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250.

2. "Public lands" means all lands within the exterior boundaries of the State of Nevada except lands:

(a) To which title is held by any private person or entity;

(b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;

(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges or which are lands acquired by purchase consented to by the Legislature;

(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or

(e) Which are held in trust for Indian purposes or are Indian reservations.

~~[Section 1.]~~ ***Sec. 3.*** NRS 487.300 is hereby amended to read as follows:

487.300 ~~***[1.]***~~ Every person who violates any provision of NRS 487.281 ~~[or 487.290]~~ is guilty of a misdemeanor.

~~***[2. Any person who violates any provision of NRS 487.290 is liable for a civil penalty of not more than $100 for each day of the violation.]***~~

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. 318.

Bill read second time.

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

Amendment No. 181.

AN ACT relating to medicine; **revising the account in which proceeds from certain penalties are deposited;** revising certain procedures relating to the expiration of a license to practice medicine; requiring a physician assistant, practitioner of respiratory care or perfusionist or the insurer of such a person to report certain information relating to an action or claim of malpractice to the Board of Medical Examiners; providing administrative penalties; requiring the Board to investigate a physician assistant, practitioner of respiratory care or perfusionist in certain circumstances; authorizing the Board to examine such a person under certain circumstances; **increasing the maximum amount of certain fines;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Medical Examiners to impose upon a person a fine not to exceed $5,000 for each violation committed by the person that constitutes grounds for disciplinary action against the person. (NRS 630.352) Existing law additionally requires that all money received by the Board from penalties be deposited with the State Treasurer for credit to the State General Fund. (NRS 630.110) Section 1 of this bill requires that all money from penalties be credited to an account in the State Treasury, selected by the State Treasurer and requires that the money in the account be used to support the improvement of health care or the practice of medicine in this State. Section 5.5 of this bill increases the maximum amount of the fine that the Board is authorized to impose for a violation that constitutes grounds for disciplinary action to $10,000 for each such violation.

Existing law requires the holder of a license to practice medicine to submit a registration fee and certain information to the Board ~~[of Medical Examiners]~~ on or before June 30, or if June 30 is a Saturday, Sunday or legal holiday, on the next business day after June 30, of each odd-numbered year. Existing law requires the Board to make reasonable attempts to notify a licensee: (1) at least once that the fee for biennial registration and the required information are due; and (2) that his or her license has expired. Existing law requires the Board to send a copy of such notice to the Drug Enforcement Administration of the United States Department of Justice. (NRS 630.267) **Section ~~[1]~~ 1.5** of this bill requires the Board to provide notice to the holder of a license to practice medicine at least 60 days before the scheduled expiration of the license: (1) that the fees and required information are due; and (2) of the date on which the license is scheduled to expire. After such a license expires, **section ~~[1]~~ 1.5** requires the Board to make reasonable attempts to notify the licensee of the expiration. **Section ~~[1]~~ 1.5** also removes the requirement for the Board to provide a copy of each notice to the Drug Enforcement Administration and instead requires the Board to provide a list of expired licenses to the Drug Enforcement Administration and the State Board of Pharmacy.

Existing law requires a physician and the insurer of a physician to report to the Board any: (1) action for malpractice against the physician; (2) claim for malpractice against the physician that is submitted to arbitration or mediation; or (3) settlement, award, judgment or other disposition of such an action or claim. (NRS 630.3067, 630.3068) Existing law additionally requires a physician to report to the Board any sanctions imposed against the physician that are reportable to the National Practitioner Data Bank. (NRS 630.3068) Existing law authorizes the imposition of an administrative penalty against an insurer or physician that fails to report the required information. (NRS 630.3067, 630.3068) After receiving a report from an insurer or physician indicating that a judgment has been rendered or that such an action or claim has been resolved by settlement, existing law requires the Board to conduct an investigation to determine whether to impose disciplinary action against the

physician, unless such an investigation has already commenced or been completed. (NRS 630.3069) Upon receiving such a report or determining that the conduct of a physician has raised a reasonable question as to his or her competence to practice medicine, existing law authorizes the Board to order the physician to undergo certain examinations to determine the fitness of the physician to practice medicine. (NRS 630.318) **Sections 2-5** of this bill make those provisions additionally applicable to physician assistants, practitioners of respiratory care and perfusionists.

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

Section 1. **NRS 630.110 is hereby amended to read as follows:**

630.110 1. Out of the money coming into the possession of the Board, each member and advisory member of the Board is entitled to receive:

(a) A salary of not more than $150 per day, as fixed by the Board, while engaged in the business of the Board; and

(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.

2. While engaged in the business of the Board, each employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. Expenses of the Board and the expenses and salaries of its members and employees must be paid from the fees received by the Board pursuant to the provisions of this chapter, and no part of the salaries or expenses of the Board may be paid out of the State General Fund or from the penalties imposed by the Board pursuant to this chapter.

4. All money received by the Board from:

(a) Fees must be deposited in financial institutions in this State that are federally insured or insured by a private insurer pursuant to NRS 672.755, invested in treasury bills or notes of the United States, deposited in institutions in this State whose business is the making of investments, or invested as authorized by NRS 355.140.

(b) Penalties must be deposited with the State Treasurer for credit to ~~[the State General Fund.]~~ ***an account in the State Treasury, selected by the State Treasurer. The money in the account must be used to support the improvement of health care or the practice of medicine in this State.***

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 630.267 is hereby amended to read as follows:

630.267 1. Each holder of a license to practice medicine must, on or before June 30, or if June 30 is a Saturday, Sunday or legal holiday, on the next business day after June 30, of each odd-numbered year:

(a) Submit a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against him or her during the previous 2 years.

(b) Pay to the Secretary-Treasurer of the Board the applicable fee for biennial registration. This fee must be collected for the period for which a physician is licensed.

(c) Submit all information required to complete the biennial registration.

2. When a holder of a license fails to pay the fee for biennial registration and submit all information required to complete the biennial registration after they become due, his or her license to practice medicine in this State expires. The holder may, within 2 years after the date the license expires, upon payment of twice the amount of the current fee for biennial registration to the Secretary-Treasurer and submission of all information required to complete the biennial registration and after he or she is found to be in good standing and qualified under the provisions of this chapter, be reinstated to practice.

3. ~~[The]~~ ***Not later than 60 days before a license is scheduled to expire, the*** Board shall make such reasonable attempts as are practicable to notify ~~[a]~~ ***the*** licensee:

(a) At least once that the fee for biennial registration and all information required to complete the biennial registration are due; and

(b) ~~[That]~~ ***The date on which*** his or her license ~~[has expired.~~

~~➥ A copy of this notice must be sent]~~ ***is scheduled to expire.***

4. After a license expires, the Board shall make such reasonable attempts as are practicable to notify the holder of the license that his or her license has expired.

5. Not later than September 30 of each odd-numbered year, the Board shall provide a list of licenses to practice medicine that have expired during that year to the Drug Enforcement Administration of the United States Department of Justice or its successor agency ~~[.]~~ ***and the State Board of Pharmacy.***

Sec. 2. NRS 630.3067 is hereby amended to read as follows:

630.3067 1. The insurer of a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** licensed under this chapter shall report to the Board:

(a) Any action for malpractice against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** not later than 45 days after the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation; and

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.

2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this State to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines

that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than $10,000 against the insurer for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

Sec. 3. NRS 630.3068 is hereby amended to read as follows:

630.3068 1. A physician ***, physician assistant, practitioner of respiratory care or perfusionist*** shall report to the Board:

(a) Any action for malpractice against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** not later than 45 days after the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation;

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition ~~[.]~~ ***, including, without limitation, any amount paid to resolve the claim;*** and

(d) Any sanctions imposed against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** that are reportable to the National Practitioner Data Bank not later than 45 days after the sanctions are imposed.

2. If the Board finds that a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** has violated any provision of this section, the Board may impose a fine of not more than $5,000 against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** for each violation, in addition to any other fines or penalties permitted by law.

3. All reports made by a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** pursuant to this section are public records.

Sec. 4. NRS 630.3069 is hereby amended to read as follows:

630.3069 If the Board receives a report pursuant to the provisions of NRS 630.3067, 630.3068 or 690B.250 indicating that a judgment has been rendered or an award has been made against a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** regarding an action or claim for malpractice or that such an action or claim against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** has been resolved by settlement, the Board shall conduct an investigation to determine whether to impose disciplinary action against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** regarding the action or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.

Sec. 5. NRS 630.318 is hereby amended to read as follows:

630.318 1. If the Board or any investigative committee of the Board has reason to believe that the conduct of any physician ***, physician assistant, practitioner of respiratory care or perfusionist*** has raised a reasonable question as to his or her competence to practice medicine ***, respiratory care or perfusion or practice as a physician assistant, as applicable,*** with reasonable skill and safety to patients, or if the Board has received a report pursuant to the provisions of NRS 630.3067, 630.3068 or 690B.250 indicating that a judgment has been rendered or an award has been made against a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** regarding an action or claim for malpractice or that such an action or claim against the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** has been resolved by settlement, the Board or committee may order that the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** undergo a mental or physical examination, an examination testing his or her competence to practice medicine ***, respiratory care or perfusion or practice as a physician assistant, as applicable,*** or any other examination designated by the Board to assist the Board or committee in determining the fitness of the physician ***, physician assistant, practitioner of respiratory care or perfusionist*** to practice medicine ~~[.]~~ ***, respiratory care or perfusion or practice as a physician assistant, as applicable.***

2. For the purposes of this section:

(a) Every physician ***, physician assistant, practitioner of respiratory care or perfusionist*** who applies for a license or who is licensed under this chapter shall be deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice medicine ***, respiratory care or perfusion or practice as a physician assistant, as applicable,*** when ordered to do so in writing by the Board or an investigative committee of the Board.

(b) The testimony or reports of a person who conducts an examination of a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** on behalf of the Board or an investigative committee of the Board pursuant to this section are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of a physician ***, physician assistant, practitioner of respiratory care or perfusionist*** licensed under this chapter to submit to an examination when directed as provided in this section constitutes an admission of the charges against the physician ~~[.]~~ ***, physician assistant, practitioner of respiratory care or perfusionist.***

Sec. 5.5. **NRS 630.352 is hereby amended to read as follows:**

630.352 1. Any member of the Board, other than a member of an investigative committee of the Board who participated in any determination regarding a formal complaint in the matter or any member serving on a panel of the Board at the hearing of the matter, may participate in an adjudication to obtain the final order of the Board. At the adjudication, the Board shall

consider any findings of fact and conclusions of law submitted after the hearing and shall allow:

(a) Counsel for the Board to present a disciplinary recommendation and argument in support of the disciplinary recommendation subject to the provisions of NRS 622A.200 and 622A.210;

(b) The respondent or counsel of the respondent to present a disciplinary recommendation and argument in support of the disciplinary recommendation; and

(c) The complainant in the matter to make a statement to the Board regarding the disciplinary recommendations by the parties and to address the effect of the respondent's conduct upon the complainant or the patient involved, if other than the complainant.

➥ The Board may limit the time within which the parties and the complainant may make their arguments and statements.

2. At the conclusion of the presentations of the parties and the complainant, the Board shall deliberate and may by a majority vote impose discipline based upon the findings of fact and conclusions of law and the presentations of the parties and the complainant.

3. If, in the findings of fact and conclusions of law, the Board, hearing officer or panel of the Board determines that no violation has occurred, the Board shall dismiss the charges, in writing, and notify the respondent that the charges have been dismissed.

4. Except as otherwise provided in subsection 5, if the Board finds that a violation has occurred, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period on any of the conditions specified in the order;

(b) Administer a written public reprimand to the person;

(c) Limit the person's practice or exclude one or more specified branches of medicine from his or her practice;

(d) Suspend the person's license for a specified period or until further order of the Board;

(e) Revoke the person's license;

(f) Require the person to participate in a program to correct an alcohol or other substance use disorder or any other impairment;

(g) Require supervision of the person's practice;

(h) Impose a fine not to exceed ~~[$5,000]~~ ***$10,000*** for each violation;

(i) Require the person to perform community service without compensation;

(j) Require the person to take a physical or mental examination or an examination testing his or her competence; and

(k) Require the person to fulfill certain training or educational requirements.

5. If the Board finds that the respondent has violated the provisions of NRS 439B.425, the Board shall suspend the respondent's license for a specified period or until further order of the Board.

6. The Board shall not administer a private reprimand if the Board finds that a violation has occurred.

7. Within 30 days after the conclusion of the adjudication by the Board, the Board shall issue a final order, certified by the Secretary-Treasurer of the Board, that imposes discipline and incorporates the findings of fact and conclusions of law obtained from the hearing. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 6. **1.** The provisions of NRS 630.3067, 630.3068, 630.3069 and 630.318, as amended by sections 2 to 5, inclusive, of this act, apply to any activity described in those sections which occurs on or after January 1, 2024, or is ongoing on January 1, 2024, regardless of when the relevant conduct of a physician assistant, practitioner of respiratory care or perfusionist occurred.

2. The amendatory provisions of section 5.5 of this act apply only to fines for violations that occur on or after January 1, 2024.

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 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 Marzola moved the adoption of the amendment.

Remarks by Assemblywoman Marzola.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 321.

Bill read second time.

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

Amendment No. 114.

AN ACT relating to public safety; setting forth certain requirements and restrictions concerning foil balloons that are sold, offered for sale or manufactured in this State; prohibiting, with certain exceptions, a person from selling, offering for sale or manufacturing a foil balloon that fails to meet certain requirements; requiring the Public Utilities Commission of Nevada to adopt a standard for the testing and evaluation of the dielectric performance of foil balloons; **providing enhanced penalties in certain circumstances for committing assault or battery upon a utility worker;** prohibiting a person from committing certain acts against the infrastructure of a public utility; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-10 of this bill set forth certain requirements and restrictions concerning the manufacturing and sale of foil balloons, which **section 5** of this bill defines, in general, to mean a balloon that is constructed of electrically conductive material and that is not a hot air balloon or a balloon used in a governmental or scientific research project.

Section 2 sets forth certain legislative findings and declarations concerning foil balloons.

Section 7 of this bill requires a person who manufactures a foil balloon in this State to include certain markings on the foil balloon. **Section 7** also prohibits a person from selling, offering for sale or distributing a foil balloon that is filled with a gas that is lighter than air unless: (1) an object of sufficient weight is affixed to the balloon or its appurtenance to counter the lift capability of the foil balloon; and (2) no electrically conductive string, tether or streamer or other electrically conductive object is attached to the foil balloon.

Section 9 of this bill requires the Public Utilities Commission of Nevada to adopt a standard for the testing and evaluation of the dielectric performance of foil balloons. **Section 9**: (1) requires that standard to be the P2845 Standard, if the P2845 Standard is deemed final and approved; and (2) sets forth the conditions under which the P2845 Standard is deemed final and approved. **Section 6** of this bill defines "P2845 Standard" to mean, in general, a certain specified standard for the testing and evaluation of the dielectric performance of foil balloons established by the Institute of Electrical and Electronics Engineers.

Section 8 of this bill: (1) requires any foil balloon sold, offered for sale or manufactured in this State to have been tested in accordance with, and meet the performance standards set forth in, the standard adopted by the Commission pursuant to **section 9**; and (2) prohibits a person from selling, offering for sale or manufacturing a foil balloon in this State unless the foil balloon meets those requirements. **Section 8** provides for the gradual implementation of those requirements by setting forth certain deadlines by which certain percentages of the foil balloons sold, offered for sale or manufactured by a person must comply with those requirements. **Section 8** sets forth certain circumstances under which those deadlines may be extended.

Section 10 provides for the imposition of a civil penalty against a person who sells, offers for sale or manufactures a foil balloon in violation of **sections 2-10** not to exceed $50 for each balloon sold, offered for sale or manufactured, not to exceed $2,500 for each day on which a violation occurs. **Section 10** authorizes the Attorney General, a district attorney or a city attorney to: (1) recover the civil penalties in a civil action; and (2) bring an action to enjoin any violation of **sections 2-10**.

Existing law: (1) makes it unlawful to commit certain acts involving theft or damage to property of a public utility; (2) prescribes certain criminal penalties for the commission of such unlawful acts; and (3) provides for a civil action for damages for an injury to or the destruction of the property of a public

utility. (NRS 704.800, 704.805) **Section 11** of this bill makes it unlawful for a person, with the intent to interfere or otherwise prevent the performance of the normal function of any infrastructure owned by a public utility, to: (1) commit any trespass upon the infrastructure; or (2) intentionally or recklessly deface, damage or tamper with the infrastructure. **Section 12** of this bill authorizes a public utility to bring a civil action for damages against any person who violates the prohibition created by **section 11**.

Under existing law, if a person commits an assault upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty and the person knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver or a transit operator, the person is guilty of: (1) a category B felony if the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon; (2) a category D felony if the person is a probationer, prisoner or parolee; or (3) if neither of those circumstances is present, a gross misdemeanor. (NRS 200.471) Additionally, under existing law, if a person commits a battery upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator, and the person knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver or a transit operator, the person is guilty of: (1) a category B felony if the battery causes substantial bodily harm or is committed by strangulation; or (2) if those circumstances are not present and no greater penalty is provided by law, a gross misdemeanor. (NRS 200.481) Sections 10.3 and 10.6 of this bill provide for the imposition of those penalties for an assault or battery committed upon a utility worker.

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. Electric utilities in this State are responsible for delivering safe, reliable energy through large transmission and distribution networks. Equipment failure or damage from weather, animals and human activity can cause power outages.

2. Electric utilities report that foil balloons are among the top causes of outages. Foil balloons are coated with a shiny metallic film that conducts electricity. If a foil balloon contacts power lines, this can create an electrical fault that can damage power lines, cause blackouts and start fires.

3. Because of the risk of power outages and fires caused by foil balloons coming into contact with power lines, other states and jurisdictions have considered bans on foil balloons.

4. Modern technology has advanced to allow for the manufacturing of foil balloons that resist conducting electricity. The Institute of Electrical and Electronics Engineers is developing standards for such balloons.

5. Requiring foil balloons to be tested and to meet performance standards concerning their dielectric performance will minimize the risks of power outages and fires.

Sec. 3. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 6 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Commission" means the Public Utilities Commission of Nevada.*

Sec. 5. *1. "Foil balloon" means a balloon that is constructed of electrically conductive material.*

2. The term does not include a hot air balloon or a balloon used in a governmental or scientific research project.

Sec. 6. *"P2845 Standard" means the "Standard for Testing and Evaluating the Dielectric Performance of Celebratory Balloons in Contact with Overhead Power Distribution Lines Rated up to 38 kV System Voltage," IEEE P2845, of the Institute of Electrical and Electronics Engineers.*

Sec. 7. *1. A person who manufactures a foil balloon in this State shall include on the foil balloon a suitable, permanent mark that:*

(a) Identifies the manufacturer of the foil balloon.

(b) If the foil balloon meets the requirements of section 8 of this act, indicates that the foil balloon meets those requirements. If the Commission has adopted the P2845 Standard pursuant to section 9 of this act, any marking specified in the P2845 Standard shall be deemed to be a suitable mark for the purposes of this subsection.

2. A person shall not sell, offer for sale or distribute a foil balloon that is filled with a gas that is lighter than air in this State unless:

(a) An object of sufficient weight is affixed to the foil balloon or its appurtenance to counter the lift capability of the foil balloon; and

(b) No electrically conductive string, tether or streamer or any other electrically conductive object is attached to the foil balloon.

Sec. 8. *1. Except as otherwise provided in this section, a person shall not sell, offer to sell or manufacture a foil balloon in this State unless the foil balloon meets the requirements set forth in this section.*

2. Except as otherwise provided in this section, any foil balloon sold, offered for sale or manufactured in this State must be tested in accordance with, and meet the performance standards set forth in, a standard for the testing and evaluation of the dielectric performance of foil balloons adopted by the Commission pursuant to section 9 of this act.

3. Except as otherwise provided in subsections 4 and 5, a person who sells, offers for sale or manufactures foil balloons in this State shall ensure that:

(a) Not less than 25 percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, ~~[2024.]~~ 2027.

(b) Not less than 55 percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, ~~[2025.]~~ 2028.

(c) Not less than 80 percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, ~~[2026.]~~ 2029.

(d) One hundred percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, ~~[2027.]~~ 2030.

4. A period described in subsection 3 must be tolled during any period in which a serious development, manufacturing, production or supply chain issue or event in the nature of force majeure occurs if the issue or event:

(a) Makes it infeasible to develop, manufacture, produce or sell foil balloons in compliance with the requirements of this section; and

(b) Is outside of the control of the person who sells, offers to sell or manufactures a foil balloon in this State.

5. If a period of tolling is required pursuant to subsection 4, the period must be:

(a) Twenty four months; or

(b) Until the serious development, manufacturing, production or supply chain issue or event in the nature of force majeure is resolved,

➥ whichever occurs first.

6. As used in this section, "infeasible" means incapable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors.

Sec. 9. *1. The Commission shall adopt, by regulation, a standard for testing and evaluating the dielectric performance of foil balloons. If the P2845 Standard is final and approved, the Commission shall adopt the P2845 Standard as the standard required by this section.*

2. For the purposes of subsection 1, the P2845 Standard shall be deemed to be final and approved if the Institute for Electrical and Electronics Engineers has:

(a) Published an interim version of the P2845 Standard;

(b) Completed a trial of the interim version of the P2845 Standard; and

(c) After any materially substantive adjustments, if any, to the interim version, published a final version of the P2845 Standard.

Sec. 10. *1. A person who sells, offers for sale or manufactures a foil balloon in violation of sections 2 to 10, inclusive, of this act is subject to a civil penalty not to exceed $50 for each such foil balloon sold, offered for sale or manufactured, except that the penalty against the person must not exceed $2,500 for each day on which a violation occurs.*

2. A civil penalty imposed pursuant to subsection 1 must be recovered in a civil action brought by the Attorney General or by the district attorney or city attorney for the jurisdiction in which the violation occurred.

3. Any civil penalty collected pursuant to this section by:

(a) The Attorney General must be paid to the State Treasurer for credit to the State General Fund.

(b) A district attorney or city attorney must deposited in the county or city treasury, as applicable.

~~[5.]~~ 4. In determining whether to impose a civil penalty pursuant to subsection 1, the court shall consider:

(a) The nature, extent and severity of the violation;

(b) If multiple violations occurred, the number of violations;

(c) The economic effect of the civil penalty on the person;

(d) The annual revenue of the person in both sales of foil balloons and total sales;

(e) Whether the person took good faith measures to comply with the requirements of sections 2 to 10, inclusive, of this act and when such measures were taken;

(f) The deterrent effect that the imposition of the penalty would have on both the person and the regulated community as a whole;

(g) The willfulness of the person responsible for the violation; and

(h) Any other factors that justice may require.

~~[6.]~~ 5. The Attorney General or the district attorney or city attorney of a county or city, as applicable, in which a person sells, offers for sale or manufactures a foil balloon in violation of sections 2 to 10, inclusive, of this act may bring an action to enjoin the violation.

Sec. 10.3. **NRS 200.471 is hereby amended to read as follows:**

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner,

master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

(k) "Utility worker" means an employee or contractor of a public utility as defined in NRS 704.020.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony 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, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver ***,*** ~~[or]~~ a transit operator ***or a utility worker*** who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator ***, a utility worker*** or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony 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, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver ***,*** ~~[or]~~ a transit operator ***or a utility worker*** who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator ***, a utility worker*** or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony 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, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 10.6. **NRS 200.481 is hereby amended to read as follows:**

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(h) "Sports official" has the meaning ascribed to it in NRS 41.630.

(i) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

(j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(k) "Taxicab driver" means a person who operates a taxicab.

(l) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

(m) "Utility worker" means an employee or contractor of a public utility as defined in NRS 704.020.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver ***,*** ~~[or]~~ transit operator ***or utility worker*** who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator ***, utility worker*** or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator ***, utility worker*** or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver ***,*** ~~[or]~~ transit operator ***or utility worker*** who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator ***, utility worker*** or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than

2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony 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 may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony 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.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony 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.

Sec. 11. NRS 704.800 is hereby amended to read as follows:

704.800 1. It is unlawful for a person to obtain any water, gas, electricity, power or other service, goods or product provided by a public utility with the intent to avoid payment therefor, by:

(a) Opening, breaking into, tapping or connecting with any pipe, flume, ditch, conduit, reservoir, wire, meter or other apparatus belonging to or used by any other person or by the State, any county, city, district or municipality, and taking and removing therefrom or allowing to flow or be taken therefrom any water, gas, electricity or power belonging to another;

(b) Connecting a pipe, tube, flume, conduit, wire or other instrument or appliance with any pipe, conduit, tube, flume, wire, line, pole, lamp, meter or other apparatus belonging to or used by any water, irrigation, gas, electric or power company or corporation, or belonging to or used by any other person in such a manner as to take therefrom water, gas, electricity or power for any purpose or use without passing through the meter or instrument or other means provided for registering the quantity consumed or supplied;

(c) Altering, disconnecting, removing, injuring or preventing the action of any headgate, meter or other instrument used to measure or register the quantity of water, gas, electricity or power used or supplied; or

(d) Injuring or interfering with the efficiency of any meter, pipe, conduit, flume, wire, pole, line, lamp, fixture, hydrant or other attachment or apparatus belonging to or used by any water, irrigation, gas, electric or power company or corporation.

2. ***It is unlawful for a person, with the intent to interfere with or otherwise prevent the performance of the normal function of any infrastructure owned by a public utility and without the consent of the public utility, to:***

(a) Commit any trespass upon the infrastructure; or

(b) Intentionally or recklessly deface, damage or tamper with the infrastructure.

3. If the value of the service involved or the property damaged or stolen is:

(a) Five hundred dollars or more, a person who violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) Less than $500, a person who violates the provisions of this section is guilty of a misdemeanor.

➥ In determining the value of the service involved, the value of all services unlawfully obtained or attempted to be obtained within 3 years before the time the indictment is found or the information is filed may be aggregated.

~~[3.]~~ ***4.*** This section applies when the service involved either originates or terminates, or both originates and terminates, in this state, or when the charges for the service would have been billable in the normal course by a person providing the service in this state but for the fact that the service was obtained or attempted to be obtained by one or more of the means set forth in subsection 1.

Sec. 12. NRS 704.805 is hereby amended to read as follows:

704.805 1. Any public utility may bring a civil action for damages against any person who ~~[willfully]~~ ***:***

(a) Willfully and knowingly obtains, attempts to obtain or solicits, aids or abets another to obtain any service provided by the public utility by:

~~[(a)]~~ ***(1)*** Opening, breaking into, tapping or connecting with any pipe, flume, ditch, conduit, reservoir, wire, meter or other apparatus owned or used by another person;

~~[(b)]~~ ***(2)*** Bypassing any meter or other instrument used to register the quantity consumed or supplied; or

~~[(c)]~~ ***(3)*** Altering, disconnecting, removing, injuring or preventing the action of any meter or other instrument used to register the quantity consumed or supplied ~~[.]~~ ***; or***

(b) Violates subsection 2 of NRS 704.800,

➥ and recover a sum equal to treble the amount of the actual damages, plus all reasonable costs and expenses incurred by the public utility because of that conduct, including the cost of equipment, investigating the matter and expert witnesses and attorney's fees.

2. There is a rebuttable presumption that the person responsible for payment for the delivery of the service of a public utility to any premises

caused or had knowledge of any act specified in ***paragraph (a) of*** subsection 1 if the person:

(a) Is the occupant of the premises; or

(b) Has any access to the system for delivery of the service to the premises.

3. The presumption provided in subsection 2 only shifts the burden of going forward with the evidence and does not shift the burden of proof to the defendant.

4. A person who willfully or negligently injures or destroys the property of a public utility which is used in the actual production, distribution or delivery of the service provided by the public utility is liable to the public utility for the cost of the repair or replacement of the property injured or destroyed, including the direct and indirect costs attributable to the repair or replacement but subtracting the value, if any, of salvage.

5. Nothing in this section abridges or alters any other right of action or remedy available to a public utility before or after July 1, 1985.

6. As used in this section, "direct and indirect costs attributable to repair or replacement" include, but are not limited to, costs for:

(a) Labor;

(b) Materials;

(c) Supervision of employees;

(d) Supplies;

(e) Tools;

(f) Taxes;

(g) Transportation;

(h) General and administrative expenses;

(i) Allocable benefits for employees;

(j) Allowances for meals; and

(k) Any other related expenses.

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. 334.

Bill read second time.

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

Amendment No. 198.

AN ACT relating to insurance; requiring, under certain circumstances, an insurer that requires the inspection or further inspection of a motor vehicle **for repair** relating to a claim to conduct the inspection or further inspection within a certain period of time; providing an administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) with certain exceptions, an insurer to approve or deny a claim of its insured relating to a contract of casualty of insurance within 30 days after receiving the claim; and (2) an insurer to notify a policyholder within 20 days after receiving the claim if the insurer requires additional information or time to determine whether to approve or deny the claim. (NRS 690B.012)

Section 1 of this bill provides that if an insurer requires the inspection **for repair** of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[6]~~ **8** business days after receiving the claim and accepting liability: (1) request that the insured or claimant, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. **The insurer is required to furnish a copy of the estimate which includes, without limitation, an indication of the extent of known damages and manner of repair at the time of the inspection.** **Section 1** further provides that if, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~[6]~~ **8** business days after making such determination: (1) request that the insured or claimant, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. **The insurer is required to furnish a copy of the estimate which includes, without limitation, an indication of the extent of known damages and manner of repair at the time of the inspection.** If the insurer fails to inspect or further inspect the vehicle during the time in which it is required to do so ~~[,]~~ **or fails to provide the required estimate,** the insurer waives its right to inspect or further inspect the vehicle and, with certain exceptions, negotiations for payment of the claim are limited to the cost of labor and price of parts. Finally, **section 1** authorizes ~~[, under certain circumstances, an insured or claimant, as applicable, or the repair facility to file a complaint against the insurer with]~~ the Division of Insurance of the Department of Business and Industry ~~[,]~~ **to impose an administrative fine of not more than $1,200 for each violation of section 1.**

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

Section 1. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[6]~~ 8 business days after receiving the claim , ~~[and]~~ accepting liability ~~[,]~~ and confirming coverage:

(a) Request that the insured or claimant, as applicable, make the motor vehicle available for inspection; and

(b) Except as otherwise provided in subsection 3, inspect the motor vehicle.

➥ The insurer shall furnish a copy of the estimate at the time of the inspection which includes, without limitation, an indication of the extent of known damages and manner of repair.

2. If, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within [6] 8 business days after making such determination:

(a) Request that the insured or claimant, as applicable, make the motor vehicle available for further inspection; and

(b) Except as otherwise provided in subsection 3, conduct such further inspection of the motor vehicle.

➥ The insurer shall furnish a copy of the estimate at the time of the inspection which includes, without limitation, an indication of the extent of known damages and manner of repair.

3. If the insured or claimant does not make a motor vehicle available for inspection or further inspection within [6] 8 business days after receiving a request from the insurer pursuant to subsection 1 or 2, the insurer shall inspect or further inspect the vehicle as soon as practicable after the insured or claimant makes the motor vehicle available.

4. If an insurer fails to inspect the motor vehicle during the period required pursuant to subsection 1, 2 or 3, as applicable, or fails to furnish a copy of the estimate required pursuant to subsection 1 or 2, as applicable, the insurer waives its right to inspect or further inspect the motor vehicle before any repairs are made to the vehicle. Unless the repair facility or, as applicable, the insured or claimant allows an inspection or further inspection of the vehicle after the period required pursuant to subsection 1, 2 or 3, negotiations for payment of the claim are limited to the cost of labor and the price of parts unless the insurer provides objective evidence to dispute the existence of damage or the chosen manner of repair.

5. The insured or [complainant,] claimant, as applicable, or a repair facility may file a complaint against the insurer with the Division if the insurer waives its right to inspect or further inspect the vehicle and does not limit negotiations for payment of the claim to the cost of labor and the price of parts or provide objective evidence to dispute the existence of the damage or the chosen manner of repair.

6. [If the Division finds the complaint may have a basis in law or fact, the Division shall order a hearing to be conducted in accordance with the provisions of chapter 233B of NRS that apply to a contested case. If the Division or a hearing officer finds that the insurer waived its right to inspect or further the vehicle and did not limit negotiations for payment of the claim to the cost of labor and the price of parts or provide objective evidence to dispute the existence of the damage or the chosen manner of repair, the] The Division [or hearing officer, as applicable,] may [require the insurer to pay] impose against an insurer an administrative fine of not more than [$1,500.] $1,200 for a violation of the provisions of this section.

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. 338.

Bill read second time.

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

Amendment No. 189.

AN ACT relating to Medicaid; requiring the State Plan for Medicaid to provide coverage of ~~[art]~~ **creative arts** therapy services to the extent authorized by federal law; requiring the Department of Health and Human Services to apply for a waiver or an amendment of the State Plan to receive federal funding for coverage of ~~[art]~~ **creative arts** therapy services; requiring any person who wishes to provide ~~[art]~~ **creative arts** therapy services to a recipient of Medicaid to enroll with the Division of Health Care Financing and Policy of the Department; requiring an enrolled ~~[art]~~ **creative arts** therapist to report the abuse of certain persons; **authorizing the expenditure of funds in the Nevada Cultural Account for certain purposes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to develop and administer the State Plan for Medicaid, which must include specific medical services required to be provided to recipients of Medicaid. (NRS 422.063, 422.270) Existing law requires: (1) the Director of the Department to include in the State Plan a requirement that the State pay the nonfederal share of expenditures for certain medical services; and (2) the Department to apply to the United States Department of Health and Human Services for a waiver of certain provisions of federal law or an amendment of the State Plan to authorize the receipt of federal funding to provide certain medical services to recipients of Medicaid. (NRS 422.270-422.27495) **Section 1** of this bill requires the Director to include in the State Plan a requirement that the State pay certain costs for ~~[art]~~ **creative arts** therapy provided to Medicaid recipients. **Section 1** also requires the Department to apply for a waiver of federal Medicaid requirements or request to amend the State Plan to receive federal funding to provide coverage of ~~[art]~~ **creative arts** therapy. Finally, **section 1** requires a person who wishes to provide ~~[art]~~ **creative arts** therapy services to a recipient of Medicaid to enroll with the Division of Health Care Financing and Policy of the Department. **Section 4** of this bill makes a conforming change by including the duties listed in **section 1** among the duties the Director of the Department is required to fulfill.

Existing law requires certain persons in their professional or occupational capacity to report the suspected abuse, neglect, exploitation, isolation or abandonment of older or vulnerable persons or the suspected abuse or neglect

of a child. (NRS 200.5093, 432B.220) Under existing law, a person who is required to make such a report but knowingly and willfully fails to do so is guilty of: (1) a misdemeanor for a first violation of failing to make such a report concerning a child or a gross misdemeanor for each subsequent violation; or (2) a misdemeanor for failing to make such a report concerning an older or vulnerable person. (NRS 200.5093, 432B.240) **Sections 2 and 3** of this bill expand these reporting requirements to an enrolled ~~[art]~~ **creative arts** therapist.

Existing law creates the Nevada Cultural Account in the State General Fund to provide resources and support for organizations, projects and activities relating to the arts and humanities in this State. (NRS 233C.095, 233C.096) Section 4.5 of this bill authorizes certain funds in the Account to be expended to support programs and projects to improve health outcomes through the arts and humanities.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall, to the extent authorized by federal law, include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for ~~[art]~~ creative arts therapy provided by an enrolled ~~[art]~~ creative arts therapist.

2. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 or apply for an amendment of the State Plan for Medicaid that authorizes the Department to receive federal funding to include in the State Plan for Medicaid coverage of ~~[art]~~ creative arts therapy provided by an enrolled ~~[art]~~ creative arts therapist. 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.

3. A person who wishes to receive reimbursement through the Medicaid program for ~~[art]~~ creative arts therapy provided to a recipient of Medicaid must submit to the Division:

(a) An application for enrollment in the form prescribed by the Division; and

(b) Proof that he or she possesses the required training and qualifications prescribed by the Division pursuant to subsection 4.

4. The Division shall prescribe the required training and qualifications for enrollment pursuant to subsection 3 to receive reimbursement through Medicaid for ~~[art]~~ creative arts therapy.

5. As used in this section:

(a) ~~["Art]~~ "Creative arts therapy" means the clinical use of ~~[art]~~ artistic interventions to accomplish individualized goals within a therapeutic

relationship by a professional who has completed ~~[a]~~ an accredited program for art therapy ~~[.]~~ , drama therapy, dance therapy or music therapy.

(b) "Enrolled ~~[art]~~ creative arts therapist" means a person who is enrolled with the Division pursuant to subsection 3 to receive reimbursement through Medicaid for ~~[art]~~ creative arts therapy.

Sec. 2. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A,

635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS.

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide ~~[doula]~~ ***:***

(1) Doula services to recipients of Medicaid pursuant to NRS 422.27177 ~~[.]~~ ***; or***

(2) ~~[Art]~~ Creative arts therapy services to recipients of Medicaid pursuant to section 1 of this act.

(n) A peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement

agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 3. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide ~~[~~doula~~]~~ ***:***

(1) Doula services to recipients of Medicaid pursuant to NRS 422.27177 ~~[.]~~ ***; or***

(2) ~~[Art]~~ Creative arts therapy services to recipients of Medicaid pursuant to section 1 of this act.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the

appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 4. 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 1 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. 4.5. **NRS 233C.096 is hereby amended to read as follows:**

233C.096 The Division shall administer the Nevada Cultural Account and may expend only the amount of any gifts, grants, donations, interest and income credited to the Account to:

1. Provide resources for developing the artistic, administrative and financial stability of cultural organizations that serve and enrich communities throughout this state regarding the arts and humanities;

2. Support programs and projects that provide residents of and visitors to this state with access to a broad range of activities regarding the arts and humanities;

3. Encourage cultural organizations to reduce their deficits, to establish cash reserves and endowments and to engage in capital projects that will aid in their stabilization; ~~[and]~~

4. Support initiatives and organizations that encourage access to, the awareness of and education in the arts ~~[.]~~ ***; and***

5. Support programs and projects to improve health outcomes through the arts and humanities.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[4,]~~ **4.5,** 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. 342.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 395.

SUMMARY—Requires ~~[an adult use cannabis retail store and cannabis consumption lounge]~~ **a cannabis establishment agent** to take certain actions to verify the age of a consumer before selling cannabis or a cannabis product. (BDR 56-1024)

AN ACT relating to cannabis; requiring ~~[an adult use cannabis retail store and cannabis consumption lounge to take certain actions]~~ **a cannabis establishment agent** to verify the age of a consumer before selling cannabis or a cannabis product to the consumer; ~~[requiring the Cannabis Compliance Board to adopt regulations]~~ setting forth ~~[standards for an independent, third-party]~~ **the method by which the** age verification ~~[service to be used by an adult use cannabis retail store and cannabis consumption lounge;]~~ **is required to be performed;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing ~~[law exempts a person who is 21 years of age or older from certain offenses relating to]~~ **regulations of the Cannabis Compliance Board require a** cannabis ~~[. (NRS 678D.200) Existing law sets forth various requirements for the sale of]~~ **establishment agent, before selling** cannabis ~~[and]~~ **or** cannabis products to ~~[consumers by a cannabis sales facility, including an adult use cannabis retail store and a cannabis consumption lounge. (NRS 678B.520, 678D.470, 678D.475) This bill requires an adult use**

~~cannabis retail store and cannabis consumption lounge, before selling cannabis or a cannabis product, to: (1) require the consumer to present a~~] **a consumer, to verify the age of the consumer by checking a** government-issued identification [~~; and (2) perform an age verification through an independent, third-party age verification service that establishes that~~] **containing a photograph of** the consumer [~~is 21 years of age or older. This bill also requires the Cannabis Compliance Board to adopt regulations setting forth standards for such an age verification service.~~] **using an identification scanner approved by an appropriate agent of the Board to determine the validity of any government-issued identification. (Nevada Cannabis Compliance Regulations § 7.015) This bill codifies that requirement in statute.**

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

Section 1. Chapter [~~678D~~] **678B** of NRS is hereby amended by adding thereto a new section to read as follows:

[~~1.~~] Before [~~an adult use cannabis retail store or cannabis consumption lounge sells~~] a cannabis establishment agent sells cannabis or a cannabis product to a consumer, the [~~adult use cannabis retail store or cannabis consumption lounge~~] cannabis establishment agent shall [~~:~~

[~~(a) Require~~] verify the age of the consumer [~~to present a~~] by checking a government-issued identification [~~; and~~

[~~(b) Perform an age verification through an independent, third-party age verification service that compares information available from public records to the personal information obtained from the~~] that contains a photograph of the consumer using an identification scanner which has been approved by an appropriate agent of the Board to determine the validity of any government-issued identification . [~~that establishes that the consumer is 21 years of age or older.~~

[~~2. The Board shall adopt regulations prescribing standards for an independent, third-party age verification service required to be used by an adult use cannabis retail store and cannabis consumption lounge pursuant to subsection 1. The standards must require such an age verification service to verify the age of consumers with not less than 95 percent accuracy.~~]

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 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 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. 355.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 321.

AN ACT relating to firearms; prohibiting a person who is less than 21 years of age from possessing certain firearms; making it unlawful to aid or knowingly permit a person who is less than 21 years of age to possess a firearm under certain circumstances; revising provisions relating to the storage of a firearm; revising provisions relating to the handling, possession or control of a firearm by certain children; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a child under the age of 18 years from handling, possessing or controlling a firearm under certain circumstances. (NRS 202.300) **Section 1** of this bill makes it a gross misdemeanor for a person who is less than 21 years of age to possess or control a: (1) semiautomatic shotgun; or (2) semiautomatic centerfire rifle.

Existing law provides that a person does not aid or knowingly permit a child to handle, possess or control a firearm if the firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure. Under existing law, a person who aids or knowingly permits a child to handle, possess or control a firearm is guilty of: (1) for the first offense, a misdemeanor; (2) for a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, a category C felony; and (3) for a second or any subsequent offense, a category B felony punishable 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. (NRS 202.300) **Section 1**: (1) provides the same penalties for a person who aids or knowingly permits a person who is less than 21 years of age to handle, possess or control certain firearms; and (2) includes similar provisions concerning the circumstances in which a person does not aid or knowingly permit a person who is less than 21 years of age to handle, possess or control such firearms.

Existing law makes it a misdemeanor for a person to negligently store or leave a firearm at a location under his or her control if the person knows or has reason to know that there is a substantial risk that a child, who is otherwise prohibited from handling, possessing or controlling a firearm, may obtain the firearm. (NRS 202.300) **Section 1** adds a similar provision imposing the same penalty for a person who negligently stores or leaves a firearm at a similar location from which a person who is less than 21 years of age may obtain the firearm.

Existing law authorizes a child who is 14 years of age or older and who, among other requirements, has a valid hunting license, to handle, possess or control a: (1) rifle or shotgun; or (2) firearm capable of being concealed upon the person. However, existing law provides that the rifle or shotgun must not

be a fully automatic firearm. (NRS 202.300) **Section 3** of this bill prohibits a child who is 14 years of age or older from handling, possessing or controlling a semiautomatic shotgun or semiautomatic centerfire rifle.

Under certain circumstances, existing law authorizes a child who is 14 years of age or older to handle, possess or control a rifle or shotgun that is not a fully automatic firearm at his or her residence. (NRS 202.300) **Section 3**: (1) provides that the rifle or shotgun must not be a semiautomatic shotgun or semiautomatic centerfire rifle; and (2) requires that the rifle or shotgun, while not in use, must remain unloaded and stored in a securely locked container under the possession of certain persons.

Section 2 of this bill makes a conforming change 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 202 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who is less than 21 years of age shall not handle or have in his or her possession or under his or her control any:

(a) Semiautomatic shotgun; or

(b) Semiautomatic centerfire rifle.

➥ A person who violates this subsection is guilty of a gross misdemeanor.

2. A person who aids or knowingly permits a person who is less than 21 years of age to violate subsection 1:

(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the person who is less than 21 years of age will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a second or any 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 a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

3. A person does not aid or knowingly permit a person who is less than 21 years of age to violate subsection 1 if:

(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;

(b) The person who is less than 21 years of age obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;

(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or

(d) The person who is less than 21 years of age gained possession of the firearm from a member of the Armed Forces of the United States , a reserve

***component thereof or the National Guard** or a law enforcement officer while the member or law enforcement officer was carrying out official duties.*

4. The provisions of subsection 1 do not apply to a person who is less than 21 years of age and who ~~[is]~~ :

(a) Is a member of the Armed Forces of the United States ~~[carrying out official duties.]~~ , a reserve component thereof or the National Guard;

(b) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions; or

(c) Is a law enforcement officer who is employed by a federal, state or local law enforcement agency.

5. Unless a greater penalty is provided by law, a person is guilty of a misdemeanor who:

(a) Negligently stores or leaves a firearm at a location under his or her control; and

(b) Knows or has reason to know that there is a substantial risk that a person who is less than 21 years of age and who is prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.

Sec. 2. NRS 202.253 is hereby amended to read as follows:

202.253 As used in NRS 202.253 to 202.369, inclusive ~~[.]~~ ***, and section 1 of this act:***

1. "Antique firearm" has the meaning ascribed to it in 18 U.S.C. § 921(a)(16).

2. "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its ordinary use would cause destruction or injury to life or property.

3. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

4. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

5. "Firearms importer or manufacturer" means a person licensed to import or manufacture firearms pursuant to 18 U.S.C. Chapter 44.

6. "Machine gun" means any weapon which shoots, is designed to shoot or can be readily restored to shoot more than one shot, without manual reloading, by a single function of the trigger.

7. "Motor vehicle" means every vehicle that is self-propelled.

8. "Semiautomatic firearm" means any firearm that:

(a) Uses a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next shell or round;

(b) Requires a separate function of the trigger to fire each cartridge; and

(c) Is not a machine gun.

9. "Unfinished frame or receiver" means a blank, a casting or a machined body that is intended to be turned into the frame or lower receiver of a firearm with additional machining and which has been formed or machined to the point at which most of the major machining operations have been completed to turn the blank, casting or machined body into a frame or lower receiver of a firearm even if the fire-control cavity area of the blank, casting or machined body is still completely solid and unmachined.

Sec. 3. NRS 202.300 is hereby amended to read as follows:

202.300 1. Except as otherwise provided in this section, a child under the age of 18 years shall not handle or have in his or her possession or under his or her control, except while accompanied by or under the immediate charge of his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, any firearm of any kind for hunting or target practice or for other purposes. A child who violates this subsection commits a delinquent act and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a felony if committed by an adult.

2. A person who aids or knowingly permits a child to violate subsection 1:

(a) Except as otherwise provided in paragraph (b), for the first offense, is guilty of a misdemeanor.

(b) For a first offense, if the person knows or has reason to know that there is a substantial risk that the child will use the firearm to commit a violent act, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a second or any 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 a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

3. A person does not aid or knowingly permit a child to violate subsection 1 if:

(a) The firearm was stored in a securely locked container or at a location which a reasonable person would have believed to be secure;

(b) The child obtained the firearm as a result of an unlawful entry by any person in or upon the premises where the firearm was stored;

(c) The injury or death resulted from an accident which was incident to target shooting, sport shooting or hunting; or

(d) The child gained possession of the firearm from a member of the military or a law enforcement officer, while the member or officer was performing his or her official duties.

4. The provisions of subsection 1 do not apply to a child who is a member of the Armed Forces of the United States.

5. Unless a greater penalty is provided by law, a person is guilty of a misdemeanor who:

(a) Negligently stores or leaves a firearm at a location under his or her control; and

(b) Knows or has reason to know that there is a substantial risk that a child prohibited from handling or having in his or her possession or under his or her control any firearm pursuant to this section may obtain such a firearm.

6. Except as otherwise provided in subsection 9, a child who is 14 years of age or older, who has in his or her possession a valid license to hunt, may handle or have in his or her possession or under his or her control, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child:

(a) A rifle or shotgun that is not a ***semiautomatic shotgun, semiautomatic centerfire rifle or*** fully automatic firearm, if the child is not otherwise prohibited by law from possessing the rifle or shotgun and the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun; or

(b) A firearm capable of being concealed upon the person, if the child has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm and the child is not otherwise prohibited by law from possessing such a firearm,

➥ and the child is traveling to the area in which the child will be hunting or returning from that area and the firearm is not loaded, or the child is hunting pursuant to that license.

7. Except as otherwise provided in subsection 9, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control a rifle or shotgun that is not a ***semiautomatic shotgun, semiautomatic centerfire rifle or*** fully automatic firearm if the child is not otherwise prohibited by law from possessing the rifle or shotgun, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child has the permission of his or her parent or guardian to handle or have in his or her possession or under his or her control the rifle or shotgun and the child is:

(a) Attending a course of instruction in the responsibilities of hunters or a course of instruction in the safe use of firearms;

(b) Practicing the use of a firearm at an established firing range or at any other area where the discharge of a firearm is permitted;

(c) Participating in a lawfully organized competition or performance involving the use of a firearm;

(d) Within an area in which the discharge of firearms has not been prohibited by local ordinance or regulation and the child is engaging in a lawful hunting activity in accordance with chapter 502 of NRS for which a license is not required;

(e) Traveling to or from any activity described in paragraph (a), (b), (c) or (d), and the firearm is not loaded;

(f) On real property that is under the control of an adult, and the child has the permission of that adult to possess the firearm on the real property; or

(g) At his or her residence ~~[.]~~ ***, so long as the rifle or shotgun, when not in use, is unloaded and stored in a securely locked container under the possession of his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child.***

8. Except as otherwise provided in subsection 9, a child who is 14 years of age or older may handle or have in his or her possession or under his or her control, for the purpose of engaging in any of the activities listed in paragraphs (a) to (g), inclusive, of subsection 7, a firearm capable of being concealed upon the person, without being accompanied by his or her parent or guardian or an adult person authorized by his or her parent or guardian to have control or custody of the child, if the child:

(a) Has the written permission of his or her parent or guardian to handle or have in his or her possession or under his or her control such a firearm for the purpose of engaging in such an activity; and

(b) Is not otherwise prohibited by law from possessing such a firearm.

9. A child shall not handle or have in his or her possession or under his or her control a loaded firearm if the child is:

(a) An occupant of a motor vehicle;

(b) Within any residence, including his or her residence, or any building other than a facility licensed for target practice, unless possession of the firearm is necessary for the immediate defense of the child or another person; or

(c) Within an area designated by a county or municipal ordinance as a populated area for the purpose of prohibiting the discharge of weapons, unless the child is within a facility licensed for target practice.

10. For the purposes of this section, a firearm is loaded if:

(a) There is a cartridge in the chamber of the firearm;

(b) There is a cartridge in the cylinder of the firearm, if the firearm is a revolver; or

(c) There is a cartridge in the magazine and the magazine is in the firearm or there is a cartridge in the chamber, if the firearm is a semiautomatic firearm.

Sec. 4. 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. 356.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 322.

ASSEMBLYMEN DICKMAN, LA RUE HATCH, ANDERSON, HANSEN, KASAMA; CARTER, D'SILVA, DURAN, GALLANT, GRAY, GURR, HAFEN, HARDY, KOENIG, MCARTHUR, MOSCA, O'NEILL, TAYLOR, WATTS, YEAGER, AND YUREK.

JOINT SPONSORS: SENATORS SEEVERS GANSERT, GOICOECHEA, TITUS, HANSEN; **FLORES** AND NEAL

AN ACT relating to mobile tracking devices; prohibiting a person from installing, concealing or otherwise placing a mobile tracking device in or on the motor vehicle of another person under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The United States District Court for the District of Nevada has held that using a GPS tracking device to monitor the movements of a person implicates the tort of invasion of privacy because a person has a reasonable expectation of privacy with respect to his or her daily movements in a motor vehicle. (*Ringelberg v. Vanguard Integrity Prof'ls-Nev., Inc.*, No. 2:17-CV-01788-JAD-PAL (D. Nev. Dec. 3, 2018)) Existing law does not expressly prohibit a person from installing a tracking device on the motor vehicle of another person. This bill expressly provides that a person commits the crime of unlawful installation of a mobile tracking device if the person installs, conceals or otherwise places a mobile tracking device in or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the motor vehicle, unless the person is a **[**~~: (1)~~**]** law enforcement officer who installs, conceals or otherwise places a mobile tracking device in or on a motor vehicle pursuant to a warrant or court order **[**~~: (2) manufacturer of a motor vehicle; and (3) certain creditors.~~**]** This bill provides that a person who commits any such offense is guilty of: (1) for the first offense, a misdemeanor; (2) for the second offense, a gross misdemeanor; or (3) for the third or any subsequent offense, a category C felony.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a person commits the crime of unlawful installation of a mobile tracking device if the person knowingly installs, conceals or otherwise places a mobile tracking device in or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the motor vehicle.

2. The provisions of subsection 1 do not apply to ~~***[:***~~

~~***(a) A]***~~ ***a law enforcement officer who installs, conceals or otherwise places a mobile tracking device in or on a motor vehicle pursuant to a warrant or court order*** ~~***. [;***~~

~~***(b) A manufacturer of a motor vehicle who installs a tracking system in a motor vehicle; or***~~

~~***(c) A creditor who installs any electronic tracking technology pursuant to NRS 598.9701 to 598.9718, inclusive.]***~~

3. A person who commits the crime of unlawful installation of a mobile tracking device is guilty of:

(a) For the first offense, a misdemeanor.

(b) For the second offense, a gross misdemeanor.

(c) For the third or any subsequent offense, a category C felony and shall be punished as provided in NRS 193.130.

4. As used in this section, "mobile tracking device" means any device that permits a person to track the movement or location of another person or object through the transmission of any signal, including, without limitation, a radio or electronic signal.

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. 358.

Bill read second time.

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

Amendment No. 487.

AN ACT relating to health care; creating the Bureau of Emergency Medical Services in the State Fire Marshal Division of the Department of Public Safety; transferring to the Bureau certain duties related to emergency medical services; revising the membership of the Committee on Emergency Medical Services; requiring the State Fire Marshal to appoint a Chief of the Bureau; making various other changes relating to emergency medical services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the State Fire Marshal Division in the Department of Public Safety, consisting of the Fire Protection and Control Section, the Fire Investigation Section, the Public Education Section, the Fire Service Training Section and the Fire Data Section. (NRS 477.010) **Section 42** of this bill adds the Bureau of Emergency Medical Services to the State Fire Marshal Division. **Section 43** of this bill requires the State Fire Marshal to appoint as Chief of the Bureau a person who has experience as a paramedic and has at least a bachelor's degree in some related field.

Existing law regulates emergency medical services in this State. (Chapter 450B of NRS) Certain authority and duties relating to emergency medical services are given to the "board," which means: (1) the State Board of Health in a county whose population is less than 700,000 (currently all counties other than Clark County); or (2) the district board of health in a county whose population is 700,000 or more (currently only Clark County). (NRS 450B.060) The authority and duties given to the board include: (1) establishing certain minimum standards and requirements for ambulances and air ambulances, for permits for the operation of air ambulances and for the certification or licensure of certain persons who provide emergency medical care; (2)

approving certain training for emergency medical dispatchers; (3) issuing licenses to ambulance attendants and certain firefighters; (4) approving programs of training for certification as an emergency medical technician, advanced emergency medical technician or paramedic; (5) setting forth certain procedures that may be performed and drugs that may be administered by an advanced emergency medical technician or an attendant or a fire firefighter who is a paramedic; (6) determining eligibility for training as a paramedic; (7) setting forth certain provisions relating to the issuance of an endorsement on a permit which allows certain emergency medical providers to provide community paramedicine services; (8) setting forth qualifications for and issuing a permit to operate an ambulance, air ambulance or a vehicle of a fire-fighting agency and maintaining a registry of such permits; (9) issuing provisional permits to operate an ambulance, air ambulance or a vehicle of a fire-fighting agency; (10) adopting regulations specifying the acceptable documentation that staff of an air ambulance meet certain minimum qualifications; (11) setting forth the equipment required for an ambulance, air ambulance or vehicle used in providing emergency medical care; and (12) designating geographic areas in which an ambulance driver or attendant that meet certain lesser qualifications may transport a sick or injured person. (NRS 450B.120, 450B.130, 450B.140, 450B.155, 450B.160, 450B.180, 450B.1905, 450B.191, 450B.1915, 450B.195, 450B.197, 450B.1993, 450B.200, 450B.210, 450B.225, 450B.230, 450B.260) **Sections 9, 12, 13 and 19-33** of this bill transfer from the State Board of Health to the Bureau such authority and duties in a county whose population is less than 700,000. (NRS 450B.077) **Sections 7, 8 and 10** of this bill make conforming changes to amend the definition of "advanced emergency medical technician," "emergency medical technician" and "paramedic" to clarify that the terms mean certain persons certified by the health authority. (NRS 450B.025, 450B.065, 450B.095) **Section 1** of this bill makes a conforming change relating to the transfer of certain powers and duties to a health authority, as set forth in **sections 12, 13 and 19-33**, to create an exception to the provision that the State Board of Health is supreme in all nonadministrative health matters. (NRS 439.150)

Existing law requires the board to establish and promulgate rules, regulations, standards and procedures as it determines are necessary to administer the provisions of the Nevada Revised Statutes relating to emergency medical services. (NRS 450B.120) **Section 11** of this bill grants similar authority to a health authority.

Section 5.5 of this bill requires any regulation adopted by the Bureau or Chief to be approved by the State Board of Health.

Section 14 of this bill transfers from the State Board of Health to the Chief of the Bureau the requirement to establish by regulation: (1) a fee for the issuance or renewal of certain licenses, permits and certificates in a county whose population is less than 700,000; and (2) a schedule of fees for the services and regulatory activities performed by the Bureau. (NRS 439.150, 450B.200)

Existing law provides that certain money received by the Division of Public and Behavioral Health of the Department of Health and Human Services must be accounted for separately, administered by the Administrator of the Division and used only to carry out a training program for emergency medical services personnel who work for a volunteer ambulance service or firefighting agency. (NRS 450B.1505) **Section 14** provides instead that such money must be administered by the Chief of the Bureau.

Existing law creates the Committee on Emergency Medical Services, consisting of nine members appointed by the State Board of Health, which has various duties relating to emergency medical services. (NRS 450B.151, 450B.153) **Section 15** of this bill provides that the Director of the Department of Public Safety appoints the members of the Committee and revises the membership of the Committee. **Section 16** of this bill makes a conforming change to provide that the per diem and travel expenses of members of the Committee are paid by the Bureau rather than the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 450B.152) **Section 17** of this bill revises the duties of the Committee to require the Committee to advise the Bureau rather than the Division of Public and Behavioral Health of the Department of Health and Human Services. (NRS 450B.153) **Section 18** of this bill provides that the Bureau, rather than the Division, is required to provide administrative support and assistance to the Committee.

Existing law sets forth certain authority for the health authority related to the issuance of do-not-resuscitate identification. (NRS 450B.400-450B.590) Because of the amendment to the definition of "health authority" in **section 9**, **sections 34-38** of this bill amend these provisions so that such authority remains with the Division of Public and Behavioral Health of the Department of Health and Human Services in a county whose population is less than 700,000, and to the district board of health in a county whose population is 700,000 or more.

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to: (1) post on an Internet website maintained by the Division certain information about programs to provide peer support counseling to emergency response employees; (2) collect information, under certain circumstances, regarding suicide and attempted suicide among emergency response employees; and (3) report such information to the Chief Medical Officer. (NRS 450B.855) **Section 39** of this bill provides instead that the Bureau shall: (1) post information about programs to provide peer support counseling to emergency response employees; (2) collect information, under certain circumstances, regarding suicide and attempted suicide among emergency response employees; and (3) report such information to the State Fire Marshal.

Existing law authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to impose an administrative penalty against any person who violates any of the provisions of chapter 450B

of NRS. (NRS 450B.900) **Section 40** of this bill authorizes the Bureau to similarly impose an administrative penalty against a person who violates any provision of chapter 450B of NRS that is administered by the Bureau.

Existing law requires the Department of Health and Human Services to provide to the Interagency Council on Veterans Affairs the total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the State Emergency Medical Systems program. (NRS 417.0194) **Section 41** of this bill requires instead that the Department of Public Safety provide such information to the Council.

Sections 3-5 of this bill define the terms "Bureau," "Chief" and "provider of emergency medical services," respectively. **Section 6** of this bill makes a conforming change to indicate the proper placement of **sections 3-5** in the Nevada Revised Statutes.

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

Section 1. NRS 439.150 is hereby amended to read as follows:

439.150 1. ~~[The]~~ ***Except as otherwise provided in chapter 450B of NRS, the*** State Board of Health is hereby declared to be supreme in all nonadministrative health matters. It has general supervision over all matters, except for administrative matters and as otherwise provided in NRS 439.950 to 439.983, inclusive, relating to the preservation of the health and lives of citizens of this State and over the work of the Chief Medical Officer and all district, county and city health departments, boards of health and health officers.

2. The Department is hereby designated as the agency of this State to cooperate with the federal authorities in the administration of those parts of the Social Security Act which relate to the general promotion of public health. It may receive and expend all money made available to the Division by the Federal Government, the State of Nevada or its political subdivisions, or from any other source, for the purposes provided in this chapter. In developing and revising any state plan in connection with federal assistance for health programs, the Department shall consider, without limitation, the amount of money available from the Federal Government for those programs, the conditions attached to the acceptance of that money and the limitations of legislative appropriations for those programs.

3. Except as otherwise provided in NRS 576.128, the State Board of Health may set reasonable fees for the:

(a) Licensing, registering, certifying, inspecting or granting of permits for any facility, establishment or service regulated by the Division;

(b) Programs and services of the Division;

(c) Review of plans; and

(d) Certification and licensing of personnel.

➥ Fees set pursuant to this subsection must be calculated to produce for that period the revenue from the fees projected in the budget approved for the Division by the Legislature.

Sec. 2. Chapter 450B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 ~~[, 4 and 5]~~ **to 5.5, inclusive,** of this act.

Sec. 3. ***"Bureau" means the Bureau of Emergency Medical Services of the State Fire Marshal Division of the Department of Public Safety.***

Sec. 4. ***"Chief" means the Chief of the Bureau of Emergency Medical Services of the State Fire Marshal Division of the Department of Public Safety.***

Sec. 5. ***"Provider of emergency medical services" means each operator of an ambulance or fire-fighting agency which:***

1. Has a permit to operate pursuant to this chapter; and

2. Provides transportation for persons in need of emergency services and care to a hospital.

Sec. 5.5. 1. Notwithstanding any provision of this chapter that authorizes or requires the Bureau or the Chief to adopt any regulation, after adopting any such regulation and before submitting the regulation to the Legislative Counsel for review by the Legislative Commission pursuant to NRS 233B.067, the Bureau or Chief, as applicable, must submit the regulation for approval to the State Board of Health.

2. If the Board approves the regulation, the Board shall promptly notify the Bureau or Chief, as applicable, in writing. The Bureau or Chief, as applicable, must attach a copy of such approval of the Board when sending the regulation to the Legislative Counsel for review by the Legislative Commission.

3. If the Board objects to the regulation, the Board shall attach to the regulation a written notice of the objection, including, if practicable, a statement of the reasons for the objection, and shall promptly return the regulation to the Bureau or Chief, as applicable. The Bureau or Chief, as applicable, may not submit a regulation to which the Board has objected to the Legislative Counsel for review by the Legislative Commission.

Sec. 6. NRS 450B.020 is hereby amended to read as follows:

450B.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 450B.025 to 450B.110, inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 450B.025 is hereby amended to read as follows:

450B.025 "Advanced emergency medical technician" means a person certified by the health ~~[officer]~~ ***authority*** as having satisfactorily completed a program of training for certification as an advanced emergency medical technician pursuant to NRS 450B.191.

Sec. 8. NRS 450B.065 is hereby amended to read as follows:

450B.065 "Emergency medical technician" means a person certified by the health ~~[officer]~~ ***authority*** as having satisfactorily completed a program of

training for certification as an emergency medical technician pursuant to NRS 450B.1905.

Sec. 9. NRS 450B.077 is hereby amended to read as follows:

450B.077 "Health authority" means:

1. In a county whose population is less than 700,000, the ~~[Division.]~~ ***Bureau.***

2. In a county whose population is 700,000 or more, the district board of health.

Sec. 10. NRS 450B.095 is hereby amended to read as follows:

450B.095 "Paramedic" means a person certified by the health ~~[officer]~~ ***authority*** as having satisfactorily completed a program of training for certification as a paramedic pursuant to NRS 450B.195.

Sec. 11. NRS 450B.120 is hereby amended to read as follows:

450B.120 The board ***and a health authority*** shall establish and promulgate such rules, regulations, standards and procedures as ~~[it determines]~~ are necessary to administer the provisions of this chapter.

Sec. 12. NRS 450B.130 is hereby amended to read as follows:

450B.130 1. The ~~[board]~~ ***health authority*** shall adopt regulations establishing reasonable minimum standards for:

(a) Sanitation in ambulances and air ambulances;

(b) Medical and nonmedical equipment and supplies to be carried in ambulances and medical equipment and supplies to be carried in air ambulances and vehicles of a fire-fighting agency;

(c) Interior configuration, design and dimensions of ambulances placed in service after July 1, 1979;

(d) Permits for operation of ambulances, air ambulances and vehicles of a fire-fighting agency;

(e) Records to be maintained by an operator of an ambulance or air ambulance or by a fire-fighting agency; and

(f) Treatment of patients who are critically ill or in urgent need of treatment.

2. Any regulations adopted by the ~~[board]~~ ***health authority*** pursuant to subsection 1 establishing reasonable minimum standards for a permit for the operation of an air ambulance or records to be maintained by an operator of an air ambulance must:

(a) Except as otherwise provided in paragraph (b), be based on the medical aspects of the operation of an air ambulance, including, without limitation, aspects related to patient care; and

(b) Not be based on economic factors, including, without limitation, factors related to the prices, routes or nonmedical services of an air ambulance.

3. The health officers of this state shall jointly adopt regulations to establish the minimum standards for the certification or licensure of persons who provide emergency medical care. Upon adoption of the regulations, each health authority shall adopt the regulations for its jurisdiction. After each health authority adopts the regulations, the standards established constitute the minimum standards for certification or licensure of persons who provide

emergency medical care in this state. Any changes to the minimum standards must be adopted jointly by the health officers and by each health authority in the manner set forth in this subsection. Any changes in the minimum standards which are not adopted in the manner set forth in this subsection are void.

4. A health officer may adopt regulations that impose additional requirements for the certification or licensure of persons who provide emergency medical care in the jurisdiction of the health officer, but the health officer must accept the certification or licensure of a person who provides emergency medical care from the jurisdiction of another health officer as proof that the person who provides emergency medical care has met the minimum requirements for certification or licensure.

5. As used in this section, "person who provides emergency medical care" means an emergency medical technician, advanced emergency medical technician, paramedic, attendant of an ambulance or air ambulance or firefighter employed by or serving with a fire-fighting agency.

Sec. 13. NRS 450B.140 is hereby amended to read as follows:

450B.140 1. In adopting regulations under NRS 450B.120 and 450B.130, the board ***or health authority, as applicable,*** may use standards and regulations proposed by:

(a) The Committee on Trauma of the American College of Surgeons;

(b) The United States Department of Transportation;

(c) The United States Public Health Service;

(d) The Bureau of Health Insurance of the Social Security Administration;

(e) The American Academy of Orthopaedic Surgeons;

(f) The National Academy of Sciences—National Research Council;

(g) The American Heart Association; and

(h) Regional, state and local emergency medical services committees and councils.

2. The board ***or health authority, as applicable,*** may establish different standards for commercial, volunteer, industrial and other categories of ambulances and fire-fighting agencies to reflect different circumstances and in the public interest.

Sec. 14. NRS 450B.1505 is hereby amended to read as follows:

450B.1505 1. ***The Chief shall establish by regulation:***

(a) A fee for the issuance or renewal of any license, permit or certificate issued by the Bureau pursuant to this chapter; and

(b) A schedule of fees for the services and regulatory activities performed by the Bureau pursuant to the provisions of this chapter. Any such fee must be based on the actual cost of the service or activity, as applicable.

2. Any money ~~[~~the Division receives~~]~~ ***received*** from a fee ~~[~~set by the State Board of Health~~]~~ ***established*** pursuant to ~~[~~NRS 439.150 for the issuance or renewal of a license pursuant to NRS 450B.160,~~]~~ ***subsection 1,*** an administrative penalty imposed pursuant to NRS 450B.900 or an appropriation made by the Legislature for the purposes of training related to emergency medical services:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May be used only to carry out a training program for emergency medical services personnel who work for a volunteer ambulance service or firefighting agency, including, without limitation, equipment for use in the training; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

~~[2.]~~ ***3.*** Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid in the manner that other claims against the State are paid.

~~[3.]~~ ***4.*** The ~~[Administrator of the Division]~~ ***Chief*** shall administer the account.

Sec. 15. NRS 450B.151 is hereby amended to read as follows:

450B.151 1. The Committee on Emergency Medical Services, consisting of nine members appointed by the ~~[State Board of Health,]~~ ***Director of the Department of Public Safety,*** is hereby created.

2. Upon request of the ~~[State Board of Health,]~~ ***Director of the Department of Public Safety,*** employee associations that represent persons that provide emergency medical services, including, without limitation, physicians and nurses that provide emergency medical services, emergency medical technicians, ambulance attendants, firefighters, fire chiefs and employees of rural hospitals, shall submit to the ~~[State Board of Health]~~ ***Director of the Department of Public Safety*** written nominations for appointments to the Committee.

3. After considering the nominations submitted pursuant to subsection 2, the ~~[State Board of Health]~~ ***Director of the Department of Public Safety*** shall appoint to the Committee:

(a) One member who is a physician licensed pursuant to chapter 630 or 633 of NRS and who ~~[has experience providing]~~ ***is a director or holds an equivalent position for a provider of*** emergency medical services;

(b) One member who is a registered nurse and who ~~[has experience providing]~~ ***provides*** emergency medical services;

(c) One member who is ~~[a volunteer for an organization that provides emergency medical services pursuant to this chapter;]~~ ***employed by a fire protection district that provides emergency medical services and transportation of persons by ambulance;***

(d) One member who is ***a certified emergency medical technician and*** employed by a ***volunteer organization that provides emergency medical services or by a*** fire-fighting agency at which some of the firefighters and persons who provide emergency medical services for the agency are employed and some serve as volunteers;

(e) One member who is employed by ***a provider of emergency medical services and is based in*** an urban ~~[fire-fighting agency;]~~ ***area;***

(f) One member who ***provides emergency medical services and*** is employed by or serves as a volunteer with a medical facility that is located in a rural area and that provides emergency medical services;

(g) One member who is employed by an organization that provides emergency medical services in an air ambulance and whose duties are closely related to such emergency medical services;

(h) One member who is employed by a privately owned entity that provides emergency medical services; and

(i) One member who is employed by an operator of a service which is:

(1) Provided for the benefit of the employees of an industry who become sick or are injured at the industrial site; and

(2) Staffed by employees who are licensed attendants and perform emergency medical services primarily for the industry.

4. In addition to the members set forth in subsection 3, the following persons are ex officio members of the Committee:

(a) An employee of the ~~[~~Division,~~]~~ ***Department of Health and Human Services,*** appointed by the ~~[~~Administrator~~]~~ ***Director*** of the ~~[~~Division,~~]~~ ***Department,*** whose duties relate to administration and enforcement of the provisions of this chapter ~~[.]~~ ***over which the Department has authority.***

(b) The county health officer appointed pursuant to NRS 439.290 in each county whose population is 100,000 or more, or the county health officer's designee;

(c) A physician who is a member of a committee which consists of directors of trauma centers in this State and who is nominated by that committee; and

(d) A representative of a committee or group which focuses on the provision of emergency medical services to children in this State and who is nominated by that committee or group.

5. The term of each member appointed by the ~~[~~State Board of Health~~]~~ ***Director of the Department of Public Safety*** is 2 years. A member may not serve more than two consecutive terms but may serve more than two terms if there is a break in service of not less than 2 years.

6. The ~~[~~State Board of Health~~]~~ ***Director of the Department of Public Safety*** shall not appoint to the Committee two persons who are employed by or volunteer with the same organization, except the ~~[~~State Board of Health~~]~~ ***Director of the Department of Public Safety*** may appoint a person who is employed by or volunteers with the same organization of which a member who serves ex officio is an employee.

7. Each member of the Committee shall appoint an alternate to serve in the member's place if the member is temporarily unable to perform the duties required of him or her pursuant to NRS 450B.151 to 450B.154, inclusive.

8. A position on the Committee that becomes vacant before the end of the term of the member must be filled in the same manner as the original appointment.

Sec. 16. NRS 450B.152 is hereby amended to read as follows:

450B.152 1. The Committee shall elect a Chair from among its members. The term of the Chair is 1 year.

2. The Committee shall meet at the call of the Chair at least four times each year.

3. The Committee shall adopt rules for its own management.

4. A member of the Committee serves without compensation, except that, for each day or portion of a day during which a member attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses must be paid by the ~~[~~Division~~]~~ ***Bureau*** from money not allocated by specific statute for another use.

Sec. 17. NRS 450B.153 is hereby amended to read as follows:

450B.153 The Committee shall:

1. Review and advise the ~~[~~Division~~]~~ ***Bureau*** regarding the management and performance of emergency medical services in this State and regarding statewide emergency medical protocols;

2. Advise the ~~[~~Division~~]~~ ***Bureau*** on matters of policy relating to emergency care, including, without limitation, the qualifications of persons who provide emergency medical services;

3. Advise the board and ~~[~~Division~~]~~ ***the Bureau*** with respect to the preparation and adoption of regulations regarding emergency care;

4. Review periodically the budget of the ~~[~~Division that relates to emergency medical services;~~]~~ ***Bureau;***

5. Encourage the training and education of emergency medical service personnel to improve the system of public safety in this State; and

6. Perform such other duties as may be required by law or regulation.

Sec. 18. NRS 450B.154 is hereby amended to read as follows:

450B.154 The ~~[~~Division~~]~~ ***Bureau*** shall provide administrative support and assistance to the Committee.

Sec. 19. NRS 450B.155 is hereby amended to read as follows:

450B.155 1. An educational institution, public or private agency or other entity may provide a training program for emergency medical dispatchers and issue certificates of completion if the program meets the requirements set forth in the regulations of the ~~[~~board~~]~~ ***health authority*** and is approved by the ~~[~~board.~~]~~ ***health authority.***

2. The ~~[~~board~~]~~ ***health authority*** shall adopt regulations:

(a) Prescribing the requirements for a program for training and certifying an emergency medical dispatcher;

(b) Prescribing the procedures for an educational institution, public or private agency or other entity to obtain the approval of the ~~[~~board~~]~~ ***health authority*** to provide such a program; and

(c) Establishing such fees as are necessary to cover the cost of administering the provisions of this section.

Sec. 20. NRS 450B.160 is hereby amended to read as follows:

450B.160 1. The health authority may issue licenses to attendants and to firefighters employed by or serving as volunteers with a fire-fighting agency.

2. Each license must be evidenced by a card issued to the holder of the license, is valid for a period not to exceed 2 years and is renewable.

3. An applicant for a license must file with the health authority:

(a) A current, valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as an attendant, or, if a volunteer attendant, at a level of skill determined by the board.

(b) A current valid certificate evidencing the applicant's successful completion of a program of training as an emergency medical technician, advanced emergency medical technician or paramedic, if the applicant is applying for a license as a firefighter with a fire-fighting agency.

(c) A signed statement showing:

(1) The name and address of the applicant;

(2) The name and address of the employer of the applicant; and

(3) A description of the applicant's duties.

(d) Proof that the applicant has completed the training required by subsection 4.

(e) Such other certificates for training and such other items as the board may specify.

4. In addition to the training required by subsection 3, each applicant for a license must complete training concerning identifying and interacting with persons with developmental disabilities.

5. The ~~[board]~~ ***health authority*** shall adopt such regulations as it determines are necessary for the issuance, suspension, revocation and renewal of licenses.

6. Each ~~[operator of an ambulance or air ambulance and each fire-fighting agency]~~ ***provider of emergency medical services*** shall annually file with the health authority a complete list of the licensed persons in its service.

7. Licensed physicians, registered nurses and licensed physician assistants may serve as attendants without being licensed under the provisions of this section. A registered nurse who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the State Board of Nursing. A licensed physician assistant who performs emergency care in an ambulance or air ambulance shall perform the care in accordance with the regulations of the Board of Medical Examiners.

8. Each licensed physician, registered nurse and licensed physician assistant who serves as an attendant must have current certification of completion of training in:

(a) Advanced life-support procedures for patients who require cardiac care;

(b) Life-support procedures for pediatric patients who require cardiac care; and

(c) Life-support procedures for patients with trauma that are administered before the arrival of those patients at a hospital.

➥ The certification must be issued by the Board of Medical Examiners for a physician or licensed physician assistant or by the State Board of Nursing for a registered nurse.

9. The Board of Medical Examiners and the State Board of Nursing shall issue a certificate pursuant to subsection 8 if the licensed physician, licensed physician assistant or registered nurse attends:

(a) A course offered by a national organization which is nationally recognized for issuing such certification;

(b) Training conducted by the operator of an ambulance or air ambulance; or

(c) Any other course or training,

➥ approved by the Board of Medical Examiners or the State Board of Nursing, whichever is issuing the certification.

10. As used in this section, "developmental disability" has the meaning ascribed to it in NRS 435.007.

Sec. 21. NRS 450B.180 is hereby amended to read as follows:

450B.180 1. Any person desiring certification as an emergency medical technician, advanced emergency medical technician or paramedic must apply to the health authority using forms prescribed by the health authority.

2. The health authority, pursuant to regulations and procedures adopted by the ~~[~~board,~~]~~ ***health authority,*** shall make a determination of the applicant's qualifications to be certified as an emergency medical technician, advanced emergency medical technician or paramedic and shall issue the appropriate certificate to each qualified applicant.

3. A certificate is valid for a period not exceeding 2 years and may be renewed if the holder of the certificate complies with the provisions of this chapter and meets the qualifications set forth in the regulations and standards established by the ~~[~~board~~]~~ ***health authority*** pursuant to this chapter. The regulations and standards established by the ~~[~~board~~]~~ ***health authority*** must provide for the completion of:

(a) A course of instruction, within 2 years after initial certification, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The ~~[~~board~~]~~ ***health authority*** may thereafter determine whether to establish regulations and standards requiring additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

(b) Training before initial certification concerning identifying and interacting with persons with developmental disabilities. Training completed pursuant to this paragraph also satisfies the requirement for such training prescribed by NRS 289.605 or 450B.160, if applicable.

4. The health authority may suspend or revoke a certificate if it finds that the holder of the certificate no longer meets the prescribed qualifications. Unless the certificate is suspended by the district court pursuant to NRS 425.540, the holder of the certificate may appeal the suspension or revocation of his or her certificate pursuant to regulations adopted by the ~~[board.]~~ ***health authority.***

5. The ~~[board]~~ ***health authority*** shall determine the procedures and techniques which may be performed by an emergency medical technician, advanced emergency medical technician or paramedic.

6. A certificate issued pursuant to this section is valid throughout the State, whether issued by the ~~[Division]~~ ***Bureau*** or a district board of health.

7. The ~~[Division]~~ ***Bureau*** shall maintain a central registry of all certificates issued pursuant to this section, whether issued by the ~~[Division]~~ ***Bureau*** or a district board of health.

8. The ~~[board]~~ ***health authority*** shall adopt such regulations as are necessary to carry out the provisions of this section.

9. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Developmental disability" has the meaning ascribed to it in NRS 435.007.

(e) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(f) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 22. NRS 450B.190 is hereby amended to read as follows:

450B.190 1. The health authority may, at its discretion, issue a provisional license as an attendant to a person who does not meet the qualifications established pursuant to this chapter, if the health authority determines that such issuance will be in the public interest.

2. A provisional license as an attendant must not be made valid for more than 1 year from the date of issuance and is not renewable.

3. A person who does not meet the qualifications established pursuant to this chapter is not required to obtain a provisional license to serve in a training capacity if the person:

(a) Is not employed by the provider of emergency services;

(b) Is accompanied at all times during the training period by an emergency medical technician, advanced emergency medical technician or paramedic; and

(c) Will be serving in a training capacity for less than a 24-hour period as part of a course of study at an institution of higher learning in this State.

Sec. 23. NRS 450B.1905 is hereby amended to read as follows:

450B.1905 1. A program of training for certification as an emergency medical technician must be:

(a) Supervised by a physician and approved by the health authority; or

(b) Presented by a national organization which is nationally recognized for providing such training and approved by the ~~[board.]~~ ***health authority.***

2. A program of training for certification as an emergency medical technician must follow the curriculum or educational standards prepared by the United States Department of Transportation as a national standard for emergency medical technicians.

3. The ~~[board]~~ ***health authority*** may adopt regulations which prescribe other requirements of training for certification as an emergency medical technician.

4. An owner of an ambulance shall not offer emergency medical care to a patient in urgent need of medical care or observation unless the attendant has successfully completed a program of training for certification as an emergency medical technician or is exempt, pursuant to subsection 7 of NRS 450B.160, from the requirement to obtain that training.

5. The ~~[board]~~ ***health authority*** may by regulation prescribe additional requirements for receiving and maintaining certification as an emergency medical technician. The curriculum or educational standards for training must be:

(a) At the level of advanced first aid; or

(b) At least equivalent to any curriculum or educational standards prepared by the Department of Transportation as a national standard for emergency medical technicians.

Sec. 24. NRS 450B.191 is hereby amended to read as follows:

450B.191 1. A program of training for certification as an advanced emergency medical technician must be supervised by a licensed physician and approved by the health authority.

2. A program of training for certification as an advanced emergency medical technician must include an approved curriculum in intravenous therapy and the management of a passage for air to the lungs. Only a certified emergency medical technician with experience as established by the ~~[board]~~ ***health authority*** is eligible for this training.

3. In order to maintain certification, each advanced emergency medical technician must annually:

(a) Comply with the requirements established by the ~~[board]~~ ***health authority*** for continuing medical education; and

(b) Demonstrate his or her skills as required by regulation of the ~~[board.]~~ ***health authority.***

4. The ~~[board]~~ ***health authority*** may by regulation prescribe the curriculum and other requirements for training and maintaining certification as an advanced emergency medical technician. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United

States Department of Transportation as a national standard for advanced emergency medical technicians.

5. A person shall not represent himself or herself to be an advanced emergency medical technician unless the person has on file with the health authority a currently valid certificate demonstrating successful completion of the program of training required by this section.

6. Except as authorized by subsection 7 of NRS 450B.160, an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as an advanced emergency medical technician without fulfilling the requirements established by the ~~[board.]~~ ***health authority.***

Sec. 25. NRS 450B.1915 is hereby amended to read as follows:

450B.1915 An advanced emergency medical technician may perform any procedure and administer any drug:

1. Approved by regulation of the ~~[board;]~~ ***health authority;*** or

2. Authorized pursuant to NRS 450B.1975, if the advanced emergency medical technician has obtained an endorsement pursuant to that section.

Sec. 26. NRS 450B.195 is hereby amended to read as follows:

450B.195 1. Only a certified emergency medical technician with experience as established by the ~~[board]~~ ***health authority*** is eligible for training as a paramedic.

2. A program of training for certification as a paramedic must be supervised by a licensed physician and approved by the health authority.

3. To maintain certification, each paramedic must annually:

(a) Comply with the requirements established by the ~~[board]~~ ***health authority*** for continuing medical education; and

(b) Demonstrate his or her skills as required by regulation of the ~~[board.]~~ ***health authority.***

4. The ~~[board]~~ ***health authority*** may by regulation prescribe the curriculum and other requirements for training and maintaining certification as a paramedic. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for paramedics.

5. A person shall not represent himself or herself to be a paramedic unless the person has on file with the health authority a currently valid certificate evidencing the person's successful completion of the program of training required by this section.

6. Except as authorized by subsection 7 of NRS 450B.160, an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as a paramedic without fulfilling the requirements established by the ~~[board.]~~ ***health authority.***

Sec. 27. NRS 450B.197 is hereby amended to read as follows:

450B.197 An attendant or a firefighter who is a paramedic or emergency medical services registered nurse may perform any procedure and administer any drug:

1. Approved by regulation of the ~~[board;]~~ ***health authority;*** or

2. Authorized pursuant to NRS 450B.1975, if the attendant or firefighter who is a paramedic has obtained an endorsement pursuant to that section.

Sec. 28. NRS 450B.1993 is hereby amended to read as follows:

450B.1993 1. The ~~[board]~~ ***health authority*** shall adopt regulations to provide for the issuance of an endorsement on a permit which allows an emergency medical provider who is employed by or serves as a volunteer for the holder of the permit to provide community paramedicine services. Such regulations must establish, without limitation:

(a) The manner in which to apply for an endorsement;

(b) The qualifications and requirements of a holder of a permit to obtain an endorsement;

(c) The required training and qualifications of an emergency medical provider who will provide community paramedicine services and the proof necessary to demonstrate such training and qualifications;

(d) The scope of the community paramedicine services that may be provided by an emergency medical provider who is employed by or serves as a volunteer for the holder of the permit, which must not include any services that are outside the scope of practice of the emergency medical provider;

(e) The continuing education requirements or other evidence of continued competency for renewal of the endorsement; and

(f) Such other requirements as the ~~[board]~~ ***health authority*** deems necessary to carry out the provisions of this section and NRS 450B.199 and 450B.1996.

2. The holder of a permit may apply for an endorsement to provide community paramedicine services by submitting to the health authority an application upon forms prescribed by the ~~[board]~~ ***health authority*** and in accordance with procedures established by the ~~[board.]~~ ***health authority.*** The health authority must not approve an application for an endorsement or a renewal of an endorsement unless the applicant meets the requirements prescribed by the ~~[board]~~ ***health authority*** by regulation pursuant to subsection 1. No additional fee may be charged for an endorsement.

3. An endorsement to provide community paramedicine services expires on the same date as the permit and is renewable annually thereafter at least 30 days before the expiration date.

4. An emergency medical provider may provide community paramedicine services only as an employee of or volunteer for the holder of a permit who has obtained an endorsement and only if the emergency medical provider possesses the training and qualifications required by the ~~[board.]~~ ***health authority.*** Any services provided must not exceed the scope of practice of the emergency medical provider.

Sec. 29. NRS 450B.200 is hereby amended to read as follows:

450B.200 1. The health authority may issue a permit for:

(a) The operation of an ambulance or an air ambulance; or

(b) The operation of a vehicle of a fire-fighting agency:

(1) At the scene of an emergency; and

(2) To provide community paramedicine services, but only if the holder of the permit has obtained an endorsement on the permit to provide such services pursuant to NRS 450B.1993.

2. Each permit must be evidenced by a card issued to the holder of the permit.

3. No permit may be issued unless the applicant is qualified pursuant to the regulations of the ~~[~~board.~~]~~ ***health authority.***

4. An application for a permit must be made upon forms prescribed by the ~~[~~board~~]~~ ***health authority*** and in accordance with procedures established by the ~~[~~board,~~]~~ ***health authority,*** and must contain the following:

(a) The name and address of the owner of the ambulance or air ambulance or of the fire-fighting agency;

(b) The name under which the applicant is doing business or proposes to do business, if applicable;

(c) A description of each ambulance, air ambulance or vehicle of a fire-fighting agency, including the make, year of manufacture and chassis number, and the color scheme, insigne, name, monogram or other distinguishing characteristics to be used to designate the applicant's ambulance, air ambulance or vehicle;

(d) The location and description of the places from which the ambulance, air ambulance or fire-fighting agency intends to operate; and

(e) Such other information as the ~~[~~board~~]~~ ***health authority*** deems reasonable and necessary to a fair determination of compliance with the provisions of this chapter.

5. The ~~[~~board~~]~~ ***health authority*** shall establish a reasonable fee for annual permits.

6. All permits expire on July 1 following the date of issue, and are renewable annually thereafter upon payment of the fee required by subsection 5 at least 30 days before the expiration date.

7. The health authority shall:

(a) Revoke, suspend or refuse to renew any permit issued pursuant to this section for violation of any provision of this chapter or of any regulation adopted by the ~~[~~board;~~]~~ ***health authority;*** or

(b) Bring an action in any court for violation of this chapter or the regulations adopted pursuant to this chapter,

➥ only after the holder of a permit is afforded an opportunity for a public hearing pursuant to regulations adopted by the ~~[~~board.~~]~~ ***health authority.***

8. The health authority may suspend a permit if the holder is using an ambulance, air ambulance or vehicle of a fire-fighting agency which does not

meet the minimum requirements for equipment as established by the ~~[board]~~ ***health authority*** pursuant to this chapter.

9. In determining whether to issue a permit for the operation of an air ambulance pursuant to this section, the health authority:

(a) Except as otherwise provided in paragraph (b), may consider the medical aspects of the operation of an air ambulance, including, without limitation, aspects related to patient care; and

(b) Shall not consider economic factors, including, without limitation, factors related to the prices, routes or nonmedical services of an air ambulance.

10. The issuance of a permit pursuant to this section or NRS 450B.210 does not authorize any person or governmental entity to provide those services or to operate any ambulance, air ambulance or vehicle of a fire-fighting agency not in conformity with any ordinance or regulation enacted by any county, municipality or special purpose district.

11. A permit issued pursuant to this section is valid throughout the State, whether issued by the ~~[Division]~~ ***Bureau*** or a district board of health. An ambulance, air ambulance or vehicle of a fire-fighting agency which has received a permit from the district board of health in a county whose population is 700,000 or more is not required to obtain a permit from the ~~[Division,]~~ ***Bureau,*** even if the ambulance, air ambulance or vehicle of a fire-fighting agency has routine operations outside the county.

12. The ~~[Division]~~ ***Bureau*** shall maintain a central registry of all permits issued pursuant to this section, whether issued by the ~~[Division]~~ ***Bureau*** or a district board of health.

13. The ~~[board]~~ ***health authority*** shall adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 30. NRS 450B.210 is hereby amended to read as follows:

450B.210 1. The ~~[board]~~ ***health authority*** may issue provisional permits limited as to time, place and purpose, based on the need therefor. No provisional permit may be issued for a period of longer than 6 months. The ~~[board]~~ ***health authority*** may establish a reasonable fee for such provisional permits.

2. Unless otherwise limited in the permit, a provisional permit issued pursuant to this section is valid for providing emergency services throughout the State, whether issued by the ~~[Division]~~ ***Bureau*** or a district board of health.

3. In determining whether to issue a permit for the operation of an air ambulance pursuant to this section, the health authority:

(a) Except as otherwise provided in paragraph (b), may consider the medical aspects of the operation of an air ambulance, including, without limitation, aspects related to patient care; and

(b) Shall not consider economic factors, including, without limitation, factors related to the prices, routes or nonmedical services of an air ambulance.

Sec. 31. NRS 450B.225 is hereby amended to read as follows:

450B.225 1. Except as otherwise provided in subsection 2, during any period in which an air ambulance is used to provide medical transportation

services for which a permit is required, the air ambulance must be staffed with, at a minimum:

(a) One primary attendant who:

(1) Is an emergency medical services registered nurse who has at least 3 years of critical care nursing experience;

(2) Has successfully completed an air ambulance attendant course which includes didactic and clinical components and is approved or in compliance with requirements set by the board; and

(3) Has demonstrated proficiency in basic prehospital skills and advance procedures as specified by the board; and

(b) One secondary attendant who meets the same qualifications as a primary attendant pursuant to paragraph (a) or:

(1) Is certified as a paramedic;

(2) Has at least 3 years of field experience as a paramedic;

(3) Has successfully completed an air ambulance attendant course which includes didactic and clinical components and is approved or in compliance with requirements set by the board; and

(4) Has demonstrated proficiency in basic prehospital skills and advance procedures as specified by the board.

2. If, as determined by the pilot and medical director of the air ambulance, the weight of the secondary attendant could compromise the performance of the air ambulance, safety or patient care, an air ambulance providing medical transportation services may be staffed with only a primary attendant as described in paragraph (a) of subsection 1.

3. The ~~[board]~~ ***health authority*** may adopt regulations specifying the acceptable documentation of the requirements set forth in paragraph (a) or (b) of subsection 1.

4. The health authority may issue a letter of endorsement and identification card to an emergency medical services registered nurse or paramedic who satisfies the requirements of paragraph (a) or (b) of subsection 1.

Sec. 32. NRS 450B.230 is hereby amended to read as follows:

450B.230 1. The public or private owner of an ambulance or air ambulance or the fire-fighting agency who owns a vehicle used in providing emergency medical care shall not permit its operation and use without the equipment required by regulations and standards of the ~~[board.]~~ ***health authority.***

2. The provisions of this section do not apply to the equipment in or of an air ambulance unless the equipment is related to the medical aspects of the operation of the air ambulance.

Sec. 33. NRS 450B.260 is hereby amended to read as follows:

450B.260 1. Except as otherwise provided in this section, the public or private owner of an ambulance or air ambulance or a fire-fighting agency which owns a vehicle used in providing medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical

facility shall not permit its operation and use by any person not licensed under this chapter.

2. An ambulance carrying a sick or injured patient must be occupied by a driver and an attendant, each of whom is licensed as an attendant pursuant to this chapter or exempt from licensing pursuant to subsection 7 of NRS 450B.160, except as otherwise provided in subsection 5 or in geographic areas which may be designated by the ~~[board]~~ ***health authority*** and for which the ~~[board]~~ ***health authority*** may prescribe lesser qualifications.

3. An air ambulance carrying a sick or injured patient must be occupied by a licensed attendant, or a person exempt from licensing pursuant to subsection 7 of NRS 450B.160, in addition to the pilot of the aircraft.

4. The pilot of an air ambulance is not required to have a license under this chapter.

5. A person who operates or uses a vehicle owned by a fire-fighting agency is not required to be licensed under this chapter, except that such a vehicle may not be used to provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons:

(a) At the scene of an emergency unless at least one person in the vehicle is licensed to provide the care; or

(b) While transporting those persons to a medical facility unless at least two persons in the vehicle are licensed to provide the care.

6. Nothing in this section precludes the operation of an aircraft in this State in a manner other than as an air ambulance.

Sec. 34. NRS 450B.410 is hereby amended to read as follows:

450B.410 "Do-not-resuscitate identification" means:

1. A form of identification approved by the ~~[health authority,]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health,*** which signifies that:

(a) A person is a qualified patient who wishes not to be resuscitated in the event of cardiac or respiratory arrest; or

(b) The patient's attending physician or attending advanced practice registered nurse has:

(1) Issued a do-not-resuscitate order for the patient;

(2) Obtained the written approval of the patient concerning the order; and

(3) Documented the grounds for the order in the patient's medical record.

2. The term also includes a valid do-not-resuscitate identification issued under the laws of another state.

Sec. 35. NRS 450B.490 is hereby amended to read as follows:

450B.490 1. The board shall adopt regulations to carry out the provisions of NRS 450B.400 to 450B.590, inclusive. The regulations must establish:

(a) A do-not-resuscitate protocol; and

(b) The procedure to apply for a do-not-resuscitate identification.

2. The board may establish a fee for:

(a) A do-not-resuscitate identification to be collected by the ~~[health authority.]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health.*** The fee may not exceed the actual cost to the ~~[health authority]~~ ***Division*** of:

(1) Manufacturing or obtaining the identification from a manufacturer, including the cost of shipping and handling; and

(2) Engraving the identification.

(b) The issuance of a bracelet or medallion which indicates that a do-not-resuscitate identification has been issued to a qualified patient.

3. In the case of a district board of health, such regulations take effect immediately upon approval by the State Board of Health.

Sec. 36. NRS 450B.500 is hereby amended to read as follows:

450B.500 Each do-not-resuscitate identification issued by the ~~[health authority]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health,*** must include, without limitation:

1. An identification number that is unique to the qualified patient to whom the identification is issued;

2. The name and date of birth of the patient; and

3. The name of the attending physician or attending advanced practice registered nurse of the patient.

Sec. 37. NRS 450B.520 is hereby amended to read as follows:

450B.520 Except as otherwise provided in NRS 450B.525:

1. A qualified patient may apply to the ~~[health authority]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health*** for a do-not-resuscitate identification by submitting an application on a form provided by the ~~[health authority.]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health.*** To obtain a do-not-resuscitate identification, the patient must comply with the requirements prescribed by the board and sign a form which states that the patient has informed each member of his or her family within the first degree of consanguinity or affinity, whose whereabouts are known to the patient, or if no such members are living, the patient's legal guardian, if any, or if he or she has no such members living and has no legal guardian, his or her caretaker, if any, of the patient's decision to apply for an identification.

2. An application must include, without limitation:

(a) Certification by the patient's attending physician or attending advanced practice registered nurse that the patient suffers from a terminal condition;

(b) Certification by the patient's attending physician or attending advanced practice registered nurse that the patient is capable of making an informed decision or, when the patient was capable of making an informed decision, that the patient:

(1) Executed:

(I) A written directive that life-resuscitating treatment be withheld under certain circumstances;

(II) A durable power of attorney for health care pursuant to NRS 162A.700 to 162A.870, inclusive; or

(III) A Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the patient is not to receive life-resuscitating treatment; or

(2) Was issued a do-not-resuscitate order pursuant to NRS 450B.510;

(c) A statement that the patient does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(d) The name, signature and telephone number of the patient's attending physician or attending advanced practice registered nurse; and

(e) The name and signature of the patient or the agent who is authorized to make health care decisions on the patient's behalf pursuant to a durable power of attorney for health care decisions.

Sec. 38. NRS 450B.525 is hereby amended to read as follows:

450B.525 1. A parent or legal guardian of a minor may apply to the ~~[health authority]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health*** for a do-not-resuscitate identification on behalf of the minor if the minor has been:

(a) Determined by his or her attending physician or attending advanced practice registered nurse to be in a terminal condition; and

(b) Issued a do-not-resuscitate order pursuant to NRS 450B.510.

2. To obtain such a do-not-resuscitate identification, the parent or legal guardian must:

(a) Submit an application on a form provided by the ~~[health authority;]~~ ***Division or, in a county whose population is 700,000 or more, the district board of health;*** and

(b) Comply with the requirements prescribed by the board.

3. An application submitted pursuant to subsection 2 must include, without limitation:

(a) Certification by the minor's attending physician or attending advanced practice registered nurse that the minor:

(1) Suffers from a terminal condition; and

(2) Has executed a Provider Order for Life-Sustaining Treatment form pursuant to NRS 449A.500 to 449A.581, inclusive, if the form provides that the minor is not to receive life-resuscitating treatment or has been issued a do-not-resuscitate order pursuant to NRS 450B.510;

(b) A statement that the parent or legal guardian of the minor does not wish that life-resuscitating treatment be undertaken in the event of a cardiac or respiratory arrest;

(c) The name of the minor;

(d) The name, signature and telephone number of the minor's attending physician or attending advanced practice registered nurse; and

(e) The name, signature and telephone number of the minor's parent or legal guardian.

4. The parent or legal guardian of the minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that he or she wishes to have the identification removed or destroyed.

5. If, in the opinion of the attending physician or attending advanced practice registered nurse, the minor is of sufficient maturity to understand the nature and effect of withholding life-resuscitating treatment:

(a) The do-not-resuscitate identification obtained pursuant to this section is not effective without the assent of the minor.

(b) The minor may revoke the authorization to withhold life-resuscitating treatment by removing or destroying or requesting the removal or destruction of the identification or otherwise indicating to a person that the minor wishes to have the identification removed or destroyed.

Sec. 39. NRS 450B.855 is hereby amended to read as follows:

450B.855 1. A governmental entity which licenses and regulates emergency response employees may, within the limits of available money, enter into a contract with a nonprofit organization to establish a program to provide peer support counseling to emergency response employees.

2. A nonprofit organization that establishes a program to provide peer support counseling to emergency response employees pursuant to subsection 1 must:

(a) Establish and operate a toll-free hotline for emergency response employees to call if such employees are experiencing mental health issues as a result of the nature of their work.

(b) Establish and maintain a network of peer support counselors to provide peer support counseling to persons who call the toll-free hotline established pursuant to paragraph (a).

(c) Establish and maintain an Internet website that provides:

(1) Information on mental health issues associated with emergency response work, including, without limitation, stress, post-traumatic stress disorder, depression, addictive disorders and self-medication; and

(2) Information concerning local and national support groups for mental health issues.

3. The ~~[Division]~~ ***Bureau*** shall post on an Internet website maintained by the ~~[Division:]~~ ***Bureau:***

(a) The telephone number of each toll-free hotline established pursuant to subsection 2; and

(b) Information concerning local and national support groups for mental health issues.

4. To the extent money is available, the ~~[Division]~~ ***Bureau*** shall collect information regarding suicide and attempted suicide among emergency response employees and report that information to the ~~[Chief Medical Officer]~~ ***State Fire Marshal*** or his or her designee. Such a report must not include any confidential or privileged information.

Sec. 40. NRS 450B.900 is hereby amended to read as follows:

450B.900 1. Any person who violates any of the provisions of this chapter is guilty of a misdemeanor.

2. In addition to any criminal penalty imposed ~~[, the]~~ ***:***

(a) The Division may impose against any person who violates any of the provisions of this chapter ~~[,]~~ ***over which the Division has authority,*** an administrative penalty in an amount established by the State Board of Health by regulation.

(b) The Bureau may impose against any person who violates any of the provisions of this chapter over which the Bureau has authority, an administrative penalty in an amount established by Bureau by regulation.

Sec. 41. NRS 417.0194 is hereby amended to read as follows:

417.0194 1. Each state agency and regulatory body identified in subsections 2 to 16, inclusive, shall report, subject to any limitations or restrictions contained in any state or federal law governing the privacy or confidentiality of records, the data identified in subsections 2 to 17, inclusive, as applicable, to the Interagency Council on Veterans Affairs. Each state agency and regulatory body shall submit such information for the immediately preceding fiscal year to the Council not later than November 30 of each year and shall provide the information in aggregate and in digital form, and in a manner such that the data is capable of integration by the Council.

2. The Department of Veterans Services shall provide annual statistics regarding:

(a) The distribution of expenditures in this State by the United States Department of Veterans Affairs;

(b) The number of veterans who receive care at a veterans' home operated by the State;

(c) The number of interments and other services provided by the veterans' cemeteries in this State;

(d) The total number of veterans service officers who are located in this State, by zip code;

(e) The number of claims filed on behalf of veterans and the family members of veterans by veterans service officers in this State;

(f) The amount of annual payments in the form of disability compensation and pension benefits made to veterans and the family members of veterans in this State as a result of claims filed by any veterans service officers employed or managed by the Department of Veterans Services;

(g) The number of persons who participate as advocates for veterans in this State in a volunteer program sponsored by the Department of Veterans Services, by zip code;

(h) The number of employers in this State who participate in a program sponsored by the Department of Veterans Services that facilitates the employment of veterans; and

(i) The number of events sponsored or supported by the Department of Veterans Services held in this State to provide outreach to veterans regarding

benefits, claims and services, segregated by the geographical location of each event.

3. The Department of Administration shall provide:

(a) Descriptions of and the total amount of the grant dollars received for veteran-specific programs;

(b) The total combined number of veterans and, to the extent the information is available, widows and widowers of persons killed in the line of duty while on active duty in the Armed Forces of the United States, who are employed by each agency in the State; and

(c) The total number of veterans with service-connected disabilities who are seeking preferences through the Purchasing Division and the State Public Works Division of the Department of Administration pursuant to NRS 333.3366 and 338.13844.

4. The State Department of Conservation and Natural Resources shall provide the total number of veterans receiving:

(a) Expedited certification for the grade I certification examination for wastewater treatment plant operators based on their military experience; and

(b) Any discounted fees for access to or the use of state parks.

5. The Department of Corrections shall provide:

(a) An annual overview of the monthly population of inmates in this State who are veterans; and

(b) The success rates for any efforts developed by the Incarcerated Veterans Reintegration Council.

6. The Office of Economic Development shall provide an overview of the workforce that is available statewide of veterans, organized by O*NET-SOC code from the United States Department of Labor or the trade, job title, employment status, zip code, county, highest education level and driver's license class.

7. The Department of Education shall provide the distribution of dependents of service members enrolled in Nevada's public schools.

8. The Department of Employment, Training and Rehabilitation shall provide a summary of:

(a) The average number of veterans served by a veteran employment specialist of the Department of Employment, Training and Rehabilitation per week;

(b) The average number of initial and continuing claims for benefits filed per week by veterans pursuant to NRS 612.455 to 612.530, inclusive;

(c) The average weekly benefit received by veterans receiving benefits pursuant to chapter 612 of NRS; and

(d) The average duration of a claim by claimants who are veterans receiving benefits pursuant to chapter 612 of NRS.

9. The Department of Health and Human Services shall provide ~~[:~~

~~(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency~~

~~Medical Technician and Paramedic through the State Emergency Medical Systems program; and~~

~~(b) A~~**]** ***a*** report from the State Registrar of Vital Statistics setting forth the suicide mortality rate of veterans in this State.

10. The Department of Motor Vehicles shall provide:

(a) The total number of veterans who have declared themselves as a veteran and who applied for and received a commercial driver's license;

(b) The average monthly total of veteran license plates issued; and

(c) An overview of the data on veterans collected pursuant to NRS 483.292, 483.852 and 483.927.

11. The Adjutant General shall provide the total number of:

(a) Members of the Nevada National Guard using waivers for each semester and identifying which schools accepted the waivers;

(b) Members of the Nevada National Guard identified by Military Occupational Specialty and zip code; and

(c) Members of the Nevada National Guard employed under a grant from Beyond the Yellow Ribbon.

12. The Department of Public Safety shall provide ~~[the]~~ ***:***

(a) The total number of veterans who have applied for and received certification as an Emergency Medical Technician-B, Advanced Emergency Medical Technician and Paramedic through the Bureau of Emergency Medical Services; and

(b) The percentage of veterans in each graduating class of its academy for training peace officers.

13. The Department of Taxation shall provide the total number of veterans receiving tax exemptions pursuant to NRS 361.090, 361.091, 361.155, 371.103 and 371.104.

14. The Department of Wildlife shall provide the total number of:

(a) Veterans holding hunting or fishing licenses based on disability; and

(b) Service members holding hunting or fishing licenses who are residents of this State but are stationed outside this State.

15. The Commission on Postsecondary Education shall provide, by industry, the total number of schools in this State approved by the United States Department of Veterans Affairs that are serving veterans.

16. Each regulatory body shall provide the total number of veterans and service members who have:

(a) Applied for a license from the regulatory body.

(b) Been issued a license by the regulatory body.

(c) Renewed a license with the regulatory body.

17. Each state agency and regulatory body identified in subsections 2 to 16, inclusive, shall ensure that the form used to collect data from a veteran, including, without limitation, a digital form posted on an Internet website, includes the following questions:

(a) "Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?"

(b) "Have you ever been assigned to duty for a minimum of 6 continuous years in the National Guard or a reserve component of the Armed Forces of the United States and separated from such service under conditions other than dishonorable?"

(c) "Have you ever served the Commissioned Corps of the United States Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States in the capacity of a commissioned officer while on active duty in defense of the United States and separated from such service under conditions other than dishonorable?"

18. The Council shall, upon receiving the information submitted pursuant to this section and NRS 612.237, synthesize and compile the information, including any recommendations of the Council, and submit the information with the report submitted pursuant to subsection 8 of NRS 417.0195.

19. As used in this section:

(a) "License" has the meaning ascribed to it in NRS 622.030.

(b) "Regulatory body" has the meaning ascribed to it in NRS 622.060.

(c) "Service member" has the meaning ascribed to it in NRS 125C.0635.

Sec. 42. NRS 477.010 is hereby amended to read as follows:

477.010 1. The State Fire Marshal Division is hereby established in the Department of Public Safety.

2. The Division consists of the ***Bureau of Emergency Medical Services, the*** Fire Protection and Control Section, the Fire Investigation Section, the Public Education Section, the Fire Service Training Section and the Fire Data Section.

Sec. 43. NRS 477.013 is hereby amended to read as follows:

477.013 1. The Director of the Department of Public Safety shall consult the State Board of Fire Services and appoint the State Fire Marshal from the list of candidates presented by the Board. The Chief of the State Fire Marshal Division is the State Fire Marshal.

2. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** State Fire Marshal may appoint, within the limits of legislative appropriations, an assistant, deputies and such staff as is necessary to the performance of the duties of the State Fire Marshal. ***The State Fire Marshal shall appoint as Chief of the Bureau of Emergency Medical Services a person who has experience as a paramedic and at least a bachelor's degree in some related field.***

3. The ***Chief of the Bureau of Emergency Medical Services,*** assistant, deputies and additional personnel appointed by the State Fire Marshal are in the classified service of the State.

Sec. 44. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency

remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 45. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 44, 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. 373.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 263.

SUMMARY—Revises provisions relating to deceptive trade practices **.** ~~[directed toward elderly persons.]~~ (BDR 52-773)

AN ACT relating to deceptive trade practices; **clarifying the authority of the Attorney General with respect to a deceptive trade practice;** increasing **certain** civil ~~[and criminal]~~ penalties for engaging in a deceptive trade practice **under certain circumstances;** ~~[directed toward an elderly person;]~~ revising the statute of limitations for engaging in a deceptive trade practice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) **Existing law authorizes the Attorney General to obtain a temporary restraining order, a preliminary or permanent injunction or other appropriate relief by bringing an action in the name of the State against a person the Attorney**

General has reason to believe has engaged or is engaging in a deceptive trade practice. (NRS 598.0963) Section 1 of this bill clarifies that such other appropriate relief which the Attorney General may obtain includes, without limitation, the recovery of a civil penalty, disgorgement, restitution or the recovery of damages as parens patriae.

Existing law authorizes a court or the Director of the Department of Business and Industry or his or her designee, in certain actions and proceedings relating to the enforcement of the provisions prohibiting deceptive trade practices, to impose an additional maximum civil penalty of $12,500 for each violation if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability. (NRS 598.0973) **Section** ~~[1]~~ **1.5** of this bill increases the additional maximum civil penalty to $25,000 if the deceptive trade practice was directed toward an elderly person.

Existing law ~~[establishes a tier of criminal penalties for engaging in a deceptive trade practice that is based on the value of the property or services involved in the offense and which, in general, mirror the criminal penalties for theft. (NRS 205.0835, 598.0999) Section 2 of this bill establishes a tier of criminal penalties for engaging in a deceptive trade practice directed toward an elderly person which are more severe than the criminal penalties applicable for engaging in a deceptive trade practice in general. Under section 2, a person who knowingly and willfully engages in a deceptive trade practice directed toward an elderly person is guilty of: (1) a category C felony for an offense involving a loss of property or services valued at $1,200 or more but less than $5,000; (2) a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000, for an offense involving a loss of property or services valued at $5,000 or more but less than $25,000; (3) a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and by a fine of not more than $15,000, for an offense involving a loss of property or services valued at $25,000 or more but less than $100,000; (4) a category B felony punishable by imprisonment in the state prison for a minimum term of not less than 5 years and a maximum term of not more than 20 years, and by a fine of not more than $20,000, for an offense involving a loss of property or services valued at $100,000 or more; and (5) a gross misdemeanor for any other offense.]~~ **authorizes the Commissioner of Insurance, the Director of the Department of Business and Industry, the district attorney of any county in this State or the Attorney General to recover a civil penalty not to exceed $5,000 if the court finds that a person has willfully engaged in a deceptive trade practice. (NRS 598.0999) Section 2 of this bill increases the maximum civil penalty for such a willful violation to $15,000.**

Existing law requires an indictment for the offense of engaging in certain trade practices punishable as a felony to be found, or an information or

complaint to be filed, within 4 years after the commission of the offense. (NRS 171.085) **Section 3** of this bill imposes that requirement for all offenses involving the commission of any deceptive trade practice that is punishable as a felony. **Section 4** of this bill clarifies that the amendatory provisions of **section 3** apply to an offense committed: (1) before July 1, 2023, if the applicable statute of limitations has commenced but has not yet expired; and (2) on or after July 1, 2023.

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

Section 1. **NRS 598.0963 is hereby amended to read as follows:**

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive. The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief ~~[.]~~ ***, including, without limitation, the recovery of a civil penalty, disgorgement, restitution or the recovery of damages:***

(a) As parens patriae of the persons residing this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly; or

(b) As parens patriae, with respect to direct or indirect damages to the general economy of the State of Nevada or any agency or political subdivision thereof.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 598.0973 is hereby amended to read as follows:

598.0973 1. Except as otherwise provided in NRS 598.0974, in any action or proceeding brought pursuant to NRS 598.0903 to 598.0999, inclusive, if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability, the court or the Director or his or her designee may, in addition to any other civil or criminal penalty, impose a civil penalty of ***:***

(a) For a deceptive trade practice directed toward a person with a disability, not more than $12,500 for each violation.

(b) For a deceptive trade practice directed toward an elderly person, not more than $25,000 for each violation.

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court or the Director or his or her designee shall consider whether:

(a) The conduct of the person was in disregard of the rights of the elderly person or person with a disability;

(b) The person knew or should have known that his or her conduct was directed toward an elderly person or a person with a disability;

(c) The elderly person or person with a disability was more vulnerable to the conduct of the person because of the age, health, infirmity, impaired understanding, restricted mobility or disability of the elderly person or person with a disability;

(d) The conduct of the person caused the elderly person or person with a disability to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the elderly person or person with a disability to suffer:

(1) Mental or emotional anguish;

(2) The loss of the primary residence of the elderly person or person with a disability;

(3) The loss of the principal employment or source of income of the elderly person or person with a disability;

(4) The loss of money received from a pension, retirement plan or governmental program;

(5) The loss of property that had been set aside for retirement or for personal or family care and maintenance;

(6) The loss of assets which are essential to the health and welfare of the elderly person or person with a disability; or

(7) Any other interference with the economic well-being of the elderly person or person with a disability, including the encumbrance of his or her primary residence or principal source of income; or

(f) Any other factors that the court or the Director or his or her designee deems to be appropriate.

Sec. 2. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the

Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed ~~[$5,000]~~ ***$15,000*** for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A ~~***[Except as otherwise provided in subsection 4, a]***~~ natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, 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 10 years, and by a fine of not more than $10,000.

(d) For an offense involving a loss of property or services valued at $100,000 or more, 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 20 years, and by a fine of not more than $15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. ~~***[A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice directed toward an elderly person:***~~

~~*(a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.*~~

~~*(b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, 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 10 years, and by a fine of not more than $10,000.*~~

~~*(c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, 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 3 years and a maximum term of not more than 15 years, and by a fine of not more than $15,000.*~~

~~*(d) For an offense involving a loss of property or services valued at $100,000 or more, 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 5 years and a maximum term of not more than 20 years, and by a fine of not more than $20,000.*~~

~~*(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a gross misdemeanor.*~~

~~*➥ The court may require the natural person, firm or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.*~~

~~*5.]*~~ If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

5. ~~*[6.]*~~ If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. ~~***[7.]***~~ In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5 ~~***, [or 6,]***~~ process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. ~~***[8.]***~~ As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 3. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080 to 171.084, inclusive, and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, a violation of NRS 90.570, a violation punishable pursuant to ~~[paragraph (c)]~~ ***paragraphs (a) to (d), inclusive,*** of subsection 3 ~~***[or paragraphs (a) to (d), inclusive, of subsection 4]***~~ of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense.

3. Sex trafficking must be found, or an information or complaint filed, within 6 years after the commission of the offense.

4. Any felony other than the felonies listed in subsections 1, 2 and 3 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 4. The amendatory provisions of section 3 of this act apply to an offense committed:

1. Before July 1, 2023, if the applicable statute of limitations has commenced but has not expired on July 1, 2023.

2. On or after July 1, 2023.

Sec. 5. 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. 376.

Bill read second time.

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

Amendment No. 334.

AN ACT relating to state employment; establishing provisions governing paid family leave for certain state employees under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, state employees in the public service are entitled to certain types of leave, including, without limitation, annual, sick and disability leave and leaves of absence under certain provisions. (NRS 284.355, 284.360) **Section 1** of this bill provides that ~~[all eligible employees in the classified public service]~~ **an employee** of the **Executive Department of the** State ~~[are]~~ **Government is** entitled to take 8 weeks of paid family leave over the course of a 12-month period to: (1) bond with a newborn child of the employee or a newborn child of the domestic partner of the employee; (2) bond with a newly adopted child of the employee; (3) recover from or undergo treatment for a serious illness; (4) care for a seriously ill member of the immediate family of the employee; or (5) participate in a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee. To be eligible for such paid family leave, **section 1** provides that an employee must: (1) ~~[be a permanent employee in the classified service of the State; (2)]~~ be employed **by the State** for not less than 12 consecutive months; ~~[(3)]~~ **(2)** have accrued not less than 40 hours of sick leave; and ~~[(4)]~~ **(3)** have used any accrued sick leave in excess of 40 hours before taking paid family leave. **Section 1** further: (1) requires an appointing authority to pay an employee on paid family leave 50 percent of the regular wage the employee would have earned if the employee was not on leave; and (2) prohibits the appointing authority or designee of the appointing authority from denying an eligible employee paid family leave or retaliating or taking any adverse action against an employee for taking paid family leave.

Section 2 of this bill makes a conforming change to provide that an employee may use his or her sick leave for the purposes set forth in **section 1** before taking paid family leave. **Section 3** of this bill makes a conforming change to provide that the provisions authorizing an employee to be granted a leave of absence without pay do not affect the rights of an employee to take paid family leave.

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

Section 1. Chapter 284 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, ~~[a permanent]~~ an employee ~~[in]~~ of the ~~[classified service]~~ Executive Department of the State Government who has been employed for not less than 12 consecutive months is entitled to take 8 weeks of paid family leave:

(a) To bond with a newborn child of the employee or a newborn child of the domestic partner of the employee;

(b) To bond with a newly adopted child of the employee;

(c) To recover from or undergo treatment for a serious illness;

(d) To care for a seriously ill member of the immediate family of the employee; or

(e) For a qualifying event resulting from the military deployment to a foreign country of an immediate family member of the employee.

2. An employee eligible for paid family leave pursuant to subsection 1 must have not less than 40 hours of sick leave accrued pursuant to NRS 284.355 before taking paid family leave. Any sick leave accrued in excess of 40 hours must be used before taking paid family leave.

3. An appointing authority shall pay an employee on paid family leave 50 percent of the regular wage the employee would have earned if the employee was not on leave.

4. An employee that is entitled to take paid family leave pursuant to subsection 1 is not required to take paid family leave consecutively and may take paid family leave over the course of a 12-month period.

5. An appointing authority or his or her designee shall not deny an eligible employee the right to take paid family leave in accordance with the provisions of this section or retaliate or take any adverse action against an employee for taking paid family leave pursuant to subsection 1.

6. As used in this section:

(a) "Domestic partner" means a person who is in a domestic partnership which is registered or recognized pursuant to chapter 122A of NRS and which has not been terminated pursuant to that chapter.

(b) "Immediate family" means a parent, sibling, child by blood, adoption or marriage, spouse, grandparent or grandchild.

(c) "Qualifying event" means any military event or essential need resulting from the military deployment of an immediate family member. The term includes, without limitation, arranging for child care or parental care during deployment, representing the military family member at a federal, state or local event during deployment and addressing issues due to the death of the military family member.

(d) "Serious illness" has the meaning ascribed to it in NRS 232.4854.

Sec. 2. NRS 284.355 is hereby amended to read as follows:

284.355 1. Except as otherwise provided in this section, all employees in the public service, whether in the classified or unclassified service, are entitled to sick and disability leave with pay of 1 1/4 working days for each

month of service, which may be cumulative from year to year. After an employee has accumulated 90 working days of sick leave, the amount of additional unused sick leave which the employee is entitled to carry forward from 1 year to the next is limited to one-half of the unused sick leave accrued during that year, but the Commission may by regulation provide for subsequent use of unused sick leave accrued but not carried forward because of this limitation in cases where the employee is suffering from a long-term or chronic illness and has used all sick leave otherwise available to the employee.

2. ***An employee who is entitled to receive paid family leave pursuant to section 1 of this act may use his or her accrued sick leave for any purpose set forth in subsection 1 of section 1 of this act.***

3. Upon the retirement of an employee, the employee's termination through no fault of the employee or the employee's death while in public employment, the employee or the employee's beneficiaries are entitled to payment:

(a) For the employee's unused sick leave in excess of 30 days, exclusive of any unused sick leave accrued but not carried forward, according to the employee's number of years of public service, except service with a political subdivision of the State, as follows:

(1) For 10 years of service or more but less than 15 years, not more than $2,500.

(2) For 15 years of service or more but less than 20 years, not more than $4,000.

(3) For 20 years of service or more but less than 25 years, not more than $6,000.

(4) For 25 years of service, not more than $8,000.

(b) For the employee's unused sick leave accrued but not carried forward, an amount equal to one-half of the sum of:

(1) The employee's hours of unused sick leave accrued but not carried forward; and

(2) An additional 120 hours.

~~[3.]~~ ***4.*** The Commission may by regulation provide for additional sick and disability leave for long-term employees and for prorated sick and disability leave for part-time employees.

~~[4.]~~ ***5.*** An employee entitled to payment for unused sick leave pursuant to subsection ~~[2]~~ ***3*** may elect to receive the payment in any one or more of the following forms:

(a) A lump-sum payment.

(b) An advanced payment of the premiums or contributions for insurance coverage for which the employee is otherwise eligible pursuant to chapter 287 of NRS. If the insurance coverage is terminated and the money advanced for premiums or contributions pursuant to this subsection exceeds the amount which is payable for premiums or contributions for the period for which the former employee was actually covered, the unused portion of the advanced

payment must be paid promptly to the former employee or, if the employee is deceased, to the employee's beneficiary.

(c) The purchase of additional retirement credit, if the employee is otherwise eligible pursuant to chapter 286 of NRS.

~~[5.]~~ ***6.*** Officers and members of the faculty of the Nevada System of Higher Education are entitled to sick and disability leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.

~~[6.]~~ ***7.*** The Commission may by regulation provide policies concerning employees with mental or emotional disorders which:

(a) Use a liberal approach to the granting of sick leave or leave without pay to such an employee if it is necessary for the employee to be absent for treatment or temporary hospitalization.

(b) Provide for the retention of the job of such an employee for a reasonable period of absence, and if an extended absence necessitates separation or retirement, provide for the reemployment of such an employee if at all possible after recovery.

(c) Protect employee benefits, including, without limitation, retirement, life insurance and health benefits.

~~[7.]~~ ***8.*** The Commission shall establish by regulation a schedule for the accrual of sick leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of sick leave at the same rate proportionately as employees who work a 40-hour week accrue sick leave.

~~[8.]~~ ***9.*** The Division may investigate any instance in which it believes that an employee has taken sick or disability leave to which the employee was not entitled. If, after notice to the employee and a hearing, the Commission determines that the employee has taken sick or disability leave to which the employee was not entitled, the Commission may order the forfeiture of all or part of the employee's accrued sick leave.

Sec. 3. NRS 284.360 is hereby amended to read as follows:

284.360 1. Any person holding a permanent position in the classified service may be granted a leave of absence without pay. Leave of absence may be granted to any person holding a position in the classified service to permit acceptance of an appointive position in the unclassified service. Leave of absence must be granted to any person holding a position in the classified service to permit acceptance of a position in the Legislative Branch during a regular or special session of the Legislature, including a reasonable period before and after the session if the entire period of employment in the Legislative Branch is continuous.

2. If a person is granted a leave of absence without pay to permit acceptance of an appointive position in the unclassified service or a position in the Legislative Branch, any benefits earned while the person is in the:

(a) Classified service are retained and must be paid by the employer in the classified service, whether or not the person returns to the classified service.

(b) Unclassified service or employed by the Legislative Branch are retained and must be paid by the appointing authority in the unclassified service or by the Legislative Branch, if the person does not return to the classified service, or by the employer in the classified service, if the person returns to the classified service.

3. Any person in the unclassified service, except members of the academic staff of the Nevada System of Higher Education, may be granted by the appointing authority a leave of absence without pay for a period not to exceed 6 months.

4. Officers and members of the faculty of the Nevada System of Higher Education may be granted leaves of absence without pay as provided by the regulations prescribed pursuant to subsection 2 of NRS 284.345.

5. Except as otherwise provided in subsection 6, a person in the classified or unclassified service who:

(a) Is the natural parent of a child who is less than 6 months old; or

(b) Has recently adopted a child,

➥ must be granted, upon request, a leave of absence without pay for a period not to exceed 12 weeks. Such a request by natural parents must be submitted at least 3 months before the date upon which the requested leave will begin, unless a shorter notice is approved by the employer. Such a request by adoptive parents must be submitted not fewer than 2 working days after the parents receive notice of the approval of the adoption. This subsection does not affect the rights of an employee set forth in NRS 284.350 ***,*** ~~[or]~~ 284.355 ~~[.]~~ ***and section 1 of this act.***

6. The provisions of subsection 5 are effective only if the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., or a subsequent federal law ceases to provide for a parental leave of absence of at least 12 weeks.

Sec. 4. 1. This 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.

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. 387.

Bill read second time.

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

Amendment No. 286.

AN ACT relating to water; ~~[revising provisions relating to groundwater basins;]~~ requiring the State Engineer to consider the best available science

when rendering decisions; revising provisions relating to the appropriation of underground water; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, upon receipt of a petition signed by not less than 40 percent of the appropriators of record in any particular groundwater basin or portion thereof, the State Engineer is required to designate the basin for administration if the findings of the State Engineer determine that administration would be justified. The State Engineer may also designate a basin where no petition is received if, following a public hearing, the State Engineer determines that administration of the basin is justified. To designate a basin, the State Engineer must enter an official order describing the boundaries of the basin by legal subdivision as nearly as possible. (NRS 534.030) Sections 2 and 8 of this bill define the term "groundwater basin" or "basin" to mean one or more groundwater basins that are designated by the State Engineer and administered as a single source and supply of water for administration in accordance with existing law. Sections 4 and 9 of this bill make conforming changes to indicate the proper placement of sections 2 and 8, respectively, in the Nevada Revised Statutes. Section 7 of this bill makes a conforming change to remove a duplicative definition.]~~

Existing law declares that it is the policy of this State to encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in this State. (NRS 533.024) **Sections 3 and 5** of this bill remove this provision from the legislative declaration and instead require the State Engineer to consider the best available science.

Existing law provides that all underground waters within the boundaries or the State, subject to all existing rights to the use thereof, are subject to appropriation for beneficial use under the laws of this State. (NRS 534.020) **Section 10** of this bill provides that the appropriation **or use** of underground waters is subject to all existing rights ~~[regardless of where the points of diversion are located, and]~~ **to the use of the source thereof,** if the State Engineer finds that a ~~[sufficient]~~ hydrologic connection exists ~~[, regardless of whether the points of diversion are located in separate basins.]~~ **that is sufficient to cause a conflict with existing rights.**

Under existing law, the State Engineer is required to determine whether there is unappropriated water in an affected area and may issue permits for a well only if the determination is affirmative. (NRS 534.110) Existing law prohibits the State Engineer from issuing a permit to appropriate water under certain circumstances, including, without limitation, if there is no unappropriated water or where the proposed use or change conflicts with existing rights or with protectable interests or threatens to prove detrimental to the public interest. (NRS 533.370) ~~[Sections]~~ **Section 6** ~~[and 13]~~ of this bill ~~[require]~~ **requires** the State Engineer, in determining whether there is unappropriated water, to consider whether the permit would conflict with ~~[existing rights or threaten to prove detrimental to the public interest.]~~ **any**

hydrologically connected surface water or groundwater. Section 13 of this bill clarifies that the State Engineer must determine whether there is unappropriated water in an affected area in accordance with existing law governing the issuance of permits to appropriate water. Sections 11 and 12 of this bill make conforming changes to revise certain internal references.

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

Section 1. Chapter 533 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~**[***"Groundwater basin" or "basin" has the meaning ascribed to it in section 8 of this act.***]**~~ **(Deleted by amendment.)**

Sec. 3. ***1. The State Engineer shall consider the best available science in rendering decisions concerning the surface and underground sources of water in this State.***

2. As used in this section, "best available science" means the use of credible information and data that is specific to the decision being made and the time frame available for making such a decision and consistent with professional scientific and engineering standards and practices.

Sec. 4. ~~**[**NRS 533.005 is hereby amended to read as follows:~~

~~533.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 533.007 to 533.023, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.**]**~~ **(Deleted by amendment.)**

Sec. 5. NRS 533.024 is hereby amended to read as follows:

533.024 The Legislature declares that:

1. It is the policy of this State:

(a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River.

(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.

(c) ~~**[**To encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada.~~

~~(d)**]**~~ To encourage and promote the use of water to prevent or reduce the spread of wildfire or to rehabilitate areas burned by wildfire, including, without limitation, through the establishment of vegetative cover that is resistant to fire.

~~**[**(e)**]**~~ ***(d)*** To manage conjunctively the appropriation, use and administration of all waters of this State, regardless of the source of the water.

2. The procedures in this chapter for changing the place of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to or changing ownership of a water right and that only a court of competent jurisdiction has the power to determine conflicting claims to ownership of a water right.

Sec. 6. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, where there is no unappropriated water in the proposed source of supply, where the groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 or where its proposed use or change conflicts with existing rights ***, including, without limitation, ~~[the existing rights of holders of permits, claimants of vested rights or the existing rights associated with]~~ conflicts from any hydrologically connected surface water or groundwater*** or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The

written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 7. ~~[NRS 533.438 is hereby amended to read as follows:~~

~~533.438 1. Except as otherwise provided in subsection 4, if an appropriation of groundwater pursuant to a permit to appropriate groundwater results in the transfer to and beneficial use of water in a county in this State other than the county in which the water is appropriated or in another state, the county of origin may impose a fee of $10 per acre-foot per year on the transfer.~~

~~2. A county of origin shall not impose a fee pursuant to subsection 1 without the prior approval of the State Engineer. The county of origin shall notify the State Engineer in writing of its intent to impose the fee. The State Engineer shall review the notice of intent to impose the fee to determine:~~

~~(a) Whether the appropriation of groundwater pursuant to the permit specified in subsection 1 results in a transfer to and beneficial use of water in a county in this State other than the county of origin or in another state; and~~

~~(b) The amount of water, if any, that is:~~

~~(1) Subject to the proposed fee because of that transfer and beneficial use; or~~

~~(2) Not subject to the proposed fee pursuant to subsection 4.~~

~~3. Within 30 days after reviewing the notice of intent to impose the fee, the State Engineer shall send a written notice to the county of origin that includes the results of his or her review. If the State Engineer determines that the appropriation of groundwater pursuant to the permit results in a transfer to and beneficial use of water in a county in this State other than the county of origin or in another state, the State Engineer shall include in the notice the amount of water that is subject to the proposed fee. The county may, upon such a determination, impose the fee on the transfer.~~

~~4. A fee may not be imposed pursuant to this section on water that is appropriated and beneficially used pursuant to a permit to appropriate groundwater which is issued for a point of diversion and a place of beneficial use in the county of origin and which, after the water is diverted and beneficially used, is discharged or migrates into a county in this State other than the county of origin or into another state.~~

~~5. All money collected from a fee imposed pursuant to this section must be deposited in a trust fund for the county. The principal and interest of the trust fund may be used by the county only for the purposes of economic development, health care and education.~~

~~6. For the purposes of this section, if a basin includes land lying in more than one county, each county any part of whose land is included is a county of origin to the extent of the proportionate amount of water transferred from it. The State Engineer shall determine the respective proportions.~~

~~7. As used in this section [:~~

~~(a) A "basin" is one designated by the State Engineer for the purposes of chapter 534 of NRS.~~

~~(b) "Origin"] , "*origin*" means the place where water is taken from underground.]~~ **(Deleted by amendment.)**

Sec. 8. ~~[Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Groundwater basin" or "basin" means one or more groundwater basins designated by the State Engineer pursuant to NRS 534.030 which are administered as a single source and supply of water by the State Engineer in accordance with the provisions of this chapter and chapter 533 of NRS.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 534.010 is hereby amended to read as follows:~~

~~534.010 1. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 534.0105 to 534.0175, inclusive, *and section 8 of this act* have the meanings ascribed to them in those sections.~~

~~2. As used in this chapter, the terms "underground water" and "groundwater" are synonymous.]~~ **(Deleted by amendment.)**

Sec. 10. NRS 534.020 is hereby amended to read as follows:

534.020 1. ***Any appropriation or use of underground waters within the boundaries of this State is subject to all existing rights to the use of the source thereof, [regardless of where the respective points of diversion are located and,] if the State Engineer finds that a [sufficient] hydrologic connection exists [, regardless of whether the respective points of diversion are located in separate basins.] that is sufficient to cause a conflict with existing rights.***

2. All underground waters within the boundaries of the State belong to the public, and, subject to all existing rights to the use thereof [,] ***as set forth in subsection 1,*** are subject to appropriation for beneficial use only under the laws of this State relating to the appropriation and use of water and not otherwise.

[2.] ***3.*** It is the intention of the Legislature, by this chapter, to prevent the waste of underground waters and pollution and contamination thereof and provide for the administration of the provisions thereof by the State Engineer, who [is hereby empowered to] ***shall*** make such rules and regulations within the terms of this chapter as may be necessary for the proper execution of the provisions of this chapter.

Sec. 11. NRS 534.037 is hereby amended to read as follows:

534.037 1. In a basin that has been designated as a critical management area by the State Engineer pursuant to subsection [7] ***8*** of NRS 534.110, a petition for the approval of a groundwater management plan for the basin may be submitted to the State Engineer. The petition must be signed by a majority of the holders of permits or certificates to appropriate water in the basin that are on file in the Office of the State Engineer and must be accompanied by a groundwater management plan which must set forth the necessary steps for removal of the basin's designation as a critical management area.

2. In determining whether to approve a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall consider, without limitation:

(a) The hydrology of the basin;

(b) The physical characteristics of the basin;

(c) The geographic spacing and location of the withdrawals of groundwater in the basin;

(d) The quality of the water in the basin;

(e) The wells located in the basin, including, without limitation, domestic wells;

(f) Whether a groundwater management plan already exists for the basin; and

(g) Any other factor deemed relevant by the State Engineer.

3. Before approving or disapproving a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall hold a public hearing to take testimony on the plan in the county where the basin lies or, if the basin lies in more than one county, within the county where the major

portion of the basin lies. The State Engineer shall cause notice of the hearing to be:

(a) Given once each week for 2 consecutive weeks before the hearing in a newspaper of general circulation in the county or counties in which the basin lies.

(b) Posted on the Internet website of the State Engineer for at least 2 consecutive weeks immediately preceding the date of the hearing.

4. The decision of the State Engineer on a groundwater management plan may be reviewed by the district court of the county pursuant to NRS 533.450.

5. An amendment to a groundwater management plan must be proposed and approved in the same manner as an original groundwater management plan is proposed and approved pursuant to this section.

Sec. 12. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to NRS 533.425, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse.

2. If the records of the State Engineer or any other documents obtained by or provided to the State Engineer indicate 4 or more consecutive years of nonuse of all or any part of a water right which is governed by this chapter:

(a) The State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail of the nonuse and that the owner has 1 year after the date of the notice of nonuse in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 3 to avoid forfeiting the water right.

(b) If, after 1 year after the date of the notice of nonuse pursuant to paragraph (a), proof of resumption of beneficial use is not filed in the Office of the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, send a final notice to the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail, that the water right is held for forfeiture. If the owner of the water right, within 30 days after the date of such final notice, fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture, the State Engineer shall declare the right, or the portion of the right not returned to beneficial use, forfeited. The State Engineer shall send notice of the declaration of forfeiture, by registered or certified mail, to the owner of record, as determined in the records of the Office of the State Engineer, of the water right that has been declared forfeited.

(c) If, after receipt of a notice of the declaration of forfeiture pursuant to paragraph (b), the owner of record of the water right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. Upon the forfeiture of the water right, the water reverts to the public and is available for further appropriation, subject to existing rights.

3. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under subsection 2 if the request is made before the expiration of the time necessary to work a forfeiture. Except as otherwise provided in subsection 4, the State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has submitted proof and evidence that the holder is proceeding in good faith and with reasonable diligence to resume use of the water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The number of years during which the water has not been put to the beneficial use for which the right is acquired or claimed;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Whether the water right is located in a basin within a county under a declaration of drought by the Governor, United States Secretary of Agriculture or the President of the United States;

(e) Whether the holder has demonstrated efforts to conserve water which have resulted in a reduction in water consumption;

(f) Whether the water right is located in a basin that has been designated as a critical management area by the State Engineer pursuant to subsection ~~[7]~~ ***8*** of NRS 534.110;

(g) The date of priority of the water right as it relates to the potential curtailment of water use in the basin;

(h) The availability of water in the basin, including, without limitation, whether withdrawals of water consistently exceed the perennial yield of the basin; and

(i) Any orders restricting use or appropriation of water in the basin.

➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall send a final notice to the owner of the water right, by registered or certified mail, that the water right will be declared forfeited if the owner of the

water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of the final notice. If the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of such final notice, the State Engineer shall declare the water right, or the portion of the right not returned to beneficial use, forfeited.

4. If the State Engineer grants an extension pursuant to subsection 1 in a basin:

(a) Where withdrawals of groundwater consistently exceed the perennial yield of the basin; or

(b) That has been designated as a critical management area by the State Engineer pursuant to subsection ~~[7]~~ ***8*** of NRS 534.110,

➥ a single extension must not exceed 3 years, but any number of extensions may be granted to the holder of such a right.

5. The failure to receive a notice pursuant to subsection 2 or 3 does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

6. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 13. NRS 534.110 is hereby amended to read as follows:

534.110 1. The State Engineer shall administer this chapter and shall prescribe all necessary regulations within the terms of this chapter for its administration.

2. The State Engineer may:

(a) Require periodical statements of water elevations, water used, and acreage on which water was used from all holders of permits and claimants of vested rights.

(b) Upon his or her own initiation, conduct pumping tests to determine if overpumping is indicated, to determine the specific yield of the aquifers and to determine permeability characteristics.

3. ~~[The]~~ ***In accordance with NRS 533.370, the*** State Engineer shall determine whether there is unappropriated water in the area affected and may issue permits only if the determination is affirmative. ~~***[In determining whether there is unappropriated water in the area affected, the State Engineer shall, in accordance with NRS 533.370, consider whether the proposed use will:***~~

~~*(a) Conflict with existing rights, including, without limitation, the existing rights:*~~

~~*(1) Of holders of permits;*~~

~~*(2) Of claimants of vested rights; and*~~

~~*(3) Associated with any hydrologically connected surface water and groundwater; or*~~

~~*(b) Prove detrimental to the public interest in the area affected.]*~~

4. The State Engineer may require each applicant to whom a permit is issued for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ to report periodically to the State Engineer concerning the effect of that well on other previously existing wells that are located within 2,500 feet of the well.

~~[4.]~~ ***5.*** It is a condition of each appropriation of groundwater acquired under this chapter that the right of the appropriator relates to a specific quantity of water and that the right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining a reasonable lowering of the static water level in a particular area, the State Engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of using water on the economy of the area in general.

~~[5.]~~ ***6.*** This section does not prevent the granting of permits to applicants later in time on the ground that the diversions under the proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as any protectable interests in existing domestic wells as set forth in NRS 533.024 and the rights of holders of existing appropriations can be satisfied under such express conditions. At the time a permit is granted for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ the State Engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the domestic well have agreed to alternative measures that mitigate those adverse effects.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection ~~[7,]~~ ***8,*** the State Engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants, and if the findings of the State Engineer so indicate, except as otherwise provided in subsection ~~[9,]~~ ***10,*** the State Engineer may order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted to conform to priority rights.

~~[7.]~~ ***8.*** The State Engineer:

(a) May designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin.

(b) Shall designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such a designation which is signed by a majority of the holders of certificates or permits to appropriate water in the basin that are on file in the Office of the State Engineer.

➥ The designation of a basin as a critical management area pursuant to this subsection may be appealed pursuant to NRS 533.450. If a basin has been designated as a critical management area for at least 10 consecutive years, except as otherwise provided in subsection ~~[9,]~~ ***10,*** the State Engineer shall order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights, unless a groundwater management plan has been approved for the basin pursuant to NRS 534.037.

~~[8.]~~ ***9.*** In any basin or portion thereof in the State designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells. Any order or decision of the State Engineer so restricting drilling of such wells may be reviewed by the district court of the county pursuant to NRS 533.450.

~~[9.]~~ ***10.*** If a court of competent jurisdiction orders the State Engineer to restrict withdrawals to conform to priority rights or if pursuant to subsection ~~[6 or]~~ 7 ***or 8*** the State Engineer orders that withdrawals be restricted to conform to priority rights, the State Engineer must limit the restriction of withdrawals from a domestic well to allow a domestic well to continue to withdraw 0.5 acre-feet of water per year, which must be recorded by a water meter.

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. 392.

Bill read second time.

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

Amendment No. 289.

AN ACT relating to property; prohibiting certain deceptive service agreements between an owner of residential property and a service provider; revising provisions governing persons who hold a permit to engage in property management; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any provision in a written instrument relating to real property that is discriminatory, prohibits the display of the flag of the United States or prohibits or restricts an owner of property from obtaining solar or wind energy on his or her property is void and unenforceable. (NRS 111.237-111.2395) **Section 1** of this bill prohibits, with certain exceptions, a service provider from entering into or recording a service agreement with an owner of residential property that provides for the performance of the agreement more than 1 year from the date of the execution of the agreement if the service agreement: (1) purports to run with the land or bind future owners; (2) allows for the assignment of the right to provide service without requiring notice to and the agreement of the owner; or (3) purports to create a security interest in the residential property. **Section 1** provides that such a service agreement is void and unenforceable. **Section 1** also: (1) provides that a county recorder may refuse to record such an agreement; (2) provides that any person who attempts to record such an agreement is guilty of a misdemeanor; and (3) authorizes persons with an interest in a residential property subject to such a service agreement to bring a civil action for equitable relief, actual damages and actual costs and attorney's fees.

Section 1 further requires a service provider that has entered into a service agreement on or before October 1, 2023, to record a notice of the service agreement with the county ~~[clerk]~~ **recorder** of the county in which the real property that is subject to the service agreement is located. If the service provider fails to record the notice, **section 1** provides that the service agreement is void and unenforceable.

Existing law defines various activities involving businesses and occupations that constitute deceptive trade practices. (NRS 598.0915-598.0925) If a person knowingly engages in a deceptive trade practice, the person may be subject to restraint by injunction and the imposition of civil and criminal penalties. (NRS 598.0979, 598.0985, 598.0999) **Section 1** provides that a service provider who enters into or records such a service agreement prohibited by **section 1** is engaged in a deceptive trade practice.

Existing law authorizes a person licensed as a real estate broker, real estate broker-salesperson or real estate salesperson to apply to the Real Estate Division of the Department of Business and Industry for a permit to engage in property management. (NRS 645.6052) A real estate broker who holds a permit to engage in property management is prohibited from acting as a property manager unless the broker has first obtained a property management agreement signed by the broker and the client for whom the broker will manage the property. (NRS 645.6056) **Section 2** of this bill sets forth certain duties of a person who acts as a property manager when entering into a property management agreement and performing his or her duties pursuant to such agreement, including, without limitation, requiring the property manager to: (1) make certain disclosures to each party to the property management agreement; (2) exercise reasonable skill and care; (3) provide a form to all

parties to the property management agreement disclosing the duties owed by the property manager; (4) seek a rental or lease of real property at the price set forth in the property management agreement; (5) advise the client to seek expert advice when needed; and (6) account for all money and property the property manager receives in which the client may have an interest.

Section 3 of this bill revises the definition of the term "agency" to include a relationship arising out of a property management agreement.

Section 6 of this bill prohibits a property manager from waiving any duty set forth in **section 2**. **Section 7** of this bill authorizes a person who has suffered damages as the proximate result of a property manager's failure to perform any duty set forth in **section 2** to bring an action against the property manager for the recovery of the person's actual damages.

Existing law requires the Division to prepare and distribute a form to persons licensed as real estate brokers, real estate broker-salespersons or real estate salespersons which sets forth the duties owed by a licensee. (NRS 645.193) **Section 4** of this bill also requires the Division to prepare such a form for property managers.

Existing law provides that if a real estate broker assigns different licensees affiliated with his or her brokerage to separate parties to a real estate transaction, the licensees are not required to obtain the written consent of each party to the transaction. (NRS 645.252, 645.253) **Section 5** of this bill provides that property managers affiliated with a brokerage who are assigned to separate parties to a property management agreement are also not required to obtain such written consent.

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

Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A service provider shall not enter into or record a service agreement with an owner of residential property that provides for performance of the service agreement more than 1 year from the date of execution of the service agreement if the service agreement:

(a) Purports to run with the land or bind future owners of interests in the residential property;

(b) Allows for the assignment of the right to provide service without requiring notice to and agreement of the owner of the residential property; or

(c) Purports to create a security interest in the residential property, including, without limitation, a lien or encumbrance.

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

(a) A home warranty or similar product that covers the cost of maintenance of a major housing system, including, without limitation, a plumbing or electrical system, for a set period of time;

(b) An insurance contract;

(c) An option to purchase or right of refusal;

(d) A maintenance or repair agreement entered into by a homeowners' association in a common interest community;

(e) A mechanic's lien;

(f) A mortgage loan or a commitment to make or receive a mortgage loan;

(g) A security agreement relating to the sale or rental of personal property or fixtures;

(h) Any utility service provided by a public utility, including, without limitation, water, sewer, electrical, telephone or cable; or

(i) A declaration created in the formation of a common-interest community or an amendment thereto.

3. A service agreement prohibited pursuant to this section that is recorded on or after October 1, 2023, is void and unenforceable. A county recorder may refuse to record any written instrument that contains a service agreement that is prohibited pursuant to this section. A person who submits a written instrument for recordation to the county ~~[clerk]~~ recorder that contains such a service agreement is guilty of a misdemeanor.

4. The recording of a service agreement prohibited pursuant to this section does not provide actual or constructive notice to a bona fide purchaser or creditor of residential property.

5. A violation of subsection 1 constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. Any person with an interest in a residential property for which a service agreement prohibited pursuant to this section is recorded may bring a civil action in any court of competent jurisdiction for such a violation. If a person brings such an action, the court may award the person:

(a) Any equitable relief that the court deems appropriate;

(b) Actual damages; and

(c) Actual costs and attorney's fees.

6. On or before July 31, 2024, a service provider that has entered into a service agreement on or before October 1, 2023, shall record a notice of service agreement with the county recorder of the county in which the real property that is the subject of the service agreement is located, which must include, without limitation:

(a) The title "Notice of Service Agreement" in not less than 14-point boldface type;

(b) A legal description of the real property;

(c) The amount of the fee provided in the service agreement or the method by which the fee must be calculated;

(d) The date or circumstances under which the obligation set forth in the service agreement expires;

(e) The name, address and telephone number of the service provider; and

(f) If the service provider is:

(1) A natural person, the notarized signature of the service provider; or

(2) A business entity, the notarized signature of an authorized officer or employee of the business entity.

7. If a service provider fails to record the notice required pursuant to subsection 6 on or before July 31, 2024, the service agreement is hereby declared void and unenforceable and any interest in the real property that is subject to the service agreement may be conveyed free and clear of the service agreement.

8. As used in this section:

(a) "Residential property" means any land in this State which is primarily used for personal, family or household purposes to which is affixed not less than one nor more than four dwelling units.

(b) "Service agreement" means a contract under which a person agrees to provide services in connection with the maintenance, purchase or sale of residential property.

(c) "Service provider" means a person who provides services to another party.

Sec. 2. Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:

A person who holds a permit to engage in property management when entering into a property management agreement and performing his or her duties pursuant to such property management agreement, as applicable:

1. Shall disclose to each party to the property management agreement as soon as practicable:

(a) Any material and relevant facts, data or information which the property manager knows, or which by the exercise of reasonable care and diligence should have known, relating to the property which is the subject of the property management agreement.

(b) Each source from which the property manager will receive compensation as a result of the agreement.

(c) That the property manager is a principal to the agreement or has an interest in a principal to the agreement.

(d) That the property manager is acting for more than one party to the agreement. If a property manager makes such a disclosure, he or she must obtain the written consent of each party to the agreement for whom the property manager is acting before he or she may continue to act in his or her capacity as an agent. The written consent must include:

(1) A description of the property management agreement.

(2) A statement that the property manager is acting for two or more parties to the agreement who have an adverse interest and that in acting for these parties, the property manager has a conflict of interest.

(3) A statement that the property manager will not disclose any confidential information for 1 year after the revocation or termination of any property management agreement entered into with a party to the agreement, unless he or she is required to do so by a court of competent jurisdiction or is given written permission to do so by that party.

(4) A statement that a party is not required to consent to the property manager acting on behalf of the party.

(5) A statement that the party is giving consent without coercion and understands the terms of the consent given.

(6) Any changes in the property manager's relationship to a party to the agreement or activity.

2. Shall exercise reasonable skill and care with respect to all parties to the property management agreement in carrying out the terms of the property management agreement and performing his or her duties.

3. Shall provide the appropriate form prepared by the Division pursuant to NRS 645.193 to:

(a) Each party for whom the property manager is acting as a property manager in the property management agreement; and

(b) Each unrepresented party to the property management agreement, if any.

4. Shall seek a rental or lease of real property at the price and terms stated in the property management agreement or at a price acceptable to the client.

5. Shall advise the client to obtain advice from an expert relating to matters which are beyond the expertise of the property manager.

6. Shall account for all money and property the property manager receives in which the client may have an interest as soon as is practicable.

7. Unless otherwise agreed upon in writing, owes no duty to:

(a) Independently verify the accuracy of a statement made by an inspector certified pursuant to chapter 645D of NRS or another appropriate licensed or certified expert.

(b) Conduct an independent inspection of the financial condition of a party to the property management agreement.

(c) Conduct an investigation of the condition of the property which is the subject of the property management agreement.

Sec. 3. NRS 645.0045 is hereby amended to read as follows:

645.0045 1. "Agency" means a relationship between a principal and an agent arising out of a brokerage agreement ***or property management agreement*** whereby the agent is engaged to do certain acts on behalf of the principal in dealings with a third party.

2. The term does not include a relationship arising solely from negotiations or communications with a client of another broker with the written permission of the broker in accordance with the provisions of subsection 2 of NRS 645.635.

Sec. 4. NRS 645.193 is hereby amended to read as follows:

645.193 The Division shall prepare and distribute to licensees ~~[.]~~ ***and property managers:***

1. A form which sets forth the duties owed by a licensee ***or property manager*** who is acting for only one party to a real estate transaction ~~[.]~~ ***or property management agreement, as applicable.***

2. A form which sets forth the duties owed by a licensee ***or property manager*** who is acting for more than one party to a real estate transaction ~~[.]~~ ***or property management agreement, as applicable.***

3. A form which sets forth the duties owed by a real estate broker who assigns different licensees ***or property managers*** affiliated with his or her brokerage to separate parties to a real estate transaction ~~[.]~~ ***or property management agreement, as applicable.***

Sec. 5. NRS 645.253 is hereby amended to read as follows:

645.253 If a real estate broker assigns different ~~[licensees]~~ ***:***

1. Licensees affiliated with his or her brokerage to separate parties to a real estate transaction, the licensees are not required to obtain the written consent required pursuant to paragraph (d) of subsection 1 of NRS 645.252. Each licensee shall not disclose, except to the real estate broker, confidential information relating to a client in violation of NRS 645.254.

2. Licensees affiliated with his or her brokerage who hold permits to engage in property management to separate parties to a property management agreement, the property managers are not required to obtain the written consent required pursuant to paragraph (d) of subsection 1 of section 2 of this act. Each property manager shall not disclose, except to the real estate broker, confidential information relating to a client in violation of section 2 of this act.

Sec. 6. NRS 645.255 is hereby amended to read as follows:

645.255 Except as otherwise provided in subsection 4 of NRS 645.254, no duty of a licensee set forth in NRS 645.252 or 645.254 ***or a property manager set forth in section 2 of this act*** may be waived.

Sec. 7. NRS 645.257 is hereby amended to read as follows:

645.257 1. A person who has suffered damages as the proximate result of a licensee's ***or property manager's*** failure to perform any duties required by NRS 645.252, 645.253 or 645.254 ***or section 2 of this act*** or the regulations adopted to carry out those sections may bring an action against the licensee ***or property manager*** for the recovery of the person's actual damages.

2. In such an action, any knowledge of the client ~~[of]~~ ***:***

(a) Of the licensee of material facts, data or information relating to the real property which is the subject of the real estate transaction may not be imputed to the licensee ~~[.]~~ ***; and***

(b) Of the property manager of material facts, data or information relating to the real property which is the subject of the property management agreement may not be imputed to the property manager.

3. In an action brought by a person ~~[against a licensee]~~ pursuant to subsection 1 ~~[, the]~~ ***:***

(a) The standard of care owed by a licensee is the degree of care that a reasonably prudent real estate licensee would exercise and is measured by the degree of knowledge required to be obtained by a real estate licensee pursuant to NRS 645.343 and 645.345 ~~[.]~~ ***; and***

(b) The standard of care owed by a property manager is the degree of care that a reasonably prudent property manager would exercise and is measured by the degree of knowledge required to be obtained by a permit to engage in property management pursuant to NRS 645.6052.

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. 398.

Bill read second time.

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

Amendment No. 288.

AN ACT relating to insurance; prohibiting an insurer from issuing or renewing a policy of liability insurance that contains certain provisions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Insurance Code which governs contracts of insurance. (Title 57 of NRS) This bill prohibits an insurer from issuing or renewing a policy of liability insurance that contains a provision that: (1) reduces the limit of liability stated in the policy by the costs of defense, legal costs and fees and other expenses for claims; **or** (2) ~~[authorizes the costs of defense, legal costs and fees and other expenses for claims to be applied to the deductible; or (3)]~~ otherwise limits the availability of coverage for the costs of defense, legal costs and fees and other expenses for claims.

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

Section 1. Chapter 679A of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any other provision of law, an insurer, including, without limitation, an insurer listed in NRS 679A.160, shall not issue or renew a policy of liability insurance that contains a provision that:

1. Reduces the limit of liability stated in the policy by the costs of defense, legal costs and fees and other expenses for claims; or

2. ~~[Authorizes the costs of defense, legal costs and fees and other expenses for claims to be applied to the deductible; or~~

~~3.]~~ Otherwise limits the availability of coverage for the costs of defense, legal costs and fees and other expenses for claims.

Sec. 2. The provisions of this act do not apply to any contract for liability insurance existing on October 1, 2023, but apply to any renewal of such a contract.

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. 399.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 380.

AN ACT relating to education; creating and establishing the membership, powers and duties of the Subcommittee on Education Accountability of the Interim Finance Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Interim Finance Committee to exercise certain fiscal duties when the Legislature is not in a regular or special session. (NRS 218E.400, 218E.405) **Section 2** of this bill creates the Subcommittee on Education Accountability of the Interim Finance Committee, consisting of five members of the Assembly and three members of the Senate.

Section 3 of this bill: (1) requires the Subcommittee to meet at least once every 6 months; and (2) provides that the general objectives and functions of the Subcommittee are to discuss, evaluate and make recommendations relating to accountability in public education in this State in order to improve the educational achievements and outcomes for pupils. **Section 3** further provides that the Subcommittee may study, without limitation: (1) fiscal policy, school finance or similar or related financial activities; (2) the sufficiency of current revenue and expenditures relating to public education in this State and the anticipated revenue and expenditures that are necessary to improve educational achievements and outcomes for pupils; (3) administrative support and policies; (4) corrective action plans for public schools to improve educational achievements and outcomes; and (5) the rules, regulations and policies of individual school districts or public schools.

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

Section 1. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. There is hereby created the Subcommittee on Education Accountability of the Interim Finance Committee, consisting of the following members:***

(a) Five members of the Assembly appointed by the Speaker of the Assembly, three of whom must be members of the majority political party and two of whom must be members of the minority political party; and

(b) Three members of the Senate appointed by the Majority Leader of the Senate, two of whom must be members of the majority political party and one of whom must be a member of the minority political party.

2. The Director of the Legislative Counsel Bureau shall act as Secretary of the Subcommittee.

3. If any regular member of the Subcommittee informs the Secretary that the member will be unable to attend a particular meeting, the Secretary shall notify the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, to appoint an alternate for the meeting from the same House and political party as the absent member.

4. The Chair of the Interim Finance Committee shall appoint a Chair of the Subcommittee from one House and a Vice Chair of the Subcommittee from the other House.

5. Except as otherwise provided in subsection 6, the term of a member of the Subcommittee expires upon the convening of the next regular legislative session, unless the member is replaced by the appointing authority.

6. The membership of any member of the Subcommittee described in subsection 1 who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

7. Vacancies on the Subcommittee must be filled in the same manner as original appointments.

Sec. 3. *1. The members of the Subcommittee on Education Accountability of the Interim Finance Committee shall meet at least once every 6 months at the times and places specified by a call of the Chair of the Subcommittee or a majority of the Subcommittee.*

2. A meeting held jointly by the Assembly Standing Committee on Ways and Means and the Senate Standing Committee on Finance during a regular session that has agenda items similar to subsection 4 constitutes a meeting of the Subcommittee.

3. A majority of the members of the Subcommittee constitutes a quorum.

4. The general objectives and functions of the Subcommittee are to discuss, evaluate and make recommendations relating to accountability in public education in this State to improve the educational achievements and outcomes for pupils. The Subcommittee may study, without limitation:

(a) Fiscal policy, school finance or similar or related financial activities;

(b) The sufficiency of current revenue and expenditures relating to public education in this State and the anticipated revenue and expenditures that are necessary to improve educational achievements and outcomes for pupils;

(c) Administrative support and policies;

(d) Corrective action plans for public schools to improve educational achievements and outcomes; and

(e) The rules, regulations and policies of individual school districts or public schools.

5. The Subcommittee may conduct investigations and hold hearings in connection with its functions and duties and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive, including, without limitation, compelling the attendance at any meeting of the Subcommittee of:

(a) The Superintendent of Public Instruction;

(b) Any member of the State Board of Education;

(c) Any member of a board of trustees of a school district in this State;

(d) Any superintendent or chief financial officer of a school district in this State; or

[(c)] (e) The Executive Director of the State Public Charter School Authority.

6. Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of the Subcommittee or appointed alternate attends a meeting of the Subcommittee or is otherwise engaged in the business of the Subcommittee, the member or appointed alternate, as applicable, is entitled to receive:

(a) The compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) The per diem allowance provided for state officers and employees generally; and

(c) The travel expenses provided pursuant to NRS 218A.655.

7. All such compensation, per diem allowances and travel expenses of a member or appointed alternate of the Subcommittee must be paid from the Contingency Fund in the State Treasury.

Sec. 4. This act becomes effective ~~[on July 1, 2023.]~~ **upon passage and approval.**

Assemblywoman Gorelow moved the adoption of the amendment.

Remarks by Assemblywoman Gorelow.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 403.

Bill read second time.

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

Amendment No. 274.

AN ACT relating to medical facilities; removing a halfway house for persons recovering from alcohol or other substance use disorders from the definition of a facility for the dependent; revising terminology used to refer to such facilities; removing the requirement that such a facility be licensed and regulated as a facility for the dependent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) requires a facility for the dependent to be licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services; (2) imposes certain duties on a facility for the dependent concerning treatment of patients; (3) requires agents and employees of a facility for the dependent to receive cultural competency training; (4) prohibits a facility for the dependent from using a misleading name; and (5) exempts a facility for the dependent from a requirement that imposes certain safeguards relating to smoking from a requirement to equip every door to an exit corridor which serves 30 or more occupants with a device which closes the door. (NRS 449.030, 449.101-449.104, 449.204, 449A.100-449A.118, 477.120) Existing law requires a halfway house for persons recovering from alcohol or other substance use disorders to be licensed as a facility for the dependent and otherwise follow the laws and regulations governing facilities for the dependent. (NRS 449.0045, 449.030) Existing law also requires a facility for the education, prevention and treatment of persons with alcohol or other substance use disorders, including a halfway house for persons recovering from alcohol or other substance use disorders, to be certified by the Division ~~.~~ **as a condition of receiving public money.** (NRS 458.025) **Section 1** of this bill removes the designation of a halfway house for persons recovering from alcohol or **other** substance use disorders as a facility for the dependent, thereby: (1) removing the requirement that such a halfway house be licensed by the Division while preserving the requirement that such a halfway house be certified by the Division ~~,~~ **in order to receive public money;** and (2) excluding such a halfway house from the duties, requirements, prohibitions and exemptions that apply to a facility for the dependent. **Section 3** of this bill makes a conforming change to remove a requirement that the Division post on the Internet information concerning the licensing status and quality of halfway houses for persons recovering from alcohol or other substance use disorders. **Section 5** of this bill makes a conforming change to remove a reference to a halfway house for persons recovering from alcohol or other substance use disorders as a type of facility for the dependent. **Sections 2 and 6-9** of this bill replace the term "halfway house for persons recovering from alcohol or other substance use disorders" with the term "recovery house for persons recovering from alcohol or other substance use disorders." **Section 4** of this bill preserves certain immunity from liability for volunteers of a recovery house for persons recovering from alcohol or other substance use disorders.

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

Section 1. NRS 449.0045 is hereby amended to read as follows:

449.0045 "Facility for the dependent" includes:

1. A facility for the treatment of alcohol or other substance use disorders;

2. ~~[A halfway house for persons recovering from alcohol or other substance use disorders;~~

~~— 3.~~**]** A facility for the care of adults during the day;

[~~4.~~**]** ***3.*** A residential facility for groups;

[~~5.~~**]** ***4.*** An agency to provide personal care services in the home;

[~~6.~~**]** ***5.*** A facility for transitional living for released offenders;

[~~7.~~**]** ***6.*** A home for individual residential care;

[~~8.~~**]** ***7.*** A community health worker pool; and

[~~9.~~**]** ***8.*** A provider of community-based living arrangement services.

Sec. 2. NRS 449.008 is hereby amended to read as follows:

449.008 **[**~~"Halfway~~**]** ***"Recovery*** house for persons recovering from alcohol or other substance use disorders" **[**~~means a residence that provides housing and a living environment for persons recovering from alcohol or other substance use disorders and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or other substance use disorders. The term does not include a facility for transitional living for released offenders.~~**]** ***has the meaning ascribed to it in NRS 278.02374.***

Sec. 3. NRS 449.03075 is hereby amended to read as follows:

449.03075 The Division shall:

1. Compile and post on an Internet website maintained by the Division information concerning the licensing status and quality of:

(a) Facilities for the treatment of alcohol or other substance use disorders;

(b) **[**~~Halfway houses for persons recovering from alcohol or other substance use disorders;~~

~~— (c)~~**]** Medical facilities that provide a program of treatment for alcohol or other substance use disorders; and

[~~(d)~~**]** ***(c)*** To the extent that such information is available, unlicensed programs of treatment for alcohol or other substance use disorders; and

2. Update the information described in subsection 1 at least annually.

Sec. 4. NRS 41.485 is hereby amended to read as follows:

41.485 1. Except as otherwise provided in subsection 2, a volunteer of a charitable organization is immune from liability for civil damages as a result of an act or omission:

(a) Of an agent of the charitable organization; or

(b) Concerning services the volunteer performs for the charitable organization that are not supervisory in nature and are not part of any duties or responsibilities

the volunteer may have as an officer, director or trustee of the charitable organization, unless the act is intentional, willful, wanton or malicious.

2. This section does not restrict the liability of a charitable organization for the acts or omissions of a volunteer performing services on its behalf.

3. As used in this section:

(a) "Agent" means an officer, director, trustee or employee, whether or not compensated, or a volunteer;

(b) "Charitable organization" means a nonprofit corporation, association or organization, ***a recovery house for persons recovering from alcohol or other substance use disorders*** or a licensed medical facility or facility for the

dependent, but does not include a fire department, law enforcement agency or auxiliary thereof; ~~[and]~~

(c) ***"Recovery house for persons recovering from alcohol or other substance use disorders" has the meaning ascribed to it in NRS 278.02374; and***

(d) "Volunteer" means an officer, director, trustee or other person who performs services without compensation, other than reimbursement for actual and necessary expenses on behalf of or to benefit a charitable organization.

Sec. 5. NRS 129.050 is hereby amended to read as follows:

129.050 1. Except as otherwise provided in NRS 449A.551 and 450B.525, any minor who is under the influence of, or suspected of being under the influence of, a controlled substance:

(a) May give express consent; or

(b) If unable to give express consent, shall be deemed to consent,

➥ to the furnishing of hospital, medical, surgical or other care for the treatment of substance use disorders or related illnesses by any public or private hospital, medical facility, facility for the dependent ~~[, other than a halfway house for persons recovering from alcohol and other substance use disorders,]~~ or any licensed physician, and the consent of the minor is not subject to disaffirmance because of minority.

2. Immunity from civil or criminal liability extends to any physician or other person rendering care or treatment pursuant to subsection 1, in the absence of negligent diagnosis, care or treatment.

3. The consent of the parent, parents or legal guardian of the minor is not necessary to authorize such care, but any physician who treats a minor pursuant to this section shall make every reasonable effort to report the fact of treatment to the parent, parents or legal guardian within a reasonable time after treatment.

Sec. 6. NRS 244.3549 is hereby amended to read as follows:

244.3549 1. Except as otherwise provided in subsections 2 and 3, each board of county commissioners shall adopt an ordinance using the following terms to describe the following types of facilities, homes, houses and institutions:

(a) Child care institution, as that term is used in NRS 432A.0245.

(b) Facility for transitional living for released offenders, as that term is used in NRS 449.0055.

(c) Group foster home, as that term is used in NRS 424.015.

(d) ~~[Halfway house for persons recovering from alcohol and other substance use disorders, as that term is used in NRS 449.008.~~

~~(e)]~~ Home for individual residential care, as that term is used in NRS 449.0105.

(e) Recovery house for persons recovering from alcohol ~~[and]~~ or other substance use disorders, as that term is defined in NRS 278.02374.

(f) Residential facility for groups, as that term is used in NRS 449.017.

2. Subsection 1 requires the board of county commissioners to use the specified terms solely for the purpose of referring to the named facilities,

homes, houses and institutions and does not require the board to adopt the State's definition for the purpose of regulating or imposing any requirement with respect to such a facility, home, house or institution.

3. A board of county commissioners is not required to include a term set forth in subsection 1 in the ordinance if:

(a) A facility, home, house or institution of the type corresponding to the term does not exist in the county; or

(b) The county's ordinances do not otherwise, by whatever name, refer to a facility, home, house or institution of the type corresponding to the term.

Sec. 7. NRS 268.0193 is hereby amended to read as follows:

268.0193 1. Except as otherwise provided in subsections 2 and 3, the governing body of each city shall adopt an ordinance using the following terms to describe the following types of facilities, homes, houses and institutions:

(a) Child care institution, as that term is used in NRS 432A.0245.

(b) Facility for transitional living for released offenders, as that term is used in NRS 449.0055.

(c) Group foster home, as that term is used in NRS 424.015.

(d) ~~[~~Halfway house for persons recovering from alcohol and other substance use disorders, as that term is used in NRS 449.008.

~~(e)]~~ Home for individual residential care, as that term is used in NRS 449.0105.

(e) Recovery house for persons recovering from alcohol ~~[and]~~ or other substance use disorders, as that term is used in NRS 278.02374.

(f) Residential facility for groups, as that term is used in NRS 449.017.

2. Subsection 1 requires the governing body of the city to use the specified terms solely for the purpose of referring to the named facilities, homes, houses and institutions and does not require the governing body to use the State's definition for the purpose of regulating or imposing any requirement with respect to such a facility, home, house or institution.

3. The governing body of a city is not required to include a term set forth in subsection 1 in the ordinance if:

(a) A facility, home, house or institution of the type corresponding to the term does not exist in the city; or

(b) The city's ordinances do not otherwise, by whatever name, refer to a facility, home, house or institution of the type corresponding to the term.

Sec. 8. NRS 278.02374 is hereby amended to read as follows:

278.02374 ~~[~~"Halfway~~]~~ ***"Recovery*** house for persons recovering from alcohol ~~[and]~~ ***or*** other substance use disorders" ~~[has the meaning ascribed to it in NRS 449.008.]~~ ***means a residence that provides housing and a living environment for persons recovering from alcohol or other substance use disorders and is operated to facilitate their reintegration into the community but does not provide any treatment for alcohol or other substance use disorders. The term does not include a facility for transitional living for released offenders.***

Sec. 9. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "recovery house for persons recovering from alcohol ~~[and]~~ **or** other substance use disorders" for the term "halfway house for persons recovering from alcohol ~~[and]~~ **or** other substance use disorders."

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the term "recovery house for persons recovering from alcohol ~~[and]~~ **or** other substance use disorders" for the term "halfway house for persons recovering from alcohol ~~[and]~~ **or** other substance use disorders."

Sec. 10. **1.** This ~~[act]~~ **section** becomes effective ~~[on July 1, 2023.]~~ **upon passage and approval.**

2. Sections 1 to 9, 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. 407.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 212.

AN ACT relating to the Department of Motor Vehicles; prohibiting the Director of the Department of Motor Vehicles from releasing any personal information from the files or records of the Department for any ~~[commercial]~~ purpose ~~[or otherwise for commercial use in the bulk distribution of surveys, marketing material or solicitations;]~~ **relating to the enforcement of immigration laws, except under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, the Director of the Department of Motor Vehicles is prohibited from releasing personal information from a file or record relating to a driver's license or identification card or the title or registration of a motor vehicle except under certain circumstances.]~~ Existing law ~~[specifically]~~ prohibits the Director **of the Department of Motor Vehicles** from ~~[providing personal]~~ **releasing any** information ~~[to individuals or companies for the purpose of marketing extended vehicle warranties.]~~ **relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship from a file or record relating to a request for or the issuance of a license, identification card or title or registration of a vehicle for any purpose relating to the enforcement of immigration laws.**

(NRS 481.063) This bill ~~[expands]~~ **revises** this prohibition by **instead** prohibiting the Director from ~~[providing]~~ **releasing any** personal information for ~~[: (1)]~~ any ~~[commercial]~~ purpose ~~[; or (2) commercial use in the bulk distribution of surveys, marketing material or solicitations. This bill also provides that the existing authorized release of personal information by the Director for activities relating to research and the production of statistical reports is only authorized for noncommercial activities relating to such research or statistical reports.]~~ **relating to the enforcement of immigration laws unless: (1) the requester submits a written release from the person about whom the information is requested; or (2) the Director releases the personal information pursuant to an order, subpoena or warrant issued by a court of competent jurisdiction. This bill prohibits the Director, when responding to such an order, subpoena or warrant, from releasing personal information beyond what is specifically required to comply with the order, subpoena or warrant.**

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

Section 1. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection 6, the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in subsections 2 and 4, the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

➥ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2, 4, 6 ***,*** ~~[and]~~ 7 ***and 11*** and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

6. Except as otherwise provided in paragraph (a) and ~~[subsection]~~ ***subsections*** 8 ~~[.]~~ ***and 11,*** if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

(1) The safety of drivers of motor vehicles;

(2) Safety and thefts of motor vehicles;

(3) Emissions from motor vehicles;

(4) Alterations of products related to motor vehicles;

(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;

(6) Monitoring the performance of motor vehicles;

(7) Parts or accessories of motor vehicles;

(8) Dealers of motor vehicles; or

(9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) Except as otherwise provided in subsection 6 of NRS 482.2175, by any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In ***[noncommercial]*** activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

7. Upon the request of a court or its traffic violations bureau, the Director shall release the mailing address and contact information of a person who has been issued a traffic citation that is filed with the court or traffic violations bureau from a file or record relating to the driver's license of the person or the title or registration of the person's vehicle for the purpose of enabling the court or traffic violations bureau to provide notifications concerning the traffic citation to the person.

8. Except as otherwise provided in paragraph (j) of subsection 6, the ***[The]*** Director shall not provide personal information to individuals or companies for ***[any commercial purpose, including without limitation, for]*** the purpose of marketing extended vehicle warranties, and a ***[or otherwise for commercial use in the bulk distribution of surveys, marketing material or solicitations.***

~~*9. A]*~~ person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection 6. Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

➥ The record must be made available for examination by the Department at all reasonable times upon request.

9. ~~*[10.]*~~ Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

10. ~~*[11.]*~~ Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

11. ~~*[12.]*~~ The Director shall not release any ***personal*** information ~~[relating to legal presence or any other information relating to or describing immigration status, nationality or citizenship]~~ from a file or record relating to a ~~[request for or the issuance of a]~~ license, identification card or title or registration of a vehicle to any person or to any federal, state or local governmental entity for any purpose relating to the enforcement of immigration laws ~~[.]~~ ***unless the requester submits a written release from the person about whom the information is requested or the Director releases the personal information pursuant to a lawful order, subpoena or warrant issued by a court of competent jurisdiction. If the Director releases personal information pursuant to this subsection in response to an order, subpoena or warrant, the Director shall not release personal information beyond what is specifically required to comply with the order, subpoena or warrant.***

12. ~~*[13.]*~~ The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

13. ~~[14.]~~ It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

14. ~~[15.]~~ As used in this section:

(a) ~~["Information relating to legal presence" means information that may reveal whether a person is legally present in the United States, including, without limitation, whether the driver's license that a person possesses is a driver authorization card, whether the person applied for a driver's license pursuant to NRS 483.290 or 483.291 and the documentation used to prove name, age and residence that was provided by the person with his or her application for a driver's license.~~

~~(b)]~~ "Personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, individual taxpayer identification number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular crashes or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

~~[(c)]~~ ***(b)*** "Vehicle" includes, without limitation, an off-highway vehicle as defined in NRS 490.060.

Sec. 2. 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. 409.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 449.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYWOMEN** THOMAS **AND MOSCA**

AN ACT relating to cultural affairs; creating and setting forth the duties of the Juneteenth Educational and Economic Commission; creating the Juneteenth Educational and Economic Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Tourism and Cultural Affairs whose duties include, without limitation, the oversight of plans for tourism, publications and cultural affairs. (NRS 231.167, 231.220) **Section 7** of this bill creates the Juneteenth Education and Economic Commission within the Department of Tourism and Cultural Affairs and provides that the membership of the Commission consists of: (1) three members, each of whom is from the

African American studies department or similar cultural studies program at the Nevada State College, the University of Nevada, Las Vegas ~~[or]~~ **and** the University of Nevada, Reno **~~[.]~~ , respectively;** (2) one representative of Juneteenth Nevada, or a similar nonprofit organization in this State whose mission is focused on Juneteenth education, unity and diversity; (3) one member who represents a professional association representing African-American businesses; (4) one member who represents an African American cultural awareness advocacy group; (5) one member who represents an educational advocacy group with a statewide presence; ~~[and]~~ (6) one member who represents a cultural history organization in this State **~~[.]~~ ; and (7) one member who represents the Office of the Governor.** **Section 7** of this bill requires the Department to provide administrative support to the Commission.

Section 8 of this bill sets forth the duties of the Commission, which are to: (1) create and distribute written, electronic or printed materials to educate the public on the history and meaning of Juneteenth Day in the State of Nevada and the United States; (2) develop strategies with businesses, nonprofit organizations and community groups to support education on the significance of Juneteenth Day; (3) support the efforts of businesses, community groups and local governments to establish events and programs relating to Juneteenth Day throughout the State; and (4) support programs in the arts to celebrate Juneteenth Day.

Section 9 of this bill creates the Juneteenth Education and Economic Fund for the support of the Commission.

Sections 3-6 of this bill define certain terms.

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

Section 1. Chapter 231 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 9, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Commission" means the Juneteenth Educational and Economic Commission created by section 7 of this act.***

Sec. 4. ***"Department" means the Department of Tourism and Cultural Affairs.***

Sec. 5. ***"Director" means the Director of the Department.***

Sec. 6. ***"Fund" means the Juneteenth Educational and Economic Fund created by section 9 of this act.***

Sec. 7. ***1. The Juneteenth Educational and Economic Commission is hereby created within the Department.***

2. The Juneteenth Educational and Economic Commission is composed of:

(a) Eight voting members appointed by the Governor based on recommendations from the Director, as follows:

(1) One member from the African American studies department or similar cultural studies program at the University of Nevada, Las Vegas;

(2) One member from the African American studies department or similar cultural studies program at the University of Nevada, Reno;

(3) One member from the African American studies department or similar cultural studies program at the Nevada State College;

(4) One representative of Juneteenth Nevada or any successor nonprofit organization in this State whose mission is focused on Juneteenth Day education, unity and diversity;

(5) One member who represents a professional association representing African-American businesses;

(6) One member who represents an African American cultural awareness advocacy group;

(7) One member who represents an educational advocacy group with a statewide presence; and

(8) One member who represents a cultural history organization in this State.

(b) One voting member appointed by the Governor who represents the Office of the Governor.

(c) The following ex officio, nonvoting members:

(1) A representative of the Nevada Arts Council; and

(2) A representative of the Division Museums and History.

3. The term of each voting member of the Commission is 4 years. Members may be reappointed for additional terms of 4 years. Any vacancy occurring in the membership of the Commission must be filled in the same manner as the original appointment.

4. The Commission shall meet once each calendar quarter. At the first regular meeting of each year, the members of the Commission shall select a Chair and Vice Chair by majority vote who shall serve until the next Chair and Vice Chair is elected.

5. A majority of members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.

6. While engaged in the business of the Commission, each member is entitled to receive:

(a) A salary of $80 per day for each day's attendance at each meeting of the Commission; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

7. The Department shall provide administrative support to the Commission as necessary for the Commission to carry out its duties.

Sec. 8. *1. The Commission shall:*

(a) Create and distribute written, electronic or printed materials to educate the public on the history and meaning of Juneteenth Day in the State of Nevada and the United States;

(b) Develop strategies with businesses, nonprofit organizations and community groups to support education in this State on the significance of Juneteenth Day;

(c) Support the efforts of businesses, community groups and local governments to establish events and programs relating to Juneteenth Day throughout the State; and

(d) Support programs in the arts to celebrate Juneteenth Day.

2. On or before July 1 of each year, the Commission shall submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislature, or if the Legislature is not in session, the Legislative Commission. The report must include, without limitation, a summary of the work of the Commission during the past fiscal year and any recommendations for legislation to improve awareness of Juneteenth Day and African American history in this State.

Sec. 9. ***1. There is hereby created the Juneteenth Educational and Economic Fund in the State Treasury, to be administered by the Director, for the support of the Commission.***

2. Any interest earned on money in the Fund must be credited to the Fund.

3. Money that remains in the Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.

4. The Director may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.

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. This act becomes effective upon passage and approval.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 423.

Bill read second time.

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

Amendment No. 336.

AN ACT relating to the boards of trustees of school districts; restricting **,** **with certain exceptions,** the time of day during which the board of trustees of a school district may take action or corrective action at a regular or special meeting; authorizing, under certain circumstances, the board of trustees to restrict certain public comment at a regular or special meeting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that a public body such as the board of trustees of a school district give notice of its meetings by: (1) posting an agenda consisting of a list describing the items on which action may be taken by the public body; and (2) clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, under certain circumstances, by placing the term "for possible corrective action" next to the appropriate item. (NRS 241.015, 241.020) Existing law sets forth certain requirements and procedures for meetings of the board of trustees of a school district, including, without limitation: (1) a requirement that the board of trustees hold a regular meeting at least once each month; and (2) the authority for the president of the board of trustees to call special meetings under certain circumstances. (NRS 386.330) **Section 1** of this bill prohibits **, except in an emergency that impacts the school district,** the board of trustees of a school district from taking any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to the Open Meeting Law after 11:59 p.m. on the day of the meeting. **Section 1** further provides that if the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must ~~[wait until at least 8 a.m. on the following day to]~~ **not** take any further action or corrective action on any item that is on the meeting agenda ~~[.]~~ **unless the board of trustees: (1) schedules the delayed agenda item at a future meeting; or (2) waits at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.**

The United States Constitution and the Nevada Constitution protect the freedom of speech but a public body may, under certain circumstances, limit speech at a public meeting. (U.S. Const. Amend. I; Nev. Const. Art. 1, § 9; *Minnesota State Bd. for Community Colleges v. Knight*, 465 U.S. 271, 281-85 (1984); *White v. City of Norwalk*, 900 F.2d 1421, 1425 (9th Cir. 1990)) Under existing case law, a public body may: (1) impose reasonable time, place and manner restrictions that are viewpoint neutral and maintain decorum and order; and (2) limit public comment that is not relevant to or within the authority of the public body. (*Norwalk* at 1425; *Reza v. Pearce*, 806 F.3d 497, 503-04 (9th Cir. 2015); *see also* OMLO 2001-22 (12-17-2002); *Nevada Open Meeting Law Manual*, § 8.05 (11th ed. 2012)) However, existing case law prohibits a public body from restricting public comment that is slanderous or offensive unless such public comment causes an actual disturbance at the meeting. (*Acosta v. City of Costa Mesa*, 718 F.3d 800, 813 (9th Cir. 2013)) Consistent with existing case law, the Open Meeting Law authorizes the removal from a meeting of a public body any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (NRS 241.030) **Section 1** authorizes a board of trustees of a school district, consistent with existing case law, to restrict public comment at a regular meeting or special meeting if the

public comment: (1) is a topic that is not relevant to or within the authority of the board of trustees; or (2) is willfully disruptive of the meeting by being slanderous or offensive.

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

Section 1. NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

6. ~~[The]~~ Except in an emergency that impacts the school district, the board of trustees shall not take any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to chapter 241 of NRS after 11:59 p.m. on the day of the meeting. If the board of

trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must ~~[wait until at least 8 a.m. the following day to]~~ not take any further action or corrective action on any item that is on the meeting agenda ~~[.]~~ unless the board of trustees:

(a) Schedules the delayed agenda item at a future meeting by placing the item on its agenda for the future meeting pursuant to chapter 241 of NRS; or

(b) Waits until at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

7. The board of trustees may restrict public comment at a regular meeting or special meeting if the public comment:

(a) Is a topic that is not relevant to or within the authority of the board of trustees; or

(b) Is willfully disruptive of the meeting by being slanderous or offensive.

8. As used in this section, "emergency" has the meaning ascribed to it in NRS 241.020.

Sec. 2. 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. 425.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 211.

AN ACT relating to net metering; authorizing the users of a low-income housing shared net metering system to participate in net metering; exempting the owner or operator of a low-income housing shared net metering system from certain provisions of law; requiring the Public Utilities Commission of Nevada to adopt certain regulations; revising provisions governing the administration of net metering; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each electric utility in this State to offer net metering to customer-generators operating in the service area of the utility. (NRS 704.773) **Section 10 and 11** of this bill authorize the users of a low-income housing shared net metering system to participate in net metering. **Sections 2-7** of this bill define terms related to low-income housing shared net metering systems. **Section 8** of this bill excludes persons who own or operate a low-income housing shared net metering system from the definition of "public utility." **Section 9** of this bill makes a conforming change to ~~[indicate the proper placement of sections 2-7 in the Nevada Revised Statutes.]~~ **make the definitions set forth in sections 2-7 applicable to the law governing net metering.** **Sections 12-14** of this bill revise existing provisions governing net metering to provide for the administration of net metering with respect to low-income housing shared net metering systems, including the measuring of net

electricity produced or consumed and the awarding of credit for excess electricity produced by a low-income housing shared net metering system. **Section 12** of this bill requires the Public Utilities Commission of Nevada to adopt regulations prescribing the form and substance for a low-income housing shared net metering tariff **or tariffs** and a standard low-income housing shared net metering contract. **Section 15** of this bill provides that, with certain exceptions, certain provisions governing the rates charged for the provision of electric service by the landlord of a manufactured home park or mobile home park or owner of a company town do not apply to the owner or operator of a low-income housing shared net metering system.

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

Section 1. Chapter 704 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***"Allocation" means a portion of the capacity from or the electricity that is produced by a low-income housing shared net metering system that is attributed to one of its users.***

Sec. 3. ***"Low-income housing shared net metering system" means an energy system for the generation of electricity that:***

1. Uses renewable energy as its primary source of energy to generate electricity;

2. Has a generating capacity of not more than 1 megawatt as measured in alternating current;

3. Is a qualified low-income residential building project that is located on a qualified multifamily affordable housing property;

4. Operates in parallel with the utility's transmission and distribution facilities;

5. Is owned by the landlord or another third party that either equitably allocates the capacity and associated production of the energy system to each of the individually metered units or common areas within the qualified multifamily affordable housing property or, if the property is master-metered, equitably allocates benefits to residents;

6. Is intended primarily to offset part or all of the qualified multifamily affordable housing property's requirements for electricity, subject to the following maximum allocations:

(a) [A] In the case of common-area meters or master meters, a capacity that is sized to supply not more than [120] 100 percent of the metered historic usage or reasonably expected future usage ; [for common-area meters or master meters;] and

(b) [A] In the case of meters serving tenant units, a capacity of not more than 25 kilowatts per unit ; [for meters serving tenant units;] and

7. Is net metered by the utility by allocating [credit for excess electricity] net metering credits either to common area meters or to individually-metered accounts, or both, that receive an allocation, according to the allocation

schedule provided by the owner of the energy system, without requiring the energy system to be physically interconnected with ~~[each]~~ the meter ~~[associated with a customer account.]~~ of each user.

Sec. 4. ***"Master meter" means a single electric meter used to measure electricity usage for multiple tenants or units within a multi-unit building.***

Sec. 4.5. **"Net metering credits" means the credit that the utility is required to provide to a customer-generator for each kilowatt-hour of excess electricity governed by paragraph (c) of subsection 2 of NRS 704.775 that is generated by the customer-generator.**

Sec. 5. ***"Qualified low-income residential building" means a residential rental building which participates in:***

1. A covered federal housing program, as defined in 34 U.S.C. § 12491(a)(3);

2. A housing assistance program administered by the United States Department of Agriculture under Title V of the federal Housing Act of 1949;

3. A housing program administered by a tribally designated housing entity, as defined in 25 U.S.C. § 4103(22); or

4. Such other affordable housing programs as federal law may provide.

Sec. 6. ***"Qualified low-income residential building project" means an energy facility that:***

1. Is installed on the premises of a qualified low-income residential building; and

2. For which the financial benefits of the electricity produced by the energy facility are allocated equitably among the occupants of the dwelling units of the qualified low-income residential building.

Sec. 7. ***"Qualified multifamily affordable housing property":***

1. Means a multifamily residential property with at least five rental housing units that:

(a) Contains one or more qualifying low-income residential buildings that are part of a single low-income housing enterprise ; ~~[on the same property or contiguous property;]~~ and

(b) Consists of tenant housing units, which may be individually metered and the occupants of which may maintain individual customer accounts with the utility, along with common areas served by one or more common meters under the customer account of the property owner.

2. In the case of a mixed-use property, does not include any independent commercial units on the premises that are not appurtenant to the housing use.

Sec. 8. NRS 704.021 is hereby amended to read as follows:

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. Persons who own or operate a net metering system described in paragraph (c) ***or (d)*** of subsection 1 of NRS 704.771.

10. Persons who own or operate a net metering system or systems described in paragraph (a) of subsection 1 of NRS 704.771 and deliver electricity to multiple persons, units or spaces on the premises if:

(a) The electricity is delivered only to persons, units or spaces located on the premises on which the net metering system or systems are located;

(b) The residential or commercial units or spaces do not have individual meters measuring electricity use by an individual unit or space; and

(c) Persons occupying the individual units or spaces are not charged for electricity based upon volumetric usage at the person's individual unit or space.

11. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

(a) Located on the premises of another person;

(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➥ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7715.

12. Persons who own, control, operate or manage a facility that supplies electricity only for use to charge electric vehicles.

13. Any plant or equipment that is used by a data center to produce, deliver or furnish electricity at agreed-upon prices for or to persons on the premises of the data center for the sole purpose of those persons storing, processing or distributing data, but only with regard to those operations which consist of providing electric service. As used in this subsection, "data center" has the meaning ascribed to it in NRS 360.754.

Sec. 9. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to 704.776, inclusive, ***and sections 2 to 7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.7675 to 704.772, inclusive, ***and sections 2 to 7, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 704.768 is hereby amended to read as follows:

704.768 "Customer-generator" means a user of a net metering system ~~[.]~~ ***, including, without limitation:***

1. The owner of a low-income housing shared net metering system; and

2. Any user of a low-income housing shared net metering system, including, without limitation, tenant meters and common area meters that receive an allocation of the capacity and associated production of the low-income housing shared net metering system, regardless of the legal ownership of the low-income housing shared net metering system.

Sec. 11. NRS 704.771 is hereby amended to read as follows:

704.771 1. "Net metering system" means:

(a) A facility or energy system for the generation of electricity that:

(1) Uses renewable energy as its primary source of energy to generate electricity;

(2) Has a generating capacity of not more than 1 megawatt;

(3) Is located on the customer-generator's premises;

(4) Operates in parallel with the utility's transmission and distribution facilities; and

(5) Is intended primarily to offset part or all of the customer-generator's requirements for electricity;

(b) A facility or energy system for the generation of electricity that:

(1) Uses waterpower as its primary source of energy to generate electricity;

(2) Is located on property owned by the customer-generator;

(3) Has a generating capacity of not more than 1 megawatt;

(4) Generates electricity that is delivered to the transmission and distribution facilities of the utility; and

(5) Is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or contiguous property owned by the customer-generator; ~~[or]~~

(c) A facility or energy system for the generation of electricity:

(1) Which uses wind power as its primary source of energy to generate electricity;

(2) Which is located on property owned or leased by an institution of higher education in this State;

(3) Which has a generating capacity of not more than 1 megawatt;

(4) Which operates in parallel with the utility's transmission and distribution facilities;

(5) Which is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or on contiguous property owned or leased by the customer-generator;

(6) Which is used for research and workforce training; and

(7) The construction or installation of which is commenced on or before December 31, 2011, and is completed on or before December 31, 2012 ~~[.]~~ ***; or***

(d) A low-income housing shared net metering system.

2. The term does not include a facility or energy system for the generation of electricity ***, other than a low-income housing shared net metering system,*** which has a generating capacity that exceeds the greater of:

(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or

(b) One hundred percent of the customer-generator's annual requirements for electricity.

Sec. 12. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering in accordance with the provisions of NRS 704.766 to 704.776, inclusive, ***and sections 2 to 7, inclusive, of this act*** to the customer-generators operating within its service area.

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 25 kilowatts ***,*** ~~***[or if a customer-generator is allocated not more than 25 kilowatts from a low-income housing shared net metering system,]***~~ the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Except as otherwise provided in subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other

customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system.

(d) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 25 kilowatts , ~~*[or if a customer-generator is allocated more than 25 kilowatts from a low-income housing shared net metering system,]*~~ the utility:

(a) May require the customer-generator ***or, if the net metering system is a low-income housing shared net metering system, the owner of the low-income housing shared net metering system,*** to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (d) and subsection 7, shall not charge the customer-generator any fee or charge that is different than that charged to other customers of the utility in the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, customer, demand and facility charges.

(c) Shall not reduce the minimum monthly charge of the customer-generator based on the electricity generated by the customer-generator and fed back to the utility.

(d) Shall not charge the customer-generator any standby charge.

4. At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by subsection 3 to pay the entire cost of the installation or upgrade of the portion of the net metering system.

5. Except as otherwise provided in subsections 2, 3 and 6 and NRS 704.7732, the utility shall not for any purpose assign a customer-generator to a rate class other than the rate class to which the customer-generator would belong if the customer-generator did not have a net metering system, including, without limitation, for the purpose of any fee or charge.

6. If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

7. A utility shall assess against a customer-generator:

(a) If applicable, the universal energy charge imposed pursuant to NRS 702.160; and

(b) Any charges imposed pursuant to chapter 701B of NRS or NRS 704.7827 or 704.785 which are assessed against other customers in the same rate class as the customer-generator.

➥ For any such charges calculated on the basis of a kilowatt-hour rate, the customer-generator must only be charged with respect to kilowatt-hours of energy delivered by the utility to the customer-generator.

8. The Commission and the utility must allow a customer-generator who accepts the offer of the utility for net metering to continue net metering pursuant to NRS 704.766 to 704.776, inclusive, ***and sections 2 to 7, inclusive, of this act*** at the location at which the net metering system is originally installed for 20 years. For the purposes of this subsection, "to continue net metering" includes, without limitation:

(a) Retaining the percentage set forth in subsection 3 of NRS 704.7732 to be used to determine the credit for electricity governed by paragraph (c) of subsection 2 of NRS 704.775, which is applicable to the customer-generator; and

(b) Replacing the originally installed net metering system, as needed, at any time before 20 years after the date of the installation of the originally installed net metering system.

9. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.776, inclusive ~~.~~ ***, and sections 2 to 7, inclusive, of this act.***

10. The Commission shall adopt regulations prescribing the form and substance for a low-income housing shared net metering tariff or tariffs and a standard low-income housing shared net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator who is an owner of a low-income housing shared net metering system, a customer-generator who is a user of a low-income housing shared net metering system and the utility which must be included in a standard net metering contract.

(b) A provision authorizing the allocation by the owner of a low-income housing shared net metering system, in consultation with the owner of the qualified multifamily affordable housing property where the low-income housing shared net metering system is located, of the financial benefits of the electricity produced by the low-income housing shared net metering system in a manner which ensures:

(1) In the case of individually metered tenant units, net metering credits are equitably allocated among the tenant units [in a manner that is equitable and] as a percentage of system production in proportion to the size of each unit measured in square feet; and

(2) In the case of master-metered buildings, residents receive such financial benefits in the form of additional property amenities or services that are equitably accessible to all residents of the property.

➥ An equitable allocation of the financial benefits of the electricity produced by the low-income housing shared net metering system to the occupants does not preclude any allocation of the generation output to common-area accounts.

(c) The manner in which the owner of a low-income housing shared net metering system may update the utility on the proper allocation of capacity and its associated production to various customer-generators and the frequency with which the owner may submit such updates, which must be not less than annually.

(d) The manner in which a utility is required to meter and bill customer-generators who are allocated shares of the capacity of a low-income housing net metering system [.] , including, without limitation, the provision of net metering credits on the bill of a customer-generator.

(e) Provisions governing the interconnection of a low-income housing shared net metering system to the system of the utility without requiring the meters [in] of individual [units] users or owners of the low-income housing shared net metering system to be directly interconnected to the low-income housing shared net metering system, including, without limitation, procedures and timelines that are consistent with the procedures and timelines established for other net metering systems.

(f) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.776, inclusive, and sections 2 to 7, inclusive, of this act.

Sec. 13. NRS 704.7732 is hereby amended to read as follows:

704.7732 1. If a customer-generator accepts the offer of a utility for net metering on or after June 15, 2017, and the net metering system of the customer-generator has a capacity of not more than 25 kilowatts [,] ***or the customer-generator is [allocated not more than 25 kilowatts from a low-income housing shared net metering system or the customer-generator is using an allocation from] a user or owner of a low-income housing shared net metering system , [to serve common areas of a qualified affordable housing property,]*** the utility must, in accordance with this section, provide to

the customer-generator a credit for each kilowatt-hour of excess electricity governed by paragraph (c) of subsection 2 of NRS 704.775 that is generated by the customer-generator ~~[.]~~ ***or which represents the customer-generator's allocation of the excess electricity generated by a low-income housing shared net metering system.***

2. The credit for each kilowatt-hour of excess electricity described in subsection 1 must equal a percentage, as set forth in subsection 3, of the rate the customer-generator would have paid for a kilowatt-hour of electricity supplied by the utility at the time the customer-generator fed the kilowatt-hour of excess electricity back to the utility.

3. The percentage to be used to determine the credit pursuant to subsection 2 for each kilowatt-hour of excess electricity must equal:

(a) Ninety-five percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after June 15, 2017; and

(2) Before the date on which the Commission determines and posts on its Internet website its determination that the cumulative installed capacity of all net metering systems in this State with a capacity of not more than 25 kilowatts for customer-generators who accepted the offer of the utility for net metering on or after June 15, 2017, is equal to 80 megawatts;

(b) Eighty-eight percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the date that the Commission determines that the condition set forth in subparagraph (2) of paragraph (a) has been met; and

(2) Before the date on which the Commission determines and posts on its Internet website its determination that the cumulative installed capacity of all net metering systems in this State with a generating capacity of not more than 25 kilowatts for customer generators who accepted the offer of the utility for net metering on or after the date described in subparagraph (1) is equal to 80 megawatts;

(c) Eighty-one percent, if the customer-generator accepts the offer of the utility for net metering:

(1) On or after the date that the Commission determines that the condition set forth in subparagraph (2) of paragraph (b) has been met; and

(2) Before the date on which the Commission determines and posts on its Internet website its determination that the cumulative installed capacity of all net metering systems in this State with a generating capacity of not more than 25 kilowatts for customer generators who accepted the offer of the utility for net metering on or after the date described in subparagraph (1) is equal to 80 megawatts;

(d) Seventy-five percent, if the customer-generator accepts the offer of the utility for net metering on or after the date that the Commission determines that the condition set forth in subparagraph (2) of paragraph (c) has been met.

4. On or before the 15th day of each calendar month, a utility shall post on its Internet website and report to the Commission the cumulative installed

capacity of the net metering systems with a capacity of not more than 25 kilowatts for which a customer-generator has accepted the offer of that utility as of the close of business of the utility on the last business day of the immediately preceding calendar month.

5. Except as otherwise provided in this subsection, for the purposes of this section, a customer-generator shall be deemed to accept the offer of the utility for net metering on the date the customer-generator submits to the utility a complete application to install a net metering system within the service area of the utility. A customer-generator who accepted the offer of the utility for net metering before June 15, 2017, and whose net metering system has a capacity of not more than 25 kilowatts may, but is not required to, submit a request to be treated for all purposes, including, without limitation, for the purposes of subsection 3, as a customer-generator who accepted the offer of the utility for net metering on the date of submitting the request.

Sec. 14. NRS 704.775 is hereby amended to read as follows:

704.775 1. The billing period for net metering must be a monthly period.

2. The net energy measurement must be calculated in the following manner:

(a) The utility shall measure, in kilowatt-hours, the net electricity produced or consumed during the billing period ~~[,]~~ ***:***

(1) For a net metering system ~~***[other than a low-income housing shared net metering system or for a low-income housing shared net metering system]***~~*** ***that serves only one meter,*** in accordance with normal metering practices.

(2) For a low-income housing shared net metering system that serves multiple meters, by measuring the total generation output of the low-income housing shared net metering system using a production meter. The utility shall:

(I) For capacity allocations to individually-metered accounts, calculate the total kilowatt-hour output associated with each user's allocated share of the low-income housing shared net metering system's production and deduct the allocated total kilowatt-hour output from each user's total measured consumption.

(II) For premises that contain more than one master meter, calculate the total kilowatt-hour output associated with each master meter's allocated share of the production of the low-income housing shared net metering system and deduct the allocated total kilowatt-hour output from each master meter's total measured consumption.

(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator ***, or the customer-generator's allocated share of the electricity generated by a low-income housing shared net metering system,*** which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.

(c) Except as otherwise provided in NRS 704.7732, if the electricity generated by the customer-generator ***, or the customer-generator's allocated***

share of the electricity generated by a low-income housing shared net metering system, which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:

(1) Neither the utility nor the customer-generator is entitled to compensation for the electricity provided to the other during the billing period.

(2) The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt-hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.

(3) Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:

(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;

(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or

(III) The customer-generator transfers the net metering system to another person.

(4) The value of the excess electricity must not be used to reduce any other fee or charge imposed by the utility.

3. If the cost of purchasing and installing a net metering system was paid for:

(a) In whole or in part by a utility, the electricity generated by the net metering system shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.

(b) Entirely by a customer-generator ~~[.]~~ ***, including a customer-generator that is the owner of a low-income housing shared net metering system,*** the Commission shall issue to the customer-generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213 equal to the electricity generated by the net metering system.

4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.

Sec. 15. NRS 704.940 is hereby amended to read as follows:

704.940 1. In a manufactured home park, mobile home park or company town where the landlord or owner is billed by a gas or electric utility or an alternative seller and in turn charges the tenants or occupants of the dwellings for the service provided by the utility or alternative seller, and the park or town:

(a) Is equipped with individual meters for each lot, the landlord or owner shall not charge a tenant or occupant for that service at a rate higher than the rate paid by the landlord or owner.

(b) Is not equipped with individual meters for each lot, the landlord or owner shall prorate the cost of the service equally among the tenants of the park or occupants of the dwellings who use the service, but the prorated charges must not exceed in the aggregate the cost of the service to the landlord or owner.

2. In a manufactured home park, mobile home park or company town that:

(a) Is equipped with individual water meters for each lot, the individual meters must be read and billed by the purveyor of the water.

(b) Is not equipped with individual water meters for each lot and the landlord or owner is billed by the purveyor of the water and in turn charges the tenants or occupants of the dwellings for the service provided by the purveyor, the landlord or owner shall prorate the cost of the service equally among the tenants of the park or occupants of the dwellings who use the service, but the prorated charges must not exceed in the aggregate the cost of the service to the landlord or owner.

➥ The landlord or owner of a manufactured home park or mobile home park that converts from a master-metered water system to individual water meters for each mobile home lot shall not charge or receive any fee, surcharge or rent increase to recover from the landlord's or owner's tenants the costs of the conversion. The owner of a company town that is not equipped with individual water meters shall not convert from the master-metered water system to individual water meters.

3. To the extent that the cost of providing a utility service to the common area of a manufactured home park, mobile home park or company town can be identified, the landlord or owner may not recover the cost of the utility service provided to the common area by directly charging a tenant or the occupant of a dwelling for those services.

4. The landlord of a manufactured home park or mobile home park or owner of a company town may assess and collect a charge to reimburse the landlord or owner for the actual cost of the service charge the landlord or owner is required to pay to a water utility serving the park or town. If the landlord or owner collects such a charge, the landlord or owner shall prorate the actual cost of the service charge to the tenants or occupants of dwellings who use the service. The landlord or owner shall not collect more than the aggregate cost of the service to the landlord or owner.

5. The landlord may assess and collect a service charge from the tenants of the park for the provision of gas and electric utility services, but the amount of the charge must not be more than the tenants would be required to pay the utility or alternative seller providing the service. The landlord shall:

(a) Keep the money from the service charges in a separate account and expend it only for federal income taxes which must be paid as a result of the collection of the service charge, for preventive maintenance or for repairing or

replacing utility lines or equipment when ordered or granted permission to do so by the Commission; and

(b) Retain for at least 3 years a complete record of all deposits and withdrawals of money from the account and file the record with the Commission on or before March 30 of each year.

6. Money collected by the landlord or owner for service provided by a utility or an alternative seller to the tenants of a manufactured home park or mobile home park or occupants of the dwellings may not be used to maintain, repair or replace utility lines or equipment serving the common area of the manufactured home park, mobile home park or company town.

7. The owner of a company town who provides a utility service directly to the occupants of the town may charge the occupants their pro rata share of the owner's cost of providing that service. Where meters are available, the pro rata share must be based on meter readings. Where meters are not available, the owner shall determine a fair allocation which must be explained in detail to the Commission in the reports required by NRS 704.960. The Commission may modify the allocation in accordance with its regulations if it determines the owner's method not to be fair. The Commission shall adopt regulations governing the determination of the costs which an owner of a company town may recover for providing a utility service directly to the occupants of that town and the terms and conditions governing the provision of that service.

8. The landlord or owner shall itemize all charges for utility services on all bills for rent or occupancy. The landlord or owner may pass through to the tenant or occupant any increase in a rate for a utility service and shall pass through any decrease in a charge for a utility service as it becomes effective.

9. The landlord or owner shall retain for at least 3 years a copy of all billings for utility services made to the tenants or the occupants of the landlord's or owner's dwellings and shall make these records available upon request to the Commission for verification of charges made for utility services.

10. A landlord whose interest in a manufactured home park or mobile home park terminates for any reason shall transfer to the landlord's successor in interest any balance remaining in the account for service charges for utilities. Evidence of the transfer must be filed with the Commission.

11. The Commission may at any time examine all books and records which relate to the landlord's or owner's purchase of or billing for a service provided by a utility or an alternative seller if the landlord or owner is charging the tenants of the manufactured home park or mobile home park or occupants of the dwellings for that service.

12. The provisions of this section do not apply to the owner or operator of a low-income housing shared net metering system, except that:

(a) If the owner of a low-income housing shared net metering system is the landlord of a qualified multifamily affordable housing property in which the tenant units are equipped with individual meters, the owner of the low-income housing shared net metering system must follow any applicable federal laws or regulations to ensure that the owner of the low-income

housing shared net metering system does not charge a tenant or occupant for utility service at a rate that is higher than the rate paid by the owner of the low-income housing shared net metering system.

(b) A landlord who is the owner or operator of a low-income housing shared net metering system shall ensure that the financial benefits of the electricity produced by the low-income housing shared net metering system are allocated among the tenant units in a manner that is equitable as required pursuant to NRS 704.773.

Sec. 16. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 15, 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.

(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. 455.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 329.

AN ACT relating to tobacco; authorizing the Department of Taxation to impose a civil penalty for certain violations relating to contraband tobacco products; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) prohibits a person from knowingly selling or possessing for the purpose of selling any contraband tobacco products; and (2) provides that any person who exports, imports, possesses or constructively possesses contraband tobacco products, with certain exceptions, is guilty of a gross misdemeanor. (NRS 370.405, 370.410) Existing law also requires the Department of Taxation and its agents, sheriffs and all other peace officers of this State to seize any counterfeit stamps, contraband tobacco products, machinery used to manufacture contraband tobacco products and cigarette rolling machines used in violation of existing law that are found in this State. (NRS 370.415) This bill authorizes the Department to impose a civil penalty on any person who violates such provisions of existing law resulting in the seizure of counterfeit stamps, contraband tobacco products, machinery or cigarette rolling machines. This bill further requires any civil penalty to be credited to a separate account in the State General Fund to be used to enforce the provisions governing contraband tobacco products.

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

Section 1. NRS 370.415 is hereby amended to read as follows:

370.415 1. The Department, its agents, sheriffs within their respective counties and all other peace officers of the State of Nevada shall seize any counterfeit stamps, contraband tobacco products, machinery used to manufacture
contraband tobacco products and cigarette rolling machines being used in violation of any provision of this chapter that are found or located in the State of Nevada.

2. A sheriff or other peace officer who seizes stamps, contraband tobacco products, machinery or cigarette rolling machines pursuant to this section shall provide written notification of the seizure to the Department not later than 5 working days after the seizure. The notification must include the reason for the seizure.

3. After consultation with the Department, the sheriff or other peace officer shall transmit the contraband tobacco products to the Department if:

(a) The contraband tobacco products consist of cigarettes and:

(1) Except for revenue stamps being properly affixed as required by this chapter, the cigarettes comply with all state and federal statutes and regulations; and

(2) The Department approves the transmission of the cigarettes; or

(b) The contraband tobacco products consist of any other tobacco products and the Department approves the transmission of the other tobacco products.

4. Upon the receipt of any:

(a) Cigarettes pursuant to subsection 3, the Department shall dispose of the cigarettes as provided in subsection 4 of NRS 370.270; or

(b) Other tobacco products pursuant to subsection 3, the Department shall:

(1) Sell the other tobacco products to the highest bidder among the licensed wholesale dealers in this State after due notice to all licensed Nevada wholesale dealers has been given by mail to the addresses contained in the Department's records; or

(2) If there is no bidder, or in the opinion of the Department the quantity of the other tobacco products is insufficient, or for any other reason such disposition would be impractical, destroy or dispose of the other tobacco products as the Department may see fit.

➥ The proceeds of all sales pursuant to this paragraph must be classed as revenues derived under the provisions of NRS 370.440 to 370.503, inclusive.

5. The sheriff or other peace officer who seizes any stamps, contraband tobacco products, machinery or cigarette rolling machines pursuant to this section shall:

(a) Destroy the stamps, machinery and cigarette rolling machines; and

(b) If he or she does not transmit the contraband tobacco products to the Department, destroy the contraband tobacco products.

6. In addition to any other penalty provided by law, the Department may impose a civil penalty upon a person who violates NRS 370.405 or 370.410 resulting in the seizure of counterfeit stamps, contraband tobacco products,

machinery or cigarette rolling machines pursuant to this section in the amount [determined by the Department which may not exceed the greater] of [$25,000] $10,000 or the total costs incurred by the Department for the transportation, storage and disposal of the counterfeit stamps, contraband tobacco products, machinery or cigarette rolling machines [.] , whichever is greater.

7. All penalties imposed pursuant to subsection 6 must be paid to the Department in the form of remittances payable to the Department and deposited in a separate account in the State General Fund to be used for the enforcement of the provisions of this section.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Remarks by Assemblywoman Backus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bills Nos. 77, 125, 135, 184, 197, 222, 252, 257, 259, 261, 279, 293, 321, 338, 376, 399, 403, 409, and 425 be rereferred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:25 a.m.

ASSEMBLY IN SESSION

At 1:40 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 8 revises the membership of a metropolitan police committee on fiscal affairs. The number of members from a participating county is increased from two to three, and the number of members from the general public is increased from one to two.

Roll call on Assembly Bill No. 8:

YEAS—26.

NAYS—DeLong, Dickman, D'Silva, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, Newby, O'Neill, Yurek—16.

Assembly Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblywoman Marzola.

ASSEMBLYWOMAN MARZOLA:

Assembly Bill 32 revises certain provisions governing the Department of Sentencing Policy, including changing the requirements to serve as executive director. This bill also revises provisions relating to the Division of Parole and Probation of the Department of Public Safety, including revising the risk and needs assessments administered to certain probationers and parolees.

Lastly, this bill authorizes a court or the State Board of Parole Commissioners to revoke probation, suspension of sentence, or parole supervision at the request of a probationer or parolee.

Roll call on Assembly Bill No. 32:

YEAS—42.

NAYS—None.

Assembly Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblyman Nguyen.

ASSEMBLYMAN NGUYEN:

Assembly Bill 60 requires the governing body of a municipality that acquires or improves a neighborhood improvement project to annually prepare an amendment to the assessment roll and an estimate of the expenditures for the next fiscal year. The governing body must provide notice and hold a public hearing regarding the amendment and confirm and mail notice of the amendment.

Roll call on Assembly Bill No. 60:

YEAS—42.

NAYS—None.

Assembly Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblyman Gurr.

ASSEMBLYMAN GURR:

I think the Chief Clerk read most of what that bill does. The bill allows current information to go to the 811 operator so when you dig in your yard, you do not blow yourself up. In layman's terms, that is essentially what the bill does.

Roll call on Assembly Bill No. 177:

YEAS—42.

NAYS—None.

Assembly Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 185.

Bill read third time.

Remarks by Assemblywoman Mosca.

ASSEMBLYWOMAN MOSCA:

Assembly Bill 185 requires a school district, charter school, or university school for profoundly gifted pupils to make reasonable efforts to accommodate a pupil who transfers schools due to the documented military transfer of a parent or legal guardian.

As a proud active duty, enlisted military spouse, I am very excited for this bill, which aligns Nevada with almost every other state in terms of supporting military families through advanced enrollment.

Roll call on Assembly Bill No. 185:

YEAS—42.

NAYS—None.

Assembly Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 207.

Bill read third time.

Remarks by Assemblyman Koenig.

ASSEMBLYMAN KOENIG:

Assembly Bill 207 authorizes the board of trustees of a school district or the governing body of a charter school to purchase and maintain insurance against any liability arising out of a student's participation in a work-based learning program. The bill also prohibits a school district or charter school from charging a student or the parent or legal guardian of a student for the cost of such insurance coverage.

This bill is effective on July 1, 2023.

Roll call on Assembly Bill No. 207:

YEAS—42.

NAYS—None.

Assembly Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 214.

Bill read third time.

Remarks by Assemblywoman Anderson.

ASSEMBLYWOMAN ANDERSON:

Assembly Bill 214 requires a regional transportation commission in a county whose population is 100,000 or more but less than 700,000—currently, Washoe County—to establish an advisory committee to provide certain information and advice to the RTC [Regional Transportation Commission] relating to public mass transportation in the county. The bill also makes various changes to the membership of such an advisory committee that already exists in a county whose population is 700,000 or more—currently, Clark County. Among other changes, the RTC in such a county must appoint all members.

The bill further requires an RTC, or any person who contracts with an RTC to operate a public transit system, to maintain any audio or video recording that is used as evidence in certain disciplinary actions or contains an incident on a public transit system that results in an injury to an employee.

Finally, AB 214 allows an RTC to establish fines for passengers who refuse to comply with a regional or statewide health and safety standard or mandate.

Roll call on Assembly Bill No. 214:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblymen Backus and Yurek.

ASSEMBLYWOMAN BACKUS:

Assembly Bill 231 enacts certain amendments to the Uniform Commercial Code, which is a set of uniform laws governing commercial transactions. Among other things, this bill revises provisions related to various emerging technologies, including transactions involving controllable electronic records, certain electronic payment rights, chattel paper, and controllable electronic accounts.

ASSEMBLYMAN YUREK:

Changes to the Uniform Commercial Code are typically perfunctory updates that help commerce in our state and country run smoothly. As originally presented, AB 231 was just that—a regular and helpful update to the Uniform Commercial Code—apart from one section that we felt deserved more thought and attention before we passed it.

I would like to start by offering a word of thanks to the bill sponsor, my colleague from District 37, for her willingness to work with us to address the concerns that were identified in the original version of AB 231. As amended, I believe it serves as a great example of how the legislative process should and often does work in Nevada, wherein the various stakeholders and the parties can come together to work through the issues and advance the right policies at the right time.

Today, in its amended form, AB 231 excludes from the definition of "money" any medium of exchange in an electronic form. As a result, the central bank digital currencies, or CBDCs, of any type and issued by any government would not be covered by the rules applicable to money. Because cryptographic currencies, like Bitcoin, would be controllable electronic records, or CERs, all of the CER rules would apply to them, including perfection of security interests by filing or control and protection of qualifying purchasers of CERs against competing property interests.

Again, we are grateful for the opportunity to work with the bill sponsor to identify a workable solution to AB 231 and are pleased to offer our full support today as amended.

Roll call on Assembly Bill No. 231:

YEAS—42.

NAYS—None.

Assembly Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 267.

Bill read third time.

Remarks by Assemblywoman Torres.

ASSEMBLYWOMAN TORRES:

Assembly Bill 267 requires the State Board of Health to adopt regulations to require a medical facility, facility for the dependent, and certain other facilities to conduct training relating specifically to cultural competency for certain persons providing care to patients or residents of a facility.

Further, the measure requires certain health care professionals to complete a certain number of hours of instruction relating to cultural competency and diversity, equity, and inclusion.

Roll call on Assembly Bill No. 267:

YEAS—32.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hibbetts, McArthur, O'Neill—10.

Assembly Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 272.

Bill read third time.

Remarks by Assemblywoman Monroe-Moreno.

ASSEMBLYWOMAN MONROE-MORENO:

Assembly Bill 272 establishes the crime of mail theft. A person who commits mail theft is guilty of a category D felony—with a prison term of one to four years and a fine up to $5,000—and must pay restitution.

Roll call on Assembly Bill No. 272:

YEAS—42.

NAYS—None.

Assembly Bill No. 272 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 303.

Bill read third time.

Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:

Assembly Bill 303 removes the time restriction when a towing operator can charge a fee or cost for the towing and storing of a vehicle. The bill also prohibits towing operators from charging a fee or cost for towing vehicles solely due to an expired registration and provides that doing so is a violation subject to certain penalties.

Lastly, the bill revises the situations in which an owner may pay a hardship tariff but limits the owner of a towed motor vehicle from paying the hardship tariff more than once per year.

Roll call on Assembly Bill No. 303:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 343.

Bill read third time.

Remarks by Assemblyman C.H. Miller.

ASSEMBLYMAN C.H. MILLER:

Assembly Bill 343 revises requirements to obtain or renew a license or a temporary license as an occupational therapist or occupational therapy assistant and authorizes the Board of Occupational Therapy to issue a license by reciprocity as an occupational therapist or occupational therapy assistant. It also provides for the issuance of a provisional license; revises the applicability of an exemption for students; authorizes the Board to issue a citation and impose an administrative fine; and, lastly, provides that each member of the Board is entitled to a salary while engaged in the business of the Board.

Roll call on Assembly Bill No. 343:

YEAS—42.

NAYS—None.

Assembly Bill No. 343 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

The following amendment was proposed by Assemblywoman Brittney Miller:

Amendment No. 485.

AN ACT relating to crimes; revising provisions relating to the prosecution of certain crimes; **making an appropriation to be used for the prosecution of retail crime;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the crime of organized retail theft, which is defined as committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site, with the intent to: (1) return the merchandise to the merchant for value; or (2) resell, trade or barter the merchandise for value in any manner. (NRS 205.08345) **Section 1** of this bill authorizes the Attorney General to investigate and prosecute the crime of organized retail theft and any other crime committed in the course of committing organized retail theft.

Existing law also prohibits a person from selling, displaying or advertising, or possessing with the intent to sell, goods that have an unauthorized or counterfeit label or trademark. (NRS 205.210) **Section 2** of this bill authorizes the Attorney General to investigate and prosecute such a crime and any other crime that is committed in the course of committing such a crime.

Additionally, existing law provides that it is a crime for a person, in the course of an enterprise or occupation, knowingly and with the intent to defraud, to engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that: (1) the person knows to be false or omitted; (2) the person intends another to rely on; and (3) results in a loss to any person who relied on the false representation or omission, in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than $1,200. (NRS 205.377) **Section 3** of this bill authorizes the Attorney General to investigate and prosecute such a crime and any other crime committed in the course of committing such a crime.

Section 3.5 of this bill makes an appropriation to the Office of the Attorney General to be used for personnel, operating, travel and information technology expenses relating to the prosecution of retail crime.

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

Section 1. NRS 205.08345 is hereby amended to read as follows:

205.08345 1. A person who knowingly participates directly or indirectly in or engages in conduct with the intent to further an organized retail theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days is at least $3,500 but less than $10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(b) If the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days is $10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than $20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed in the organized retail theft in this State during a period of 120 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in the organized retail theft was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. ***The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.***

6. As used in this section:

(a) "Internet or network site" has the meaning ascribed to it in NRS 205.4744.

(b) "Merchant" has the meaning ascribed to it in NRS 597.850.

(c) "Organized retail theft" means committing, either alone or with any other person or persons, a series of thefts of retail merchandise against one or more merchants, either on the premises of a merchant or through the use of an Internet or network site, in this State with the intent to:

(1) Return the merchandise to the merchant for value; or

(2) Resell, trade or barter the merchandise for value in any manner, including, without limitation, through the use of an Internet or network site.

Sec. 2. NRS 205.210 is hereby amended to read as follows:

205.210 1. A person shall not knowingly sell, display or advertise, or have in his or her possession with intent to sell, any goods, wares, merchandise, mixture, preparation or compound having affixed thereto any label, trademark, term, design, device or form of advertisement lawfully filed for record in the Office of the Secretary of State by any person, corporation, association or union, or the exclusive
right to the use of which is guaranteed to the person, corporation, association or union under the laws of the United States, if the label, trademark, term, design, device or form of advertisement has been used or affixed thereto without the written authority of the person, corporation, association or union, or having affixed thereto any forged or counterfeit representation, likeness, similitude, copy or imitation thereof.

2. Except as otherwise provided in subsection 3, a violation of the provisions of subsection 1 is a misdemeanor.

3. A violation of the provisions of subsection 1 is:

(a) A category E felony if:

(1) The person committing the violation has been previously convicted one time for a violation of the provisions of subsection 1; or

(2) The goods, wares, merchandise, mixture, preparation or compound with respect to which the person violated the provisions of subsection 1:

(I) Consists of at least 100 but less than 1,000 salable units; or

(II) Has a retail value of at least $1,000 but less than $10,000.

(b) A category D felony if:

(1) The person committing the violation has been previously convicted two or more times for a violation of the provisions of subsection 1; or

(2) The goods, wares, merchandise, mixture, preparation or compound with respect to which the person violated the provisions of subsection 1:

(I) Consists of at least 1,000 salable units; or

(II) Has a retail value of at least $10,000.

4. For the purposes of this section, in accordance with the provisions of NRS 47.230, it may be reasonably inferred that a person intends to sell goods, wares, merchandise, a mixture, a preparation or a compound if the person knowingly possesses at least 26 salable units of the goods, wares, merchandise, mixture, preparation or compound.

5. ***The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.***

6. As used in this section, "retail value" means:

(a) If the item that is identified by a label, trademark, term, design, device or form of advertisement in violation of subsection 1 is a component of a finished product with multiple components, the price at which the person in violation of subsection 1 regularly sells the finished product; or

(b) For any other item that is identified by a label, trademark, term, design, device or form of advertisement in violation of subsection 1, the price at which the person in violation of subsection 1 regularly sells the item.

Sec. 3. NRS 205.377 is hereby amended to read as follows:

205.377 1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:

(a) The person knows to be false or omitted;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

➥ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than $1,200.

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 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 20 years, and may be further punished by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

6. ***The Attorney General may investigate and prosecute a violation of this section and any other statute violated in the course of committing a violation of this section.***

7. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 3.5. **1. There is hereby appropriated from the State General Fund to the Office of the Attorney General to be used for personnel, operating, travel and information technology expenses relating to the prosecution of retail crime the following sums:**

For the Fiscal Year 2023-2024..... $112,244

For the Fiscal Year 2024-2025..... $139,945

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years 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 appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, 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 20, 2024, and September 19, 2025, respectively.

Sec. 4. 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.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:03 p.m.

ASSEMBLY IN SESSION

At 2:03 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Assembly Bill No. 50 be rereferred to the Committee on Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Johnson, Nicole Lamboley, and Tami Hance-Lehr.

On request of Assemblywoman Backus, the privilege of the floor of the Assembly Chamber for this day was extended to Desirae Wingerter, Lesley Jackson, and Samuel Wellington.

On request of Assemblywoman Bilbray-Axelrod, the privilege of the floor of the Assembly Chamber for this day was extended to Bridget Phillips, Jeff Geihs, and Debbie Springer.

On request of Assemblywoman Brown-May, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Brown and Jessica Rauch.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to Anissa Simmons and Sheila Hall.

On request of Assemblywoman Cohen, the privilege of the floor of the Assembly Chamber for this day was extended to William Supple, Taylor Palmer, and William Belovin.

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Chloe Vieira.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Juan Aguirre, Kelly Loving, and Marcus James.

On request of Assemblyman DeLong, the privilege of the floor of the Assembly Chamber for this day was extended to Abbi Whitaker.

On request of Assemblywoman Duran, the privilege of the floor of the Assembly Chamber for this day was extended to A.J. Huth, Brian Hosier, and Shelly Kopinski.

On request of Assemblywoman Gallant, the privilege of the floor of the Assembly Chamber for this day was extended to Aura Delisle, Kate McLaughlin, and Mari Hutchinson.

On request of Assemblywoman González, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Bridges, Patrick Callahan, and Yarleny Roa-Dugan.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Bobby Ernaut, Gabriella Everett, and Mallory Jett-Edwards.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Debra O'Kelly, Rose Eshe, and Sharon Schlegel.

On request of Assemblywoman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Blake Pang.

On request of Assemblywoman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Aminta Polanco-Loew, Greci Zalaya Martinez, and Lynda Tache.

On request of Assemblyman Hibbetts, the privilege of the floor of the Assembly Chamber for this day was extended to Billy Jo Winbush, Brandy Foreman, and Faiza Ibrahim.

On request of Assemblywoman Jauregui, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Smith, Audra Hamernik, and Michell Upton.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to Courtney Vogt, Shanikka Thompson, and Shelly Speck.

On request of Assemblywoman Marzola, the privilege of the floor of the Assembly Chamber for this day was extended to Heidi Erpelding-Welch, Pam Joaan, and Richard Hodgson.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Stumpf, Marcia Blake, and Sarahi Ramirez.

On request of Assemblyman C.H. Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Cheree Boteler, Elena Espinoza, and Lanethia Harris.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Arielle Edwards, Greg Gudenkauf, and Jasmine Cazares.

On request of Assemblywoman Monroe-Moreno, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Esparza, Mary Mazur, and Tom Roberts.

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Ahsaki Hardy, Julian High, and William Rucker.

On request of Assemblywoman Newby, the privilege of the floor of the Assembly Chamber for this day was extended to Natalie Prochaska and Xavier Watkins.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Maese, Sharon Savoy-Durisseau, and Tenesha Harvey.

On request of Assemblyman O'Neill, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Foothills Church Academy: Angelina Elliott, Ayla Capurro, Ayla Orr, Dylan Wynne, Grayson Orr, Joseph Ketterman, Landen Kliegl, Lillian Taylor, Myra Werner, Owen Wynne, Paeton Bunnell, Paisley Greendahl, Paisley Solferino, Paitynn Solferino, Von Elliott, and Zaydon Capurro.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Ashlee Cooper, Charity Mills, and Lisa High.

On request of Assemblywoman Peters, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Firestone, Bri Konz, and Eaton Dunkelberger.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Leah Dods, Ninfa McDaniels, and Stephanie Hughes.

On request of Assemblywoman Taylor, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Bybee, Genevieve Frederick, and Jessica Johnson.

On request of Assemblywoman Thomas, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Speck, Grace Vergara Mactal, Patricia Armstrong, and Robin Shanetta-Franklin.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Tu`ua, Liz Ortenburger, and Sara Evans.

On request of Assemblyman Watts, the privilege of the floor of the Assembly Chamber for this day was extended to Andy Bischel, Devonte Woodson, and Rachel Bergren.

On request of Assemblyman Yeager, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Carey.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Green, Fidel Garcia, and Ryan Hamilton.

Assemblywoman Jauregui moved that the Assembly adjourn until Friday, April 21, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 2:05 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly