NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 23, 2023

Assembly called to order at 12:20 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Captain Immanuel Beeson.

Dear Heavenly Father, we gather here today to discuss important matters that will impact the future of our community. As we come together from different backgrounds and perspectives, let us approach this meeting with open hearts and minds, and with a spirit of collaboration and understanding. May we work together to find solutions that are fair, just, and inclusive, and that benefit all members of our community. Let us remember that we are all here because we care deeply about our state and its people. May our discussions today be guided by wisdom and compassion, and may we always act with respect and integrity towards one another. We love You and we thank You.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 78, 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 Growth and Infrastructure, to which were referred Senate Bills Nos. 11, 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 146, 315, 348, 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 Health and Human Services, to which were referred Senate Bills Nos. 161, 172, 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 289, 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 520, 521, 522, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 3.

Resolution read.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 536.

SENATE JOINT RESOLUTION—Urging the United States Bureau of Reclamation to consider certain actions, alternatives and measures for the protection and management of the Colorado River.

WHEREAS, The Colorado River is the most vital water source in Nevada and much of the western United States, sustaining the life and livelihood of 7 western states, 22 Indian tribes and Mexico; and

WHEREAS, The Colorado River supports the needs of 40 million people in the United States and Mexico, irrigates over 5 million acres of land, generates hydropower for several million people and supports recreational and tourism industries; and

WHEREAS, Ninety percent of Southern Nevada's water supply comes from the Colorado River via Lake Mead; and

WHEREAS, Facing unprecedented drought and aridification, the Colorado River is in crisis with Lake Mead currently at 28 percent capacity; and

WHEREAS, The Colorado River is also overallocated with more water committed for use than is available from the Colorado River in an average year resulting in a structural deficit in the Colorado River; and

WHEREAS, The seven Colorado River Basin states of Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming have yet to reach a consensus on a plan to decrease current water use; and

WHEREAS, The Federal Government intends to take unilateral action regarding the management of the Colorado River if the Colorado River Basin states do not present a reasonable plan for water management; and

WHEREAS, The Southern Nevada Water Authority and the Colorado River Commission, on behalf of the State of Nevada, have urged all users of the Colorado River in every state and sector to work together towards a solution to the water crisis and to reduce water demands to reflect the hydrological reality of the Colorado River Basin; and

WHEREAS, In August 2022, the Southern Nevada Water Authority, on behalf of the State of Nevada, submitted a letter to the United States Bureau of Reclamation listing 12 recommendations to address the crisis on the Colorado River, including adopting methods to account for evaporation and system losses in the Colorado River and investing in long-term, durable water conservation to permanently reduce the structural deficit in the Colorado River; and

WHEREAS, In November 2022, the United States Bureau of Reclamation announced its intention to prepare a supplemental environmental impact statement for the December 2007 Record of Decision entitled "Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations for Lake Powell and Lake Mead"; and

WHEREAS, In December 2022, the Southern Nevada Water Authority and the Colorado River Commission, on behalf of the State of Nevada, submitted a proposed alternative to the United States Bureau of Reclamation for consideration in the supplemental environmental impact statement process that presented recommendations to address the structural deficit in the Colorado River; and

WHEREAS, In January 2023, representatives of Nevada joined with the representatives of five other Colorado River Basin states to submit to the United States Bureau of Reclamation a Consensus-Based Modeling Alternative to help stabilize the water levels of Lake Mead and Lake Powell and asked the Bureau to consider and model the Consensus-Based Modeling Alternative in the supplemental environmental impact statement process; and

WHEREAS, The recommendations of Nevada and the Consensus-Based Modeling Alternative to address the Colorado River crisis present a solid starting point for further discussions on the management of the Colorado River; and

WHEREAS, The current Colorado River crisis is dire but solvable if the Colorado River Basin States, the Federal Government and Mexico cooperate to address the crisis; and

WHEREAS, Federal money and other funding mechanisms can aid with short-term water management and prevent the future depletion of the already depleted Colorado River, but the long-term sustainability of the Colorado River system requires the investment of additional money to implement permanent reductions in demand for Colorado River water; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 82nd Session of the Nevada Legislature strongly support the pursuit of a collaboration-based framework to address the structural deficit in the Colorado River; and be it further

RESOLVED, That the members of the 82nd Session of the Nevada Legislature support the inclusion of mechanisms to account for evaporation and system losses in the Colorado River in the future management of the Colorado River; and be it further

RESOLVED, That the members of the 82nd Session of the Nevada Legislature hereby urge the United States Bureau of Reclamation to amend existing federal regulations to prohibit the inefficient delivery, application or use of any water from the Colorado River by all sectors and users of water from the Colorado River to limit unnecessary water losses on the Colorado River; and be it further

~~[Resolved, That the members of the 82nd Session of the Nevada Legislature hereby urge the United States Bureau of Reclamation to consider and model the Consensus-Based Modeling Alternative submitted by Arizona, Colorado, Nevada, New Mexico, Utah and Wyoming in the supplemental environmental impact statement process; and be it further]~~

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the United States Secretary of the Interior, the United States Commissioner of the Bureau of Reclamation and the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Resolution File.

Assemblywoman Jauregui moved that all bills reported out of committee be placed on the Second Reading File.

Motion carried.

Assemblywoman Jauregui moved that Amendment No. 605 to Senate Bill No. 81 be taken from the Second Reading File and placed on the Chief Clerk's Desk.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 436 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 34 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 5, 29, 39, 43, 59, 105, 110, 113, 129, 247, 251, 298, 302, 323, 382, 384, 391, 393, 404, 415, 424, and 429 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 523—AN ACT relating to education; revising certain sources of revenue for the State Education Fund; authorizing a temporary advance from the Education Stabilization Account or the State General Fund to the State Education Fund under certain circumstances; revising provisions relating to inflation for determining the statewide base per pupil funding amount; and providing other matters properly relating thereto.

Assemblywoman Monroe-Moreno moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 633.

AN ACT relating to gaming; authorizing the Chair of the Nevada Gaming Control Board to administratively approve certain persons to temporarily engage in certain gaming activities or receive proceeds therefrom without procuring a state gaming license; revising the definition of "gaming employee"; revising provisions relating to delinquent debt owed to the Board that is determined to be impossible or impracticable to collect; revising provisions concerning the general powers and duties of the Board and the Nevada Gaming Commission; ~~[expanding the activities that are included in the operation of a race book or sports pool;]~~ authorizing persons aggrieved by final decisions or orders of the Commission relating to disciplinary matters to obtain a judicial review of a decision or order in the district court in and for Carson City; providing that any person authorized to receive a share of the revenue from a slot machine operated on the premises of a gaming licensee is liable for his or her proportionate share of a license fee for the slot machines; including additional fees for which prepayment credit may be granted with regard to continuing operations; authorizing the Commission to adopt certain regulations defining the scope of the power and authority of the Board and Commission relating to **hosting centers,** interactive gaming service providers and service providers; exempting persons who accept employment or an independent contract with the Commission as a Commissioner appointed by the Governor from certain provisions of law governing the employment of

retired public employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, in general, a person from engaging in certain activities relating to gaming without procuring a state gaming license. (NRS 463.160, 463.162, 463.650) **Section 1** of this bill authorizes the Chair of the Nevada Gaming Control Board, in the sole and absolute discretion of the Chair, to administratively approve certain persons associated with a holder of a license issued by the Nevada Gaming Commission who is deceased or who has been judicially declared to be disabled to temporarily engage in such activities or receive proceeds therefrom without procuring a state gaming license. **Section 1** authorizes the Chair to condition or limit an administrative approval in any manner he or she deems necessary and appropriate. **Section 1** further provides that a person who is administratively approved by the Chair to temporarily engage in certain gaming activities or receive proceeds therefrom without procuring a state gaming license is: (1) required to comply with the provisions of law and regulations governing gaming; and (2) subject to disciplinary action for any violation of such provisions. **Sections 3, 4 and 9** of this bill make conforming changes by referring to such an exception for temporary administrative approval in the applicable provisions of law governing the gaming activities for which a state gaming license is otherwise required.

Existing law requires gaming employees to be registered with the Board and defines the term "gaming employee." (NRS 463.0157, 463.335) **Section 1.5** of this bill revises the definition of the term "gaming employee" to clarify which persons are required to be registered with the Board.

Existing law requires, in general, state agencies to coordinate their debt collection efforts through the State Controller and assign debts to the State Controller for collection. (NRS 353C.195) If the State Controller determines that it is impossible or impractical to collect a debt, he or she is authorized to request that the State Board of Examiners designate the debt as a bad debt. (NRS 353C.220) Existing law requires the Nevada Gaming Control Board to: (1) prepare and furnish to the Commission an annual report that shows all debts owed to the Board that became or remained delinquent during the preceding year and includes the amount of any delinquent debt that the Board determines is impossible or impractical to collect; and (2) request that the State Board of Examiners designate any amount of delinquent debt determined to be impossible or impractical to collect as bad debt. (NRS 463.123) **Section 2** of this bill authorizes the Nevada Gaming Control Board to designate as bad debt any amount of debt it assigned to the State Controller for collection that the Board determines is impossible or impractical to collect instead of having to request that the State Board of Examiners designate the debt as a bad debt. **Section 2** also provides that if the State Controller determines that it is impossible or impractical to collect a debt assigned by the Board, he or she is required to request that the State Board of Examiners designate the debt as a

bad debt. **Section 11** of this bill makes a conforming change to refer to the exception that the State Controller is required, instead of authorized, to request that the State Board of Examiners designate the debt as a bad debt under **section 2**.

Existing law establishes the general powers and duties of the Board and Commission. (NRS 463.140) **Section 2.5** of this bill requires that the provisions of law governing gaming that relate to any license, registration, finding of suitability or other approval or authorization be administered by the Board and the Commission. **Section 2.5** also establishes an exception to certain authorized actions of the Board, the Commission and their agents.

~~**[**Existing law requires a person to procure and maintain all applicable gaming licenses and registrations in order to operate a race book or sports pool and sets forth the activities that are included in the operation of a race book or sports pool. (NRS 463.160) Section 3 expands such activities that are included in the operation of a race book or sports pool.**]**~~

Existing law authorizes the Board or Commission or certain persons to obtain a judicial determination of any construction or validity arising under certain provisions of law governing gaming or any regulation of the Commission by bringing an action for a declaratory judgment in the: (1) First Judicial District Court of the State of Nevada in and for Carson City; or (2) district court of the district in which the plaintiff resides or does business. (NRS 463.343) Existing law also authorizes any person aggrieved by a final decision or order of the Commission made after a disciplinary hearing or rehearing to obtain a judicial review of the decision or order in the district court of the county in which the petitioner resides or has his, her or its principal place of business. (NRS 463.315) **Section 5** of this bill additionally authorizes a person to obtain such a judicial review in the district court in and for Carson City. **Section 6** of this bill revises certain language relating to bringing an action for a declaratory judgment to more closely resemble the language used in **section 5**.

Existing law: (1) requires the Commission to charge and collect a license fee from an applicant for a restricted operation for each slot machine for each quarter year before the Commission issues a state gaming license to the applicant; and (2) establishes when the license fee must be paid. (NRS 463.373) **Section 7** of this bill provides that any person who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for the person's proportionate share of the license fee and is required to remit or credit his or her proportionate share to the licensee on or before certain dates.

Existing law provides that if the Commission approves the issuance of a license for gaming operations at the same location that is currently licensed or, if the license is for the operation of a slot machine route, locations that are currently licensed, the Chairs of the Board and Commission are authorized in certain circumstances to administratively determine that for the purposes of certain fees, the license shall be deemed transferred, the previously licensed

operation shall be deemed a continuing operation and credit must be granted for prepaid license fees. (NRS 463.386) **Section 8** of this bill includes additional fees for which prepayment credit must be granted with respect to a continuing operation.

Existing law: (1) authorizes the Commission to provide by regulation for the operation and registration of hosting centers and persons associated therewith; and (2) requires such regulations to provide that the premises on which the hosting center is located are subject to the power and authority of the Board and Commission, as though the premises are where gaming is conducted and the hosting center is a gaming licensee. (NRS 463.673) Existing law ~~[.]~~ **similarly:** (1) authorizes the Commission to provide by regulation for the licensing of an interactive gaming service provider, the registration of a service provider and the operation of such a service provider or interactive gaming service provider; and (2) requires such regulations to provide that the premises on which an interactive service provider and a service provider conducts its operations are subject to the power and authority of the Board and Commission, as though gaming is conducted on the premises and the interactive gaming service provider or service provider is a gaming licensee. (NRS 463.677) ~~[Section]~~ **Sections 9.1 and 9.3** of this bill **, respectively,** instead ~~[authorizes]~~ **authorize** the Commission to adopt regulations that define the scope of the power and authority of the Board and Commission as it deems appropriate based on the type and function of **a hosting center or** the specific interactive gaming service provider or service provider. **Sections 9.5 and 9.7** of this bill make conforming changes to refer to provisions that have been renumbered by **section 9.3**.

Existing law establishes provisions concerning the employment of retired public employees and provides that a person who accepts employment or an independent contract with certain entities is exempt from certain provisions of existing law for the duration of the employment or contract. (NRS 286.520) **Section 10.5** of this bill also exempts a person who accepts employment or an independent contract with the Commission as a Commissioner appointed by the Governor from such provisions for the duration of the employment or contract.

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Chair of the Board may, in the sole and absolute discretion of the Chair, administratively approve the spouse, next of kin, personal representative, guardian or heir of a holder of a license issued by the Commission who is deceased or has been judicially declared to be disabled to temporarily engage in any of the activities set forth in subsection 1 of NRS 463.160, subsection 1 of NRS 463.162 or subsection 1 of NRS 463.650 or receive proceeds therefrom without procuring a state gaming license.

2. The Chair of the Board may condition or limit an administrative approval issued pursuant to subsection 1 in any manner the Chair deems necessary and appropriate.

3. A person who is administratively approved by the Chair of the Board to temporarily engage in any of the activities set forth in subsection 1 of NRS 463.160, subsection 1 of NRS 463.162 or subsection 1 of NRS 463.650 or receive proceeds therefrom without procuring a state gaming license:

(a) Shall comply with the provisions of chapter 463 of NRS and all regulations adopted thereunder; and

(b) Is subject to disciplinary action for any violation of those provisions as set forth in NRS 463.310 to 463.318, inclusive.

Sec. 1.5. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any ~~[person connected directly with]~~ ***employee, temporary employee or other representative of*** an operator of a slot route, the operator of a pari-mutuel system ***, the operator of an inter-casino linked system*** or a manufacturer, distributor or disseminator, or ~~[with the operation of]~~ a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, ***whose job duties pertain to the operation, control or outcome of any gambling game or the access, transport or review of any gaming revenue,*** including ~~[:]~~ ***, without limitation:***

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) ~~[Boxpersons;]~~ ***Table games personnel;***

(c) ~~[Cashiers;]~~ ***Cage and counting room personnel;***

(d) ~~[Change]~~ ***Slot*** personnel;

(e) ~~[Counting room]~~ ***Keno*** personnel;

(f) ~~[Dealers;]~~ ***Race book and sports pool personnel;***

(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees of a person required by paragraph (e) of subsection 1 of NRS 463.160 to be registered to operate as a cash access and wagering instrument service provider;

(j) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, associated equipment when the employer is required by NRS 463.650 to be licensed, cashless wagering systems or interactive gaming systems;

(k) ~~[Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;~~

~~(l)~~] Employees of operators of interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

~~[(m)]~~ ***(l)*** Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

~~[(n)]~~ ***(m)*** Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

~~[(o) Floorpersons;~~

~~(p)]~~ ***(n) Information technology personnel who have operational or supervisory control over information technology systems associated with any of the matters related to gaming described in this subsection;***

(o) Hosts or other persons empowered to extend credit or complimentary services ~~[~~;

~~(q) Keno runners;~~

~~(r) Keno writers;~~

~~(s)]~~ ***related to gaming;***

(p) Machine mechanics;

~~[(t)]~~ ***(q)*** Odds makers and line setters;

~~[(u)]~~ ***(r)*** Security personnel;

~~[(v)]~~ ***(s)*** Shift or pit bosses;

~~[(w)]~~ ***(t)*** Shills;

~~[(x)]~~ ***(u)*** Supervisors or managers ~~[~~;

~~(y) Ticket writers;~~

~~(z)]~~ ***whose duties include the supervision of employees described in this subsection;***

(v) Employees of a person required by NRS 463.160 to be licensed to operate an information service;

~~[(aa) Employees of a licensee who have local access and provide management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;~~

~~(bb) Temporary or contract employees hired by a licensee to perform a function related to gaming; and~~

~~(cc)]~~ ***(w) Club venue employees; and***

(x) Other persons whose duties are similar to the classifications set forth in paragraphs (a) to ~~[(bb),]~~ ***(w),*** inclusive, as the Commission may from time to time designate by regulation.

2. "Gaming employee" does not include ~~[barbacks or bartenders]~~ ***employees*** whose duties do not involve gaming activities, ~~[cocktail servers or other]~~ persons engaged exclusively in preparing or serving food or beverages ~~[~~.

~~3. As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.~~] ***or persons involved primarily in the resort or hotel functions of a licensed gaming establishment.***

Sec. 2. NRS 463.123 is hereby amended to read as follows:

463.123 1. On or before January 15 of each year, the Board shall prepare and furnish to the Commission a report that shows all debts owed to the Board that became or remained delinquent during the preceding year. The Board shall include in the report the amount of any delinquent debt that the Board determines is impossible or impractical to collect.

2. For any amount of debt the [~~Nevada Gaming Control~~] Board ***has assigned to the State Controller for collection pursuant to NRS 353C.195 that:***

(a) The Board determines is impossible or impractical to collect, the [~~Nevada Gaming Control~~] Board [~~shall request that the State Board of Examiners~~] ***may*** designate such amount as a bad debt [~~. The State Board of Examiners, by an affirmative vote of the majority of the members of the State Board of Examiners, may designate the debt as bad debt if the State Board of Examiners is satisfied that the collection of the debt is impossible or impractical. If the amount of the debt is not more than $50, the State Board of Examiners may delegate to its Clerk the authority to designate the debt as a bad debt. The Nevada Gaming Control Board may appeal to the State Board of Examiners a denial by the Clerk of a request to designate a debt as a bad debt.~~

~~3. Upon the designation of a debt as a bad debt pursuant to this section, the State Board of Examiners or its Clerk shall immediately notify the State Controller thereof. Upon receiving the notification, the State Controller shall direct the removal of the bad debt from the books of account of the State of Nevada. A bad debt that is removed pursuant to this section remains a legal and binding obligation owed by the debtor to the State of Nevada.~~

~~4. The State Controller shall keep a master file of all debts that are designated as bad debts pursuant to this section. For each such debt, the State Controller shall record the name of the debtor, the amount of the debt, the date on which the debt was incurred and the date on which it was removed from the records and books of account of the State of Nevada, and any other information concerning the debt that the State Controller determines is necessary.~~] ***and shall notify the State Controller of such a designation. Upon approval by the Chair of the Board, the bad debt may be removed from the books of the account of the Board.***

(b) The State Controller determines is impossible or impractical to collect, the State Controller shall request the State Board of Examiners to designate the debt as a bad debt in accordance with NRS 353C.220.

Sec. 2.5. NRS 463.140 is hereby amended to read as follows:

463.140 1. The provisions of this chapter with respect to [~~state gaming licenses and manufacturer's, seller's and distributor's licenses~~] ***any license,***

registration, finding of suitability or other approval or authorization must be administered by the Board and the Commission, which shall administer them for the protection of the public and in the public interest in accordance with the policy of this state.

2. ~~[The]~~ ***Except as otherwise provided in this chapter, the*** Board and the Commission and their agents may:

(a) Inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are manufactured, sold or distributed.

(b) Inspect all equipment and supplies in, upon or about such premises.

(c) Summarily seize and remove from such premises and impound any equipment, supplies, documents or records for the purpose of examination and inspection.

(d) Demand access to and inspect, examine, photocopy and audit all papers, books and records of any applicant or licensee, on his or her premises, or elsewhere as practicable, and in the presence of the applicant or licensee, or his or her agent, respecting the gross income produced by any gaming business, and require verification of income, and all other matters affecting the enforcement of the policy or any of the provisions of this chapter.

(e) Demand access to and inspect, examine, photocopy and audit all papers, books and records of any affiliate of a licensee whom the Board or Commission knows or reasonably suspects is involved in the financing, operation or management of the licensee. The inspection, examination, photocopying and audit may take place on the affiliate's premises or elsewhere as practicable, and in the presence of the affiliate or its agent.

3. For the purpose of conducting audits after the cessation of gaming by a licensee, the former licensee shall furnish, upon demand of an agent of the Board, books, papers and records as necessary to conduct the audits. The former licensee shall maintain all books, papers and records necessary for audits for 1 year after the date of the surrender or revocation of his or her gaming license. If the former licensee seeks judicial review of a deficiency determination or files a petition for a redetermination, the former licensee must maintain all books, papers and records until a final order is entered on the determination.

4. The Board may investigate, for the purpose of prosecution, any suspected criminal violation of the provisions of this chapter, chapter 205 of NRS involving a crime against the property of a gaming licensee, NRS 207.195 or chapter 462, 463B, 464, 465 or 466 of NRS.

5. The Board and the Commission or any of its members has full power and authority to issue subpoenas and compel the attendance of witnesses at any place within this state, to administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for service of process and notices in civil actions. The Board or the Commission may pay such transportation and other expenses of witnesses as it may deem reasonable and proper. Any person making false oath in any matter before either the Board or Commission is guilty of perjury. The Board and Commission or any

member thereof may appoint hearing examiners who may administer oaths and receive evidence and testimony under oath.

Sec. 3. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 3 and NRS 462.155 and 463.172 ~~[,]~~ ***and section 1 of this act,*** it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider; or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➥ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses or registrations as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. Except as otherwise provided in subsection 3, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

3. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

4. For the purposes of this section, the operation of a race book or sports pool includes making ~~*[, without limitation:*~~

~~*(a) Controlling the types of wagers that will be accepted, including, without limitation, controlling the setting of lines, point spreads and odds;*~~

~~*(b) Representing to the public that the person is operating a race book or sports pool;*~~

~~*(c) Having responsibility for the financial success or failure of a race book or sports pool; or*~~

~~*(d) Making]*~~ the premises available for any of the following purposes:

(a) ~~*[(1)]*~~ Allowing patrons to establish an account for wagering with the race book or sports pool;

(b) ~~*[(2)]*~~ Accepting wagers from patrons;

(c) ~~*[(3)]*~~ Allowing patrons to place wagers;

(d) ~~*[(4)]*~~ Paying winning wagers to patrons; or

(e) ~~*[(5)]*~~ Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

➥ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

Sec. 4. NRS 463.162 is hereby amended to read as follows:

463.162 1. Except as otherwise provided in subsections 2 and 3 ~~[,]~~ ***and section 1 of this act,*** it is unlawful for any person to:

(a) Lend, let, lease or otherwise deliver or furnish any equipment of any gambling game, including any slot machine, for any interest, percentage or share of the money or property played, under guise of any agreement whatever, without having first procured a state gaming license.

(b) Lend, let, lease or otherwise deliver or furnish, except by a bona fide sale or capital lease, any slot machine under guise of any agreement whereby any consideration is paid or is payable for the right to possess or use that slot machine, whether the consideration is measured by a percentage of the revenue derived from the machine or by a fixed fee or otherwise, without having first procured a state gaming license for the slot machine.

(c) Furnish services or property, real or personal, on the basis of a contract, lease or license, pursuant to which that person receives payments based on earnings or profits from any gambling game, including any slot machine, without having first procured a state gaming license.

2. The provisions of subsection 1 do not apply to any person:

(a) Whose payments are a fixed sum determined in advance on a bona fide basis for the furnishing of services or property other than a slot machine.

(b) Who furnishes services or property under a bona fide rental agreement or security agreement for gaming equipment.

(c) That is a wholly owned subsidiary of:

(1) A corporation, limited partnership or limited-liability company holding a state gaming license; or

(2) A holding company or intermediary company, or publicly traded corporation, that has registered pursuant to NRS 463.585 or 463.635 and which has fully complied with the laws applicable to it.

(d) Who is licensed as a manufacturer or distributor pursuant to NRS 463.650.

(e) Who is found suitable by the Commission to act as an independent agent.

➥ Receipts or rentals or charges for real property, personal property or services do not lose their character as payments of a fixed sum or as bona fide because

of provisions in a contract, lease or license for adjustments in charges, rentals or fees on account of changes in taxes or assessments, escalations in the cost-of-living index, expansions or improvement of facilities, or changes in services supplied. Receipts of rentals or charges based on percentage between a corporate licensee or a licensee who is a limited partnership or limited-liability company and the entities enumerated in paragraph (c) are permitted under this subsection.

3. The Commission may, upon the issuance of its approval or a finding of suitability, exempt a holding company from the licensing requirements of subsection 1.

4. The Board may require any person exempted by the provisions of subsection 2 or paragraph (b) of subsection 1 to provide such information as it may require to perform its investigative duties.

5. The Board and the Commission may require a finding of suitability or the licensing of any person who:

(a) Owns any interest in the premises of a licensed establishment or owns any interest in real property used by a licensed establishment whether the person leases the property directly to the licensee or through an intermediary.

(b) Repairs, rebuilds or modifies any gaming device.

(c) Manufactures or distributes chips or gaming tokens for use in this state.

(d) Operates a call center within this State as an agent of a licensed race book or sports pool in this State in accordance with the regulations adopted by the Commission.

(e) Has invented, has developed or owns the intellectual property rights to a game for which approval by the Commission is being sought or has been received in accordance with the regulations adopted by the Commission.

6. If the Commission finds a person described in subsection 5 unsuitable, a licensee shall not enter into any contract or agreement with that person without the prior approval of the Commission. Any other agreement between the licensee and that person must be terminated upon receipt of notice of the action by the Commission. Any agreement between a licensee and a person described in subsection 5 shall be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the Commission that the person is unsuitable. Failure expressly to include that condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement. If the application is not presented to the Board within 30 days after demand, the Commission may pursue any remedy or combination of remedies provided in this chapter.

Sec. 5. NRS 463.315 is hereby amended to read as follows:

463.315 1. Any person aggrieved by a final decision or order of the Commission made after hearing or rehearing by the Commission pursuant to NRS 463.312 to 463.3145, inclusive, and whether or not a petition for rehearing was filed, may obtain a judicial review thereof in the district court ~~[of]~~ ***in and for Carson City, the district court in and for*** the county in which

the petitioner resides or ***the district court in and for the county in which the petitioner*** has his, her or its principal place of business.

2. The judicial review must be instituted by filing a petition within 20 days after the effective date of the final decision or order. A petition may not be filed while a petition for rehearing or a rehearing is pending before the Commission. The petition must set forth the order or decision appealed from and the grounds or reasons why petitioner contends a reversal or modification should be ordered.

3. Copies of the petition must be served upon the Commission and all other parties of record, or their counsel of record, either personally or by certified mail.

4. The court, upon a proper showing, may permit other interested persons to intervene as parties to the appeal or as friends of the court.

5. The filing of the petition does not stay enforcement of the decision or order of the Commission, but the Commission itself may grant a stay upon such terms and conditions as it deems proper.

6. If judicial review is sought in any case in which a supervisor has been appointed pursuant to NRS 463B.010 to 463B.280, inclusive, the district court shall give priority to that review over other civil actions.

Sec. 6. NRS 463.343 is hereby amended to read as follows:

463.343 1. The Board or Commission or any applicant, licensee, association of licensees, nonprofit corporation that represents licensees, person found suitable, holding company, intermediary company or publicly traded corporation which is registered with the Commission may obtain a judicial determination of any question of construction or validity arising under this chapter, chapter 462 of NRS or any regulation of the Commission by bringing an action for a declaratory judgment in the ~~[~~First Judicial District Court of the State of Nevada~~]~~ ***district court*** in and for Carson City ~~[,]~~ or ~~[in]~~ the district court ~~[of]~~ ***in and for*** the ~~[district]~~ ***county*** in which the plaintiff resides or does business, in accordance with the provisions of chapter 30 of NRS.

2. When an action is brought by a person other than the Board or Commission, the Commission must be made a party to the action and the Attorney General must be served with a copy of the complaint and is entitled to appear in the action.

3. Statutes and regulations reviewed pursuant to this section must be construed in a manner consistent with the declared policy of the State.

4. The filing of a complaint for judicial determination under this section does not stay enforcement of any Commission or Board action. The Board or Commission may grant a stay upon appropriate terms.

5. In any proceeding brought under this section, the district court shall not grant any injunctive relief or relief based upon any other extraordinary common-law writ to:

(a) Any applicant for licensing, finding of suitability or registration;

(b) Any person who has been ordered by the Board or Commission to submit his or her application for licensing, finding of suitability or registration;

(c) Any person seeking judicial review of an action of the Commission which is subject to the provisions of NRS 463.315 to 463.318, inclusive; or

(d) Any person who is adversely affected by the appointment of a supervisor pursuant to chapter 463B of NRS.

Sec. 7. NRS 463.373 is hereby amended to read as follows:

463.373 1. Before issuing a state gaming license to an applicant for a restricted operation, the Commission shall charge and collect from the applicant for each slot machine for each quarter year:

(a) A license fee of $81 for each slot machine if the applicant will have at least 1 but not more than 5 slot machines.

(b) A license fee of $405 plus $141 for each slot machine in excess of 5 if the applicant will have at least 6 but not more than 15 slot machines.

2. The Commission shall charge and collect the fee prescribed in subsection 1:

(a) On or before the last day of the last month in a calendar quarter, for the ensuing calendar quarter, from a licensee whose operation is continuing.

(b) In advance from a licensee who begins operation or puts additional slot machines into play during a calendar quarter.

3. Except as otherwise provided in NRS 463.386, no proration of the fee prescribed in subsection 1 may be allowed for any reason.

4. The operator of the location where slot machines are situated shall pay the fee prescribed in subsection 1 upon the total number of slot machines situated in that location, whether or not the machines are owned by one or more licensee-owners.

5. Any person who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the fee prescribed in subsection 1 and shall remit or credit his or her full proportionate share to the licensee on or before the last day of the last month in a calendar quarter, if the licensee is paying the fee in accordance with paragraph (a) of subsection 2, or, if the licensee is paying the fee in accordance with paragraph (b) of subsection 2, on or before the date on which the licensee pays the fee. A licensee is not liable to any person who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of the licensee for that person's proportionate share of the fee prescribed in subsection 1.

Sec. 8. NRS 463.386 is hereby amended to read as follows:

463.386 1. If the Commission approves the issuance of a license for gaming operations at the same location that is currently licensed, or locations that are currently licensed if the license is for the operation of a slot machine route, the Chair of the Board, in consultation with the Chair of the Commission may administratively determine that, for the purposes of NRS 463.370 ***,*** ~~[and]~~ 463.373 to 463.3855, inclusive, ***463.450, 463.660, 463.677, 463.760, 463.765 and 464.015,*** the gaming license shall be deemed transferred, the previously licensed operation shall be deemed a continuing operation and credit must be

granted for prepaid license fees, if the Chair of the Board makes a written finding that such determination is consistent with the public policy of this State pursuant to NRS 463.0129.

2. The Chair of the Board may refer a request for administrative determination pursuant to this section to the Board and the Commission for consideration, or may deny the request for any reasonable cause. A denial may be submitted for review by the Board and the Commission in the manner set forth by the regulations adopted by the Commission which pertain to the review of administrative approval decisions.

3. Except as otherwise provided in this section, no credit or refund of fees or taxes may be made because a gaming establishment ceases operation.

4. The Commission may, with the advice and assistance of the Board, adopt regulations consistent with the policy, objects and purposes of this chapter as it may deem necessary to carry out the provisions of this section.

Sec. 9. NRS 463.650 is hereby amended to read as follows:

463.650 1. Except as otherwise provided in subsections 2 to 7, inclusive, ***and section 1 of this act,*** it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device, cashless wagering system or interactive gaming system for use or play in Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section.

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the Board, dispose of by sale in a manner approved by the Board, any or all of its gaming devices, including slot machines and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the Board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The Commission may, by regulation, authorize a person who owns:

(a) Gaming devices for home use in accordance with NRS 463.160; or

(b) Antique gaming devices,

➥ to sell such devices without procuring a license therefor to residents of jurisdictions wherein ownership of such devices is legal.

5. Upon approval by the Board, a gaming device owned by:

(a) A law enforcement agency;

(b) A court of law; or

(c) A gaming device repair school licensed by the Commission on Postsecondary Education,

➥ may be disposed of by sale, in a manner approved by the Board, without a distributor's license. An application for approval must be submitted to the Board in the manner prescribed by the Chair.

6. A manufacturer who performs any action described in paragraph (a), (b) or (c) of subsection 1 of NRS 463.01715 is not required to be licensed under the provisions of this section with respect to the performance of that action if another manufacturer who is licensed under the provisions of this section assumes responsibility for the performance of that action.

7. An independent contractor who designs, develops, programs, produces or composes a control program for use in the manufacture of a gaming device that is for use or play in this State is not required to be licensed under the provisions of this section with respect to the design, development, programming, production or composition of a control program if a manufacturer who is licensed under the provisions of this section assumes responsibility for the design, development, programming, production or composition of the control program.

8. Any person who the Commission determines is a suitable person to receive a license under the provisions of this section may be issued a manufacturer's or distributor's license. The burden of proving his or her qualification to receive or hold a license under this section is at all times on the applicant or licensee.

9. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the Commission.

10. The Commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the Commission determines that the exemption is consistent with the purposes of this chapter.

11. Any person conducting business in Nevada who is not required to be licensed as a manufacturer, seller or distributor pursuant to subsection 1, but who otherwise must register with the Attorney General of the United States pursuant to Title 15 of U.S.C., must submit to the Board a copy of such registration within 10 days after submission to the Attorney General of the United States.

12. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to knowingly distribute any gaming device, cashless wagering system, interactive gaming system or associated equipment from Nevada to any jurisdiction where the possession, ownership or use of any such device, system or equipment is illegal.

13. As used in this section:

(a) "Antique gaming device" means a gaming device that was manufactured before 1961.

(b) "Assume responsibility" has the meaning ascribed to it in NRS 463.01715.

(c) "Control program" has the meaning ascribed to it in NRS 463.0155.

(d) "Holding company" has the meaning ascribed to it in NRS 463.485.

(e) "Independent contractor" has the meaning ascribed to it in NRS 463.01715.

Sec. 9.1. **NRS 463.673 is hereby amended to read as follows:**

463.673 1. The Legislature finds that:

(a) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public policy declared in NRS 463.0129, it is necessary that the Board and Commission be allowed to react to rapidly evolving technological advances while maintaining strict regulation and control of gaming.

(b) Technological advances have evolved which allow:

(1) Certain parts of games, gaming devices, cashless wagering systems and race book and sports pool operations to be conducted at locations that are not on the premises of a licensed gaming establishment; and

(2) Associated equipment to be located at a hosting center.

2. Except as otherwise provided in subsection 3, the Commission may, with the advice and assistance of the Board, provide by regulation for the operation and registration of hosting centers and persons associated therewith. Such regulations may include:

(a) Provisions relating to the operation and location of hosting centers, including, without limitation, minimum internal and operational control standards established by the Commission.

(b) Provisions relating to the registration of persons owning or operating a hosting center and any persons having a significant involvement with a hosting center, as determined by the Commission.

(c) A provision that a person owning, operating or having a significant involvement with a hosting center may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(d) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129.

3. The Commission may not adopt regulations pursuant to this section until the Commission first determines that hosting centers are secure and reliable, do not pose a threat to the integrity of gaming and are consistent with the public policy of this State pursuant to NRS 463.0129.

4. ~~[Regulations]~~ ***Subject to any regulations*** adopted by the Commission pursuant to ~~[this section must:~~

~~(a) Define "hosting center."~~

~~(b) Provide that]~~ ***subsection 5,*** the premises on which the hosting center is located are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the hosting center is a gaming licensee.

5. The Commission may adopt regulations that define the scope of the power and authority of the Board and Commission provided in subsection 4 as it deems appropriate based on the type and function of a hosting center.

6. Regulations adopted by the Commission pursuant to this section must define "hosting center."

Sec. 9.3. NRS 463.677 is hereby amended to read as follows:

463.677 1. The Legislature finds that:

(a) Technological advances have evolved which allow licensed gaming establishments to expose games, including, without limitation, system-based and system-supported games, gaming devices, interactive gaming, cashless wagering systems or race books and sports pools, and to be assisted by an interactive gaming service provider or a service provider, as applicable, who provides important services to the public with regard to the conduct and exposure of such games.

(b) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public policy declared in NRS 463.0129, it is necessary that the Board and Commission have the ability to:

(1) License interactive gaming service providers;

(2) Register service providers; and

(3) Maintain strict regulation and control of the operation of such interactive gaming service providers or service providers, respectively, and all persons and locations associated therewith.

2. Except as otherwise provided in subsection 4, the Commission may, with the advice and assistance of the Board, provide by regulation for the:

(a) Licensing of an interactive gaming service provider;

(b) Registration of a service provider; and

(c) Operation of such a service provider or interactive gaming service provider, respectively, and all persons, locations and matters associated therewith.

3. The regulations pursuant to subsection 2 may include, without limitation:

(a) Provisions requiring:

(1) The interactive gaming service provider to meet the qualifications for licensing pursuant to NRS 463.170, in addition to any other qualifications established by the Commission and to be licensed regardless of whether the interactive gaming service provider holds any license.

(2) The service provider to be registered regardless of whether the service provider holds any license.

(b) Criteria regarding the location from which the interactive gaming service provider or service provider, respectively, conducts its operations, including, without limitation, minimum internal and operational control standards established by the Commission.

(c) Provisions relating to:

(1) The licensing of persons owning or operating an interactive gaming service provider, and any person having a significant involvement therewith, as determined by the Commission.

(2) The registration of persons owning or operating a service provider, and any persons having a significant involvement therewith, as determined by the Commission.

(d) A provision that a person owning, operating or having significant involvement with an interactive gaming service provider or a service provider, respectively, as determined by the Commission, may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(e) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129, including that an interactive gaming service provider or a service provider, respectively, must be liable to the licensee on whose behalf the services are provided for the interactive gaming service provider's or service provider's proportionate share of the fees and taxes paid by the licensee.

4. The Commission may not adopt regulations pursuant to this section until the Commission first determines that interactive gaming service providers or service providers, respectively, are secure and reliable, do not pose a threat to the integrity of gaming and are consistent with the public policy of this State pursuant to NRS 463.0129.

5. ~~[~~Regulations~~]~~ ***Subject to any regulations*** adopted by the Commission pursuant to ~~[~~this section must provide that~~]~~ ***subsection 6,*** the premises on which an interactive gaming service provider ~~[~~and~~]~~ ***or*** a service provider ~~[~~, respectively,~~]~~ conducts its operations are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the interactive gaming service provider or service provider, respectively, is a gaming licensee.

6. ***The Commission may adopt regulations that define the scope of the power and authority of the Board and Commission provided in subsection 5 as it deems appropriate based on the type and function of a specific interactive gaming service provider or service provider.***

7. As used in this section:

(a) "Interactive gaming service provider" means a person who acts on behalf of an establishment licensed to operate interactive gaming and:

(1) Manages, administers or controls wagers that are initiated, received or made on an interactive gaming system;

(2) Manages, administers or controls the games with which wagers that are initiated, received or made on an interactive gaming system are associated;

(3) Maintains or operates the software or hardware of an interactive gaming system; or

(4) Provides products, services, information or assets to an establishment licensed to operate interactive gaming and receives therefor a percentage of gaming revenue from the establishment's interactive gaming system.

(b) "Service provider" means a person who:

(1) Is a cash access and wagering instrument service provider; or

(2) Meets such other or additional criteria as the Commission may establish by regulation.

Sec. 9.5. NRS 463.750 is hereby amended to read as follows:

463.750 1. The Commission shall, with the advice and assistance of the Board, adopt regulations governing:

(a) The licensing and operation of interactive gaming; and

(b) The registration of service providers to perform any action described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

2. The regulations adopted by the Commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems;

(3) A license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677; and

(4) Registration as a service provider to perform the actions described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware;

(2) A person must hold a license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677; and

(3) A person must be registered as a service provider to perform the actions described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

(c) Except as otherwise provided in subsections 6 to 10, inclusive, set forth standards for the suitability of a person to be:

(1) Licensed as a manufacturer of interactive gaming systems;

(2) Licensed as an interactive gaming service provider as described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677 that are as stringent as the standards for a nonrestricted license; or

(3) Registered as a service provider as described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677 that are as stringent as the standards for a nonrestricted license.

(d) Set forth provisions governing:

(1) The initial fee for a license for an interactive gaming service provider as described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677.

(2) The initial fee for registration as a service provider as described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

(3) The fee for the renewal of such a license for such an interactive gaming service provider or registration as a service provider, as applicable, and any renewal requirements for such a license or registration, as applicable.

(4) Any portion of the license fee paid by a person licensed to operate interactive gaming, pursuant to subsection 1 of NRS 463.770, for which an interactive gaming service provider may be liable to the person licensed to operate interactive gaming.

(e) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment, unless federal law otherwise provides for a similar fee or tax.

(f) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(g) Define "interactive gaming system," "manufacturer of interactive gaming systems," "operate interactive gaming" and "proprietary hardware and software" as the terms are used in this chapter.

3. Except as otherwise provided in subsections 4 and 5, the Commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 700,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is 45,000 or more but less than 700,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the Commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

4. The Commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection 3;

(2) The affiliate is located in the same county as the establishment; and

(3) The establishment has held a nonrestricted license for at least 5 years before the date on which the application is filed; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

5. The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regulating the licensure of interactive gaming.

6. Except as otherwise provided in subsections 7, 8 and 9:

(a) A covered person may not be found suitable for licensure under this section within 5 years after February 21, 2013;

(b) A covered person may not be found suitable for licensure under this section unless such covered person expressly submits to the jurisdiction of the United States and of each state in which patrons of interactive gaming operated by such covered person after December 31, 2006, were located, and agrees to waive any statutes of limitation, equitable remedies or laches that otherwise would preclude prosecution for a violation of any provision of federal law or the law of any state in connection with such operation of interactive gaming after that date;

(c) A person may not be found suitable for licensure under this section within 5 years after February 21, 2013, if such person uses a covered asset for the operation of interactive gaming; and

(d) Use of a covered asset is grounds for revocation of an interactive gaming license, or a finding of suitability, issued under this section.

7. The Commission, upon recommendation of the Board, may waive the requirements of subsection 6 if the Commission determines that:

(a) In the case of a covered person described in paragraphs (a) and (b) of subsection 1 of NRS 463.014645:

(1) The covered person did not violate, directly or indirectly, any provision of federal law or the law of any state in connection with the ownership and operation of, or provision of services to, an interactive gaming facility that, after December 31, 2006, operated interactive gaming involving patrons located in the United States; and

(2) The assets to be used or that are being used by such person were not used after that date in violation of any provision of federal law or the law of any state;

(b) In the case of a covered person described in paragraph (c) of subsection 1 of NRS 463.014645, the assets that the person will use in connection with interactive gaming for which the covered person applies for a finding of suitability were not used after December 31, 2006, in violation of any provision of federal law or the law of any state; and

(c) In the case of a covered asset, the asset was not used after December 31, 2006, in violation of any provision of federal law or the law of any state, and the interactive gaming facility in connection with which the asset was used was not used after that date in violation of any provision of federal law or the law of any state.

8. With respect to a person applying for a waiver pursuant to subsection 7, the Commission shall afford the person an opportunity to be heard and present relevant evidence. The Commission shall act as finder of fact and is entitled to evaluate the credibility of witnesses and persuasiveness of the evidence. The affirmative votes of a majority of the whole Commission are required to grant or deny such waiver. The Board shall make appropriate investigations to determine any facts or recommendations that it deems necessary or proper to aid the Commission in making determinations pursuant to this subsection and subsection 7.

9. The Commission shall make a determination pursuant to subsections 7 and 8 with respect to a covered person or covered asset without regard to whether the conduct of the covered person or the use of the covered asset was ever the subject of a criminal proceeding for a violation of any provision of federal law or the law of any state, or whether the person has been prosecuted and the prosecution terminated in a manner other than with a conviction.

10. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the Commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the Commission pursuant to this section.

11. A person who violates subsection 10 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 or by a fine of not more than $50,000, or both.

Sec. 9.7. NRS 463.767 is hereby amended to read as follows:

463.767 1. The Commission may, with the advice and assistance of the Board, adopt a seal for its use to identify:

(a) A license to operate interactive gaming;

(b) A license for a manufacturer of interactive gaming systems;

(c) A license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677; and

(d) Registration as a service provider to perform the actions described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

2. The Chair of the Commission has the care and custody of the seal.

3. The seal must have imprinted thereon the words "Nevada Gaming Commission."

4. A person shall not use, copy or reproduce the seal in any way not authorized by this chapter or the regulations of the Commission. Except under circumstances where a greater penalty is provided in NRS 205.175, a person who violates this subsection is guilty of a gross misdemeanor.

5. A person convicted of violating subsection 4 is, in addition to any criminal penalty imposed, liable for a civil penalty upon each such conviction. A court before whom a defendant is convicted of a violation of subsection 4 shall, for each violation, order the defendant to pay a civil penalty of $5,000. The money so collected:

(a) Must not be deducted from any penal fine imposed by the court;

(b) Must be stated separately on the court's docket; and

(c) Must be remitted forthwith to the Commission.

Sec. 10. (Deleted by amendment.)

Sec. 10.5. NRS 286.520 is hereby amended to read as follows:

286.520 1. Except as otherwise provided in this section and NRS 286.525, the consequences of the employment of a retired employee are:

(a) A retired employee who accepts employment or an independent contract with a public employer under this System is disqualified from receiving any allowances under this System for the duration of that employment or contract if:

(1) The retired employee accepted the employment or contract within 90 calendar days after the effective date of the employee's retirement; or

(2) The retired employee is employed in a position which is eligible to participate in this System.

(b) If a retired employee accepts employment or an independent contract with a public employer under this System more than 90 calendar days after the effective date of the employee's retirement in a position which is not eligible to participate in this System, the employee's allowance under this System terminates upon the employee's earning an amount equal to one-half of the average salary for participating public employees who are not police officers or firefighters in any fiscal year, for the duration of that employment or contract.

(c) If a retired employee accepts employment with an employer who is not a public employer under this System, the employee is entitled to the same allowances as a retired employee who has no employment.

2. The retired employee and the public employer shall notify the System:

(a) Within 10 days after the first day of an employment or contract governed by paragraph (a) of subsection 1.

(b) Within 30 days after the first day of an employment or contract governed by paragraph (b) of subsection 1.

(c) Within 10 days after a retired employee earns more than one-half of the average salary for participating public employees who are not police officers or firefighters in any fiscal year from an employment or contract governed by paragraph (b) of subsection 1.

3. For the purposes of this section, the average salary for participating public employees who are not police officers or firefighters must be computed on the basis of the most recent actuarial valuation of the System.

4. If a retired employee who accepts employment or an independent contract with a public employer under this System pursuant to this section elects not to reenroll in the System pursuant to subsection 1 of NRS 286.525, the public employer with which the retired employee accepted employment or an independent contract may pay contributions on behalf of the retired employee to a retirement fund which is not a part of the System in an amount not to exceed the amount of the contributions that the public employer would pay to the System on behalf of a participating public employee who is employed in a similar position.

5. If a retired employee is chosen by election or appointment to fill an elective public office, the retired employee is entitled to the same allowances as a retired employee who has no employment, unless the retired employee is serving in the same office in which the retired employee served and for which the retired employee received service credit as a member. A public employer may pay contributions on behalf of such a retired employee to a retirement fund which is not a part of the System in an amount not to exceed the amount of the contributions that the public employer would pay to the System on behalf of a participating public employee who serves in the same office.

6. The System may waive for one period of 30 days or less a retired employee's disqualification under this section if the public employer certifies in writing, in advance, that the retired employee is recalled to meet an emergency and that no other qualified person is immediately available.

7. A person who accepts employment or an independent contract with:

(a) Either house of the Legislature or the Legislative Counsel Bureau; ~~[or]~~

(b) ***The Nevada Gaming Commission as a Commissioner appointed by the Governor; or***

(c) The Nevada Court System as a senior justice, senior judge, senior justice of the peace or senior municipal judge,

➥ is exempt from the provisions of subsections 1 and 2 for the duration of that employment or contract.

8. A person who accepts employment with a volunteer fire department of which all the volunteers have become members of the System pursuant to NRS 286.367 is exempt from the provisions of subsections 1 and 2 for the duration of that employment.

Sec. 11. NRS 353C.220 is hereby amended to read as follows:

353C.220 1. ~~[If]~~ ***Except as otherwise provided in NRS 463.123, if*** the State Controller determines that it is impossible or impractical to collect a debt, the State Controller may request the State Board of Examiners to designate the debt as a bad debt. The State Board of Examiners, by an affirmative vote of the majority of the members of the Board, may designate the debt as a bad debt if the Board is satisfied that the collection of the debt is impossible or impractical. If the debt is not more than $50, the State Board of Examiners may delegate to its Clerk the authority to designate the debt as a bad debt. The State Controller may appeal a denial of a request to designate the debt as a bad debt by the Clerk to the State Board of Examiners.

2. Upon the designation of a debt as a bad debt pursuant to this section, the State Board of Examiners or its Clerk shall immediately notify the State Controller thereof. Upon receiving the notification, the State Controller shall direct the removal of the debt from the books of account of the State of Nevada. A bad debt that is removed pursuant to this section remains a legal and binding obligation owed by the debtor to the State of Nevada.

3. The State Controller shall keep a master file of all debts that are designated as bad debts pursuant to this section. For each such debt, the State Controller shall record the name of the debtor, the amount of the debt, the date on which the debt was incurred and the date on which it was removed from the records and books of account of the State of Nevada, and any other information concerning the debt that the State Controller determines is necessary.

Sec. 12. **1. This section and sections 1 to 10, inclusive, and 11 of this act become effective upon passage and approval.**

2. Section 10.5 of this act becomes effective on October 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 590.

AN ACT relating to crimes; providing that the holding of an account in joint tenancy does not, in and of itself, convey to the persons named on the account legal ownership of the account and the deposits and proceeds of the account in a manner that would preclude such a person from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain circumstances in which a deposit made in the names of two or more persons creates an account held in joint tenancy. Existing law provides, with certain exceptions, that the use by a depositor of

the term "joint account," or a similar term, in designating the ownership of an account indicates the intent of the depositor that the account be held in joint tenancy. If an account is intended to be held in joint tenancy, existing law provides that the account or proceeds from the account are owned by the persons named on the account. (NRS 100.085)

In 1996, the Nevada Supreme Court held that the status of a defendant as a joint account holder under NRS 100.085 did not preclude her conviction for theft of money from the joint account because the jury could have concluded that the criminal intent and actions of the defendant arose before she placed the money into the joint account. (*Walch v. State*, 112 Nev. 25, 31-33 (1996)) In 2018, the Nevada Court of Appeals determined that NRS 100.085 establishes a presumption that a joint account holder has ownership of, and the authority to use, money in a joint account. The Court held that, under the reasoning of the Nevada Supreme Court, for a joint account holder to be convicted of theft based on the withdrawal or misuse of money from a joint account, the State is required to establish that the criminal intent of the joint account holder arose before the money was deposited into the joint account. (*Natko v. State*, 134 Nev. 841, 843-44 (Nev. Ct. App. 2018))

Existing law imposes criminal penalties on a person who exploits or who conspires to exploit an older person or vulnerable person. (NRS 200.5099, 200.50995) Existing law defines "exploitation" to mean, in general, any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to obtain control of or to convert the person's money, assets or property with the intention of permanently depriving the person of the ownership, use, benefit or possession of his or her money, assets or property. (NRS 200.5092) **Sections 1 and 5.5** of this bill provide that the mere fact that an account of an older person or a vulnerable person is held in joint tenancy does not, in and of itself, convey to the persons named on the account legal ownership of the account and the deposits and proceeds of the account in such a way that would preclude any of those persons from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account, regardless of when the intent to commit exploitation arose.

Section 2-4 and 6 of this bill make conforming changes to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

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

Section 1. Chapter 200 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The mere fact that an account of an older person or a vulnerable person is held in joint tenancy pursuant to NRS 100.085 does not, in and of itself, convey to all persons named on the account legal ownership of the account and the deposits and proceeds of the account in a manner that would

preclude such a person from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account if the facts and circumstances demonstrate that exploitation has occurred, regardless of whether the intent to commit exploitation arose before, during or after the creation of the account.

2. Nothing in this section shall be construed to relieve the State of its burden of proving beyond a reasonable doubt each element of the crime of exploitation.

Sec. 2. NRS 200.5092 is hereby amended to read as follows:

200.5092 As used in NRS 200.5091 to 200.50995, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Abandonment" means:

(a) Desertion of an older person or a vulnerable person in an unsafe manner by a caretaker or other person with a legal duty of care; or

(b) Withdrawal of necessary assistance owed to an older person or a vulnerable person by a caretaker or other person with an obligation to provide services to the older person or vulnerable person.

2. "Abuse" means willful:

(a) Infliction of pain or injury on an older person or a vulnerable person;

(b) Deprivation of food, shelter, clothing or services which are necessary to maintain the physical or mental health of an older person or a vulnerable person;

(c) Infliction of psychological or emotional anguish, pain or distress on an older person or a vulnerable person through any act, including, without limitation:

(1) Threatening, controlling or socially isolating the older person or vulnerable person;

(2) Disregarding the needs of the older person or vulnerable person; or

(3) Harming, damaging or destroying any property of the older person or vulnerable person, including, without limitation, pets;

(d) Nonconsensual sexual contact with an older person or a vulnerable person, including, without limitation:

(1) An act that the older person or vulnerable person is unable to understand or to which the older person or vulnerable person is unable to communicate his or her objection; or

(2) Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or buttocks of the older person or vulnerable person; or

(e) Permitting any of the acts described in paragraphs (a) to (d), inclusive, to be committed against an older person or a vulnerable person.

3. "Exploitation" means any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to:

(a) Obtain control, through deception, intimidation or undue influence, over the older person's or vulnerable person's money, assets or property with the

intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property; or

(b) Convert money, assets or property of the older person or vulnerable person with the intention of permanently depriving the older person or vulnerable person of the ownership, use, benefit or possession of his or her money, assets or property.

➥ As used in this subsection, "undue influence" means the improper use of power or trust in a way that deprives a person of his or her free will and substitutes the objectives of another person. The term does not include the normal influence that one member of a family has over another.

4. "Isolation" means preventing an older person or a vulnerable person from having contact with another person by:

(a) Intentionally preventing the older person or vulnerable person from receiving visitors, mail or telephone calls, including, without limitation, communicating to a person who comes to visit the older person or vulnerable person or a person who telephones the older person or vulnerable person that the older person or vulnerable person is not present or does not want to meet with or talk to the visitor or caller knowing that the statement is false, contrary to the express wishes of the older person or vulnerable person and intended to prevent the older person or vulnerable person from having contact with the visitor;

(b) Physically restraining the older person or vulnerable person to prevent the older person or vulnerable person from meeting with a person who comes to visit the older person or vulnerable person; or

(c) Permitting any of the acts described in paragraphs (a) and (b) to be committed against an older person or a vulnerable person.

➥ The term does not include an act intended to protect the property or physical or mental welfare of the older person or vulnerable person or an act performed pursuant to the instructions of a physician of the older person or vulnerable person.

5. "Neglect" means the failure of a person or a manager of a facility who has assumed legal responsibility or a contractual obligation for caring for an older person or a vulnerable person or who has voluntarily assumed responsibility for his or her care to provide food, shelter, clothing or services which are necessary to maintain the physical or mental health of the older person or vulnerable person.

6. "Older person" means a person who is 60 years of age or older.

7. "Protective services" means services the purpose of which is to prevent and remedy the abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons. The services may include:

(a) The investigation, evaluation, counseling, arrangement and referral for other services and assistance; and

(b) Services provided to an older person or a vulnerable person who is unable to provide for his or her own needs.

8. "Vulnerable person" means a person 18 years of age or older who:

(a) Suffers from a condition of physical or mental incapacitation because of a developmental disability, organic brain damage or mental illness; or

(b) Has one or more physical or mental limitations that restrict the ability of the person to perform the normal activities of daily living.

Sec. 3. NRS 200.50925 is hereby amended to read as follows:

200.50925 For the purposes of NRS 200.5091 to 200.50995, inclusive, ***and section 1 of this act,*** a person:

1. Has "reasonable cause to believe" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would believe, under those facts and circumstances, that an act, transaction, event, situation or condition exists, is occurring or has occurred.

2. Acts "as soon as reasonably practicable" if, in light of all the surrounding facts and circumstances which are known or which reasonably should be known to the person at the time, a reasonable person would act within approximately the same period under those facts and circumstances.

Sec. 4. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering, permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering or permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished:

(a) For the first offense, if the value of any money, assets and property obtained or used:

(1) Is less than $650, of either of the following, as determined by the court:

(I) A category C felony as provided in NRS 193.130; or

(II) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment;

(2) Is at least $650, but less than $5,000, 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; or

(3) Is $5,000 or more, 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 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, regardless of the value of any money, assets and property obtained or used, 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 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony as provided in NRS 193.130; or

(2) A gross misdemeanor by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, 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 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation.

5. Any person who isolates or abandons an older person or a vulnerable person is guilty:

(a) For the first offense, of either of the following, as determined by the court:

(1) A category C felony and shall be punished as provided in NRS 193.130; or

(2) A gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 364 days, or by a fine of not more than $2,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000,

➥ unless a more severe penalty is prescribed by law for the act or omission which brings about the isolation or abandonment.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished 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 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, ***and section 1 of this act*** the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 5. (Deleted by amendment.)

Sec. 5.5. NRS 100.085 is hereby amended to read as follows:

100.085 1. When a deposit has been made in the name of the depositor and one or more other persons, and in a form intended to be paid or delivered to any one of them, or the survivor or survivors of them, the deposit is the property of the persons as joint tenants. If an account is intended to be held in joint tenancy, the account or proceeds from the account are owned by the persons named, and may be paid or delivered to any of them during the lifetime of all, or to the survivor or survivors of them after the death of less than all of the tenants, or the last of them to survive, and payment or delivery is a valid and sufficient release and discharge of the depository.

2. The making of a deposit in the form of a joint tenancy vests title to the deposit in the survivor or survivors.

3. When a deposit has been made in the name of the depositor and one or more other persons, and in a form to be paid or delivered to the survivor or survivors of them, but one or more of the other persons is not authorized to withdraw from the deposit during the life of the depositor or depositors, the person or persons so restricted have no present interest in the deposit, but upon the death of the last depositor entitled to withdraw, the deposit is presumed to belong to the survivor or survivors. Unless written notice of a claim against the deposit has been given by a survivor or a third person before payment or delivery, payment or delivery to a survivor is a valid and sufficient release and discharge of the depository.

4. For the purposes of this section, unless a depositor specifically provides otherwise, the use by the depositor of any of the following words or terms in designating the ownership of an account indicates the intent of the depositor that the account be held in joint tenancy:

(a) Joint;

(b) Joint account;

(c) Jointly held;

(d) Joint tenants;

(e) Joint tenancy; or

(f) Joint tenants with right of survivorship.

5. As set forth in section 1 of this act, the mere fact that an account of an older person or a vulnerable person is held in joint tenancy pursuant to this section does not, in and of itself, convey to all persons named on the account legal ownership of the account and the deposits and proceeds of the

account in a manner that would preclude such a person from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account if the facts and circumstances demonstrate that exploitation has occurred, regardless of whether the intent to commit exploitation arose before, during or after the creation of the account.

6. As used in this section:

(a) "Exploitation" has the meaning ascribed to it in NRS 200.5092.

(b) "Older person" has the meaning ascribed to it in NRS 200.5092.

(c) "Vulnerable person" has the meaning ascribed to in NRS 200.5092.

Sec. 6. NRS 162C.330 is hereby amended to read as follows:

162C.330 1. The provisions of this chapter must not be construed to affect the requirement of any person to report the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person as provided in NRS 200.5091 to 200.50995, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. As used in this section, the words and terms defined in NRS 200.5091 to 200.50995, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 632.

AN ACT relating to the Judicial Department of State Government; making various changes relating to the policies and procedures of the Judicial Department; authorizing a judge to hold court by means of remote communication in certain circumstances; requiring the Nevada Supreme Court to prescribe certain policies and procedures relating to the Judicial Department by rule; authorizing a judge or justice of the peace to have a partner or associate who practices law in this State under certain circumstances; revising the duties of the Court Administrator; replacing the term "regulation" with "rule" for purposes of certain provisions of law relating to the Judicial Department; revising provisions relating to court interpreters; codifying in statute language from the Nevada Constitution relating to the expiration of the term of office for a justice appointed to fill a vacancy on the Nevada Supreme Court; revising provisions concerning the provision of certain resources to the Supreme Court and the district courts; providing that certain orders for protection issued in another state are not subject to certain requirements to be given full faith and credit in this State; repealing obsolete provisions relating to the Judicial Department; repealing various provisions relating to court seals, qualifications of certain employees and reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires various courts in this State to follow certain policies and procedures. (Chapters 1-5 of NRS) **Section 1** of this bill replaces a requirement that the telephone number for the office of each judge be published in a telephone directory with a requirement that the contact information for the office of each judge be made available to the public. (NRS 1.055)

Existing law authorizes a judge to issue an order directing that court be held at a location other than the location at which the judge regularly holds court under certain specific emergency circumstances. (NRS 1.070) **Section 2** of this bill authorizes a judge to issue an order directing, instead, that court be held: (1) at any other place or location other than the place or location at which the judge regularly holds court under more generalized emergency circumstances; and (2) by means of remote communication when necessary to promote the interest of justice. **Section 3** of this bill makes a conforming change relating to the appearance of parties by means of remote communication if a judge issues an order directing that court be held remotely.

Section 4 of this bill removes an obsolete prohibition against excluding a minor who is a law student from a criminal trial.

Existing law authorizes: (1) the Nevada Supreme Court to adopt rules relating to the electronic filing, storage and reproduction of documents filed with the court of justice in this State; and (2) each court of justice to provide for such filing, storage and documentation in accordance with the rules adopted by the Supreme Court. (NRS 1.117) **Section 5** of this bill instead requires the Supreme Court to adopt such rules and removes the explicit statutory authorization for other courts of justice in this State to provide for such filing, storage and documentation in accordance with such rules.

Existing law authorizes certain courts to conduct business on nonjudicial days for the purpose of receiving telephone calls relating to the issuance of certain orders for protection. (NRS 1.130) **Section 6** of this bill expands the purposes for which such courts are authorized to transact business on nonjudicial days by authorizing the courts to conduct business on nonjudicial days for the purposes of receiving any electronic communication relating to the issuance of a temporary or emergency order for protection. **Section 31** of this bill makes conforming changes related to the granting of such an order.

Existing law requires each court of justice to have a seal and prescribes requirements relating to the custody and use of such seals. (NRS 1.140-1.190) **Section 37** of this bill repeals various provisions which prescribe requirements relating to seals. **Section 7** of this bill instead requires: (1) each court of justice in this State to have a seal; and (2) the Nevada Supreme Court to adopt rules relating to the format, use and storage of such seals.

Existing law prescribes a procedure for disqualifying certain judges for actual or implied bias or prejudice and requires any party to an action or proceeding pending in certain courts who seeks to disqualify a judge for actual or implied bias or prejudice to: (1) file an affidavit specifying the facts upon

which the disqualification is sought; and (2) if the party is represented by an attorney, have the attorney of record file a certificate which states that the affidavit is filed in good faith and not interposed for delay. (NRS 1.235) **Section 8** of this bill: (1) removes the requirement that an attorney must file such a certificate and instead requires any party, regardless of whether the party is represented by an attorney, to file an affidavit that includes certain statements supporting the assertion that the affidavit is filed in good faith.

Existing law prohibits a judge or justice of the peace from having a partner acting as an attorney or counsel in any court in this State. (NRS 1.270) **Section 8.5** of this bill additionally prohibits a judge or justice of the peace from having an associate acting as an attorney under the same circumstances. **Section 8.5** creates an exception to these prohibitions for part-time judges under certain circumstances.

Existing law requires the Nevada Supreme Court to appoint a Court Administrator and prescribes the duties of the Court Administrator. (NRS 1.330, 1.360) **Section 9** of this bill removes from the duties of the Court Administrator the duty to: (1) examine the condition of the dockets of the courts; and (2) make certain recommendations relating to the assignment of district judges.

Existing law provides for the adoption of regulations by the Commission on Judicial Selection, the Court Administrator, the Nevada Supreme Court and certain chief judges or justices relating to the Judicial Department of State Government. (NRS 1.400, 1.510, 1.520, 2.410, 3.025, 4.155, 4.157, 5.021) In general, existing law requires regulations adopted by agencies of the Executive Department of the State Government to be adopted through a rulemaking process. (Chapter 233B of NRS) **Sections 10, 12-15, 25, 26, 28-30 and 32-34** of this bill replace the term "regulation" with the term "rule" and make conforming changes related to this change.

Section 11 of this bill revises provisions governing the compensation of court interpreters and translators.

Existing law requires the Chief Justice of the Nevada Supreme Court to appoint a committee to provide certain advice relating to the certification or registration of court interpreters. Existing law also prescribes the membership and duties of the committee. (NRS 1.530) **Section 14** of this bill removes requirements relating to the appointment of certain members of the committee. **Section 14** also: (1) authorizes the chair of the committee to designate a vice chair of the committee; and (2) revises the contents of the annual report the committee is required to submit to the Legislature.

Section 16 of this bill replaces certain requirements prescribed by existing law relating to the process by which a person may petition the Court Administrator to determine whether his or her criminal history will disqualify him or her from obtaining a certificate or registration as a court interpreter with a requirement that the Court Administrator adopt rules for this process.

Existing law codifies in statute certain provisions relating to the process set forth in the Nevada Constitution regarding the filling of vacancies in the office

of justice of the Nevada Supreme Court. (Nev. Const. Art. 6, § 20; NRS 2.040) **Section 17** of this bill additionally codifies in statute the date on which the term of office for a justice appointed to fill a vacancy on the Court expires. **Section 18** of this bill removes a requirement that certain rules adopted by the Court be published and take effect within a prescribed period. (NRS 2.120)

Sections 19 and 27 of this bill revise and modernize statutory language relating to: (1) the circumstances under which certain courts may direct the sheriff of a county to provide a place to conduct court; and (2) the resources a county is required to provide upon receiving such a directive.

Section 20 of this bill removes provisions relating to the use of a facsimile signature by a justice of the Nevada Supreme Court and replaces those provisions with a requirement that the Court provide by rule for the use of a digital or electronic signature by each justice of the Court.

Existing law authorizes or requires the Nevada Supreme Court to employ certain officers and employees. (NRS 2.200-2.310) **Section 24** of this bill revises provisions relating to the employment by the Court of certain employees by: (1) removing language authorizing a majority of justices of the Court to employ certain persons; and (2) authorizing the Court to employ personnel necessary for the operation, maintenance and improvement of the Court and the State Court System. **Section 21** of this bill removes outdated language relating to the expiration of the term of a person elected to the office of Clerk of the Nevada Supreme Court. **Sections 22 and 23** of this bill remove language authorizing a majority of justices to appoint and employ persons for the safety and security of the justices and employees of the Nevada Supreme Court.

Existing law authorizes a court to issue certain orders for protection against high-risk behavior. (NRS 33.500-33.670) Existing law additionally provides, under certain circumstances, that an order for protection against domestic violence which is issued by the court of another state, territory or Indian tribe within the United States is valid and must be accorded full faith and credit and enforced by the courts and law enforcement officers of this State as if it were issued by a court in this State. (NRS 33.085) **Section 30.5** of this bill similarly requires an order for protection against high-risk behavior which is issued by the court of another state, territory or Indian tribe within the United States to be accorded full faith and credit and enforced by the courts and law enforcement officers of this State.

Existing law requires five justices of the Nevada Supreme Court and each judge of the Court of Appeals, other than the initial three judges, to be elected. (NRS 281.010) **Section 35** of this bill removes the references to: (1) the specific number of justices on the Nevada Supreme Court; and (2) the initial judges appointed to the Court of Appeals.

Section 37 repeals various provisions of law relating to the Judicial Department, including provisions relating to the seals of certain courts, the qualifications of certain employees and the submission of certain reports.

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

Section 1. NRS 1.055 is hereby amended to read as follows:

1.055 ~~[A]~~ ***The contact information for the office of each*** judge ~~[of any court of justice for]~~ ***in*** this State ~~[shall cause the telephone number of his or her office that is located within the court to]~~ ***must*** be ~~[published in the telephone directory that is provided]~~ ***made available*** to the public ***.*** ~~[in the jurisdiction in which the court is located.]~~

Sec. 2. NRS 1.070 is hereby amended to read as follows:

1.070 ***1.*** A judge authorized to hold or preside at a court appointed to be held in a city, precinct or town, may, by an order filed with the county clerk and published as he or she may prescribe, direct that the court be held or continued ~~[at]~~ ***:***

(a) At any other place ***or location*** in the city or county than that appointed, when ~~[war, pestilence, or other public calamity, or the dangers thereof, or the destruction of the building appointed for holding the court, may]~~ ***emergency conditions which impair the ability of the court to perform its basic functions*** render it necessary; ~~[and]~~ ***or***

(b) By means of remote communication when necessary to promote the interest of justice.

2. A judge who directs that the court be held or continued at another place or location pursuant to subsection 1 may, in the same manner, revoke the order and, in his or her discretion, appoint another place ~~[in the same city]~~ or ~~[county]~~ ***location*** for holding ***or continuing*** the court.

3. As used in this section, "remote communication" means communication through telephone or videoconferencing.

Sec. 3. NRS 1.080 is hereby amended to read as follows:

1.080 When the court is held at a place ***or location*** appointed as provided in NRS 1.070, every person held to appear at the court shall appear at the place ***or location*** so appointed.

Sec. 4. NRS 1.090 is hereby amended to read as follows:

1.090 The sitting of every court of justice ~~[shall]~~ ***must*** be public except as otherwise provided by law ***,*** ~~[;]~~ but the judge of any court may exclude any minor during any criminal trial therein except ~~[such minor be on trial, or]~~ when ***the minor is on trial or is*** testifying as a witness ***.*** ~~[, or when the minor shall be a law student preparing to apply for a license to practice law.]~~

Sec. 5. NRS 1.117 is hereby amended to read as follows:

1.117 ~~[1.]~~ The Supreme Court ~~[may]~~ ***shall*** adopt rules not inconsistent with the laws of this State to provide for the electronic filing, storage and reproduction of documents filed with the courts of justice.

~~[2. If the Supreme Court adopts such rules, each court of justice may provide for the electronic filing, storage and reproduction of documents filed with the court in accordance with those rules.]~~

Sec. 6. NRS 1.130 is hereby amended to read as follows:

1.130 1. No court except a justice court or a municipal court shall be opened nor shall any judicial business be transacted except by a justice court or municipal court on Sunday, or on any day declared to be a legal holiday according to the provisions of NRS 236.015, except for the following purposes:

(a) To give, upon their request, instructions to a jury then deliberating on their verdict.

(b) To receive a verdict or discharge a jury.

(c) For the exercise of the power of a magistrate in a criminal action or in a proceeding of a criminal nature.

(d) To receive ***electronic*** communications ~~[by telephone and for]~~ ***related to*** the issuance of:

(1) A temporary order pursuant to subsection 8 of NRS 33.020; or

(2) An emergency order for protection against high-risk behavior pursuant to NRS 33.570.

(e) ***For the issuance of any temporary or emergency order listed in paragraph (d).***

(f) For the issue of a writ of attachment, which may be issued on each and all of the days above enumerated upon the plaintiff, or some person on behalf of the plaintiff, setting forth in the affidavit required by law for obtaining the writ the additional averment as follows:

> That the affiant has good reason to believe, and does believe, that it will be too late for the purpose of acquiring a lien by the writ to wait until subsequent day for the issuance of the same.

All proceedings instituted, and all writs issued, and all official acts done on any of the days above specified, under and by virtue of this section, shall have all the validity, force and effect of proceedings commenced on other days, whether a lien be obtained or a levy made under and by virtue of the writ.

2. Nothing herein contained shall affect private transactions of any nature whatsoever.

3. As used in this section, "electronic communication" includes, without limitation, communication made by telephone, wireless phone or electronic mail or through the use of an Internet or network site.

Sec. 7. NRS 1.140 is hereby amended to read as follows:

1.140 ~~[The Supreme Court, the Court of Appeals, the district courts, the justice courts and those municipal courts designated as courts of record pursuant to NRS 5.010]~~

1. Each court of justice in this State shall have a seal.

2. The Supreme Court shall adopt rules relating to the format of a seal required by subsection 1 and the use and storage of any such seal.

Sec. 8. NRS 1.235 is hereby amended to read as follows:

1.235 1. Any party to an action or proceeding pending in any court other than the Supreme Court or the Court of Appeals, who seeks to disqualify a

judge for actual or implied bias or prejudice must file an affidavit specifying the facts upon which the disqualification is sought. The affidavit ~~[of a party represented by an attorney must be accompanied by a certificate of the attorney of record]~~ ***must contain a statement*** that the affidavit is filed in good faith and ***is*** not ~~[interposed for delay.]~~ ***:***

(a) Interposed for delay;

(b) Intended to harass a judge; or

(c) Filed for the purpose of:

(1) Unnecessarily increasing the costs of litigation; or

(2) Attempting to prevent prosecution.

2. Except as otherwise provided in subsections ~~[2]~~ ***3*** and ~~[3,]~~ ***4*** the affidavit must be filed:

(a) Not less than 20 days before the date set for trial or hearing of the case; or

(b) Not less than 3 days before the date set for the hearing of any pretrial matter.

~~[2.]~~ ***3.*** Except as otherwise provided in this subsection and subsection ~~[3,]~~ ***4,*** if a case is not assigned to a judge before the time required under subsection ~~[1]~~ ***2*** for filing the affidavit, the affidavit must be filed:

(a) Within 10 days after the party or the party's attorney is notified that the case has been assigned to a judge;

(b) Before the hearing of any pretrial matter; or

(c) Before the jury is empaneled, evidence taken or any ruling made in the trial or hearing,

➥ whichever occurs first. If the facts upon which disqualification of the judge is sought are not known to the party before the party is notified of the assignment of the judge or before any pretrial hearing is held, the affidavit may be filed not later than the commencement of the trial or hearing of the case.

~~[3.]~~ ***4.*** If a case is reassigned to a new judge and the time for filing the affidavit under subsection ~~[1]~~ ***2*** and paragraph (a) of subsection ~~[2]~~ ***3*** has expired, the parties have 10 days after notice of the new assignment within which to file the affidavit, and the trial or hearing of the case must be rescheduled for a date after the expiration of the 10-day period unless the parties stipulate to an earlier date.

~~[4.]~~ ***5.*** At the time the affidavit is filed, a copy must be served upon the judge sought to be disqualified. Service must be made by delivering the copy to the judge personally or by leaving it at the judge's chambers with some person of suitable age and discretion employed therein.

~~[5.]~~ ***6.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** the judge against whom an affidavit alleging bias or prejudice is filed shall proceed no further with the matter and shall:

(a) If the judge is a district judge, immediately transfer the case to another department of the court, if there is more than one department of the court in the district, or request the judge of another district court to preside at the trial or hearing of the matter;

(b) If the judge is a justice of the peace, immediately arrange for another justice of the peace to preside at the trial or hearing of the matter as provided pursuant to NRS 4.032, 4.340 or 4.345, as applicable; or

(c) If the judge is a municipal judge, immediately arrange for another municipal judge to preside at the trial or hearing of the matter as provided pursuant to NRS 5.023 or 5.024, as applicable.

[~~6.~~**]** ***7.*** A judge may challenge an affidavit alleging bias or prejudice by filing a written answer with the clerk of the court within 5 judicial days after the affidavit is **[**~~filed,~~**]** ***served,*** admitting or denying any or all of the allegations contained in the affidavit and setting forth any additional facts which bear on the question of the judge's disqualification. The question of the judge's disqualification must thereupon be heard and determined by **[**~~another judge agreed upon by the parties or, if they are unable to agree, by~~**]** a judge appointed:

(a) If the judge is a district judge, by the presiding judge of the judicial district in judicial districts having more than one judge, or if the presiding judge of the judicial district is sought to be disqualified, by the judge having the greatest number of years of service;

(b) If the judge is a justice of the peace, by the presiding judge of the justice court in justice courts having more than one justice of the peace, or if the presiding judge is sought to be disqualified, by the justice of the peace having the greatest number of years of service;

(c) If the judge is a municipal judge, by the presiding judge of the municipal court in municipal courts having more than one municipal judge, or if the presiding judge is sought to be disqualified, by the municipal judge having the greatest number of years of service; or

(d) If there is no presiding judge, by the Supreme Court.

Sec. 8.5. NRS 1.270 is hereby amended to read as follows:

1.270 **[**~~No~~**]**

1. Except as otherwise provided in subsection 2, no judge or justice of the peace shall have a partner ***or associate*** acting as attorney or counsel in any court in this State.

2. A part-time judge may have a partner or associate who practices law in this State if the partner or associate does not engage in the practice of law before the part-time judge or in any court subject to the appellate jurisdiction of a court in which the part-time judge sits.

Sec. 9. NRS 1.360 is hereby amended to read as follows:

1.360 Under the direction of the Supreme Court, the Court Administrator shall:

1. Examine the administrative procedures employed in the **[**~~offices of the judges, clerks, court reporters and employees of all~~**]** courts of this State and make recommendations **[**~~, through the Chief Justice,~~**]** for the improvement **[**~~of those procedures;~~**]** ***thereof;***

2. **[**~~Examine the condition of the dockets of the courts and determine the need for assistance by any court;~~

~~3. Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;~~

~~4.~~] Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;

~~[5.]~~ ***3.*** Prepare and submit a budget of state appropriations necessary for the maintenance ***,*** ~~[and]~~ operation ***and improvement*** of the State Court System and make recommendations in respect thereto;

~~[6.]~~ ***4.*** Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;

~~[7.]~~ ***5.*** Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;

~~[8.]~~ ***6.*** Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;

~~[9.]~~ ***7.*** Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;

~~[10.]~~ ***8.*** On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report:

(a) Compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year; and

(b) Concerning:

(1) The distribution of money deposited in the special account created ~~[by]~~ ***pursuant to*** NRS 176.0613 to assist with funding and establishing specialty court programs;

(2) The current status of any specialty court programs to which money from the account was allocated since the last report;

(3) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and

(4) Such other related information as the Court Administrator deems appropriate; and

~~[11.]~~ ***9.*** Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.

Sec. 10. NRS 1.400 is hereby amended to read as follows:

1.400 The Commission on Judicial Selection may adopt ~~[regulations]~~ ***rules*** for the operation of the Commission and for maintaining the confidentiality of its proceedings and records.

Sec. 11. NRS 1.500 is hereby amended to read as follows:

1.500 Interpreters and translators shall receive such fees as the court ~~[by whom they are employed shall certify to be just.]~~ ***determines are reasonable and necessary.***

Sec. 12. NRS 1.510 is hereby amended to read as follows:

1.510 1. ~~[The]~~ ***Subject to the limits of legislative appropriation, the*** Court Administrator shall, with the advice of the committee established pursuant to NRS 1.530, adopt ~~[regulations which, subject to the availability of funding, establish]~~ ***rules establishing*** a program for the certification or registration of court interpreters for persons with limited English proficiency who are witnesses, defendants and litigants.

2. The ~~[regulations established]~~ ***rules adopted*** pursuant to subsection 1 must set forth:

(a) The specific languages for which court interpreters may obtain certification or registration ***.*** ~~[, based upon the need for interpreters of those languages.]~~

(b) Any examination and the qualifications which are required for:

(1) Certification or registration; and

(2) Renewal of the certification or registration.

(c) The circumstances under which the Court Administrator will deny, suspend or refuse to renew a certificate or registration.

(d) The circumstances under which the Court Administrator will take disciplinary action against a certified or registered court interpreter.

(e) The circumstances under which a court or juvenile court must proceed if a certified or registered interpreter is not available.

(f) Except as otherwise provided in NRS 50.050, the rate and source of the compensation to be paid for services provided by a certified or registered court interpreter.

3. An application for a certificate or registration as a court interpreter pursuant to subsection 1 must include the social security number of the applicant.

4. Every applicant for certification or registration as a court interpreter pursuant to subsection 1 must submit with his or her application:

(a) A complete set of his or her fingerprints; and

(b) Written permission authorizing the Court Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its initial report on the criminal history of the applicant and for reports thereafter upon renewal of the certification or registration, and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

5. Except as otherwise provided by a specific ~~[~~regulation~~]~~ ***rule*** of the Court Administrator, it is grounds for disciplinary action for a certified or registered court interpreter to act as interpreter in any action in which:

(a) The spouse of the court interpreter is a party;

(b) A party or witness is otherwise related to the court interpreter;

(c) The court interpreter is biased for or against one of the parties; or

(d) The court interpreter otherwise has an interest in the outcome of the proceeding.

6. As used in this section, "person with limited English proficiency" means a person who speaks a language other than English and who cannot readily understand or communicate in the English language.

Sec. 13. NRS 1.520 is hereby amended to read as follows:

1.520 The Court Administrator may:

1. With the advice of the committee established pursuant to NRS 1.530, adopt any ~~[~~regulations~~]~~ ***rules*** necessary to carry out a program for the certification ~~[~~and~~]~~ ***or*** registration of court interpreters ~~[.]~~ ***established pursuant to NRS 1.510.***

2. Impose on a certified or registered court interpreter:

(a) Any fees necessary to reimburse the Court Administrator for the cost of administering the program; and

(b) A fine for any violation of a ~~[~~regulation~~]~~ ***rule*** of the Court Administrator adopted pursuant to this section or NRS 1.510.

Sec. 14. NRS 1.530 is hereby amended to read as follows:

1.530 1. The Chief Justice shall appoint, from a list of recommendations submitted ~~[~~to the Chief Justice~~]~~ by the Court Administrator, a committee to advise the Court Administrator regarding ***the*** adoption of ~~[~~regulations~~]~~ ***rules*** pursuant to NRS 1.510 and 1.520. The committee must consist of:

(a) A district judge;

(b) A justice of the peace or municipal judge ***;*** ~~[~~in a county whose population is less than 100,000;~~]~~

(c) An administrator of a district court;

(d) An administrator of a justice court or municipal court ***;*** ~~[~~in a county whose population is less than 100,000;~~]~~

(e) A representative of the Nevada System of Higher Education;

(f) A representative of a nonprofit organization ~~[~~for~~]~~ ***which serves*** persons who speak a language other than English;

(g) A person certified to act as an interpreter for a court of this State or a federal court;

(h) A person certified to act as an interpreter for a court of this State in the Spanish language; and

(i) A person certified or registered to act as an interpreter for a court of this State in a language other than Spanish.

2. The Court Administrator is ex officio chair of the committee ~~[.]~~ ***and may designate another member of the committee to serve as the vice chair of the committee.***

3. Members of the committee shall serve in that capacity without any additional compensation.

4. The committee shall submit an annual report to the Chief Justice and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature and make the annual report available to the public. The annual report must contain, without limitation:

(a) A summary of the activities of the committee during the immediately preceding ~~[~~fiscal~~]~~ year, including any ~~[~~development of recommendations for~~]~~ revisions to the Nevada State Court Language Access Plan adopted by the Nevada Certified Court Interpreter Program as established pursuant to NRS 1.510; and

(b) Statistical information concerning the usage of court interpreters ~~[~~,~~]~~ ***in courts of this State for persons with limited English proficiency,*** including, without limitation, information on the usage of ~~[~~certified~~]~~ ***:***

(1) Certified and registered court interpreters ***;*** and ~~[~~the demand for court interpreters for persons with limited English proficiency in courts of this State.~~]~~

(2) Court interpreters who are not certified or registered when a certified or registered court interpreter is not available.

5. As used in this section, "person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 15. NRS 1.540 is hereby amended to read as follows:

1.540 1. It is unlawful for a person to act as a certified or registered court interpreter or advertise or put out any sign or card or other device which might indicate to the public that the person is entitled to practice as a certified or registered court interpreter without a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

2. No civil action may be instituted, nor recovery therein be had, for a violation of the provisions of this section or NRS 1.510 or 1.520 or a violation of a ~~[~~regulation~~]~~ ***rule*** adopted by the Court Administrator pursuant to NRS 1.510 or 1.520.

Sec. 16. NRS 1.545 is hereby amended to read as follows:

1.545 1. The Court Administrator shall ~~[~~develop and implement a~~]~~ ***adopt rules prescribing the*** process by which a person with a criminal history may petition the Court Administrator to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a certificate or registration as a court interpreter pursuant to NRS 1.510.

2. ~~[~~Not later than 90 days after a petition is submitted to the Court Administrator pursuant to subsection 1, the Court Administrator shall inform the person of the determination of the Court Administrator of whether the person's criminal history will disqualify the person from obtaining a certificate or registration. The Court Administrator is not bound by his or her determination of disqualification or qualification and may rescind such a determination at any time.

~~3. The Court Administrator may provide instructions to a person who receives a determination of disqualification to remedy the determination of disqualification. A person may resubmit a petition pursuant to subsection 1 not earlier than 6 months after receiving instructions pursuant to this subsection if the person remedies the determination of disqualification.~~

~~4. A person with a criminal history may petition the Court Administrator at any time, including, without limitation, before obtaining any education or paying any fee required to obtain a certificate or registration.~~

~~5. A person may submit a new petition to the Court Administrator not earlier than 2 years after the final determination of the initial petition submitted to the Court Administrator.~~

~~6.~~ The Court Administrator may ~~[impose]~~ ***adopt rules establishing*** a fee of up to $50 upon the person to fund the administrative costs in complying with the provisions of this section. ~~[The Court Administrator may waive such fees or allow such fees to be covered by funds from a scholarship or grant.~~

~~7. The Court Administrator may post on its Internet website:~~

~~(a) The requirements to obtain a certification or registration as a court interpreter; and~~

~~(b) A list of crimes, if any, that would disqualify a person from obtaining a certification or registration as a court interpreter from the Court Administrator.~~

~~8. The Court Administrator may request the criminal history record of a person who petitions the Court Administrator for a determination pursuant to subsection 1. To the extent consistent with federal law, if the Court Administrator makes such a request of a person, the Court Administrator shall require the person to submit his or her criminal history record which includes a report from:~~

~~(a) The Central Repository for Nevada Records of Criminal History; and~~

~~(b) The Federal Bureau of Investigation.~~

~~9. A person who petitions the Court Administrator for a determination pursuant to subsection 1 shall not submit false or misleading information to the Court Administrator.~~

~~10. The Court Administrator shall, on or before the 20th day of January, April, July and October, submit to the Director of the Legislative Counsel Bureau in an electronic format prescribed by the Director, a report that includes:~~

~~(a) The number of petitions submitted to the Court Administrator pursuant to subsection 1;~~

~~(b) The number of determinations of disqualification made by the Court Administrator pursuant to subsection 1;~~

~~(c) The reasons for such determinations; and~~

~~(d) Any other information that is requested by the Director or which the Court Administrator determines would be helpful.~~

~~11. The Director shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission.]~~

Sec. 17. NRS 2.040 is hereby amended to read as follows:

2.040 Whenever any vacancy **[**~~shall occur~~**]** ***occurs*** in the office of justice of the Supreme Court, the Governor shall fill the same by granting a commission **[**~~,~~**]** ***to a candidate put forth by the Commission on Judicial Selection,*** which **[**~~shall expire at~~**]** ***expires on the first Monday of January following*** the next general election by the people and upon the qualification of his or her successor, at which election a justice **[**~~shall~~**]** ***must*** be chosen for the balance of the unexpired term.

Sec. 18. NRS 2.120 is hereby amended to read as follows:

2.120 1. The Supreme Court may make rules not inconsistent with the Constitution and laws of the State for its own government, the government of the district courts, and the government of the State Bar of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the Supreme Court **. [**~~which in no event shall be less than 30 days after entry of an order adopting such rules.~~**]**

2. The Supreme Court, by rules adopted and published from time to time, shall regulate original and appellate civil practice and procedure, including, without limitation, pleadings, motions, writs, notices and forms of process, in judicial proceedings in all courts of the State, for the purpose of simplifying the same and of promoting the speedy determination of litigation upon its merits. Such rules shall not abridge, enlarge or modify any substantive right and shall not be inconsistent with the Constitution of the State of Nevada. Such rules shall be published promptly upon adoption and take effect on a date specified by the Supreme Court **. [**~~which in no event shall be less than 60 days after entry of an order adopting such rules.~~**]**

Sec. 19. NRS 2.150 is hereby amended to read as follows:

2.150 If **[**~~a room in which to hold the court, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business, is~~**]** ***an appropriate facility and any necessary staff, materials and technological resources are*** not provided by the State, the Court may **[**~~direct~~**]** ***order*** the **[**~~sheriff of any county where the session is held~~**]** ***State*** to provide **[**~~a room, attendants, fuel, lights and stationery,~~**]** ***an appropriate facility and any staff, materials and technological resources reasonably necessary for the transaction of the business of the Court,*** and the expenses must be paid out of the State Treasury.

Sec. 20. NRS 2.195 is hereby amended to read as follows:

2.195 **[**~~1. Each justice of the~~**]** ***The*** Supreme Court **[**~~may use a facsimile~~**]** ***shall provide by rule for the use of a digital signature or electronic*** signature **[**~~produced through a mechanical device in place of the justice's handwritten signature whenever the necessity arises and upon approval~~**]** ***by each justice*** of the Supreme Court **. [**~~, subject to the following conditions:~~

~~(a) That the mechanical device must be of such a nature that the facsimile signature may be removed from the mechanical device and kept in a separate secure place.~~

~~(b) That the use of the facsimile signature may be made only under the direction and supervision of the justice whose signature it represents.~~

~~(c) That the entire mechanical device must at all times be kept in a vault, securely locked, when not in use, to prevent any misuse of the device.~~

~~2. No facsimile signature produced through a mechanical device authorized by the provisions of this section may be combined with the signature of another officer.~~**]**

Sec. 21. NRS 2.200 is hereby amended to read as follows:

2.200 **[**~~1.~~**]** The Supreme Court shall appoint a Clerk of the Supreme Court **[**~~; but any person elected to the office of Clerk of the Supreme Court before July 1, 1957, shall continue to hold such office until the expiration of the term for which he or she may have been elected.~~

~~2. The Clerk of the Supreme Court shall hold office and be removable~~**]** ***who serves*** at the pleasure of the Supreme Court.

Sec. 22. NRS 2.290 is hereby amended to read as follows:

2.290 The Supreme Court **[**~~, or a majority thereof,~~**]** is authorized to designate any person appointed and employed pursuant to NRS 2.295 to act as Bailiff of the Supreme Court.

Sec. 23. NRS 2.295 is hereby amended to read as follows:

2.295 The Supreme Court **[**~~, or a majority thereof,~~**]** is authorized to appoint and employ one or more persons to provide for the safety and security of the justices and employees of the Supreme Court and to carry out any necessary police duties at the direction of the Chief Justice to maintain safe and reasonable access to justice for residents of Nevada.

Sec. 24. NRS 2.300 is hereby amended to read as follows:

2.300 The Supreme Court **[**~~, or a majority thereof,~~**]** is authorized to employ **[**~~stenographic clerks, law clerks, legal assistants, legal secretaries and other~~**]** necessary employees **[**~~within the limits of the appropriation made for the support of the Supreme Court.~~**]** ***for the operation, maintenance and improvement of the Court and the State Court System.***

Sec. 25. NRS 2.410 is hereby amended to read as follows:

2.410 The Supreme Court Law Library **[**~~shall~~**]** ***must*** be under the supervision and control of the Supreme Court, which may make and enforce such rules **[**~~and regulations~~**]** as may be necessary for the government, use and services of the Library. Such rules **[**~~or regulations shall~~**]** ***must*** assure that the Library is accessible for public use and to users in all parts of the State.

Sec. 26. NRS 3.025 is hereby amended to read as follows:

3.025 1. In each judicial district that includes a county whose population is 100,000 or more, the district judges of that judicial district shall choose from among those district judges a Chief Judge who is to be the presiding judge of the judicial district.

2. The Chief Judge shall:

(a) Assign cases to each judge in the judicial district;

(b) Prescribe the hours of court;

(c) Adopt such other rules ~~[or regulations]~~ as are necessary for the orderly conduct of court business; and

(d) Perform all other duties of the Chief Judge or of a presiding judge that are set forth in this chapter and any other provision of NRS.

3. If a case involves a matter within the jurisdiction of the family court and:

(a) The parties to the case are also the parties in any other pending case or were the parties in any other previously decided case assigned to a department of the family court in the judicial district; or

(b) A child involved in the case is also involved in any other pending case or was involved in any other previously decided case assigned to a department of the family court in the judicial district, other than a case within the jurisdiction of the juvenile court pursuant to title 5 of NRS,

➥ the Chief Judge shall assign the case to the department of the family court to which the other case is presently assigned or, if the other case has been decided, to the department of the family court that decided the other case, unless a different assignment is required by another provision of NRS, a court rule or the Revised Nevada Code of Judicial Conduct or the Chief Judge determines that a different assignment is necessary because of considerations related to the management of the caseload of the district judges within the judicial district. If a case described in this subsection is heard initially by a master, the recommendation, report or order of the master must be submitted to the district judge of the department of the family court to which the case has been assigned pursuant to this subsection for consideration and decision by that district judge.

Sec. 27. NRS 3.100 is hereby amended to read as follows:

3.100 1. Except as otherwise provided in this subsection, the district courts shall hold court at the county seat of their respective counties. The board of county commissioners may establish one or more additional locations within the county for the district court to hold court.

2. ~~[If a room for holding court at the county seat is not provided by the county, together with attendants, fuel, lights and stationery, suitable and sufficient for the transaction of business, the court may direct the sheriff to provide such room, attendants, fuel, lights and stationery,]~~ ***The board of county commissioners shall:***

(a) Provide and furnish an appropriate facility for the transaction of the business of the court; and ~~[the expenses thereof shall be a county charge.]~~

(b) Appropriate a budget to the district court which includes, without limitation, money for the payment of expenses which are reasonable and necessary to carry out the powers and duties of the district court in the administration of justice.

3. ~~[An office at each county seat must be provided and furnished by and at the expense of the several counties for the several district judges. Whenever the county commissioners of any county neglect or refuse to provide and furnish such an office for the use of the district judge, the district judge may~~

~~make an order, which must be entered upon the minutes of the court, requiring the sheriff to provide and furnish the office. The necessary expenses incurred therein are a legal and valid claim against the county.~~] ***Except as otherwise provided in this subsection, the board of county commissioners may require the district court to expend money, appropriated for a specific purpose. The board of county commissioners shall not impose any specific requirements regarding the expenditure of money that interfere with the ability of the district court to carry out its constitutional functions.***

4. If the board of county commissioners neglects or refuses to provide the district court with the resources ~~[required by subsection 2]~~ reasonable and necessary to perform the constitutional functions of the district court, the district court may order the board to provide such resources to be paid out of the county treasury.

5. No money shall be drawn from the county treasury to pay for any expense incurred or any expenditure made on behalf of the district court except as appropriated by the board of county commissioners in accordance with the budgeting process of the county.

Sec. 28. NRS 4.155 is hereby amended to read as follows:

4.155 In townships where more than one justice of the peace has been provided for by NRS 4.020, such justices of the peace shall have concurrent and coextensive jurisdiction within the territorial limits provided by law, and may make such rules ~~[and regulations,]~~ not inconsistent with law, as will enable them to transact judicial business in a convenient and lawful manner.

Sec. 29. NRS 4.157 is hereby amended to read as follows:

4.157 1. The justices of the peace of each justice court having more than one justice of the peace shall choose from among those justices of the peace a chief justice of the peace who is to be the presiding judge of that court.

2. The chief justice of the peace shall:

(a) Assign cases to each justice of the peace of the justice court;

(b) Prescribe the hours of court;

(c) Adopt such other rules ~~[or regulations]~~ as are necessary for the orderly conduct of court business; and

(d) Perform all other duties of the chief justice of the peace or of the presiding judge of a justice court that are set forth in this chapter and any other provision of NRS.

Sec. 30. NRS 5.021 is hereby amended to read as follows:

5.021 1. The municipal judges of each municipal court having more than one municipal judge shall choose from among those municipal judges a chief municipal judge who is to be the presiding judge of that court.

2. The chief municipal judge shall:

(a) Assign cases to each judge in the municipal court;

(b) Prescribe the hours of court;

(c) Adopt such other rules ~~[or regulations]~~ as are necessary for the orderly conduct of court business; and

(d) Perform all other duties of the chief municipal judge or of the presiding judge of a municipal court that are set forth in this chapter and any other provision of NRS.

Sec. 30.5. Chapter 33 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An order for protection against high-risk behavior, or the behaviors described in NRS 33.550, issued by the court of another state, territory or Indian tribe within the United States is valid and must be accorded full faith and credit and enforced by the courts of this State as if it were issued by a court in this State, regardless of whether the order has been registered in this State, if a court in this State determines that:

(a) The issuing court had jurisdiction over the parties and the subject matter under the laws of the state, territory or Indian tribe in which the order was issued; and

(b) The adverse party was given reasonable notice and an opportunity to be heard before the order was issued or, in the case of an emergency order, the adverse party was given reasonable notice and an opportunity to be heard within the time required by the laws of the issuing state, territory or tribe and, in any event, within a reasonable time after the order was issued.

2. A law enforcement officer shall enforce an order for protection against high-risk behavior issued by a court of another state, territory or Indian tribe and shall make an arrest for a violation thereof in the same manner that a law enforcement officer would make an arrest for a violation of an emergency or extended order issued by a court of this State unless it is apparent to the officer that the order is not authentic on its face. An officer shall determine that an order is authentic on its face if the order contains:

(a) The names of the parties;

(b) Information indicating that the order has not expired; and

(c) Information indicating that the court which issued the order had legal authority to issue the order as evidenced by a certified copy of the order, a file-stamped copy of the order, an authorized signature or stamp of the court which issued the order or another indication of the authority of the court which issued the order.

3. An officer may determine that any order is authentic on its face.

4. In enforcing an order for protection against high-risk behavior issued by a court of another state, territory or Indian tribe or arresting a person for a violation of such an order, a law enforcement officer may rely upon:

(a) A copy of an order for protection against high-risk behavior that has been provided to the officer;

(b) An order for protection against high-risk behavior that is included in the Central Repository for Nevada Records of Criminal History or in any national crime information database;

(c) Oral or written confirmation from a law enforcement agency or court in the jurisdiction in which the order for protection against high-risk behavior was issued that the order is valid and effective; or

(d) An examination of the totality of the circumstances concerning the existence of a valid and effective order for protection against high-risk behavior.

5. The fact that an order has not been registered or included in the Central Repository for Nevada Records of Criminal History or in any national crime information database is not grounds for a law enforcement officer to refuse to enforce the terms of the order unless it is apparent to the officer that the order is not authentic on its face.

6. A court or law enforcement officer who enforces an order for protection against high-risk behavior issued by a court of another state, territory or Indian tribe based upon a reasonable belief that the order is valid or who refuses to enforce such an order based upon a reasonable belief that the order is not valid and the employer of such a law enforcement officer are immune from civil and criminal liability for any action taken or not taken based on that belief.

Sec. 31. NRS 33.020 is hereby amended to read as follows:

33.020 1. If it appears to the satisfaction of the court from specific facts shown by a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence, the court may grant a temporary or extended order. A court shall only consider whether the act of domestic violence or the threat thereof satisfies the requirements of NRS 33.018 without considering any other factor in its determination to grant the temporary or extended order.

2. A temporary or extended order must not be granted to the applicant or the adverse party unless the applicant or the adverse party has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence. If the applicant reasonably believes that disclosing his or her address and contact information in the application would jeopardize his or her safety, the applicant may decline to disclose his or her address and contact information in the application. If the applicant declines to disclose his or her address and contact information in the application, then such information:

(a) Must be disclosed to the court and, for criminal justice purposes, to any other authorized agency of criminal justice to allow the agency of criminal justice to carry out any duty required pursuant to NRS 33.017 to 33.100, inclusive;

(b) Must be maintained in a separate, confidential, electronic document or database which is not publicly accessible; and

(c) Must not be released, disclosed or made accessible to the public, except as authorized by the court.

3. The court may require the applicant or the adverse party, or both, to appear before the court before determining whether to grant the temporary or extended order.

4. A temporary order may be granted with or without notice to the adverse party. An extended order may only be granted after notice to the adverse party and a hearing on the application.

5. A hearing on an application for an extended order must be held within 45 days after the date on which the application for the extended order is filed. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear at the hearing, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a second hearing which must be held within 90 days after the date on which the first hearing was scheduled.

6. If the adverse party has not been served pursuant to NRS 33.060 or 33.065 and fails to appear on the date set for a second hearing on an application for an extended order pursuant to subsection 5, the court may, upon a showing that law enforcement, after due diligence, has been unable to serve the adverse party or that the adverse party has sought to avoid service by concealment, set a date for a third hearing which must be held within 90 days after the date on which the second hearing was scheduled.

7. The court shall rule upon an application for a temporary order within 1 judicial day after it is filed.

8. If it appears to the satisfaction of the court from specific facts communicated by ~~[telephone]~~ ***electronic means*** to the court by an alleged victim that an act of domestic violence has occurred and the alleged perpetrator of the domestic violence has been arrested and is presently in custody pursuant to NRS 171.137, the court may grant a temporary order. Before approving an order under such circumstances, the court shall confirm with the appropriate law enforcement agency that the applicant is an alleged victim and that the alleged perpetrator is in custody. Upon approval by the court, the signed order may be transmitted to the facility where the alleged perpetrator is in custody by electronic or telephonic transmission to a facsimile machine. If such an order is received by the facility holding the alleged perpetrator while the alleged perpetrator is still in custody, the order must be personally served by an authorized employee of the facility before the alleged perpetrator is released. The court shall mail a copy of each order issued pursuant to this subsection to the alleged victim named in the order and cause the original order to be filed with the court clerk on the first judicial day after it is issued.

9. In a county whose population is 52,000 or more, the court shall be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive ***electronic*** communications ~~[by telephone]~~ and for the issuance of a temporary order pursuant to subsection 8.

10. In a county whose population is less than 52,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive ***electronic*** communications ~~[by telephone]~~ and for the issuance of a temporary order pursuant to subsection 8.

11. The clerk of the court shall inform the protected party upon the successful transfer of information concerning the registration to the Central Repository for Nevada Records of Criminal History as required pursuant to NRS 33.095.

12. As used in this section, "agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

Sec. 31.5. NRS 33.500 is hereby amended to read as follows:

33.500 As used in NRS 33.500 to 33.670, inclusive, ***and section 30.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 33.510 to 33.540, inclusive, have the meanings ascribed to them in those sections.

Sec. 32. NRS 50.054 is hereby amended to read as follows:

50.054 1. Except as otherwise provided by a ~~[regulation]~~ ***rule*** of the Court Administrator adopted pursuant to NRS 1.510 and 1.520, a person shall not act as an interpreter in a proceeding if the interpreter is:

(a) The spouse of a witness;

(b) Otherwise related to a witness;

(c) Biased for or against one of the parties; or

(d) Otherwise interested in the outcome of the proceeding.

2. Before undertaking his or her duties, the interpreter shall swear or affirm that he or she will:

(a) To the best of his or her ability, interpret accurately to the person with limited English proficiency in the language of the person, questions and statements addressed to the person;

(b) Make a true interpretation of the statements of the person with limited English proficiency in an understandable manner; and

(c) Repeat the statements of the person with limited English proficiency to the best of his or her ability.

3. While in the proper performance of his or her duties, an interpreter has the same rights and privileges as the person with limited English proficiency including the right to examine all relevant material, but is not entitled to waive or exercise any of those rights or privileges on behalf of the person with limited English proficiency.

4. If an interpreter appointed for a person with limited English proficiency is not effectively or accurately communicating with or on behalf of the person, and that fact becomes known to the person who appointed the interpreter, another interpreter must be appointed.

5. Claims against a county, municipality, this State or any agency thereof for the compensation of an interpreter in a criminal proceeding or other proceeding for which an interpreter must be provided at public expense must be paid in the same manner as other claims against the respective entities are paid. Payment may be made only upon the certificate of the judge, magistrate or other person presiding over the proceedings that the interpreter has performed the services required and incurred the expense claimed.

6. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 33. NRS 50.0545 is hereby amended to read as follows:

50.0545 1. An interpreter must be appointed at public expense for a person with limited English proficiency who is a defendant or a witness in a criminal proceeding.

2. If a certified or registered court interpreter is not available, a court shall appoint an interpreter in accordance with the ~~[regulations]~~ ***rules*** adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.

3. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 34. NRS 62D.405 is hereby amended to read as follows:

62D.405 1. The juvenile court shall appoint at public expense an interpreter for a person with limited English proficiency in all proceedings conducted pursuant to the provisions of this title if the person with limited English proficiency is:

(a) The child who is alleged to be or has been adjudicated delinquent or in need of supervision;

(b) A parent or guardian of the child that is alleged to be or has been adjudicated delinquent or in need of supervision; or

(c) A person who appears as a witness.

2. If a certified or registered court interpreter is not available, the juvenile court shall appoint an interpreter in accordance with the ~~[regulations]~~ ***rules*** adopted pursuant to paragraph (e) of subsection 2 of NRS 1.510.

3. As used in this section:

(a) "Interpreter" means a person who has a certificate or registration as an interpreter issued by the Court Administrator pursuant to NRS 1.510 and 1.520.

(b) "Person with limited English proficiency" has the meaning ascribed to it in NRS 1.510.

Sec. 35. NRS 281.010 is hereby amended to read as follows:

281.010 1. The following officers must be elected:

(a) A Governor.

(b) A Lieutenant Governor.

(c) Two United States Senators.

(d) The number of members of the House of Representatives of the United States to which this State may be entitled.

(e) The number of presidential electors to which this State may be entitled.

(f) ~~[Five justices]~~ ***Justices*** of the Supreme Court.

(g) Judges of the Court of Appeals **.** ~~[other than the initial three judges.]~~

(h) District judges.

(i) Senators and members of the Assembly.

(j) A Secretary of State.

(k) A State Treasurer.

(l) A State Controller.

(m) An Attorney General.

(n) Other officers whose elections are provided for by law.

(o) For each county, and the equivalent officers for Carson City:

(1) One county clerk, who is ex officio clerk of the board of county commissioners and ***may also be*** clerk of the district court of the county.

(2) One sheriff.

(3) One district attorney.

(4) One public administrator, except where otherwise provided by law.

(5) One county assessor, except where otherwise provided by law.

(6) One county treasurer, except where otherwise provided by law.

(7) The number of county commissioners as provided by law.

(8) One county recorder, who is ex officio county auditor in counties in which a county comptroller has not been appointed.

(9) Justices of the peace.

(10) Constables, except where otherwise provided by law.

2. All officers who are not elected must be appointed.

Sec. 36. 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. 37. NRS 1.060, 1.150, 1.170, 1.180, 2.210, 2.230, 2.255, 2.270, 2.420, 2.440 and 2.450 are hereby repealed.

Sec. 38. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[37,]~~ **7,** inclusive, **8.5 to 26, inclusive, and 28 to 37, inclusive,** of this act become effective:

(a) Upon passage and approval for the purpose of adopting any rules 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.

3. Sections 8 and 27 of this act become effective on July 1, 2023.

LEADLINES OF REPEALED SECTIONS

1.060 Adjournment on absence of judge.
1.150 Clerk of district court to procure seal; form of seal.
1.170 Custody of seal.
1.180 Documents to which seal affixed.
2.210 Qualifications of Clerk.
2.230 Deputy clerks.
2.255 Penalties for violations by Clerk.

2.270 Destruction of obsolete exhibits by Clerk.
2.420 Hours of use by public.
2.440 Qualifications of Librarian.
2.450 Biennial report.

Assemblywoman Brittney Miller moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, re-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 12:43 p.m.

ASSEMBLY IN SESSION

At 1:06 p.m.
Mr. Speaker presiding.
Quorum present.

Senate Bill No. 76.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources:
Amendment No. 668.
SUMMARY—Establishes provisions governing certain products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances. (BDR ~~[40-291)]~~ **52-291)**
AN ACT relating to hazardous materials; prohibiting, with certain exceptions, the sale and distribution of certain products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances; requiring, with certain exceptions, manufacturers of cookware containing intentionally added perfluoroalkyl and polyfluoroalkyl substances to provide certain information to a customer; **providing a penalty;** and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law prohibits, with certain exceptions, the discharge, use or release of any Class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances for the purpose of testing the Class B firefighting foam or firefighting training. (NRS 459.682) Beginning on ~~[January]~~ **October** 1, 2024, **section 21** of this bill prohibits, with certain exceptions, a manufacturer from selling, offering for sale, distributing for sale or distributing for use any carpet or rug, fabric treatment, food packaging**,** ~~[or]~~ juvenile product**, cosmetics, indoor textile furnishings or indoor upholstered furniture** that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances. **Section 21** also ~~[requires]~~ **authorizes** a manufacturer of such products to include a ~~[statement]~~ **sticker** on the product

label that **states "NO PFAS" to inform consumers that** perfluoroalkyl and polyfluoroalkyl substances were not intentionally added or used to make the product. ~~[Section 24 of this bill amends section 21 to also prohibit, beginning July 1, 2024, a manufacturer from selling, offering for sale, distributing for sale or distributing for use any cosmetics, indoor textile furnishings or indoor upholstered furniture that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.]~~

Section 22 of this bill requires, with certain exceptions, a manufacturer of cookware sold in this State that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances to ~~[include]~~ **list those substances** on the cookware product label and on any product listing for online sales: (1) that the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances; and (2) an Internet address and quick response code for a website that contains certain information about the intentionally added perfluoroalkyl and polyfluoroalkyl substances. **Section 22 also authorizes a manufacturer of cookware that does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances to include a sticker on the product label that states "NO PFAS" to inform consumers that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.**

Section 23 of this bill provides that a person who willfully and knowingly violates the provisions of **section 21 ~~[,]~~ or 22 ~~[or 24]~~** is ~~[subject to a maximum civil penalty of $1,000.]~~ **guilty of a misdemeanor.**

Section 20 of this bill provides an exception to the requirements and prohibitions set forth in this bill to the extent that such provisions are preempted by or conflict with federal law.

Sections 3-19 of this bill define certain terms related to these requirements.

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

Section 1. Chapter ~~[459]~~ **597** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 23, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 23, inclusive, of this act, the words and terms defined in sections 3 to 19, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Adult mattress" means any mattress other than a toddler mattress, crib mattress or other sleep product for infants.***

Sec. 4. ***"Carpet or rug" means a fabric product marketed or intended for use as a floor covering in a household or business.***

Sec. 5. (Deleted by amendment.)

Sec. 6. ***"Component" means an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.***

Sec. 7. ***"Cookware" means a durable houseware product that is used in a residence or kitchen to prepare, dispense or store food or beverages,***

including, without limitation, any pot, pan, skillet, grill, baking sheet, baking mold, tray, bowl or cooking utensil.

Sec. 8. *1. "Cosmetic" means a product that is intended to be rubbed onto or introduced into, poured, sprinkled, sprayed on or otherwise applied to the human body for the purposes of cleaning, cleansing, beautifying, promoting or altering the appearance of a person, including, without limitation, any skin moisturizer, perfume, lipstick, nail polish, eye or facial makeup, shampoo, conditioner, permanent wave, hair dye or deodorant.*

2. The term does not include:

(a) A product that requires a prescription for distribution or dispensation; or

(b) Hydrofluoroolefins used as propellants in cosmetics.

Sec. 9. *"Fabric treatment" means a product applied to fabric to give the fabric one or more characteristics, including, without limitation, stain resistance or water resistance. The term does not include hydrofluoroolefins used as propellants in fabric treatments.*

Sec. 10. *"Food packaging" means a package or packaging component that is used in direct contact with food and is composed, in substantial part, of paper, paperboard or other materials originally derived from plant fibers.*

Sec. 11. *1. "Intentionally added perfluoroalkyl and polyfluoroalkyl substances" means perfluoroalkyl and polyfluoroalkyl substances that a manufacturer has intentionally added to a product and that have a functional or technical effect on the product. The term includes, without limitation, perfluoroalkyl and polyfluoroalkyl substances that are intentional breakdown*
products of an added chemical that also have a functional or technical effect on the product.

2. The term does not include the use of recycled materials which may contain perfluoroalkyl and polyfluoroalkyl substances due to the use of perfluoroalkyl and polyfluoroalkyl substances in the original product.

Sec. 11.5. *1. "Juvenile product" means a product designed by a manufacturer for use by an infant or child less than 12 years of age, including, without limitation, a bassinet, child restraint system for use in motor vehicles, changing pad, toddler mattress, crib mattress or other sleep product for infants, high chair, infant carrier, infant seat, polyurethane foam mat, pad or pillow, nap cot, play mat, playpen or stroller.*

2. The term does not include:

(a) Electronic products, including, without limitation, any personal computer and any associated equipment, audio and video equipment, calculator, wireless phone, gaming console, handheld device incorporating a video screen or any associated peripheral device such as a mouse, keyboard, power supply unit or power cord;

(b) An internal component of a juvenile product that is not designed or intended to come into direct contact with the skin or mouth of a child as a result of the reasonably foreseeable use of the product; ~~*[or]*~~

(c) An adult mattress ~~[.]~~ ; or

(d) An off-highway vehicle, as defined in NRS 490.060, designed for use by a child, a replacement part for such an off-highway vehicle and any protective clothing or equipment intended for use by a child while operating such an off-highway vehicle.

Sec. 12. *"Manufacturer" means a person that manufactures or assembles a product. The term includes, without limitation, the importer or first domestic distributor of the product if a product is imported into the United States and the manufacturer does not have a presence in the United States.*

Sec. 13. *"Package" means the material that is intended or used to contain, protect, handle, deliver or present a product.*

Sec. 14. *"Packaging component" means an individual part of a package, including, without limitation, the interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coating, closure, ink or label.*

Sec. 15. *"Perfluoroalkyl and polyfluoroalkyl substances" has the meaning ascribed to it in NRS 459.678.*

Sec. 16. *1. "Product" means an item, and any component of such an item, that is manufactured, assembled or otherwise prepared for sale or distribution to a customer and that is sold or distributed for personal, residential, commercial or industrial use, including, without limitation, for use in making other products.*

2. The term does not include:

(a) Any drug, medical device, biologic or diagnostic regulated by the United States Food and Drug Administration or the United States Department of Agriculture;

(b) Any drug, medical device, biologic, parasiticide or diagnostic administered or used to treat animals regulated by the United States Food and Drug Administration pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 351 et seq., the United States Department of Agriculture pursuant to the Virus-Serum-Toxin Act, 21 U.S.C. §§ 151 et seq. or the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 et seq.;

(c) A veterinary pesticide product approved by the United States Environmental Protection Agency for use in animals;

(d) Medical food, as defined in section 5(b)(3) of the Orphan Drug Act, 21 U.S.C. § 360ee(b)(3);

(e) Infant formula, as defined in NRS 597.990;

(f) Any packaging used for a product described in ~~[paragraph (a), (b) or (c),]~~ paragraphs (a) to (e), inclusive; or

~~[(c)]~~ (g) A used product offered for sale or resale.

Sec. 17. *"Textile" means any product made in whole or in part from a natural or synthetic fiber, yarn or fabric, including, without limitation,*

leather, cotton, silk, jute, hemp, wool, nylon or polyester. The term does not include any textile used in a medical, professional or industrial setting.

Sec. 18. ***"Textile furnishing" means a type of textile intended for use in households and businesses, including, without limitation, any drapery, floor covering, furnishing, bedding, towel or tablecloth. The term does not include a textile furnishing intended for use in a medical, professional or industrial setting.***

Sec. 19. ***"Upholstered furniture" means any article of furniture that is:***

1. Designed for sitting, resting or reclining; and

2. Wholly or partially stuffed with filling material.

Sec. 20. ***The provisions of sections 2 to 23, inclusive, of this act do not apply to the extent that those provisions are preempted by or conflict with federal law, including, without limitation, any provision of federal law requiring the use of products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances*** ~~***[.]***~~ ***or authorizing the use of intentionally added perfluoroalkyl and polyfluoroalkyl substances in a product or any product surface that comes into contact with food or beverages.***

Sec. 21. ***1. A manufacturer shall not sell, offer for sale, distribute for sale or distribute for use in this State any of the following types of products if the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances:***

(a) Carpets or rugs;

(b) Fabric treatments;

(c) Food packaging; ~~***[or]***~~

(d) Juvenile products ~~***[.]***~~ ***;***

(e) Cosmetics;

(f) Indoor textile furnishings; or

(g) Indoor upholstered furniture.

2. A manufacturer of the products described in subsection 1 ~~***[shall]***~~ ***may include on the product label a*** ~~***[statement that is clearly visible and legible in both English and Spanish that reads: "NO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES WERE INTENTIONALLY ADDED OR USED TO MAKE THIS PRODUCT."]***~~ ***sticker suitable to the size of the product label stating "NO PFAS" to inform the consumer that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.***

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

(a) A product which contains perfluoroalkyl and polyfluoroalkyl substances due to the use of recycled materials containing perfluoroalkyl and polyfluoroalkyl substances in the original product; ~~***[or]***~~

(b) A carpet or rug that was manufactured or imported before ~~***[January]***~~ ***October 1, 2024*** ~~***[.]***~~ ***; or***

(c) Any other textile product, other than a carpet or rug, that was manufactured or imported before October 1, 2024.

Sec. 22. *1. A manufacturer of cookware sold in this State that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances in the handle of the product or in any product surface that comes into contact with any food or beverages shall:*

(a) Except as otherwise provided in subsection 3, ~~[include]~~ list the presence of those substances on the product label . ~~[:~~

~~(1) That the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances; and~~

~~(2) A]~~ The list of such substances must be prefaced by the phrase "This product contains:";

(b) Except as otherwise provided in subsection 3, include on the product label a statement, in both English and Spanish, that reads: "For more information about ~~[the perfluoroalkyl and polyfluoroalkyl substances]~~ chemicals in ~~[the]~~ this product, visit" followed by:

~~[(I)]~~ (1) An Internet address for a website that provides information about why the perfluoroalkyl and polyfluoroalkyl substances are intentionally added; and

~~[(II)]~~ (2) A quick response (QR) code or other machine-readable code used for storing an Internet address for the website that provides information about why the perfluoroalkyl and polyfluoroalkyl substances are intentionally added;

~~[(b)]~~ (c) Include in any product listing for online sales in this State, the information required to be included on the product label pursuant to ~~[paragraph (a);]~~ paragraphs (a) and (b); and

~~[(c)]~~ (d) Ensure that the information required pursuant to paragraphs (a) , ~~[and]~~ (b) and (c) is clearly visible and legible to the customer on the label and on the product listing for online sales.

2. A manufacturer ~~[shall]~~ of cookware:

(a) Shall not claim on the packaging for cookware that the cookware is free of perfluoroalkyl and polyfluoroalkyl substances, unless no individual perfluoroalkyl or polyfluoroalkyl compound has been intentionally added to the cookware.

(b) That does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances may include on the product label a sticker suitable to the size of the product stating "NO PFAS" to inform the consumer that the product does not contain intentionally added perfluoroalkyl and polyfluoroalkyl substances.

3. Cookware that meets the following requirements is exempt from the requirements of ~~[paragraph]~~ paragraphs (a) and (b) of subsection 1:

(a) The surface area of the cookware cannot fit a product label of at least 2 square inches; and

(b) The cookware does not have:

(1) An exterior or wrapper on which a product label can appear or be affixed; or

(2) A tag or other attachment with information about the product attached to the cookware.

4. Except as otherwise provided in subsection 3, a manufacturer shall not sell, offer for sale, distribute for sale or distribute for use any cookware that contains one or more intentionally added perfluoroalkyl and polyfluoroalkyl substances in the handle of the product or in any product surface that comes into contact with food or beverages, unless the manufacturer and the cookware comply with the requirements of this section.

Sec. 23. ***A person who willfully and knowingly violates the provisions of section 21 or 22 of this act is*** ~~***[subject to a civil penalty not to exceed $1,000.]***~~ ***guilty of a misdemeanor.***

Sec. 24. ~~**[**Section 21 of this act is hereby amended to read as follows:~~

~~Sec. 21. 1. A manufacturer shall not sell, offer for sale, distribute for sale or distribute for use in this State any of the following types of products if the product contains intentionally added perfluoroalkyl and polyfluoroalkyl substances:~~

~~(a) Carpets or rugs;~~

~~(b) Fabric treatments;~~

~~(c) Food packaging;~~ ~~**[**or**]**~~

~~(d) Juvenile products~~ ~~**[.] ;**~~

~~***(e) Cosmetics;***~~

~~***(f) Indoor textile furnishings; or***~~

~~***(g) Indoor upholstered furniture.***~~

~~2. A manufacturer of the products described in subsection 1 shall include on the product label a statement that is clearly visible and legible in both English and Spanish that reads: "NO PERFLUOROALKYL OR POLYFLUOROALKYL SUBSTANCES WERE INTENTIONALLY ADDED OR USED TO MAKE THIS PRODUCT."~~

~~3. The provisions of this section do not apply to:~~

~~(a) A product which contains perfluoroalkyl and polyfluoroalkyl substances due to the use of recycled materials containing perfluoroalkyl and polyfluoroalkyl substances in the original product;~~ ~~**[**or**]**~~

~~(b) A carpet or rug that was manufactured or imported before January 1, 2024~~ ~~**[.] ; or**~~

~~***(c) Any other textile product, other than a carpet or rug, that was manufactured or imported before July 1, 2024.]***~~ **(Deleted by amendment.)**

Sec. 25. ~~**[1.]**~~ This ~~**[**section and sections 1 to 23, inclusive, of this act become effective on January 1, 2024**.**~~

~~2. Section 24 of this act becomes effective on July**]**~~ **act becomes effective on October** 1, 2024.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 81.

Bill read second time.

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

Amendment No. 583.

AN ACT relating to regional planning; requiring representatives of certain counties and cities to meet jointly for a specified period to identify issues and make recommendations regarding the orderly management of growth in the region; requiring such representatives to prepare certain **joint** reports during that period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires Carson City, Douglas County, Lyon County, Storey County and Washoe County, in consultation with any cities within each such county, to each prepare a report for submission to each Legislator who represents any portion of one of these counties at the end of each calendar year between July 1, 2019, and December 31, 2022. Each report must identify certain issues relating to the orderly management of growth in those counties and make recommendations regarding such issues. (Chapter 144, Statutes of Nevada 2019, at page 798) This bill extends the meeting and reporting requirements through calendar year 2026 and revises the meeting and reporting requirements.

Specifically, this bill requires, on or before December 1 of each calendar year during the period between July 1, 2023, and December 1, 2026, Carson City, Douglas County, Lyon County, Storey County and Washoe County, in consultation with any cities within each such county, to meet to discuss and identify the positive and negative issues relating to growth in the region that are impacting any such county and prepare a **joint** report that: (1) identifies certain issues relating to growth in the region; and (2) addresses, without limitation, the areas of conservation, population, land use and development, transportation, and public facilities and services. Each **joint** report must set forth recommendations that are intended to resolve any negative impact on such issues which have been identified in the **joint** report.

Additionally, this bill requires during the period between January 1, 2024, and January 1, 2027, certain Legislators and other representatives of each county and city in the region to meet jointly at least twice during each calendar year during the period to identify and discuss the positive and negative issues relating to the orderly management of growth in the region. On or before December 31 of each calendar year during the period, county managers or certain other designees are required to prepare a joint regional report of the issues identified. The joint regional report must also address comprehensively

all of the issues identified and recommendations made in the reports prepared by the counties and cities.

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

Section 1. Section 1 of chapter 144, Statutes of Nevada 2019, at page 798, is hereby amended to read as follows:

Section 1. 1. The Legislature hereby finds and declares that:

(a) The region of Carson City, Douglas County, Lyon County, Storey County and Washoe County is a unique, contiguous geographical area that comprises the northwestern border of Nevada.

(b) As part of ***one of*** the fastest-growing ~~[state]~~ ***states*** in the nation, the population of this region has increased rapidly in recent years, especially as a result of the location of substantial economic development projects in the region.

(c) This increased population and economic development activity has ***had*** a significant impact on resources beyond the boundaries of individual political subdivisions, affecting the region in such areas as transportation, land use development and public services and facilities.

(d) ***The increased demand from development has placed a significant amount of stress on the I-80 commercial corridor within Lyon, Storey and Washoe Counties, necessitating a strong focus to protect residents and visitors as well as the economic vitality of the region.***

(e) Because of the unique conditions in the region, a general law cannot be made applicable and necessitates this special act to require discussion and planning for the orderly management of growth in the region in a collaborative and structured manner by the counties and cities in the region for the well-being of the residents as well as the long-term economic development of the region.

2. On or before December ~~[31]~~ ***1*** of each calendar year during the period between July 1, ~~[2019,]~~ ***2023,*** and December ~~[31, 2022,]~~ ***1, 2026,*** each county in the region, in consultation with any cities within each such county, shall ***meet to discuss and identify the positive and negative issues relating to growth in the region that are impacting any county in the region and*** prepare and submit to each Legislator who represents any portion of the ~~[county]~~ ***region*** a ~~[separate]~~ ***joint*** report that:

(a) Identifies ~~[issues]~~ ***each positive or negative issue*** relating to the orderly management of growth in the ***region that is impacting any*** county, including cities within ~~[the]~~ ***any*** county ~~[, and]~~ ***in*** the region, including, without limitation, issues in the following areas:

(1) Conservation, including, without limitation, the use and protection of natural resources ~~[,]~~ ***, architectural conservation and preservation planning;***

(2) Population, including, without limitation, projected population growth ***in the region*** and the projected resources ***of the county or city that are*** necessary to support that ***regional*** population ~~[.]~~ ***growth;***

(3) Land use and development;

(4) Transportation ~~[,]~~ ***, including, without limitation, the I-80 corridor and surrounding arterials;*** and

(5) Public facilities and services, including, without limitation, roads, water and sewer service, flood control, police and fire protection, mass transit, libraries and parks.

(b) ~~[~~Makes~~]~~ ***Set forth*** recommendations ~~[~~regarding~~]~~ ***that are intended to resolve any negative impact on*** those issues ~~[.]~~ ***that are identified in the joint report.***

3. In preparing the ***joint*** report required by subsection 2, each county in the region and any city within such a county may consult with and solicit input concerning issues relating to the orderly management of growth in the county, city or region from ***any state agency, including, without limitation, the Department of Transportation and the Office of Economic Development, and from*** other entities in the county, including, without limitation, ~~[~~the~~]~~ school ~~[~~district~~]~~ ***districts*** and any town, airport authority, regional transportation commission, water authority, military base, flood control agency, public safety agency or Indian colony or tribe in the county. ***Such input may include, without limitation, any I-80 corridor planning reports prepared by the Department of Transportation.***

4. During the period between January 1, ~~[~~2020,~~]~~ ***2024,*** and ~~[~~December 1, 2023,~~]~~ ***January 1, 2027, two members, one from the majority political party and one from the minority political party, of the Senate whose legislative districts include any area within the region and designated by the Majority Leader of the Senate, two members, one from the majority political party and one from the minority political party, of the Assembly whose legislative districts include any area within the region and designated by the Speaker of the Assembly,*** the county manager of each county in the region or his or her designee, or if a county manager is not appointed pursuant to NRS 244.125, a person designated by the board of county commissioners of the county, and the city manager of each city in the region or his or her designee or, if the city does not have a city manager, a person designated by the governing body of the city, shall meet jointly at least twice during each calendar year in that period to identify and discuss ***the positive and negative*** issues relating to the orderly management of growth in the region, including, without limitation, the issues identified and ***any*** recommendations made in the ***joint*** reports prepared pursuant to subsection 2. ***Each Legislator and city manager serve in an ex officio capacity and are not voting members.***

5. Except as otherwise provided in this subsection, on or before December ~~[~~1~~]~~ ***31*** of each calendar year during the period between January

1, ~~[2020,]~~ ***2024,*** and ~~[December 1, 2023, the counties in the region, in consultation with the cities in the region,]~~ ***January 1, 2027, the county managers or their designees described in subsection 4*** shall prepare a joint ***regional*** report of the issues identified during the meetings held pursuant to subsection 4 during that calendar year and any recommendations made relating to those issues **.** ~~[and submit the report]~~ ***The contents of each joint regional report must be approved by a simple majority of the county managers or their designees described in subsection 4. Each joint regional report must be submitted*** to each Legislator who represents any portion of a county in the region and to the Legislative Commission. ~~[The]~~ ***Each*** joint report that must be submitted ~~[on or before December 1, 2023,]~~ ***pursuant to this subsection*** must address comprehensively all the issues identified and recommendations made by the counties and cities in the ~~[region during the period between January 1, 2020, and December 1, 2023, relating to the orderly management of growth in the region.]~~ ***joint report prepared by the counties and cities pursuant to subsection 2.***

6. ***A Legislator is not entitled to compensation or to any per diem or travel expenses to attend a meeting described in subsection 4.***

7. As used in this section, "region" means the combined geographical area consisting of Carson City, Douglas County, Lyon County, Storey County and Washoe County.

Sec. 2. Section 2 of chapter 144, Statutes of Nevada 2019, at page 800, is hereby amended to read as follows:

Sec. 2. This act becomes effective on July 1, 2019 **.** ~~[, and expires by limitation on December 31, 2023.]~~

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

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 82.

Bill read second time.

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

Amendment No. 623.

AN ACT relating to public works; revising provisions relating to the use of apprentices on public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires contractors or subcontractors engaged on public works to use one or more apprentices for a certain percentage of the total hours performed on a public work, depending on the number of workers employed on the public work, and to enter into an apprenticeship agreement for all apprentices so required. (NRS 338.01165) **Section 1** of this bill: (1) eliminates

the threshold number of workers for the applicability of the requirements for using apprentices; (2) applies those requirements based on all public works performed by a contractor or subcontractor during a calendar year instead of based on each public work; and (3) limits the requirement to enter into an apprenticeship agreement to those contractors or subcontractors who are not signatories to a collective bargaining agreement with a sponsoring union.

Existing law: (1) sets forth a procedure that authorizes the Labor Commissioner, upon request by a public body, to grant a modification or waiver from the requirements for using apprentices upon a finding of good cause; and (2) defines the circumstances that constitute "good cause." (NRS 338.01165) **Section 1**: (1) eliminates that procedure; (2) requires a contractor or subcontractor to maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with the annual requirements to use one or more apprentices for a certain percentage of the total hours performed on public works; and (3) sets forth certain requirements for such supporting documentation.

Existing law provides that an apprentice who graduates from an apprenticeship program while employed on a public work is deemed to be an apprentice on the public work for purposes of the requirements for using apprentices and a journeyman for certain purposes, including the payment of wages. (NRS 338.01165) **Section 1** expands the circumstances under which a person is treated as an apprentice for those requirements.

Section 1 also requires, on or before February 15 of each year, a contractor or subcontractor to submit certain information to the Labor Commissioner regarding the hours that were worked in a calendar year on vertical or horizontal construction for each apprenticed craft or type of work performed. **Section 2** of this bill requires that the first such annual report be submitted on or before February 15, 2025, and address calendar year 2024.

Finally, **section 1** sets forth a penalty schedule for violations of certain provisions relating to the requirements for a contractor or subcontractor to use one or more apprentices for a certain percentage of the total hours performed on a public work.

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

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs ~~[a worker]~~ ***workers*** on ~~[a]~~ ***one or more*** public ~~[work]~~ ***works during a calendar year*** pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent ***, or any increased percentage established pursuant to subsection 3,*** of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~[the]~~ ***those*** public ~~[work for which more than three workers are employed.]~~ ***works.***

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs ~~[a worker]~~ ***workers*** on ~~[a]~~ ***one or more*** public ~~[work]~~ ***works during a calendar year*** pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent ***, or any increased percentage established pursuant to subsection 3,*** of the total hours of labor worked for each apprenticed craft or type of work to be performed on ~~[the]~~ ***those*** public ~~[work for which more than three workers are employed.]~~ ***works.***

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. ***If a contractor or subcontractor who is a signatory to a collective bargaining agreement with a union that sponsors an apprenticeship program for an apprenticed craft or type of work for which the term of apprenticeship is not more than 3 years requests an apprentice from that apprenticeship program and an apprentice in the appropriate craft or type of work is not available, the ~~[apprenticeship program]~~ contractor or subcontractor may ~~[provide]~~ utilize a person who graduated from the apprenticeship program in that craft or type of work within the 3 years immediately preceding the request from the contractor or subcontractor. Such a person:***

(a) Shall be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Shall be deemed a journeyman for all other purposes, including, without limitation, the payment of wages and benefits to a journeyman pursuant to the collective bargaining agreement.

6. A contractor or subcontractor engaged on a public work is not required to use an apprentice in a craft or type of work performed in a jurisdiction recognized
by the State Apprenticeship Council as not having apprentices in that craft or type of work.

~~[6. A public body may, upon the request of a contractor or subcontractor, submit a request]~~

7. A contractor or subcontractor engaged on a public work shall maintain and provide to the Labor Commissioner any supporting documentation to show that the contractor or subcontractor made a good faith effort to comply with subsection 1 or 2, as applicable ~~[.]~~ , as determined

by the Labor Commissioner. For purposes of this subsection, a contractor or subcontractor:

(a) Makes a good faith effort to comply with subsection 1 or 2, as applicable, if the contractor or subcontractor:

(1) Submits to the ***apprenticeship program, on the form prescribed by the*** Labor Commissioner ~~[to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection 10. — 7.]~~ ***, a request for an apprentice not earlier than 10 days before the contractor or subcontractor is scheduled to begin work on the public work and not later than 5 days after the contractor or subcontractor actually begins work on the public work.***

(2) If the apprenticeship program does not provide an apprentice for the appropriate apprenticed craft or type of work upon a request pursuant to subparagraph (1), submits additional requests to the apprenticeship program, on the form prescribed by the Labor Commissioner, at least once every 30 days during the period that the contractor or subcontractor is working on the public work. If a contractor or subcontractor does not work continuously on the public work, the contractor or subcontractor shall submit an additional request each time that the contractor or subcontractor resumes work on the public work not earlier than 10 days before the contractor or subcontractor is scheduled to resume work on the public work and not later than 5 days after the contractor or subcontractor actually resumes work on the public work. The requirement for the submission of an additional request in this subparagraph does not apply whenever a contractor or subcontractor has one or more apprentices employed for that apprenticed craft or type of work.

(b) Does not make a good faith effort to comply with subsection 1 or 2, as applicable, as determined by the Labor Commissioner, if the contractor or subcontractor is required to enter into an apprenticeship agreement pursuant to subsection 16 and refuses to do so.

8. The ***supporting documentation required pursuant to subsection 7 ~~[must]~~ may include, without limitation:***

(a) Documentation of the submission by the contractor or subcontractor of one or more requests, as applicable, pursuant to subsection 7; and

(b) Documentation that the apprenticeship program denied such a request, did not respond to such a request or responded that the program was unable to provide the requested apprentice.

9. The contractor or subcontractor and the apprenticeship program shall coordinate the starting date for any apprentice provided by the program.

10. On or before February 15 of each year, a contractor or subcontractor engaged in vertical or horizontal construction, as applicable, who employs a worker on one or more public works pursuant to NRS 338.040 shall report to the Labor Commissioner, on the form prescribed by the Labor Commissioner ~~[shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.~~

~~8.]~~ ***, the following information regarding those public works for the previous calendar year:***

(a) For each apprenticed craft or type of work, the total number of hours worked on vertical construction.

(b) For each apprenticed craft or type of work, the total number of hours worked on horizontal construction.

(c) For each apprenticed craft or type of work, the total number of hours worked by apprentices on vertical construction.

(d) For each apprenticed craft or type of work, the total number of hours worked by apprentices on horizontal construction.

(e) For each apprenticed craft or type of work, the percentage of the total number of hours worked on vertical construction that were worked by apprentices.

(f) For each apprenticed craft or type of work, the percentage of the total number of hours worked on horizontal construction that were worked by apprentices.

11. The information required to be reported pursuant to subsection 10 must not include any identifying information about a public work or an apprentice or employee.

12. If the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination based on the information submitted pursuant to subsection 10 that a contractor or subcontractor did not make a good faith effort to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall notify the contractor or subcontractor in writing of the determination and:

(a) Except as otherwise provided in paragraph (b), shall assess a penalty as follows:

(1) If the apprentice utilization rate by the contractor or subcontractor on vertical construction of a public work is:

(I) Seven and one-half percent or more but less than 10 percent of the total hours of labor worked for an apprenticed craft or type of work, a

penalty of $2,500 or $2 for each hour below the percentage required, whichever is higher.

(II) More than 4 percent but less than 7.5 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $3,000 or $4 for each hour below the percentage required, whichever is higher.

(III) Four percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $5,000 or $6 for each hour below the percentage required, whichever is higher.

(2) If the apprentice utilization rate by the contractor or subcontractor on horizontal construction of a public work is:

(I) Two percent or more but less than 3 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $2,500 or $2 for each hour below the percentage required, whichever is higher.

(II) More than 1 percent but less than 2 percent of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $3,000 or $4 for each hour below the percentage required, whichever is higher.

(III) One percent or less of the total hours of labor worked for an apprenticed craft or type of work, a penalty of $5,000 or $6 for each hour below the percentage required, whichever is higher.

(b) Shall not assess a penalty if the total number of hours of labor required to be worked by apprentices:

(1) On vertical construction pursuant to subsection 1, as applicable, during the previous calendar year is less than 40 hours.

(2) On horizontal construction pursuant to subsection 2, as applicable, during the previous calendar year is less than 24 hours.

13. Except for good cause, the Labor Commissioner may not initiate his or her own investigation or accept a complaint based on the information submitted by a contractor or subcontractor pursuant to subsection 10 after May 1 immediately following the date on which the report was received by the Labor Commissioner.

14. In addition to the penalties set forth in subsection 12, if the Labor Commissioner, on his or her own initiative or based on a complaint, makes a determination that a contractor or subcontractor did not submit the report required pursuant to subsection 10 or ~~[did not make a good faith effort]~~ made no attempt to comply with the provisions of subsection 1 or 2, as applicable, the Labor Commissioner shall:

(a) Impose a penalty of not less than $10,000 but not more than $75,000; or

(b) Disqualify the contractor or subcontractor from being awarded a contract for a public work for at least 180 days but not more than 2 years.

15. A ~~[public body,]~~ contractor or subcontractor may request a hearing on the determination of the Labor Commissioner ***pursuant to subsection 12 or 14*** within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request

for a hearing pursuant to this subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

~~[~~9.~~]~~ ***16.*** A contractor or subcontractor ***who is not a signatory to a collective bargaining agreement with the union sponsoring the apprenticeship program for an apprenticed craft or type of work*** engaged on a public work shall enter into an apprenticeship agreement for ~~[~~all apprentices~~]~~ ***each apprentice*** required to be used in the construction of a public work. ~~[~~If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection 10 and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.

~~10.~~~~]~~ ***17.*** As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) ~~[~~"Good cause" means:

~~(1) There are no apprentices available from an apprenticeship program within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;~~

~~(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or~~

~~(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied or the request has not been approved within 5 business days.~~

~~➥ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.~~

~~(e)~~~~]~~ "Journeyman" has the meaning ascribed to it in NRS 624.260.

~~[~~(f)~~]~~ ***(e)*** "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. The initial report required pursuant to subsection 10 of NRS 338.01165, as amended by section 1 of this act, must be submitted on or before February 15, 2025, and must include information for the period which begins on January 1, 2024, and ends on December 31, 2024.

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 Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 92.

Bill read second time.

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

Amendment No. 624.

AN ACT relating to sidewalk vendors; establishing certain requirements for the regulation of sidewalk vendors by the governing body of certain counties and cities; requiring a local board of health to adopt certain regulations relating to sidewalk vendors who sell food; creating the Task Force on Safe Sidewalk Vending; setting forth the membership and duties of the Task Force on Safe Sidewalk Vending; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants a governing body of a county or city all powers necessary and proper to address matters of local concern. (NRS 244.146, 268.0035) **Sections 1-11 and 15-24.5** of this bill set forth various requirements for the licensing and regulation of sidewalk vendors of food by the governing body of certain counties and cities.

Sections 2 and 16 of this bill provide that the provisions of **sections 1-10 and 15-25** of this bill apply only to a county whose population is 100,000 or more (currently Clark and Washoe Counties) or to a city in a county whose population is 100,000 or more.

Sections ~~[4-6]~~ **3 and** ~~[18-20]~~ **17** of this bill define the ~~[terms "roaming sidewalk vendor,"]~~ **term** "sidewalk ~~[vendor" and "stationary sidewalk]~~ vendor."

Sections 7 and 21 of this bill **: (1)** authorize a governing body of a county or city to adopt an ordinance regulating sidewalk vendors ~~[.]~~ **; and (2) require the governing body of a county or city that adopts such an ordinance to post on its Internet website a map of the areas where a person may engage in the act of sidewalk vending. Sections 7 and 21** also prohibit a governing body of a county or city from, with certain exceptions: (1) enforcing or enacting a complete prohibition on sidewalk vending; (2) imposing criminal penalties for the act of sidewalk vending in a residential area; or (3) regulating sidewalk vendors, except in compliance or substantial compliance with the provisions of this bill.

Sections 7.5 and 21.5 of this bill prohibit a person **, with certain exceptions,** from selling food **or merchandise** upon a public sidewalk or

pedestrian path from a ~~[nonmotorized]~~ conveyance within 1,500 feet of: (1) a resort hotel; (2) certain event facilities; (3) certain convention facilities; and (4) ~~[state historical markers.]~~ **a median of a highway, if the median is adjacent to a parking lot. Sections 7.5 and 21.5 authorize, with certain exceptions, a person to sell food or merchandise within 1,500 feet of such a location if the area is zoned exclusively for residential use.**

Sections 8 and 22 of this bill authorize a governing body of a county or city to require that a sidewalk vendor: (1) hold certain state and local permits or licenses; and (2) submit certain information to the county or city.

Sections 9 and 23 of this bill provide that an ordinance adopted by a governing body of a county or city may, with certain exceptions, impose additional requirements regulating the time, place and manner of sidewalk vending.

Sections 10 and 24 of this bill authorize a governing body of a county or city to impose by ordinance certain penalties and fines for a violation of the provisions of the ordinance regulating sidewalk vendors or for operating without any required license or permit for sidewalk vendors.

Sections 10.5 and 24.5 of this bill provide that the provisions of this bill governing the regulation of sidewalk vendors by a governing body of **a** county or city shall not be construed to: (1) exempt a person from complying with any state or local law or regulation; ~~[or]~~ (2) provide a defense to any criminal act that is not related to the act of sidewalk vending ~~[.]~~ **; or (3) affect certain rights of a private property owner to use or authorize or limit the use of a privately owned sidewalk.**

Section 11 of this bill makes a conforming change to create an exception to the authority of a board of county commissioners to regulate all character of lawful trades, callings, industries, occupations, professions and business.

Existing law authorizes a local board of health to adopt regulations relating to food establishments. (NRS 446.940) **Section 25** of this bill requires a local board of health to adopt regulations to establish a process for a person to apply for a permit, license or other authorization from the local board of health to operate as a sidewalk vendor and that allow a person applying for any such authorization to operate as a sidewalk vendor to: (1) pay any fees required by the local board of health using a payment plan; and (2) obtain any necessary certification as a food handler if the person does not have a driver's license or identification card.

Section 13 of this bill creates the Task Force on Safe Sidewalk Vending in the Office of the Secretary of State and requires the Secretary of State to appoint nine members to the Task Force. **Section 14** of this bill requires the Task Force to review existing laws governing sidewalk vending and recommend approaches to improve the laws of this State and cities and counties of this State governing sidewalk vending.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10.5, inclusive, of this act.

Sec. 2. ***The provisions of sections 2 to 10.5, inclusive, of this act apply only to a county whose population is 100,000 or more.***

Sec. 3. ***As used in sections 2 to 10.5, 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.] "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes, without limitation, a nonstationary sidewalk vendor and a stationary sidewalk vendor.***

Sec. 4. ***[**"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to sell food.]*** **(Deleted by amendment.)**

Sec. 5. ***[**"Sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. This term includes, without limitation, a roaming sidewalk vendor and a stationary sidewalk vendor.]*** **(Deleted by amendment.)**

Sec. 6. ***[**"Stationary sidewalk vendor" means a sidewalk vendor who sells food from a fixed location.]*** **(Deleted by amendment.)**

Sec. 7. ***1. A board of county commissioners may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of sections 2 to 10.5, inclusive, of this act.***

2. Except as otherwise provided in sections 2 to 10.5, inclusive, of this act, a board of county commissioners shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

3. A board of county commissioners that does not adopt an ordinance that complies or substantially complies with sections 2 to 10.5, inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of sections 2 to 10.5, inclusive, of this act.

4. If a board of county commissioners adopts an ordinance pursuant to this section, the board of county commissioners shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 7.5. ***1. [A] Except as otherwise provided in subsection 4, a person shall not sell food or merchandise upon a public sidewalk or pedestrian path from a [nonmotorized] conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:***

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A ~~[state historical marker.]~~ median of a highway, if the median is adjacent to a parking lot.

2. For any violation of subsection 1, a board of county commissioners may impose a criminal, civil or administrative penalty in accordance with an ordinance adopted by the board of county commissioners pursuant to section 7 of this act. The maximum criminal penalty that may be specified in an ordinance adopted pursuant to section 7 of this act is a misdemeanor. A violation of subsection 1 or such an ordinance does not constitute a crime of moral turpitude.

3. Nothing in this section authorizes a person to sell merchandise 1,500 feet or more from:

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A median of a highway that is adjacent to a parking lot.

4. A person may sell food or merchandise within 1,500 feet of a location described in subsection 1 if the conveyance from which the person is selling food or merchandise is located in an area which is zoned exclusively for residential use, unless the area is on a public sidewalk or pedestrian path that is immediately adjacent to a location described in subsection 1.

Sec. 8. *An ordinance adopted by a board of county commissioners regulating sidewalk vendors pursuant to section 7 of this act may require that a sidewalk vendor:*

1. Hold:

(a) A permit or license for sidewalk vending;

(b) A state business license; and

(c) Any other licenses issued by a state or local governmental agency to the extent otherwise required by law.

➥ Nothing in this section shall be construed to authorize a sidewalk vendor to not comply with any requirement to obtain a state business license or other license issued by a state agency or any permit or license issued by a local government, agency or board of health to the extent otherwise required by law.

2. Submit information to the designated representative of the county relating to his or her operations, including, without limitation:

(a) The name and current mailing address of the sidewalk vendor;

(b) If the sidewalk vendor is an agent of an individual, company, partnership or corporation, the name and business address of the principal office;

(c) A description of the food offered for sale; and

(d) A certification by the sidewalk vendor that, to the best of his or her knowledge and belief, the information submitted pursuant to this section is true.

Sec. 9. *1. In addition to the provisions of section 8 of this act, an ordinance adopted by a board of county commissioners that regulates sidewalk vendors may:*

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on the hours of operation of a sidewalk vendor, which may not be more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses ~~[or other businesses]~~ that are similar to sidewalk vending; and

(2) Requirements to:

(I) Maintain sanitary conditions and comply with the regulations adopted by a local board of health pursuant to section 25 of this act.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 244.337 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the board of county commissioners, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the board of county commissioners of:

(I) Except as otherwise provided in section 7.5 of this act, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or park or recreational facility owned by the county; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, but must not prohibit ~~[roaming]~~ nonstationary sidewalk vendors from operating in such areas.

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a county that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 10. *1. In accordance with an ordinance adopted pursuant to sections 2 to 10.5, inclusive, of this act, a board of county commissioners or its designee may:*

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a prohibited residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to section 25 of this act.

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a board of county commissioners or its designee may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to section 7.5 of this act.

Sec. 10.5. *The provisions of sections 2 to 10.5, inclusive, of this act shall not be construed to:*

1. Exempt a person from complying with any state or local law or regulation; ~~[or]~~

2. Provide a defense to any criminal charge unrelated to the act of sidewalk vending ~~[.]~~ ; or

3. Affect the rights of a private property owner to use or authorize or limit the use of a sidewalk that is owned by the private property owner,

including, without limitation, a privately owned sidewalk that is subject to an easement for public access.

Sec. 11. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3, 4 and 9, and NRS 244.33501, 244.35253, 244.3535 and 244.35351 to 244.35359, inclusive, a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, ***and sections 2 to 10.5, inclusive, of this act,*** regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. As used in this subsection, "professional" means a person who:

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license:

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good

standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license:

(a) Presents written evidence that:

(1) The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

(2) Another regulatory agency of the State has issued or will issue a license required for this activity; or

(b) Provides to the county license board the business identification number of the applicant assigned by the Secretary of State pursuant to NRS 225.082 which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

8. The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a

majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

9. Except as otherwise provided by regulations adopted by the Cannabis Compliance Board pursuant to NRS 678B.645, a board of county commissioners shall not license or otherwise allow a person to operate a business that allows cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, to be consumed on the premises of the business, other than a cannabis consumption lounge, as defined in NRS 678A.087, in accordance with the provisions of chapter 678B of NRS.

Sec. 12. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ***1. The Task Force on Safe Sidewalk Vending is hereby created within the Office of the Secretary of State.***

2. The Task Force consists of the following nine members appointed by the Secretary of State:

(a) A representative of a health district in ~~[this State;]~~ a county whose population is 100,000 or more;

(b) A representative employed by a county or city whose primary duties are the performance of tasks related to business licensing;

(c) A representative of the gaming or restaurant industries in this State;

(d) A representative from a law enforcement agency ~~[;]~~ in a county whose population is 100,000 or more;

(e) A representative from the Office of the Secretary of State; and

(f) Four members at large chosen by the Secretary of State, with priority given to persons who are sidewalk vendors or are affiliated with a community organization that represents and affiliates with sidewalk vendors.

3. The members of the Task Force:

(a) Shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

(b) Serve without compensation.

4. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of these members present at the meeting is sufficient for any official action taken by the Task Force.

5. To support the activities of the Task Force, the Secretary of State may establish an advisory board composed of representatives of counties, cities and businesses, including, without limitation, a member of a health department or health district.

6. The Task Force may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties of the Task Force.

Sec. 14. ***1. The Task Force on Safe Sidewalk Vending created by section 13 of this act shall:***

(a) Review the existing laws of this State, the cities and counties in this State and those of other states and municipalities relating to sidewalk vending; and

(b) Recommend approaches to improve the laws of this State and the cities and counties of this State to:

(1) Legalize sidewalk vending;

(2) Simplify and standardize the laws governing sidewalk vending;

(3) Remove unnecessary barriers to sidewalk vending;

(4) Protect the public health, safety and welfare by ensuring sidewalk vendors follow clear and narrowly tailored laws which address demonstrable health, safety and welfare risks; and

(5) Develop enforcement mechanisms, including, without limitation, civil penalties for sidewalk vendors that operate in ~~[prohibited]~~ authorized areas.

2. On or before September 1 of each even-numbered year, the Task Force shall submit to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission a written report. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation ~~[.]~~ and regulations.

Sec. 15. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 24.5, inclusive, of this act.

Sec. 16. ***The provisions of sections 16 to 24.5, inclusive, of this act apply only to a city in a county whose population is 100,000 or more.***

Sec. 17. ***As used in sections 16 to 24.5, inclusive, of this act, unless the context otherwise requires, ~~[the words and terms defined in sections 18, 19 and 20 of this act have the meanings ascribed to them in those sections.]~~ "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes, without limitation, a nonstationary sidewalk vendor and a stationary sidewalk vendor.***

Sec. 18. ~~***[***"Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to sell food.***]***~~ **(Deleted by amendment.)**

Sec. 19. ~~***[***"Sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a nonmotorized conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. This term includes, without limitation, a roaming sidewalk vendor and a stationary sidewalk vendor.***]***~~ **(Deleted by amendment.)**

Sec. 20. ~~***[***"Stationary sidewalk vendor" means a sidewalk vendor who sells food from a fixed location.***]***~~ **(Deleted by amendment.)**

Sec. 21. ***1. A city council or other governing body of an incorporated city may adopt an ordinance regulating sidewalk vendors in accordance with the requirements of sections 16 to 24.5, inclusive, of this act.***

2. Except as otherwise provided in sections 16 to 24.5, inclusive, of this act, a city council or other governing body of an incorporated city shall not:

(a) Enact or enforce a complete prohibition on sidewalk vendors.

(b) Impose a criminal penalty on the act of sidewalk vending in a residential area.

3. A city council or other governing body of an incorporated city that does not adopt an ordinance that complies or substantially complies with sections 16 to 24.5, inclusive, of this act, shall not cite, fine or prosecute a sidewalk vendor for a violation of any rule or regulation that is inconsistent with the provisions of sections 16 to 24.5, inclusive, of this act.

4. If a city council or other governing body of an incorporated city adopts an ordinance pursuant to this section, the city council or other governing body shall post on its Internet website a map of the zones where a person may engage in the act of sidewalk vending.

Sec. 21.5. *1. ~~[A]~~ Except as otherwise provided in subsection 4, a person shall not sell food or merchandise upon a public sidewalk or pedestrian path from a ~~[nonmotorized]~~ conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack, within 1,500 feet of:*

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A ~~[state historical marker.]~~ median of a highway, if the median is adjacent to a parking lot.

2. For any violation of subsection 1, a city council or other governing body of an incorporated city may impose a criminal, civil or administrative penalty in accordance with an ordinance adopted by the city council or other governing body of an incorporated city pursuant to section 21 of this act. The maximum criminal penalty that may be specified in an ordinance adopted pursuant to section 21 of this act is a misdemeanor. A violation of subsection 1 or such an ordinance does not constitute a crime of moral turpitude.

3. Nothing in this section authorizes a person to sell merchandise 1,500 feet or more from:

(a) A resort hotel, as defined in NRS 463.01865;

(b) An event facility that has seating capacity for at least 20,000 people and is constructed to accommodate a major or minor league sports team;

(c) A convention facility operated by a county fair and recreation board; or

(d) A median of a highway that is adjacent to a parking lot.

4. A person may sell food or merchandise within 1,500 feet of a location described in subsection 1 if the conveyance from which the person is selling food or merchandise is located in an area which is zoned exclusively for

residential use, unless the area is on a public sidewalk or pedestrian path that is immediately adjacent to a location described in subsection 1.

Sec. 22. ***An ordinance adopted by a city council or other governing body of an incorporated city regulating sidewalk vendors pursuant to section 21 of this act may require that a sidewalk vendor:***

1. Hold:

(a) A permit or license for sidewalk vending;

(b) A state business license; and

(c) Any other licenses issued by a state or local governmental agency to the extent otherwise required by law.

➥ Nothing in this section shall be construed to authorize a sidewalk vendor to not comply with any requirement to obtain a state business license or other license issued by a state agency or any permit or license issued by a local government, agency or board of health to the extent otherwise required by law.

2. Submit information to the designated representative of the city relating to his or her operations, including, without limitation:

(a) The name and current mailing address of the sidewalk vendor;

(b) If the sidewalk vendor is an agent of an individual, company, partnership or corporation, the name and business address of the principal office;

(c) A description of the food offered for sale; and

(d) A certification by the sidewalk vendor that, to the best of his or her knowledge and belief, the information submitted pursuant to this section is true.

Sec. 23. ***1. In addition to the provisions of section 22 of this act, an ordinance adopted by a city council or other governing body of an incorporated city that regulates sidewalk vendors may:***

(a) Adopt requirements regulating the time, place and manner of sidewalk vending if the requirements are objectively and directly related to the health, safety or welfare concerns of the public, which may include, without limitation:

(1) Restrictions on the hours of operation of a sidewalk vendor, which may not be more restrictive than any restriction imposed by any applicable ordinance regulating noise or any restriction on the hours of operation imposed on home-based businesses ~~[or other businesses]~~ that are similar to sidewalk vending; and

(2) Requirements to:

(I) Maintain sanitary conditions and comply with the regulations adopted by a local board of health pursuant to section 25 of this act.

(II) Ensure compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

(b) Restrict or prohibit sidewalk vendors from operating:

(1) In areas located within the immediate vicinity of a farmers' market licensed pursuant to NRS 268.092 during the operating hours of the farmers' market.

(2) Within the immediate vicinity of an area designated for a temporary special event by the city council or other governing body of an incorporated city, provided that any notice or other right provided to affected businesses or property owners during the temporary special event is also provided to any sidewalk vendors permitted to operate in the area, if applicable. A prohibition of sidewalk vendors pursuant to this subparagraph must only be effective for the limited duration of the temporary special event.

(3) Within a set distance established by the city council or other governing body of an incorporated city of:

(I) Except as otherwise provided in section 21.5 of this act, an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177;

(II) A food establishment;

(III) A school, child care facility, community center, polling place, religious institution or place of worship or a park or recreational facility owned by the city; or

(IV) A highly trafficked pedestrian mall, convention center or designated entertainment district.

(4) In residential areas, but must not prohibit ~~[roaming]~~ nonstationary sidewalk vendors from operating in such areas.

2. As used in this section:

(a) "Entertainment district" means a contiguous area located within a city that:

(1) Is zoned for or customarily used for commercial purposes; and

(2) Contains any number and combination of restaurants, bars, entertainment establishments, music venues, theaters, art galleries or studios, dance studios or athletic stadiums.

(b) "Pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 24. *1. In accordance with an ordinance adopted pursuant to sections 16 to 24.5, inclusive, of this act, a city council or other governing body of an incorporated city , or a designee of the city council or other governing body, may:*

(a) Suspend or revoke any permit or license for sidewalk vending for any violation of the ordinance or the terms or conditions of the permit or license in the same manner as such suspensions or revocations are imposed for other types of businesses;

(b) Impose a civil penalty on the holder of a permit or license for sidewalk vending that engages in sidewalk vending in a prohibited residential area or for any violation of the terms or conditions of the permit or license in accordance with the schedule of civil penalties set forth in the ordinance, if any;

(c) Impose a civil penalty on a person who engages in sidewalk vending without holding a permit or license for sidewalk vending required by the ordinance in accordance with the schedule of civil penalties set forth in the ordinance, if any; and

(d) Authorize any other action to prevent the sale or consumption of any food or drink that violates any requirements established by a local board of health pursuant to section 25 of this act.

2. For any person who engages in sidewalk vending without holding a permit or license for sidewalk vending or who engages in sidewalk vending in a prohibited area, a city council or other governing body of an incorporated city , or a designee of the city council or other governing body, may also take any other action authorized under existing law to enforce any prohibition on unlicensed business activities, including, without limitation, any action authorized pursuant to section 21.5 of this act.

Sec. 24.5. ***The provisions of sections 16 to 24.5, inclusive, of this act, shall not be construed to:***

1. Exempt a person from complying with any state or local law or regulation; [or]

2. Provide a defense to any criminal charge unrelated to the act of sidewalk vending [.] ; or

3. Affect the rights of a private property owner to use or authorize or limit the use of a sidewalk that is owned by the private property owner, including, without limitation, a privately owned sidewalk that is subject to an easement for public access.

Sec. 25. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A local board of health in a county whose population is 100,000 or more or a city in a county whose population is 100,000 or more shall adopt regulations pursuant to NRS 446.940 regulating sidewalk vendors of food which must, without limitation:

(a) Establish a process for a person to apply to the local board of health for a permit, license or other authorization to operate as a sidewalk vendor;

(b) Provide for a person applying for a permit, license or other authorization for sidewalk vending to pay any fees required by the local board of health using a payment plan; [and]

(c) Establish procedures for a person seeking to operate as a sidewalk vendor who does not have a drivers' license or identification card issued by this State or another State, the District of Columbia or any territory of the United States to obtain any certification required by the local board of health as a food handler [.] ; and

(d) Include any other regulation determined to be necessary by the Task Force on Safe Sidewalk Vending pursuant to section 14 of this act.

2. As used in this section [:]

[(a) "Roaming sidewalk vendor" means a sidewalk vendor who moves from place to place and stops only to sell food.

~~*(b) "Sidewalk"*~~ ***, "sidewalk vendor" means a person who sells food upon a public sidewalk or other pedestrian path from a ~~[nonmotorized]~~ conveyance, including, without limitation, a pushcart, stand, display, pedal-driven cart, wagon, showcase or rack. The term includes a ~~[roaming]~~ nonstationary sidewalk vendor and a stationary sidewalk vendor.***

~~*[(c) "Stationary sidewalk vendor" means a sidewalk vendor who sells food from a fixed location.]*~~

Sec. 26. Any ordinance, regulation or rule of a county or city which conflicts with the provisions of this act is void and unenforceable.

Sec. 26.5. Each local board of health in a county whose population is 100,000 or more and local board of health of a city in a county whose population is 100,000 or more shall adopt the regulations required by section 25 of this act on or before ~~[January 1, 2024.]~~ **December 31, 2025.**

Sec. 27. (Deleted by amendment.)

Sec. 27.5. The amendatory provisions of this section and sections 2 to 11, inclusive, and 16 to 26.5, inclusive, of this act are not severable. If any provision of this section or sections 2 to 11, inclusive, or 16 to 26.5, inclusive, of this act, or any application thereof to any person, thing or circumstance is held invalid, the other provisions of this section and sections 2 to 11, inclusive, and 16 to 26.5, inclusive, of this act become ineffective.

Sec. 28. 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. 29. 1. This section and sections ~~[26]~~ **26.5** to 28, inclusive, of this act become effective upon passage and approval.

2. Sections 12, 13 and 14 of this act become effective:

(a) Upon passage and approval for the purpose of appointing members of the Task Force on Safe Sidewalk Vending and performing any other preparatory administrative tasks **that are necessary** to carry out the provisions of sections 12, 13 and 14 of this act; and

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

3. **Sections 7.5, 21.5 and 26 of this act become effective:**

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

(b) On October 15, 2023, for all other purposes.

4. Sections 1 to ~~[11,]~~ **7,** inclusive, ~~[and]~~ **8, 10, 11,** 15 to **22, inclusive, 24, 24.5 and** 25 ~~[, inclusive,]~~ of this act become effective on January 1, 2024.

5. Sections 9 and 23 of this act become effective:

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

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

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 634.

AN ACT relating to vehicles; revising provisions relating to certain traffic and related violations; revising provisions relating to the suspension of the driver's license of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2021 Legislative Session, the Legislature enacted Assembly Bill No. 116 (A.B. 116), which established civil penalties for certain traffic and related violations and enacted procedures for the adjudication of such violations. (Assembly Bill No. 116, chapter 506, Statutes of Nevada 2021, at page 3297) The procedures for the adjudication of civil infractions prescribed by A.B. 116 were based, in part, on the procedures for the adjudication of criminal violations prescribed by chapter 176 of NRS.

During the 2021 Legislative Session, the Legislature also enacted Senate Bill No. 219 (S.B. 219), which revised certain statutory provisions upon which the requirements prescribed by A.B. 116 were based by removing the authority of a court to suspend the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period as a result of any delinquent fine, administrative assessment, fee or restitution owed. (Senate Bill No. 219, chapter 505, Statutes of Nevada 2021, at page 3292)

Section 2 of this bill makes a technical change to align provisions relating to the adjudication of certain traffic and related civil infractions with the changes made by S.B. 219. Specifically, **section 2** removes the authority of a court to order the suspension of the driver's license of a person or prohibit a person from applying for a driver's license for a specified period as a result of a delinquent fine, administrative assessment or fee associated with a civil penalty imposed for a traffic or related violation. (NRS 484A.7047) **Section 1** of this bill makes a conforming change relating to the removal of the authority of a court to suspend the driver's license of a person pursuant to **section 2**.

Section 3 of this bill provides that if, on or after the effective date of this bill, a person is subject to a suspension of his or her driver's license or a delay in the issuance of a driver's license imposed for failure to pay a delinquent fine, administrative assessment or fee, the Department of Motor Vehicles must: (1) immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license; and (2) notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license. **Section 3** also provides that the Department may not charge any fee for such reinstatement of a driver's

license or require a person to undergo any physical or mental examination to be eligible for such reinstatement of a driver's license.

Existing law prescribes the required contents of traffic citations and civil infraction citations. (NRS 484A.630, 484A.7035) **Sections 1.3 and 1.4** of this bill revise the required contents of such citations.

Existing law provides that the juvenile court has exclusive original jurisdiction over a child who is alleged to have committed an act designated as a delinquent act, unless an exception applies. (NRS 62B.330, 62B.390) Under existing law, certain offenses are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. (NRS 62B.330) Section 2.76 of this bill provides that violations of law that are punishable as civil infractions are not considered delinquent acts and are therefore excluded from the jurisdiction of the juvenile court. Existing law grants justice courts and municipal courts jurisdiction to hear and dispose of violations of law that are punishable as civil infractions. (NRS 4.370, 5.050) Therefore, section 2.76 clarifies that justice courts and municipal courts have jurisdiction to hear and dispose of violations of law that are punishable as civil infractions, regardless of the age of the person alleged to have committed the violation.

Existing law authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a traffic citation is issued for the purpose of enabling the court in which the person is required to appear to communicate with the person. (NRS 484A.630) **Section 1.4** similarly authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a civil infraction citation is issued for the same purpose.

Existing law requires a court to send certain notice to a person who receives a civil infraction citation. (NRS 484A.704) **Section 1.6** of this bill requires this notice to include certain information regarding any online program of dispute resolution established by the court.

Existing law: (1) authorizes certain courts and traffic violations bureaus to establish a system through which certain persons may perform certain actions related to a traffic citation or civil infraction citation; and (2) prescribes certain requirements relating to any such system. (NRS 484A.615) **Section 1.2** of this bill additionally requires any such system to be capable of allowing certain persons to submit the state registration number of the vehicle the person was driving when the citation was issued.

Existing law requires a person who receives a civil infraction citation to respond to the citation within 90 days after the date on which the citation is issued. **Section 1.6** instead requires such a person to respond to the citation within 90 days after the date on which the citation is issued or filed with the court, whichever is later. **Section 1.4** makes a conforming change relating to the revised deadline set forth in **section 1.6**.

Under existing law, if a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set

forth in the citation, the person must respond to the citation by: (1) indicating that the person does not contest the determination; and (2) submitting full payment of the monetary penalty specified in the citation. (NRS 484A.704) **Section 1.6** revises this requirement by authorizing such a person to request that the court waive or reduce the monetary penalty specified in the citation or enter into a payment plan with the person in lieu of requiring the person to submit full payment of the monetary penalty specified in the citation. **Section 1.8** of this bill authorizes the court to waive or reduce the monetary penalty or enter into a payment plan with a person who submits a request pursuant to **section 1.6** under certain circumstances.

Existing law establishes the procedures for a hearing at which a person may contest whether the person committed a violation set forth in a civil infraction citation and generally requires the person to post a bond in an amount equal to the monetary penalty, administrative assessments and fees specified in the civil infraction citation or alternatively deposit such an amount in cash with the court. (NRS 484A.7041) Section 1.7 of this bill revises this requirement to instead require the person to post a bond equal to $50 or the amount of the monetary penalty, administrative assessments and fees specified in the civil infraction citation, whichever is less, or alternatively deposit such an amount in cash with the court. Under existing law, any bond posted or cash deposited with the court must be forfeited upon the court's finding that the person committed a civil infraction. (NRS 484A.7041) Section 1.7 requires the court to enter a default judgment against the person for any amount remaining unsatisfied.

Existing law authorizes a court having jurisdiction over a civil infraction to reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction. (NRS 484A.7043) Section 1.8 clarifies that the court is not required to hold a hearing before reducing a moving violation to a nonmoving violation.

Under existing law, any civil penalty assessed against a person who is found to have committed a civil infraction must be paid to: (1) the treasurer of the city in which the civil infraction occurred; or (2) if the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred. (NRS 484A.7043) **Section 1.8** instead requires any such civil penalty to be paid to the treasurer of the city or county, as applicable, in which the civil infraction citation was filed.

Existing law: (1) authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction; and (2) provides a procedure for making such an election. Pursuant to this procedure, existing law requires the prosecuting attorney to make the election on or before the time scheduled for the first appearance of the defendant. (NRS 484A.7049) **Section 2.2** of this bill: (1) authorizes the prosecuting attorney to make the election at any time before the court enters a

judgment of conviction; and (2) eliminates certain procedural requirements relating to making such an election. **Section 2.2** also authorizes the district attorney or city attorney of any county or city, respectively, to authorize a traffic enforcement agency over whom the district attorney or city attorney has jurisdiction to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction.

Existing law authorizes a peace officer to arrest a person without a warrant if the peace officer has reasonable cause for believing that the person has committed homicide by vehicle, certain offenses involving driving under the influence and certain other traffic and related offenses. (NRS 484A.710) **Section 2.6** of this bill authorizes a peace officer who has reasonable cause for believing that a person has committed a violation for which existing law authorizes the peace officer to arrest a person to also arrest the person without a warrant for an offense that is punishable as a civil infraction. **Section 2.4** of this bill makes a conforming change relating to arrests authorized by **section 2.6**.

Existing law provides certain persons with immunity from liability for certain acts or omissions under certain circumstances. (Chapter 41 of NRS) **Section 2.7** of this bill provides that a prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by the imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State. **Sections 2.72 and 2.74** of this bill make conforming changes to indicate the proper placement of **section 2.7** in the Nevada Revised Statutes.

Section 2.8 of this bill authorizes a board of county commissioners to provide by ordinance that a violation of a traffic ordinance enacted by the board imposes a civil penalty instead of a criminal sanction.

Section 2.9 of this bill requires the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, to: (1) study best practices for developing and implementing a standardized, statewide uniform civil infraction citation; and (2) submit its findings and recommendations for legislation to the Joint Interim Standing Committee on the Judiciary. **Section 2.95** of this bill requires justice courts and municipal courts, on or before January 1, 2024, to adopt rules governing the practice and procedure for setting aside a default judgment in an action relating to a civil infraction.

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

Section 1. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➥ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 **.** ~~[or 484A.7047.]~~

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from ***:*** ~~[any of the following:]~~

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section ~~[.]~~ ***;***

(2) A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable ~~[, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.]~~ ***; or***

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 1.2. NRS 484A.615 is hereby amended to read as follows:

484A.615 1. A court having jurisdiction over an offense for which a traffic citation must be issued pursuant to NRS 484A.630 or that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection 6, the court or traffic violations bureau may allow:

(a) A person who has been issued a traffic citation or a civil infraction citation that is filed with the court or traffic violations bureau to perform certain actions approved by the court or traffic violations bureau, including,

without limitation, to make a plea and state his or her defense or, if authorized, any mitigating circumstances, by mail, by electronic mail, over the Internet or by other electronic means.

(b) A peace officer who issued a civil infraction citation to a person or, if the provisions of NRS 484A.7049 apply, a peace officer who halted a person, to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath by mail, by electronic mail, over the Internet or by other electronic means in lieu of his or her personal appearance at the hearing held pursuant to NRS 484A.7041 to contest the determination that the person who has been issued the civil infraction citation committed a civil infraction.

2. Except as otherwise provided in subsection 6, if a court or traffic violations bureau has established a system pursuant to subsection 1, the court or traffic violations bureau may allow:

(a) A person described in paragraph (a) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea or state his or her defense or, if authorized, any mitigating circumstances in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court.

(b) A peace officer described in paragraph (b) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath in lieu of making a personal appearance in court.

3. Any plea or statement submitted through the system by a person or peace officer pursuant to subsection 2 must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation or civil infraction citation.

4. If a court or traffic violations bureau allows an eligible person to whom a traffic citation or civil infraction citation is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or, if authorized, any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

5. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances or performing any other approved action is the person to whom the traffic citation or civil infraction citation was issued, be capable of requiring the person to submit any of the following information, as applicable, at the discretion of the court or traffic violations bureau:

(1) The traffic citation number or civil infraction citation number;

(2) The name and address of the person;

(3) The state registration number of the ~~[person's]~~ vehicle ~~[,]~~ ***the person was driving when the traffic citation or civil infraction citation was issued,*** if any;

(4) The number of the driver's license of the person, if any;

(5) The offense charged or the civil infraction for which the citation was issued; and

(6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection 7.

(b) For the purposes of authenticating that the peace officer submitting the written statement or performing any other approved action is the peace officer who issued the civil infraction citation, be capable of requiring the peace officer to submit any of the following information at the discretion of the court or traffic violations bureau:

(1) The civil infraction citation number;

(2) The civil infraction for which the citation was issued; and

(3) The first initial, last name and personnel number of the peace officer.

(c) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

(d) If a plea and statement of the defense or mitigating circumstances of a person or a written statement of a peace officer is submitted by electronic mail, over the Internet or by other electronic means:

(1) Confirm receipt of:

(I) The plea and statement to the person making the plea; and

(II) The written statement to the peace officer; or

(2) Make available to:

(I) The person making the plea a copy of the plea and statement; and

(II) The peace officer submitting the written statement a copy of the written statement.

6. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

(a) Aggressive driving in violation of NRS 484B.650;

(b) Reckless driving in violation of NRS 484B.653;

(c) Vehicular manslaughter in violation of NRS 484B.657; or

(d) Driving, operating or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110 or 484C.120, as applicable.

7. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 1.3. NRS 484A.630 is hereby amended to read as follows:

484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS and is not taken before

a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer must prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of the ~~[person's]~~ vehicle ~~[,]~~ ***the person was driving when the citation was issued,*** if any, the number of the person's driver's license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means. The peace officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation.

3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.

4. The person charged with the violation may give his or her written promise to appear in court by signing or physically receiving at least one copy of the traffic citation prepared by the peace officer and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the peace officer shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.

5. If the person charged with the violation refuses to sign a copy of the traffic citation but physically receives a copy of the citation delivered by the peace officer:

(a) The receipt shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the person into physical custody for the violation.

Sec. 1.4. NRS 484A.7035 is hereby amended to read as follows:

484A.7035 1. When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a

civil infraction, ***or, if authorized by a traffic enforcement agency pursuant to NRS 484A.7049, for a violation of certain such provisions that is punishable as a misdemeanor,*** or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with NRS 484A.7049, the peace officer or prosecuting attorney, as applicable, may prepare a civil infraction citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing ***:*** ~~[~~, except as otherwise provided in paragraph (a) of subsection 2 of NRS 484A.7049:~~]~~

(a) A statement that the citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the citation and that the determination will be final unless contested as provided in NRS 484A.703 to 484A.705, inclusive;

(b) A statement that a civil infraction is not a criminal offense;

(c) The name, date of birth, residential address and mailing address, if different from the residential address, telephone number and electronic mail address of the person who is being issued the citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the ~~[~~person's~~]~~ vehicle ~~[~~,~~]~~ ***the person was driving when the citation was issued,*** if any;

(e) The number of the person's driver's license, if any;

(f) The civil infraction for which the citation was issued;

(g) The personnel number or other unique agency identification number of the peace officer issuing the citation ~~[~~and the address and phone number of the agency which employs the peace officer~~]~~ or, if a prosecuting attorney is issuing the citation, the personnel number or other unique agency identification number of the peace officer who halted the person for the violation or the volunteer appointed pursuant to NRS 484B.470 who issued the citation ~~[~~and the address and phone number of the agency which employs the peace officer or volunteer,~~]~~ preprinted or printed legibly on the citation;

(h) A statement of the options provided pursuant to NRS 484A.703 to 484A.705, inclusive, for responding to the citation and the procedures necessary to exercise these options;

(i) A statement that, at any hearing to contest the determination set forth in the citation, the facts that constitute the infraction must be proved by a preponderance of the evidence and the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the citation or halted the person; and

(j) A statement that the person must respond to the citation as provided in NRS 484A.703 to 484A.705, inclusive, within 90 calendar days ~~[~~.~~]~~ ***after the date on which the citation is issued or filed with the court, whichever is later.***

2. ***The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the***

purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means.

3. A peace officer who issues a civil infraction citation pursuant to subsection 1 shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

~~[3.]~~ ***4.*** A civil infraction citation may be served by delivering a copy of the citation to the person charged with the civil infraction pursuant to this section or NRS 484A.7049. The acceptance of a civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 1.6. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049 shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued ~~[.]~~ ***or filed with the court, whichever is later.***

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting ~~[full]~~ ***in person, by mail or through the Internet or other electronic means:***

(a) Full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau ~~[, in person, by mail or through the Internet or other electronic means.]~~ ***; or***

(b) A request that the court waive or reduce the monetary penalty or enter into a payment plan with the person, if the person believes that full payment of the monetary penalty and administrative assessment is excessive in relation to his or her financial resources or is not within his or her present financial ability to pay. Such a request must include any supporting documentation.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but

the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in ~~[this]~~ subsection ~~[,]~~ ***5,*** not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person ~~[, a]~~ ***:***

(a) A reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued ~~[.]~~ ***or filed with the court, whichever is later; and***

(b) If the court has established an online program of dispute resolution, notice of the availability of the program and instructions for participation in the program.

5. If the person agreed to receive communications relating to the civil infraction by text message, the court may send ~~[such a]~~ ***the*** notice ***required by subsection 4*** to the telephone number of the person as indicated on the civil infraction citation.

6. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued ~~[,]~~ ***or filed with the court, whichever is later,*** the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

~~[5.]~~ ***7.*** If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

~~[6.]~~ ***8.*** In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection ~~[5]~~ ***7*** shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

~~[7.]~~ ***9.*** If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 1.7. **NRS 484A.7041 is hereby amended to read as follows:**

484A.7041 1. If, pursuant to subsection 3 of NRS 484A.704, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.

2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond equal to ***$50 or*** the amount of the full payment of the monetary penalty, the administrative assessment and any fees specified in the civil infraction citation ~~[.]~~ ***, whichever is less.*** In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. ~~[Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon]~~ ***Upon*** the court's finding that the person committed the civil infraction ~~[.]~~ ***:***

(a) Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited; and

(b) The court shall enter a default judgment against the person for any amount remaining unsatisfied.

3. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with ~~[this]~~ subsection ~~[.~~ ~~3.]~~ ***2.***

4. The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.

~~[4.]~~ ***5.*** A hearing conducted pursuant to this section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the peace officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the peace officer. If the court has established a system pursuant to NRS 484A.615, the peace officer may, if authorized by the court, use the system to submit such a statement. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the peace officer who issued the citation, and has the right to present evidence and examine witnesses present in court.

~~[5.]~~ ***6.*** After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order pursuant to NRS 484A.7043.

~~[6.]~~ ***7.*** An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court or justice court, as applicable, except that:

(a) The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order pursuant to NRS 484A.7043;

(b) If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay pursuant to NRS 484A.7043. Any bond must be forfeited if the order of the court is affirmed on appeal; and

(c) If a prosecuting attorney does not represent the plaintiff during the proceedings in the justice court or municipal court, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.

Sec. 1.8. NRS 484A.7043 is hereby amended to read as follows:

484A.7043 1. Except as otherwise provided in this section, a person who is found to have committed a civil infraction shall be punished by a civil penalty of not more than $500 per violation unless a greater civil penalty is authorized by specific statute. Except as otherwise provided in NRS 484A.792, any civil penalty collected pursuant to NRS 484A.703 to 484A.705, inclusive, must be paid to:

(a) The treasurer of the city in which the civil infraction ~~[occurred;]~~ ***citation was filed;*** or

(b) If the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction ~~[occurred.]~~ ***citation was filed.***

2. If a person is found to have committed a civil infraction, in addition to any civil penalty imposed on the person, the court shall order the person to pay the administrative assessments set forth in NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that the person would be required to pay if the civil penalty were a fine imposed on a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor. If, in lieu of a civil penalty, the court authorizes a person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles, the court must order the person to pay the amount of the administrative assessment that corresponds to the civil penalty for which the defendant would have otherwise been responsible. The administrative assessments imposed pursuant to this subsection must be collected and distributed in the same manner as the administrative assessments imposed and collected pursuant to NRS 176.059, 176.0611, 176.0613 and 176.0623.

3. If the court determines that a civil penalty or administrative assessment ***specified in the civil infraction citation or*** imposed pursuant to this section is:

(a) Excessive in relation to the financial resources of the defendant, the court may waive or reduce the monetary penalty accordingly.

(b) Not within the defendant's present financial ability to pay, the court may enter into a payment plan with the person.

4. A court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, may:

(a) In addition to ordering a person who is found to have committed a civil infraction to pay a civil penalty and administrative assessments pursuant to this section, order the person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles.

(b) Waive or reduce the civil penalty that a person who is found to have committed a civil infraction would otherwise be required to pay if the court determines that any circumstances warrant such a waiver or reduction.

(c) Reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any circumstances warrant such a reduction.

5. Nothing in this section shall be construed to require a court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, to hold a hearing before reducing a moving violation for which a person was issued a civil infraction citation to a nonmoving violation.

Sec. 2. NRS 484A.7047 is hereby amended to read as follows:

484A.7047 1. If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, whether or not the civil penalty, administrative assessment or fee is in addition to any other punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:

(a) Not more than $100, if the amount of the delinquency is less than $2,000.

(b) Not more than $500, if the amount of the delinquency is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is $5,000 or greater.

2. The city or county that is responsible for collecting a delinquent civil penalty, administrative assessment or fee may, in addition to attempting to collect the delinquent amounts through any other lawful means, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amounts owed by a person who is found to have committed a civil infraction. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1 in accordance with the provisions of the contract.

3. If a court finds that a person committed a civil infraction, the civil penalty, administrative assessments and fees prescribed for the civil infraction may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. The court may ~~[:~~

~~(a) Request~~] ***request*** that the city or county in which the court has jurisdiction undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

~~[(b) Order the suspension of the driver's license of the delinquent person. If the delinquent person does not possess a driver's license, the court may prohibit him or her from applying for a driver's license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order pursuant to this paragraph suspending the driver's license of a delinquent person or delaying the ability of a delinquent person to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department a copy of the order. The Department shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the delinquent person's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.~~]

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a justice court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a) or (b).

Sec. 2.2. NRS 484A.7049 is hereby amended to read as follows:

484A.7049 1. A prosecuting attorney may ***, at any time before a court having jurisdiction over the alleged offense enters a judgment of conviction against a defendant,*** elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The ~~[prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:~~

~~(a) Preparing a civil infraction citation in accordance with subsection 1 of NRS 484A.7035 that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau;~~

~~(b) Filing notice of the prosecuting attorney's election with the court having jurisdiction of the underlying criminal charge; and~~

~~(c) Delivering a copy of the notice and citation to the defendant.~~

~~3. Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.]~~ ***district attorney or city attorney of any county or city, respectively, may authorize a traffic enforcement agency over whom the district attorney or city attorney, as applicable, has jurisdiction to elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. If so authorized, a traffic enforcement agency may authorize a peace officer employed by the agency to treat a violation of such provisions as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.***

Sec. 2.4. NRS 484A.705 is hereby amended to read as follows:

484A.705 Notwithstanding any other provision of law, if a person commits a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction while the person is under the influence of alcohol or a controlled substance, the person may ~~[instead]~~ be ~~[charged]~~ ***:***

1. Charged with a misdemeanor ~~[.]~~ ***; and***

2. Arrested, if authorized pursuant to NRS 484A.710.

Sec. 2.6. NRS 484A.710 is hereby amended to read as follows:

484A.710 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed ~~[any]~~ ***:***

(a) Any of the following offenses:

~~[(a)]~~ ***(1)*** Homicide by vehicle;

~~[(b)]~~ ***(2)*** A violation of NRS 484C.110 or 484C.120;

~~[(c)]~~ ***(3)*** A violation of NRS 484C.430;

~~[(d)]~~ ***(4)*** A violation of NRS 484C.130;

~~[(e)]~~ ***(5)*** Failure to stop, give information or render reasonable assistance in the event of a crash resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;

~~[(f)]~~ ***(6)*** Failure to stop or give information in the event of a crash resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;

~~[(g)]~~ ***(7)*** Reckless driving;

~~[(h)]~~ ***(8)*** Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or

~~[(i)]~~ ***(9)*** Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

(b) An offense that is punishable as a civil infraction, if the officer has reasonable cause for believing that the person has committed an offense listed in paragraph (a).

2. Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750.

Sec. 2.65. NRS 484A.760 is hereby amended to read as follows:

484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in ~~[paragraphs (a) to (e),]~~ ***subparagraphs (1) to (5),*** inclusive, of ***paragraph (a) of*** subsection 1 of NRS 484A.710, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively, or physically receiving a copy of the traffic citation, as provided in NRS 484A.630.

Sec. 2.7. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

A prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State.

Sec. 2.72. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive ~~[.]~~ ***, and section 2.7 of this act:***

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in chapter 388C of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 333.700; and

(b) Contracts to provide medical services for the Department of Corrections.

➥ As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

Sec. 2.74. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, ***and section 2.7 of this act,*** 485.318, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.010 or the limitations of NRS 41.032 to 41.036, inclusive. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, ***and section 2.7 of this act,*** subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the State. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose

or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon:

(a) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(b) The person serving in the office of administrative head of the named agency.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

Sec. 2.76. **NRS 62B.330 is hereby amended to read as follows:**

62B.330 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction over a child living or found within the county who is alleged or adjudicated to have committed a delinquent act.

2. For the purposes of this section, a child commits a delinquent act if the child:

(a) Violates a county or municipal ordinance other than those:

(1) Specified in paragraph (f) or (g) of subsection 1 of NRS 62B.320;

(2) Concerning an offense related to tobacco; or

(3) Relating to the consumption or possession of alcohol or the possession of 1 ounce or less of marijuana that are punishable pursuant to paragraph (a) of subsection 1 of NRS 62E.173.

(b) Violates any rule or regulation having the force of law; or

(c) Commits an act designated a criminal offense pursuant to the laws of the State of Nevada.

3. For the purposes of this section, each of the following acts shall be deemed not to be a delinquent act, and the juvenile court does not have jurisdiction over a person who is charged with committing such an act:

(a) Murder or attempted murder and any other related offense arising out of the same facts as the murder or attempted murder, regardless of the nature of the related offense, if the person was 16 years of age or older when the murder or attempted murder was committed.

(b) A felony resulting in death or substantial bodily harm to the victim and any other related offense arising out of the same facts as the felony, regardless of the nature of the related offense, if:

(1) The felony was committed on the property of a public or private school when pupils or employees of the school were present or may have been present, at an activity sponsored by a public or private school or on a school bus while the bus was engaged in its official duties; and

(2) The person intended to create a great risk of death or substantial bodily harm to more than one person by means of a weapon, device or course of action that would normally be hazardous to the lives of more than one person.

(c) A category A or B felony and any other related offense arising out of the same facts as the category A or B felony, regardless of the nature of the related offense, if the person was at least 16 years of age but less than 18 years of age when the offense was committed, and:

(1) The person is not identified by law enforcement as having committed the offense and charged before the person is at least 20 years, 3 months of age, but less than 21 years of age; or

(2) The person is not identified by law enforcement as having committed the offense until the person reaches 21 years of age.

(d) ***A violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.***

(e) Any other offense if, before the offense was committed, the person previously had been convicted of a criminal offense.

Sec. 2.8. NRS 244.3575 is hereby amended to read as follows:

244.3575 A board of county commissioners may by ordinance provide that ~~[the]~~ ***:***

1. The violation of a specific ordinance regulating parking imposes a civil penalty in an amount not to exceed $155, instead of a criminal sanction.

2. A violation of a traffic ordinance enacted by the board of county commissioners pursuant to NRS 484A.400 imposes a civil penalty in an amount not to exceed $500, instead of a criminal sanction.

Sec. 2.9. On or before July 1, 2024, the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, shall:

1. Study uniform civil infraction citations used in different states to determine best practices for developing and implementing a standardized, statewide uniform civil infraction citation in this State ~~[,]~~ **that may be issued through the electronic traffic citation system developed pursuant to NRS 484B.830;** and

2. Submit its findings and any recommendations for legislation resulting from the study to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.

Sec. 2.95. On or before January 1, 2024, the justice courts and municipal courts in this State shall adopt rules governing the practice and procedure for setting aside a default judgment entered in an action initiated pursuant to NRS 484A.703 to 484A.705, inclusive.

Sec. 3. 1. If, on or after the effective date of this act, a person is subject to:

(a) A suspension of his or her driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047; or

(b) A court order delaying the issuance of a driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047,

➥ as that section existed before the effective date of this act, the Department of Motor Vehicles shall immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license, as applicable, and shall notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license, as applicable.

2. The Department of Motor Vehicles may not:

(a) Charge any fee for the reinstatement of the driver's license of a person in accordance with this section; or

(b) Require a person to undergo any physical or mental examination pursuant to NRS 483.330 or 483.495 to be eligible for reinstatement of his or her driver's license.

Sec. 4. The amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 601.

AN ACT relating to the Nevada Interscholastic Activities Association; prohibiting the Association from taking adverse action against a person or school for certain activities; revising provisions governing the eligibility of pupils who transfer schools to participate and practice in a sanctioned sport or other interscholastic event; revising provisions governing the process of appealing certain decisions to the Executive Director of the Association; authorizing the appeal of certain decisions or orders made pursuant to regulations adopted by the Association to the State Board of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Interscholastic Activities Association controls, supervises and regulates all interscholastic athletic events and other interscholastic events in public schools and governs, among other matters, the eligibility and participation of certain children in interscholastic activities and events. (NRS 385B.050, 385B.060, 385B.130) Under existing regulations, any pupil who transfers to another school is presumed ineligible to participate in any sanctioned sport at the school to which the pupil transfers for 180 school days. (NAC 385B.716) **Section 1.5** of this bill ~~[provides that a pupil who transfers to a charter school or school that uses a lottery system to determine which pupils may enroll is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers. Section 1.5 additionally]~~ authorizes a pupil who transfers from one **type of** school to ~~[another]~~ **a** school **of a different type** to elect, once in his or her lifetime, to be immediately eligible ~~[. Section 2 of this bill makes a conforming change to prohibit school districts, public schools and private schools from making regulations, rules, policies, procedures or requirements governing the eligibility and participation of such pupils in interscholastic activities and events that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada~~

~~Interscholastic Activities Association.]~~ **to participate and practice in a sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers.**

Existing law authorizes a pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Association by an administrator, a panel of principals or the Executive Director of the Association to appeal the decision or order to a hearing officer appointed by the Executive Director. (NRS 385B.100) **Section 1.3** of this bill authorizes a person or school who is aggrieved by a decision or order of the hearing officer to appeal to the State Board of Education. **Section 1.1** of this bill makes a conforming change to prohibit the stay of a decision of the State Board in the same manner as a decision of the Association.

Section 1 of this bill prohibits the Association from penalizing, retaliating against or taking adverse action against a school or person for: (1) participating in the legislative process; or (2) advocating for or against any policy before a public body.

Section 3 of this bill requires the Nevada Interscholastic Activities Association to amend its rules and regulations to conform to the provisions of **sections** ~~[1.3-2]~~ **1.3 and 1.5** on or before June 30, 2024.

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

Section 1. Chapter 385B of NRS is hereby amended by adding thereto a new section to read as follows:

The Nevada Interscholastic Activities Association shall not penalize, retaliate against or otherwise take any adverse action against a school or person for:

1. Participating in the legislative process; or

2. Advocating for or against any policy before a public body.

Sec. 1.1. NRS 385B.090 is hereby amended to read as follows:

385B.090 1. The rules and regulations of the Nevada Interscholastic Activities Association adopted pursuant to NRS 385B.060 must provide for adequate review procedures to determine and review disputes arising in regard to the Association's decisions and activities.

2. A decision of the Nevada Interscholastic Activities Association **,** ~~[or]~~ a decision of a person designated by the Association to review and make final decisions on disputes on behalf of the Association pursuant to the rules and regulations adopted pursuant to NRS 385B.060 ***or a decision of the State Board on a matter which is appealed to the State Board pursuant to NRS 385B.100*** must not be stayed by a court pending the court's final judgment on the matter.

Sec. 1.3. NRS 385B.100 is hereby amended to read as follows:

385B.100 1. Any pupil or school that is aggrieved by a final decision or order made pursuant to a regulation adopted by the Nevada Interscholastic Activities Association by:

(a) An administrator of a school district who is responsible for interpreting and enforcing the regulations adopted by the Nevada Interscholastic Activities Association;

(b) A panel of principals chosen from schools located in a school district; or

(c) The Executive Director,

➥ may file a written appeal with the Executive Director. The Executive Director shall appoint a hearing officer to review the decision or order that is the subject of the appeal.

2. A hearing officer appointed pursuant to subsection 1 shall issue a decision or order in writing and shall cause a copy of the decision or order to be served on each party to the appeal or counsel for the party. The decision or order must include a summary of the appeal that includes:

(a) A statement of the relevant facts;

(b) A statement of the issues presented and the opposing arguments of the parties;

(c) An analysis of the arguments; and

(d) The conclusion of the hearing officer.

3. Not later than 10 days after the issuance of the decision or order of the hearing officer, the Executive Director shall cause a copy of the summary required by subsection 2 to be posted on the Internet website of the Nevada Interscholastic

Activities Association. The summary must be redacted as necessary to prevent the identification of any person involved in the appeal who is less than 18 years of age, which information is confidential. The redacted summary is a public record and must be open to public inspection as provided in NRS 239.010.

4. ***Any pupil or school that is aggrieved by a decision or order of the hearing officer may appeal to the State Board within 30 days after the decision or order of the hearing officer. The State Board may affirm, modify or reverse the decision or order of the hearing officer.***

5. As used in this section, "Executive Director" means the Executive Director of the Nevada Interscholastic Activities Association.

Sec. 1.5. NRS 385B.130 is hereby amended to read as follows:

385B.130 1. Any rules and regulations adopted by the Nevada Interscholastic Activities Association governing the eligibility of a pupil who transfers from one school to another school to participate in an interscholastic activity or event must apply equally to public schools and to private schools that are members of the Association.

2. Notwithstanding any provision of law to the contrary, a pupil who is ~~*[:*~~ ~~*(a) Is]*~~ a child of a military family and transferred schools pursuant to the provisions of chapter 388F of NRS ~~*[:*~~

~~*(b) Transfers to a charter school; or*~~

~~*(c) Transfers to a school that uses a lottery system to determine which pupils may enroll,*~~

~~.]~~ is immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers.

3. Notwithstanding any provision of law to the contrary, a pupil who transfers from one type of school , including, without limitation, a public school, charter school or private school, to ~~[another]~~ a school of a different type who would not otherwise be immediately eligible to participate and practice in a sanctioned sport or other interscholastic activity or event at the school to which the pupil transfers as a result of the transfer may, not more than once in his or her lifetime, elect to be immediately eligible to participate and practice in any sanctioned sport or other interscholastic activity or event at a school to which the pupil transfers.

Sec. 2. ~~[NRS 385B.170 is hereby amended to read as follows:~~

~~"385B.170 A school district, public school or private school shall not prescribe any regulations, rules, policies, procedures or requirements governing the:~~

~~1. Eligibility of homeschooled children , children who transfer to a charter school, children who transfer to a school that uses a lottery system to determine which pupils may enroll or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS to participate in interscholastic activities and events pursuant to this chapter; or~~

~~2. Participation of homeschooled children , children who transfer to a charter school, children who transfer to a school that uses a lottery system to determine which pupils may enroll or children of a military family who transferred schools pursuant to the provisions of chapter 388F of NRS in interscholastic activities and events pursuant to this chapter,~~

~~" that are more restrictive than the provisions governing eligibility and participation prescribed by the Nevada Interscholastic Activities Association pursuant to NRS 385B.060 and 385B.130.]~~ **(Deleted by amendment.)**

Sec. 3. The Nevada Interscholastic Activities Association shall, on or before June 30, 2024, amend its rules and regulations as necessary to conform to the provisions of sections 1.3 ~~[,]~~ **and** 1.5 ~~[and 2]~~ of this act.

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

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 602.

AN ACT relating to interscholastic activities; prohibiting certain persons from requiring a pupil to participate in certain out-of-school activities as a condition of participating in a sanctioned sport or spirit squad at a school; providing for a system of progressive discipline for certain violations;

requiring certain persons to submit a report concerning any association with an out-of-school activity relating to a sanctioned sport or spirit squad; requiring certain school employees to notify a pupil and the parent or legal guardian of the pupil of certain rights afforded to the pupil before the pupil participates in a sanctioned sport or other interscholastic activity or event; providing for additional eligibility for certain pupils to participate in certain interscholastic activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations as is necessary to govern interscholastic activities and events in this State. (NRS 385B.060) Existing regulations: (1) authorize a coach of a school to assist a pupil in voluntarily participating in an activity related to a sanctioned sport that is conducted during a period that is not the season for the sanctioned sport under certain circumstances; and (2) prohibit such participation from being a condition for qualifying for a team or for accepting the pupil as a member of a team during the season for the sanctioned sport. (NAC 385B.370) **Section 3** of this bill codifies that prohibition into law and, if a person is found to have violated this prohibition, authorizes the Executive Director of the Association to prohibit the person from coaching, managing or otherwise being associated with a sanctioned sport or spirit squad at a school for not more than 1 year. **Section 3** also requires the Association to adopt regulations prescribing a system of progressive discipline for violations of **section 4 or 5** of this bill.

Section 4 of this bill requires each coach, manager or other person associated with a sanctioned sport or spirit squad at a school that is affiliated with or a member of the Association to submit to the Executive Director of the Association an annual report that includes certain information concerning whether the coach, manager or other person also coaches, manages or is otherwise associated with an out-of-school activity related to the same sanctioned sport or spirit squad at the school.

Section 5 of this bill requires the coach, manager or director of a sanctioned sport or other interscholastic activity or event at a school, before a pupil participates in a sanctioned sport or other interscholastic activity or event and annually thereafter, to notify each participating pupil and his or her parent or legal guardian of certain rights afforded to the pupil while participating in the sanctioned sport or other interscholastic activity or event. **Section 5** requires the Association to prescribe the form and contents of such notification.

Section 2 of this bill defines the term "out-of-school activity" for the purpose of **sections 3-5**. **Section 6** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Existing regulations provide that a pupil is eligible to participate in a sanctioned sport for not more than 8 consecutive semesters and 4 seasons. (NAC 385B.708) On March 12, 2020, the Governor of the State of Nevada issued the Declaration of Emergency for COVID-19. On May 20, 2022, the Governor issued the Proclamation Terminating Declaration of Emergency

Related to COVID-19. **Section 7** of this bill provides that a pupil who was enrolled in grade 9, 10, 11 or 12 at any time during the state of emergency is eligible to participate in any sanctioned sport, spirit squad or other interscholastic activity for which the rules governing eligibility are established by the Nevada Interscholastic Activities Association or the board of trustees of a school district for at least 10 consecutive semesters and 5 seasons ~~[.]~~ **if the pupil has not completed the credits required to graduate and receive a high school diploma.**

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

Section 1. Chapter 385B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***"Out-of-school activity" means an activity that is not associated with a school, including, without limitation, a club team or athletic camp or program.***

Sec. 3. ***1. A coach, manager or other person associated with a sanctioned sport or spirit squad at a school shall not:***

(a) Condition qualification for a team or acceptance of a pupil as a member of a team for the sanctioned sport or spirit squad on the participation of the pupil in an out-of-school activity; or

(b) Otherwise compel the participation of a pupil in an out-of-school activity.

2. If a person violates subsection 1, the Executive Director of the Nevada Interscholastic Activities Association may prohibit the person from coaching, managing or otherwise being associated with a sanctioned sport or spirit squad at a school for not more than 1 year from the date on which the person was found to have violated subsection 1.

3. The Nevada Interscholastic Activities Association shall adopt:

(a) Regulations prescribing a system of progressive discipline for violations of section 4 or 5 of this act that ends in the permanent prohibition on a person who has committed such violations being associated with a sanctioned sport or spirit squad at a school.

(b) Any other regulations necessary to carry out the provisions of this section and sections 4 and 5 of this act.

4. As used in this section, "spirit squad" includes, without limitation, any cheer, student, dance, drill, pom or mascot group of a school that is authorized to participate in interscholastic activities and events pursuant to NRS 385B.065.

Sec. 4. ***1. On or before July 1 of each year, each coach, manager or other person who is associated with a sanctioned sport or spirit squad shall submit a report to the Executive Director of the Nevada Interscholastic Activities***

Association that includes information about whether the coach, manager or other person also coaches, manages or is otherwise associated with an out-

of-school activity related to the same sanctioned sport or spirit squad at the school. The report must include, for the immediately preceding school year:

(a) The name of the person;

(b) The number of pupils who:

(1) Are members of a team that participates in a sanctioned sport or spirit squad at the school and is coached or managed by the person, or with whom the person is otherwise associated; and

(2) Participate in an out-of-school activity related to the sanctioned sport or spirit squad that is coached or managed by the person, or with whom the person is otherwise associated;

(c) The number of pupils who:

(1) Tried out for a team that participates in a sanctioned sport or spirit squad at the school and is coached or managed by the person, or with whom the person is otherwise associated;

(2) Were not accepted as a member of that team or spirit squad; and

(3) Do not participate in an out-of-school activity related to the sanctioned sport or spirit squad that is coached or managed by the person, or with whom the person is otherwise associated;

(d) The number of pupils who:

(1) Tried out for a team that participates in a sanctioned sport or spirit squad at the school and is coached or managed by the person, or with whom the person is otherwise associated;

(2) Were accepted as a member of that team or spirit squad; and

(3) Do not participate in an out-of-school activity related to the sanctioned sport or spirit squad that is coached or managed by the person, or with whom the person is otherwise associated;

(e) The percentage of pupils on a team that participates in a sanctioned sport or spirit squad at the school that is coached or managed by the person, or with whom the person is otherwise associated, who also participate in an out-of-school activity that is coached or managed by the person, or with whom the person is otherwise associated; and

(f) Any other information required by the Nevada Interscholastic Activities Association to ensure compliance with subsection 1 of section 3 of this act.

2. If the Nevada Interscholastic Activities Association requires the use of an electronic system for the registration of pupils to participate in a sanctioned sport or spirit squad or coaches, managers or other persons who are associated with a sanctioned sport or spirit squad, the Nevada Interscholastic Activities Association must provide for the submission of the report required pursuant to subsection 1 and the provision of notice pursuant to section 5 of this act through the electronic system.

3. As used in this section, "spirit squad" includes, without limitation, any cheer, student, dance, drill, pom or mascot group of a school that is authorized to participate in interscholastic activities or events pursuant to NRS 385B.065.

Sec. 5. ***1. Before a pupil participates in a sanctioned sport or other interscholastic activity or event at a school, and annually thereafter, the coach, manager or director of the sanctioned sport or other interscholastic activity or event shall notify each participating pupil and his or her parent or legal guardian of the rights of the pupil while the pupil is participating in the sanctioned sport or other interscholastic activity or event, including, where applicable, that a person may not:***

(a) Compel the participation of the pupil in an out-of-school activity; and

(b) Condition qualification for a team or acceptance of the pupil as a member of a team that participates in a sanctioned sport or spirit squad at the school on participation of the pupil in an out-of-school activity.

2. The Nevada Interscholastic Activities Association shall prescribe the form and contents of the notice required to be provided to a pupil pursuant to subsection 1.

3. As used in this section, "spirit squad" includes, without limitation, any cheer, student, dance, drill, pom or mascot group of a school that is authorized to participate in interscholastic activities or events pursuant to NRS 385B.065.

Sec. 6. NRS 385B.010 is hereby amended to read as follows:

385B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 385B.015 to 385B.045, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. 1. A pupil who was enrolled in grade 9, 10, 11 or 12 in a school, as defined in NRS 385B.040, at any time between March 12, 2020, and May 19, 2022, is eligible to participate in any sanctioned sport, spirit squad or other interscholastic activity for which the rules governing eligibility are established by the Nevada Interscholastic Activities Association or the board of trustees of a school district for at least 10 consecutive semesters and 5 seasons if the pupil ~~[otherwise]~~ **:**

(a) Has not completed the credits required to graduate and receive a high school diploma; and

(b) Otherwise meets the eligibility criteria established for the sanctioned sport, spirit squad or activity.

2. As used in this section:

(a) "Sanctioned sport" has the meaning ascribed to it in NRS 385B.030.

(b) "Spirit squad" has the meaning ascribed to it in section 4 of this act.

Sec. 8. 1. This section becomes effective on passage and approval.

2. Section 7 of this act becomes effective on July 1, 2023.

3. 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 Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 208.

Bill read second time.

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

Amendment No. 626.

AN ACT relating to local governments; requiring the governing body of a county or city to enact ordinances relating to battery-charged fences; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of a county or city to enact ordinances that regulate certain health and safety issues. (NRS 244.355-244.369, 268.409-268.427) **Sections 1 and 2** of this bill require the governing body of a county or city to enact an ordinance that regulates battery-charged fences. **Sections 1 and 2** require that such an ordinance require that a battery-charged fence: (1) be located on property not ~~[zoned exclusively]~~ **designated** for residential use **~~[,]~~ or be located on property designated for residential use that is also located in a rural zoning area or governed by certain provisions of law relating to Lake Tahoe;** (2) use a battery that is not more than 12 volts of direct current; (3) have an energizer that meets the most current standards set forth by the International Electrotechnical Commission; (4) be surrounded by a nonelectric perimeter fence or wall; (5) be not more than a certain height; and (6) be marked with certain conspicuous warning signs located on the battery-charged fence. **Sections 1 and 2** prohibit such an ordinance from: (1) requiring a permit for the installation or use of a battery-charged fence that is in addition to an alarm system permit issued by the county or city; (2) imposing installation or operational requirements for a battery-charged fence that are inconsistent with the standards set forth by the International Electrotechnical Commission; or (3) prohibiting the installation or use of a battery-charged fence.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a board of county commissioners shall enact ordinances regulating battery-charged fences.

2. An ordinance enacted pursuant to this section must, without limitation, require that a battery-charged fence:

(a) Be located on property that ~~[is not zoned exclusively]~~ :

(1) Is not designated for residential use; or

(2) Is designated for residential use and the property:

(I) Is located in a rural zoning area; or

(II) Is governed by the provisions of NRS 278.780 to 278.828, inclusive;

(b) Use a battery that is not more than 12 volts of direct current;

(c) Have an energizer that meets the most current standards set forth by the International Electrotechnical Commission;

(d) Be surrounded by a nonelectric perimeter fence or wall that is at least 5 feet in height;

(e) Not be higher than 10 feet in height or 2 feet higher than the height of the nonelectric perimeter fence or wall described in paragraph (d), whichever is greater; and

(f) Be marked with conspicuous warning signs that are located on the battery-charged fence at intervals of not more than 40 feet and that read: "WARNING: ELECTRIC FENCE."

3. A board of county commissioners, in enacting an ordinance pursuant to this section, may not enact an ordinance that:

(a) Requires a permit for the installation or use of a battery-charged fence that is in addition to any permit that is required to install an alarm system;

(b) Imposes any installation or operational requirement for a battery-charged fence that is inconsistent with the most current standards set forth by the International Electrotechnical Commission; or

(c) Prohibits the installation or use of a battery-charged fence.

4. As used in this section:

(a) "Alarm system" means a device or system that transmits an audible, visual or electronic signal intended to summon or alert law enforcement. The term does not include a system which does not transmit a signal from outside of a building or residence and is intended to alert only occupants of a building or residence.

(b) "Battery-charged fence" means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by a battery.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a city council or other governing body of an incorporated city shall enact ordinances regulating battery-charged fences.

2. An ordinance enacted pursuant to this section must, without limitation, require that a battery-charged fence:

(a) Be located on property that ~~[is not zoned exclusively]~~ :

(1) Is not designated for residential use; or

(2) Is designated for residential use and:

(I) Is located in a rural zoning area; or

(II) Is governed by the provisions of NRS 278.780 to 278.828, inclusive;

(b) Use a battery that is not more than 12 volts of direct current;

(c) Have an energizer that meets the most current standards set forth by the International Electrotechnical Commission;

(d) Be surrounded by a nonelectric perimeter fence or wall that is at least 5 feet in height;

(e) Not be higher than 10 feet in height or 2 feet higher than the height of the nonelectric perimeter fence or wall described in paragraph (d), whichever is greater; and

(f) Be marked with conspicuous warning signs that are located on the battery-charged fence at intervals of not more than 40 feet and that read: "WARNING: ELECTRIC FENCE."

3. A city council or other governing body of an incorporated city, in enacting an ordinance pursuant to this section, may not enact an ordinance that:

(a) Requires a permit for the installation or use of a battery-charged fence that is in addition to any permit that is required to install an alarm system;

(b) Imposes any installation or operational requirement for a battery-charged fence that is inconsistent with the most current standards set forth by the International Electrotechnical Commission; or

(c) Prohibits the installation or use of a battery-charged fence.

4. As used in this section:

(a) "Alarm system" means a device or system that transmits an audible, visual or electronic signal intended to summon or alert law enforcement. The term does not include a system which does not transmit a signal from outside of a building or residence and is intended to alert only occupants of a building or residence.

(b) "Battery-charged fence" means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by a battery.

Sec. 2.5. 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.

Sec. 3. Any ordinance, regulation or rule enacted by a county or city before, on or after July 1, 2023, which conflicts with the provisions of this act is void and unenforceable.

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

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 657.

AN ACT relating to marriage; requiring, under certain circumstances, a county clerk ~~[or county recorder]~~ to issue an amended certificate of marriage to a party to a marriage whose name has changed; eliminating the authority for an applicant for a marriage license to change his or her middle or last name at the time of issuance of a marriage license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if any information in a certificate of marriage is incorrect, the county clerk or the county recorder may charge and collect from a person certain fees for the preparation of an affidavit of correction and the filing of a corrected certificate of marriage. (NRS 122.135) **Section 1.3** of this bill provides that if a marriage was solemnized in this State and a party to the marriage receives a certified copy of a court order from a court of this State or another state, the District of Columbia or any territory of the United States changing the name of the party, the county clerk **of the county where the original marriage license was issued** shall issue an amended certificate of marriage upon receipt of: (1) a certified copy of the original certificate of marriage; (2) a certified copy of the court order; (3) a notarized affidavit of amendment executed by the parties to the marriage; and (4) the applicable fees. **Section 1.6** of this bill sets forth the form for any amended certificate of marriage that is issued pursuant to **section 1.3**.

~~[If the amended]~~ **Existing law authorizes a board of county commissioners of a county whose population is 700,000 or more (currently only Clark County) to adopt an ordinance requiring a** certificate of marriage ~~[is issued by a county recorder or]~~ **to be filed in the office of the** county clerk **.** ~~[of a county other than the county which issued the marriage license,]~~ **(NRS 246.100) If a board of county commissioners has adopted such an ordinance, section 1.9** of this bill requires the ~~[party requesting the amended certificate of marriage]~~ **county clerk** to ~~[, within 10 days after receiving a certified copy of]~~ **file** the amended certificate ~~[, deliver that copy to the county clerk or county recorder, as applicable, of the county where the marriage license was issued. Section]~~ **of marriage in the office of the county clerk within 10 days after its issuance. If a board of county commissioners has not adopted such an ordinance, section 1.9** ~~[also]~~ **instead** requires the ~~[county clerk or county recorder, as applicable,]~~ **party to whom the amended certificate of marriage is issued** to ~~[then record the certified copy of]~~ **file** the amended certificate of marriage ~~[.]~~ **with the county recorder of the county where the original certificate of marriage was recorded within 10 days after its issuance.**

Existing law provides that at the time of issuance of a marriage license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. An applicant for a marriage license may change his or her name pursuant to this provision only at the time of issuance of the license. (NRS 122.040) **Section 2** of this bill eliminates this authority for such a name change

at the time of issuance of a marriage license. **Sections 3 and 4** of this bill make conforming changes to the format of marriage licenses and certificates of marriage to account for the elimination of that authority by **section 2**.

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

Section 1. Chapter 122 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.6 and 1.9 of this act.

Sec. 1.3. ***1. If a marriage was solemnized in this State and a party to the marriage receives a certified copy of a court order from a court of this State or another state, the District of Columbia or any territory of the United States changing the name of the party, the county clerk of the county where the original marriage license was issued to the party shall issue an amended certificate of marriage to that party that sets forth the new name of the party, upon receipt by the county clerk of:***

(a) A certified copy of the original certificate of marriage;

(b) A certified copy of the court order;

(c) A notarized affidavit of amendment prepared by the county clerk and executed by the parties to the marriage; and

(d) The fees required pursuant to subsection 2.

2. The county clerk may charge and collect a fee of not more than $25 for the preparation of the affidavit of amendment pursuant to paragraph (c) of subsection 1. The party requesting the amended certificate of marriage must also pay any fee required pursuant to NRS 246.180 or NRS 247.305, as applicable, for the filing or recording of the amended certificate of marriage.

3. Upon compliance with subsection 1, the county clerk shall issue ~~[a certified copy of]~~ the amended certificate of marriage to the parties to the marriage.

4. The county clerk or county recorder, as applicable, shall maintain as a public record the original certificate of marriage and the amended certificate of marriage issued pursuant to this section.

Sec. 1.6. ***1. An amended certificate of marriage issued pursuant to section 1.3 of this act must be substantially in the following form:***

State of Nevada
Amended Certificate of Marriage

State of Nevada } }
} ss.
County of ..... }

This is to acknowledge that a marriage officiant, did on the ..... day of the month of ..... of the year ....., at ..... (address or church), ... (city), Nevada, join in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and .....

(name), of ..... (city), State of ....., date of birth ....., with their mutual consent, in the presence of at least one witness.

~~[.....~~

(Seal of County Clerk) *~~Signature of County Clerk]~~*

This certificate is issued to reflect an amendment made pursuant to Instrument No. ..... on file at the Office of the ..... County [Clerk or Recorder] and the court order issued in ..... County, State of ....., Case No. .....

The original Certificate of Marriage No. ....., recorded or filed as Instrument No. ....., is on file at the Office of the ..... County [Clerk or Recorder].

2. All information contained in the amended certificate of marriage must be typewritten or legibly printed in black ink, except the signatures.

Sec. 1.9. *1. ~~[Each party who is issued an]~~ If a county clerk issues an amended certificate of marriage pursuant to section 1.3 of this act ~~[by a county recorder or county clerk of a county other than the county where the marriage license was issued shall, within 10 days after receiving a certified copy of the amended certificate of marriage, deliver to:]~~ and the board of county commissioners:*

(a) ~~[If the board of county commissioners has]~~ Has adopted an ordinance pursuant to NRS 246.100, the county clerk ~~[of the county where the marriage license was issued a certified copy of]~~ shall, within 10 days after its issuance, file the amended certificate of marriage ~~[required by section 1.3 of this act.]~~ in the office of the county clerk.

(b) ~~[If the board of county commissioners has]~~ Has not adopted an ordinance pursuant to NRS 246.100, the ~~[county recorder of the county where the marriage license was]~~ party to whom the amended certificate of marriage is issued ~~[a certified copy of the amended certificate of marriage required by section 1.3 of this act.]~~ shall, within 10 days after receipt, file the amended certificate of marriage with the county recorder where the original certificate of marriage was recorded.

2. ~~[The certified copy of an amended certificate of marriage delivered pursuant to this section must be recorded by the county recorder or filed by the county clerk.]~~ For the recording or filing of ~~[a certified copy of]~~ an amended certificate of marriage pursuant to this section, the county recorder or county clerk is entitled to the fees designated in subsection 2 of section 1.3 of this act. ~~[All such fees must be deposited in the county general fund.]~~

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more may, at the request of the county clerk, designate not more than five branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➥ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. When the authorization of a district court is required because the marriage involves a minor, the county clerk shall issue the license if that authorization is given to the county clerk in writing.

6. ~~[At the time of issuance of the license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. The first name of each applicant selected for use by the applicant after solemnization of the marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2. An applicant may change his or her name pursuant to this subsection only at the time of issuance of the license. One or both applicants may adopt:~~

~~(a) As a middle name, one of the following:~~

~~(1) The current last name of the other applicant.~~

~~(2) The last name of either applicant given at birth.~~

~~(3) A hyphenated combination of the current middle name and the current last name of either applicant.~~

~~(4) A hyphenated combination of the current middle name and the last name given at birth of either applicant.~~

~~(b) As a last name, one of the following:~~

~~(1) The current last name of the other applicant.~~

~~(2) The last name of either applicant given at birth.~~

~~(3) A hyphenated combination of the potential last names described in paragraphs (a) and (b).~~

~~7.~~**]** All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

[~~8.~~**]** ***7.*** A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 3. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 **.** **[**~~and the name, if any, selected by each applicant for use after the applicants are joined in marriage.~~**]** The marriage license must be substantially in the following form:

Marriage License
(Expires 1 Year After Issuance)

State of Nevada }
}ss.
County of..... }

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage, notary public or marriage officiant who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080, or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages or any mayor if authorized pursuant to subsection 5 of NRS 122.080, to join in marriage ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Name of Parent No. 1 ..... State of birth of Parent No. 1 (If not in U.S.A., name of country) ..... Name of Parent No. 2 ..... State of birth of Parent No. 2 (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Former Spouse: Deceased ..... Divorced ..... Annulled ..... When ..... Where ..... And ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Name of Parent No. 1 ..... State of birth of Parent No. 1 (If not in U.S.A., name of country) ..... Name of Parent No. 2 ..... State of birth of Parent No. 2 (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Former Spouse: Deceased ..... Divorced ..... Annulled ..... When ..... Where .....; and to certify the marriage according to law. **[**~~After ..... (name) and ..... (name) are joined in marriage, ... wishes to use the name~~

~~..... (New name) and ..... wishes to use the name ..... (New name) OR The parties have not designated any changes of name at the time of issuance of the marriage license.~~**]**

Witness my hand and the seal of the county, this ..... day of the month of ……. of the year .....

.....

(Seal) Clerk

.....

Deputy clerk

Sec. 4. NRS 122.120 is hereby amended to read as follows:

122.120 1. After a marriage is solemnized, the person solemnizing the marriage shall give to each couple being married an uncertified copy of a certificate of marriage.

2. The certificate of marriage must contain the date of birth of each applicant as contained in the form of marriage license pursuant to NRS 122.050. If two persons, regardless of gender, who are spouses of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, the certificate of marriage must state that the persons were rejoined in marriage and that the certificate is replacing a record of marriage which was lost or destroyed or is otherwise unobtainable. The certificate of marriage must be in substantially the following form:

State of Nevada

Marriage Certificate

State of Nevada }

}ss.

County of }

This is to certify that the undersigned, ... (a minister or other church or religious official authorized to solemnize a marriage, notary public, judge, justice of the peace of ..... County, commissioner of civil marriages, deputy commissioner of civil marriages, marriage officiant or mayor, as the case may be), did on the ..... day of the month of ..... of the year ....., at ..... (address or church), ... (city), Nevada, join or rejoin, as the case may be, in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and ..... (name), of ..... (city), State of ....., date of birth ....., with their mutual consent, in the presence of ..... and ..... (witnesses). **[**~~After ..... (name) and ..... (name) are joined or rejoined in marriage, as the case may be, ... (name) wishes to use the name ..... (New name) and ..... (name) wishes to use the name ..... (New name) OR The parties have not designated any changes of name at the time of issuance of the marriage~~

~~license.]~~ (If two persons, regardless of gender, who are the spouses of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the persons who are being rejoined in marriage.)

.....
Signature of person performing
(Seal of County Clerk) the marriage

.....
Name under signature typewritten
or printed in black ink

.....
County Clerk

.....
Official title of person performing
the marriage

.....

.....
Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

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 performing any 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.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 697.

SUMMARY—Revises the qualifications for membership on certain **town** advisory councils and boards. (BDR 21-857)

AN ACT relating to towns; eliminating the requirement that a member of a citizens' advisory council of a town or ~~[a]~~ **certain** town advisory ~~[board]~~

boards be a qualified elector; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that in a county having a population of less than 100,000 (currently all counties other than Clark and Washoe Counties) which has not elected to accept the provisions of the Unincorporated Town Government Law (NRS 269.500-269.625), the board of county commissioners may, under certain circumstances, by ordinance create a citizens' advisory council to act in an advisory and liaison capacity with respect to governing the affairs of an unincorporated town. (NRS 269.011, 269.024, 269.0242) Any such citizens' advisory council must consist of not fewer than three nor more than five members, each of whom must be a resident and qualified elector in the town. (NRS 269.0242) **Section 1** of this bill eliminates the requirement that a member of such a citizens' advisory council be a qualified elector. **Section 1 further requires that a member of such a citizens' advisory council be: (1) a resident of the town; and (2) a citizen of the United States or lawfully entitled to reside in the United States.**

Existing law provides that the Unincorporated Town Government Law applies in a county having a population of 100,000 or more (currently Clark and Washoe Counties) and in any other county in which the board of county commissioners has adopted by ordinance, the Unincorporated Town Government Law. (NRS 269.530) Pursuant to the Unincorporated Town Government Law, the board of county commissioners must provide for a town advisory board in an ordinance which establishes an unincorporated town. Such a town advisory board must consist of three or five qualified electors who are residents of the unincorporated town. (NRS 269.576, 269.577) ~~[Sections]~~ **Existing law further authorizes the board of county commissioners of any county, by resolution, to designate one or more town services to be within the power of a town advisory board to manage. (NRS 269.580) If the board of county commissioners has not made such a designation, sections 2 and 3** of this bill eliminate the requirement that a member of **such** a town advisory board be a qualified elector. **Instead, sections 2 and 3 require that a member of such a town advisory board be: (1) a resident of the unincorporated town; and (2) a citizen of the United States or lawfully entitled to reside in the United States.**

Section 4 of this bill makes a conforming change to revise the declaration of candidacy that must be filed by a candidate for the ~~[office]~~ **position** of a town advisory board ~~[.]~~ **if the members of the town advisory board are not required to be qualified electors pursuant to sections 2 and 3 because the board of county commissioners has not designated one or more services to be within the power of the town advisory board to manage.**

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

Section 1. NRS 269.0242 is hereby amended to read as follows:

269.0242 Any ordinance enacted pursuant to NRS 269.024 must include provisions in substance as follows:

1. The citizens' advisory council must consist of not fewer than three nor more than five members.

2. Each member of the advisory council must be ~~[a]~~ ***:***

(a) A resident ~~[and qualified elector in]~~ ***of*** the town ~~[.]~~ ***; and***

(b) A citizen of the United States or lawfully entitled to reside in the United States.

3. The members of the advisory council must be appointed by the board of county commissioners from a list of a number of qualified persons, equal in number to the number of positions on the advisory council which are to be filled, elected at an informal election. Notice of the election must be posted in accordance with NRS 241.020. The election must be held in the town in November of the year of the general election.

4. The list of names of the persons elected must be presented to the board of county commissioners at their first meeting in December of the year of the general election. The persons appointed to the advisory council shall serve their respective terms at the pleasure of the board.

5. The members of the advisory council first appointed by the board of county commissioners shall serve until the 1st Monday in January following the next general election, and thereafter the terms of office of the members of the advisory council are for 2 years and begin on the 1st Monday in January following each general election.

6. The advisory council shall assist the board of county commissioners in governing the town by acting as liaison between the residents of the town and the board. The advisory council and the board shall cooperate to inform each other of all matters of interest to the town and its residents. The advisory council shall not expend or contract any town money for any purpose.

7. The members of the advisory council shall serve without compensation.

Sec. 2. NRS 269.576 is hereby amended to read as follows:

269.576 1. Except as appointment may be deferred pursuant to NRS 269.563, the board of county commissioners of any county whose population is 700,000 or more shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) Except as otherwise provided in subsection ~~[7,]~~ ***8,*** appointment by the board of county commissioners or the election by the registered voters of the unincorporated town of three or five ~~[qualified electors who are residents of the unincorporated town]~~ ***persons*** to serve as the town advisory board. If the ordinance provides for appointment by the board of county commissioners, in making such appointments, the board of county commissioners shall consider:

(1) The results of any poll conducted by the town advisory board; and

(2) Any application submitted to the board of county commissioners by persons who desire to be appointed to the town advisory board in response to an announcement made by the town advisory board.

(b) A term of 2 years for members of the town advisory board.

(c) Election of a chair from among the members of the town advisory board for a term of 2 years, and, if a vacancy occurs in the office of chair, for the election of a chair from among the members for the remainder of the unexpired term. The ordinance must also provide that a chair is not eligible to succeed himself or herself for a term of office as chair.

2. ***Each member of a town advisory board described in subsection 1 must be:***

(a) If the board of county commissioners has, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A qualified elector.

(b) If the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A citizen of the United States or lawfully entitled to reside in the United States.

3. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** the members of a town advisory board serve at the pleasure of the board of county commissioners.

~~[3.]~~ ***4.*** If a vacancy occurs on the town advisory board, the board of county commissioners shall appoint a new member to serve out the remainder of the unexpired term of the member.

~~[4.]~~ ***5.*** The board of county commissioners shall provide notice of the expiration of the term of a member of and any vacancy on a town advisory board to the residents of the unincorporated town by mail, newsletter or newspaper at least 30 days before the expiration of the term or filling the vacancy.

~~[5.]~~ ***6.*** The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

~~[6.]~~ ***7.*** The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

~~[7.]~~ ***8.*** If an unincorporated town is established in a county whose population is 700,000 or more and is located 25 miles or more from an incorporated city whose population is 500,000 or more:

(a) The board of county commissioners shall by ordinance provide for the election by the registered voters of the unincorporated town of three or five ~~[qualified electors who are residents of the unincorporated town]~~ ***persons*** to serve as the town advisory board. If there are fewer ~~[qualified electors who are]~~ residents of the unincorporated town who file for election to the town advisory board than there are seats on the town advisory board, the board of county commissioners shall appoint as many new members as are necessary to fill the seats left vacant after the election.

(b) The members of the town advisory board of the unincorporated town do not serve at the pleasure of and may not be removed by the board of county commissioners.

9. Each member of a town advisory board described in subsection 8 must be:

(a) If the board of county commissioners has, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A qualified elector.

(b) If the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A citizen of the United States or lawfully entitled to reside in the United States.

Sec. 3. NRS 269.577 is hereby amended to read as follows:

269.577 1. The board of county commissioners of any county whose population is less than 700,000 shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) The appointment by the board of county commissioners or the election by the people of three or five ~~[qualified electors who are residents of the unincorporated town]~~ ***persons*** to serve as the town advisory board.

(b) The removal of a member of the town advisory board if the board of county commissioners finds that the removal of the member is in the best interest of the residents of the unincorporated town.

(c) The appointment by the board of county commissioners of a member to serve the unexpired term of a member of the town advisory board removed pursuant to the provisions of paragraph (b) or whose position otherwise becomes vacant.

2. ***Each member of a town advisory board must be:***

(a) If the board of county commissioners has, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A qualified elector.

(b) If the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

(1) A resident of the unincorporated town; and

(2) A citizen of the United States or lawfully entitled to reside in the United States.

3. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

~~[3.]~~ ***4.*** The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

Sec. 4. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165 and 293.166, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy with the appropriate filing officer and paid the filing fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy required to be filed pursuant to this chapter must be in substantially the following form:

(a) For partisan office:

Declaration of Candidacy of ..... for the
Office of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my

residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

Notary Public or other person
authorized to administer an oath

(b) ~~[For]~~ ***Except as otherwise provided in paragraph (c), for*** nonpartisan office:

Declaration of Candidacy of ..... for the
Office of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at

....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the office; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....
(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

(c) For ~~[office]~~ the position of town advisory board ~~[,]~~ if the board of county commissioners has not, pursuant to NRS 269.580, designated one or more of the services enumerated in NRS 269.575 as properly within the power of the town advisory board to manage:

Declaration of Candidacy of ..... for the
~~[Office]~~ Position of .....

State of Nevada

County of .....

For the purpose of having my name placed on the official ballot as a candidate for the ~~[office]~~ position of ....., I, the undersigned

....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the ~~[City or]~~ Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the ~~[State, district, county, township, city or other area prescribed by law]~~ town to which the ~~[office]~~ position pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this ~~[office;]~~ position; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; ~~[that if I have ever been convicted of treason or a felony, my civil rights have been restored;]~~ that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the ~~[office]~~ position if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the ~~[office;]~~ position; that I understand that knowingly and willfully filing a declaration of candidacy which contains a false statement is a crime punishable as a gross misdemeanor and also subjects me to a civil action disqualifying me from entering upon the duties of the ~~[office;]~~ position; and that I understand that my name will appear on all ballots as designated in this declaration.

.....
(Designation of name)

.....

.....
(Signature of candidate for ~~[office)]~~ position)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

.....
Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration of candidacy must not be accepted for filing if the candidate fails to comply with the following provisions of this subsection or, if applicable, the provisions of subsection 4:

(a) The candidate shall not list the candidate's address as a post office box unless a street address has not been assigned to his or her residence; and

(b) Except as otherwise provided in subsection 4, the candidate shall present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card.

4. If the candidate executes an oath or affirmation under penalty of perjury stating that the candidate is unable to present to the filing officer the proof of residency required by subsection 3 because a street address has not been assigned to the candidate's residence or because the rural or remote location of the candidate's residence makes it impracticable to present the proof of residency required by subsection 3, the candidate shall present to the filing officer:

(a) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate; and

(b) Alternative proof of the candidate's residential address that the filing officer determines is sufficient to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050. The Secretary of State may adopt regulations establishing the forms of alternative proof of the candidate's residential address that the filing officer may accept to verify where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050.

5. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to subsection 3 or 4. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number, driver's license or identification card number or account number of the candidate.

6. By filing the declaration of candidacy, the candidate shall be deemed to have appointed the filing officer for the office ***or position, as applicable,*** as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

7. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

8. The receipt of information by the Attorney General or district attorney pursuant to subsection 7 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182 to which the provisions of NRS 293.2045 apply.

9. Any person who knowingly and willfully files a declaration of candidacy which contains a false statement in violation of this section is guilty of a gross misdemeanor.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 269.

Bill read second time.

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

Amendment No. 667.

AN ACT relating to cruelty to animals; ~~[~~~~prohibiting a person from restraining a dog during any time in which a heat advisory, excessive heat warning, wind chill warning or winter storm warning has been issued for the area; eliminating from provisions relating to animal cruelty~~]~~ **revising certain prohibitions on restraining a dog; revising** certain exemptions that authorize a dog to be restrained in a certain manner or maintained in certain enclosures; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, with certain exceptions, a person from restraining a dog: (1) using certain tethers, chains, ties, trolleys or pulley systems or other devices; (2) using a prong, pinch or choke collar or similar restraint; or (3) for more than 14 hours during a 24-hour period. (NRS 574.100) **Section 1** of this bill prohibits a person from ~~[~~~~also~~~~]~~ restraining a dog ~~[~~~~outdoors during any time in which a heat advisory, excessive heat warning, wind chill warning or winter storm warning has been issued for the area by the National Weather Service.~~~~]~~ **for more than 10 hours during a 24-hour period.**

In addition to the prohibitions on restraining a dog, existing law requires that any pen or other outdoor enclosure that is used to maintain a dog be appropriate

for the size and breed of the dog. Existing law exempts from the limitations on restraining a dog or maintaining a dog in such enclosures circumstances where a dog is: (1) being used lawfully to hunt a species of wildlife in this State during the hunting season for that species; (2) receiving training to hunt a species of wildlife in this State; (3) being kept in a shelter or boarding facility or temporarily in a camping area; (4) temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes; or (5) with a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour. Existing law sets forth graduated criminal penalties depending on whether the offense is a first, second or third and subsequent offense for a violation of certain provisions relating to animal cruelty. (NRS 574.100) **Section 1** eliminates ~~[these exemptions]~~ **the exemption** where a dog is being ~~[used lawfully to hunt a species of wildlife in this State during the hunting season for that species, receiving training to hunt a species of wildlife in this State and temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes]~~ **kept in a boarding facility** so that: (1) the limitations on the restraint and use of outdoor enclosures apply to a dog in such circumstances; and (2) the graduated criminal penalties also apply to such circumstances. **Section 1** further ~~[exempts]~~ **: (1) exempts** from the limitations where a dog is ~~[: (1)]~~ being processed into an animal shelter; ~~[or]~~ **and** (2) ~~[under the direct custody or control of a person, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour, provided a heat advisory, excessive heat warning, wind chill warning or winter storm warning has not been issued for the area by the National Weather Service.]~~ **limits the exemptions where a dog is temporarily being cared for as part of a rescue operation in conjunction with an animal rescue operation or staying in a camping area to a period of less than 1 month.**

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

Section 1. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) Torture or unjustifiably maim, mutilate or kill:

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

(c) Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

(d) Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

(e) Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

(f) Abandon an animal in circumstances other than those prohibited in NRS 574.110. The provisions of this paragraph do not apply to a feral cat that has been caught to provide vaccination, spaying or neutering and released back to the location where the feral cat was caught after providing the vaccination, spaying or neutering. As used in this paragraph, "feral cat" means a cat that has no apparent owner or identification and appears to be unsocialized to humans and unmanageable or otherwise demonstrates characteristics normally associated with a wild or undomesticated animal.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) ~~***[Outdoors, during any time in which a heat advisory or excessive heat warning has been issued for the area by the National Weather Service;***~~

~~***(d) Outdoors, during any time in which a wind chill warning or winter storm warning has been issued for the area by the National Weather Service; or***~~

~~***(e)]***~~ For more than ~~[14]~~ ***10*** hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

~~***[or]***~~

(e) ~~*[(c)]*~~ Being ~~[~~kept in a~~]~~ ***processed into an animal*** shelter ***;*** ~~[~~or boarding facility or temporarily in a camping area;~~]~~

(f) Temporarily ~~[~~being~~]~~ ***for a period of less than 1 month:***

(1) Being cared for as part of a rescue operation ~~[~~or in any other manner~~]~~ in conjunction with ~~[~~a bona fide nonprofit~~]~~ ***an animal rescue*** organization ~~[~~formed for animal welfare purposes; ~~]~~ ***; or***

(2) Staying in a camping area;

(g) ~~*[(d)]*~~ Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; ~~[~~or~~]~~

(h) ~~[~~With ~~*(e)]*~~ ***Under the direct custody or control of*** a person ***,*** ~~[~~having custody or control of the dog,~~]~~ if the person is engaged in a temporary task or activity with the dog for not more than 1 hour ~~[~~*. provided that a heat advisory, excessive heat warning, wind chill warning or winter storm warning has not been issued for the area by the National Weather Service.]*~~ ***; or***

(i) Being walked by a person using a leash.

5. A person shall not:

(a) Intentionally engage in horse tripping for sport, entertainment, competition or practice; or

(b) Knowingly organize, sponsor, promote, oversee or receive money for the admission of any person to a charreada or rodeo that includes horse tripping.

6. A person who willfully and maliciously violates paragraph (a) of subsection 1:

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

7. Except as otherwise provided in subsection 6, a person who violates subsection 1, 2, 3 or 5:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

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

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

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4

consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

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

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

8. In addition to any other fine or penalty provided in subsection 6 or 7, a court shall order a person convicted of violating subsection 1, 2, 3 or 5 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2, 3 or 5 including, without limitation, money expended for veterinary treatment, feed and housing.

9. The court may order the person convicted of violating subsection 1, 2, 3 or 5 to surrender ownership or possession of the mistreated animal.

10. The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch.

11. As used in this section, "horse tripping" means the roping of the legs of or otherwise using a wire, pole, stick, rope or other object to intentionally trip or intentionally cause a horse, mule, burro, ass or other animal of the equine species to fall. The term does not include:

(a) Tripping such an animal to provide medical or other health care for the animal; or

(b) Catching such an animal by the legs and then releasing it as part of a horse roping event for which a permit has been issued by the local government where the event is conducted.

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 272.

Bill read second time.

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

Amendment No. 628.

AN ACT relating to governmental administration; requiring a state agency or local government to post certain information on its Internet website relating

to certain purchasing contracts, performance contracts and contracts for public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, under certain circumstances, a state agency or local government to enter into certain purchasing contracts, performance contracts and contracts for public works. (Chapters 332, 333, 333A and 338 of NRS) **Sections 1-4** of this bill require each state agency or local government to, on or before September 1 of each year, post in a conspicuous place on its Internet website: (1) the total number of such contracts awarded by the state agency or local government during the immediately preceding fiscal year; (2) the total dollar amount of all such contracts awarded by the state agency or local government during the immediately preceding fiscal year; (3) the total number of contracts awarded by the state agency or local government during the immediately preceding fiscal year to minority-owned businesses, women-owned businesses, ~~[and]~~ LGBTQ-owned businesses ~~[,]~~ **and veteran-owned businesses;** and (4) the total dollar amount of all such contracts awarded by the state agency or local government during the immediately preceding fiscal year to minority-owned businesses, women-owned businesses, ~~[and]~~ LGBTQ-owned businesses ~~[.]~~ **and veteran-owned businesses.**

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

Section 1. Chapter 332 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, each local government shall post in a clear and conspicuous place on the Internet website maintained by the local government:

(a) The total number of contracts and performance contracts awarded by the local government pursuant to this chapter during the immediately preceding fiscal year;

(b) The total dollar amount of all contracts and performance contracts awarded by the local government pursuant to this chapter during the immediately preceding fiscal year;

(c) The total number of contracts and performance contracts awarded by the local government pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses; or

(4) Veteran-owned businesses; and

(d) The total dollar amount of all contracts and performance contracts awarded by the local government pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses ~~[.]~~ ; or

(4) Veteran-owned businesses.

2. 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.

(e) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 2. Chapter 333 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, each using agency shall post in a clear and conspicuous place on the Internet website maintained by the using agency:

(a) The total number of contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year;

(b) The total dollar amount of all contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year;

(c) The total number of contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses; or

(4) Veteran-owned businesses; and

(d) The total dollar amount of all contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses ~~[.]~~ ; or

(4) Veteran-owned businesses.

2. 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.

(e) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 3. Chapter 333A of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, each using agency shall post in a clear and conspicuous place on the Internet website maintained by the using agency:

(a) The total number of performance contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year;

(b) The total dollar amount of all performance contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year;

(c) The total number of performance contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses; or

(4) Veteran-owned businesses; and

(d) The total dollar amount of all performance contracts awarded by the using agency pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses ~~[.]~~ ; or

(4) Veteran-owned businesses.

2. 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.

(e) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before September 1 of each year, each public body shall post in a clear and conspicuous place on the Internet website maintained by the public body:

(a) The total number of contracts for public works awarded by the public body pursuant to this chapter during the immediately preceding fiscal year;

(b) The total dollar amount of all contracts for public works awarded by the public body pursuant to this chapter during the immediately preceding fiscal year;

(c) The total number of contracts for public works awarded by the public body pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses; or

(4) Veteran-owned businesses; and

(d) The total dollar amount of all contracts for public works awarded by the public body pursuant to this chapter during the immediately preceding fiscal year to:

(1) Minority-owned businesses;

(2) Women-owned businesses; ~~[or]~~

(3) LGBTQ-owned businesses ~~[.]~~ ; or

(4) Veteran-owned businesses.

2. 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.

(e) "Veteran-owned business" means a business that:

(1) Is owned by a natural person who is a veteran; or

(2) Has at least 51 percent of its ownership interest held by one or more veterans.

Sec. 5. This act becomes effective on July 1, ~~[~~2023.~~]~~ **2024.**

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 603.

AN ACT relating to education; providing that certain principals are employed at will; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill provides that during the first 3 years of employment by a school district, a principal is employed at will. **Section 2** also provides that if a principal completes the 3-year probationary period, the principal again becomes an at-will employee if, in 2 consecutive school years: (1) the rating of the school to which the principal is assigned pursuant to the statewide system of accountability for public schools is reduced by one or more levels ~~[;]~~ **or remains at the lowest level possible;** and (2) fifty percent or more of the teachers assigned to the school request a transfer to another school. **Section 2** further provides that such a principal is subject to ~~[immediate dismissal by the board of trustees of the school district]~~ **nonrenewal of his or her contract** on recommendation of the superintendent of the school district.

Sections 4-10 of this bill make changes to conform with the changes made by **section 2**.

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. During the first 3 years of his or her employment by a school district in the position of principal, a principal is employed at will in that position. A principal who is reassigned pursuant to this subsection is entitled to a written statement of the reason for the reassignment. If the principal was previously employed by the school district in another position and is reassigned pursuant to this section, the principal is entitled to be assigned to his or her former position at the rate of compensation provided for that position.***

2. A principal who completes the probationary period set forth in NRS 391.820 by a principal is again employed at will if, in each of 2 consecutive school years:

(a) The rating of the school to which the principal is assigned, as determined by the Department pursuant to the statewide system of accountability for public schools, is reduced by one or more levels ~~***[;]***~~ ***or remains at the lowest level possible; and***

(b) Fifty percent or more of the teachers assigned to the school request a transfer to another school.

3. If the events described in paragraphs (a) and (b) of subsection 2 occur with respect to a school for any school year:

(a) The school associate superintendent or other administrator of the school district who oversees the school must provide mentoring to the principal of the school; and

(b) The school district shall conduct a survey of the teachers assigned to the school to evaluate conditions at the school and the reasons given by teachers who requested a transfer to another school. The results of the survey do not affect the employment status of the principal of the school.

4. A principal described in subsection 2 is subject to ~~***[immediate dismissal by the board of trustees of the school district]***~~ ***nonrenewal of his or her contract on recommendation of the superintendent .*** ~~***[and]***~~ ***If the contract of the principal is not renewed pursuant to this subsection and the principal was previously employed by the school district in another position, the principal is entitled*** ~~***[, on dismissal, to a written statement of the reasons for dismissal.]***~~ ***to be assigned to his or her former position at the rate of compensation provided for that position.***

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 391.650 is hereby amended to read as follows:

391.650 As used in NRS 391.650 to 391.826, inclusive, ***and section 2 of this act,*** unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.650 to 391.826, inclusive, ***and section 2 of this act*** is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, except an act forbidden by NRS 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.820 and has been given notice of reemployment. The term does not include a person who is deemed to be a probationary employee pursuant to NRS 391.730.

6. "Probationary employee" means:

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.820; and

(b) A person who is deemed to be a probationary employee pursuant to NRS 391.730.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 5. NRS 391.655 is hereby amended to read as follows:

391.655 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.650 to 391.826, inclusive, ***and section 2 of this act*** do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. The admonition, demotion, suspension, dismissal and nonreemployment provisions of NRS 391.650 to 391.800, inclusive, do not apply to:

(a) A probationary teacher. The policy for evaluations prescribed in NRS 391.685 and 391.725 applies to a probationary teacher.

(b) ***A principal described in subsection 1 of section 2 of this act with respect to his or her employment as a principal.***

(c) A principal who is employed at will pursuant to subsection 2 of section 2 of this act.

(d) A new employee who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal. ~~[The]~~

➥ ***Insofar as the policy is consistent with the provisions of section 2 of this act, the*** policy for evaluations prescribed in NRS 391.700 and 391.725 applies to ~~[such a probationary]~~ ***any*** administrator ~~[.]~~ ***described in this subsection.***

3. The admonition, demotion and suspension provisions of NRS 391.650 to 391.800, inclusive, do not apply to a postprobationary teacher who is employed as a probationary administrator primarily to provide administrative services at the school level and not primarily to provide direct instructional services to pupils, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal, with respect to his or her employment in the administrative position. The policy for evaluations prescribed in NRS 391.700 and 391.725 applies to such a probationary administrator.

4. The provisions of NRS 391.650 to 391.800, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

5. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.650 to 391.826, inclusive, ***and section 2 of this act*** for demotion, suspension or dismissal apply to them.

Sec. 6. NRS 391.660 is hereby amended to read as follows:

391.660 Excluding the provisions of NRS 391.730, ***and section 2 of this act,*** the provisions of NRS 391.650 to 391.826, inclusive, do not apply to a teacher ~~[, administrator]~~ or other licensed employee who has entered into a contract with the board negotiated pursuant to chapter 288 of NRS if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee **.** ~~[or demote an administrator.]~~

Sec. 7. NRS 391.700 is hereby amended to read as follows:

391.700 ***Except as otherwise provided in section 2 of this act:***

1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must provide for the evaluation of those administrators who provide primarily administrative services at the school

level and who do not provide primarily direct instructional services to pupils, regardless of whether such an administrator is licensed as a teacher or administrator, including, without limitation, a principal and a vice principal. The policy must also provide for the evaluation of those administrators at the district level who provide direct supervision of the principal of a school. The policy must comply with the statewide performance evaluation system established by the State Board pursuant to NRS 391.465. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. The person charged with the evaluation of an administrator pursuant to NRS 391.705 or 391.710 shall hold a conference with the administrator before and after each scheduled observation of the administrator during the school year.

Sec. 8. NRS 391.730 is hereby amended to read as follows:

391.730 ~~[A]~~ ***Except as otherwise provided in section 2 of this act, a*** postprobationary employee who receives an evaluation designating his or her overall performance as:

1. Ineffective; or

2. Developing during 1 year of the 2-year consecutive period and ineffective during the other year of the period,

➥ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.650 to 391.826, inclusive, ***and section 2 of this act*** and must serve an additional probationary period in accordance with the provisions of NRS 391.820.

Sec. 9. NRS 391.775 is hereby amended to read as follows:

391.775 ***Except as otherwise provided in section 2 of this act:***

1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, the superintendent shall give written notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

(a) Inform the licensed employee of the grounds for the recommendation.

(b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer pursuant to NRS 391.765 to 391.800, inclusive, or if a dismissal of the employee will occur before the completion of the current school year or if the employee is deemed to be a probationary employee pursuant to NRS 391.730 and dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.

(c) Refer to chapter 391 of NRS.

3. If a postprobationary employee or an employee who is deemed to be a probationary employee pursuant to NRS 391.730 receives notice that he or she

will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.770, 391.785 and 391.795 do not apply.

Sec. 10. NRS 391.820 is hereby amended to read as follows:

391.820 ***Except as otherwise provided in section 2 of this act:***

1. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

2. The board shall notify each probationary employee in writing during the first, second and third school years of the employee's probationary period whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Such notice must be provided:

(a) On or before May 1; or

(b) On or before May 15 of an odd-numbered year so long as the board notifies the employee of the extension by April 1.

3. Failure of the board to notify the probationary employee in writing on or before May 1 or May 15, as applicable, in the first or second year of the probationary period does not entitle the employee to postprobationary status.

4. The employee must advise the board in writing during the first, second or third year of the employee's probationary period of the employee's acceptance of reemployment. Such notice must be provided:

(a) On or before May 10 if the board provided its notice on or before May 1; or

(b) On or before May 25 if the board provided a notice of an extension pursuant to paragraph (b) of subsection 2.

5. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

6. A probationary employee who:

(a) Completes a 3-year probationary period;

(b) Receives a designation of "highly effective" or "effective" on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,

➥ is entitled to be a postprobationary employee in the ensuing year of employment.

7. If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

8. A new employee who is employed as an administrator to provide primarily administrative services at the school level and who does not provide primarily direct instructional services to pupils, regardless of whether the administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal, or a postprobationary teacher who is employed as an administrator to provide those administrative services shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1 or May 15, as applicable, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10 or May 25, as applicable. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

9. An administrator who has completed his or her probationary period pursuant to subsection 8 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 8, the administrator must serve the remainder of his or her probationary period pursuant to subsection 8 or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1 or May 15, as applicable, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10 or May 25, as applicable. If the person

fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

Sec. 11. Insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any contract of employment or collective bargaining agreement entered into before July 1, 2023, but do apply to any extension or renewal of such an agreement and to any agreement entered into on or after July 1, 2023. For the purposes of this section, the term of an agreement ends on the date provided in the agreement, notwithstanding any provision of the agreement that it remains in effect, in whole or in part, after that date until a successor agreement becomes effective.

Sec. 12. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 309.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 589.

AN ACT relating to crimes; establishing the crime of fertility fraud; creating a cause of action for a person who has suffered injury as a result of fertility fraud; providing that certain acts that constitute fertility fraud are subject to various statutory provisions relating to sex offenders; prohibiting a health care facility from taking certain actions relating to assisted reproduction; authorizing the imposition of civil penalties for certain violations committed by a health care facility; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of this bill provides that a provider of health care who, in rendering services for assisted reproduction, knowingly implants his or her own human reproductive material in a patient without the express consent of the patient is guilty of fertility fraud. **Section 5** also provides that a provider of health care who, in rendering services for assisted reproduction, knowingly uses or provides a patient with human reproductive material other than the human reproductive material the patient expressly consented to the use or receipt of is guilty of fertility fraud. **Section 5** makes the crime of fertility fraud a category B felony, punishable 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.

Section 6 of this bill: (1) prohibits a person from conveying to a patient false information or information the person reasonably should have known was false relating to assisted reproduction; and (2) provides that a person who violates such a prohibition is guilty of a category C felony. **Sections 5 and 6** also require the Attorney General to provide certain notice to each professional

licensing board that has issued a license, certificate or registration to a person who violates **section 5 or 6**. **Sections 3 and 4** of this bill define certain terms for the purposes of **sections 5 and 6**.

Section 8 of this bill authorizes a person who has suffered an injury as a result of a violation of **section 5** to bring a civil action to recover damages. **Section 7** of this bill requires the person to commence such an action within 3 years after the **later of the** date on which the person discovers **: (1)** the facts constituting fertility fraud ~~.~~ **; or (2) any medical or genetic disorder which results from the human reproductive material implanted in, used on or provided to a patient in violation of section 5.**

Section 20 of this bill prohibits a health care facility from providing a patient with human reproductive material for assisted reproduction except in accordance with any written agreement entered into between: (1) the health care facility and the patient; and (2) the health care facility and the donor. **Section 20** also: (1) authorizes the Attorney General to collect a civil penalty of not more than $10,000 for each violation of this prohibition; and (2) requires the Attorney General to notify certain entities responsible for licensing health care facilities if such a civil penalty is imposed. **Section 19** of this bill authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to suspend or revoke any license issued by the Division to a health care facility for a violation of **section 20**.

Existing law defines the term "sexual offense" for the purpose of requiring persons convicted of certain sexual offenses to be prohibited from certain employment, to register as a sex offender, to comply with certain mandatory conditions of probation or parole and to fulfill certain other requirements. (NRS 118A.335, 176.0913, 176A.410, 179D.095, 179D.097, 179D.441, 213.1099, 213.1245) **Section 15** of this bill revises the list of sexual offenses to which these statutory provisions apply to include certain violations of **section 5**. **Section 16** of this bill makes a conforming change related to the numbering changes made in **section 15**.

Existing law prohibits a court from ordering the victim of or a witness to certain sexual offenses to take or submit to a psychological or psychiatric examination. (NRS 50.700) **Section 9** of this bill adds certain violations of **section 5** to the list of sexual offenses to which that prohibition applies.

Existing law: (1) requires a court to include a special sentence of lifetime supervision for any person convicted of certain sexual offenses; and (2) provides certain conditions of lifetime supervision. (NRS 176.0931, 213.1243) **Sections 10 and 17** of this bill add certain violations of **section 5** to the list of sexual offenses that require a special sentence of lifetime supervision and for which conditions of lifetime supervision apply.

Existing law: (1) requires that a person convicted of certain sexual offenses undergo a psychosexual evaluation as part of the presentence investigation report prepared by the Division of Parole and Probation of the Department of Public Safety; and (2) prohibits a court from granting probation to or suspending the sentence of a person convicted of certain sexual offenses,

unless the person who conducts the evaluation certifies that the person convicted of the sexual offense does not represent a high risk to reoffend. (NRS 176.135, 176A.110) **Sections 11 and 12** of this bill add certain violations of **section 5** to the list of sexual offenses that require a psychosexual evaluation to be conducted and for which a court is prohibited from granting probation to or suspending the sentence of a person, unless the person who conducts the psychosexual evaluation certifies that the person does not represent a high risk to reoffend.

Existing law similarly requires the Department of Corrections to assess each prisoner who has been convicted of a sexual offense before a scheduled parole hearing to determine the prisoner's risk to reoffend. (NRS 213.1214) **Section 18** of this bill adds certain violations of **section 5** to the list of offenses which require such an assessment.

Existing law requires a court to provide certain documentation to each victim and witness and certain other persons if an offender is convicted of certain sexual offenses. (NRS 178.5698) **Section 13** of this bill requires that such documentation be provided to such persons if an offender is convicted of certain violations of **section 5**.

Section 14 of this bill makes the provisions of law which prohibit a person convicted of a sexual offense from petitioning a court to seal the records relating to such a conviction applicable to a person convicted of certain violations of **section 5**. (NRS 179.245)

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 the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Assisted reproduction" has the meaning ascribed to it in NRS 126.510.***

Sec. 4. ***"Human reproductive material" means a gamete or human organism at any stage of development from fertilized ovum to embryo.***

Sec. 5. ***1. A provider of health care who, in rendering services for assisted reproduction:***

(a) Knowingly implants his or her own human reproductive material in a patient without the express consent of the patient is guilty of fertility fraud.

(b) Knowingly uses or provides a patient with human reproductive material other than the human reproductive material the patient expressly consented to the use or receipt of is guilty of fertility fraud.

2. Unless a greater penalty is provided by statute, a person convicted of the crime of fertility fraud is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less

than 2 years and a maximum term of not more than 15 years, and may be further be punished by a fine of not more than $10,000.

3. Upon conviction of a person for the crime of fertility fraud, the Attorney General shall give notice of the conviction to each professional licensing board that has issued a license, certificate or registration to the person.

4. As used in this section, "provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS or an advanced practice registered nurse licensed under chapter 632 of NRS.

Sec. 6. ***1. A person shall not knowingly convey to a patient false information or information the person reasonably should have known was false relating to assisted reproduction, including, without limitation, false information or information the person reasonably should have known was false concerning:***

(a) The identity, date of birth or address of the donor at the time of donation;

(b) The human reproductive material used or provided to the patient for assisted reproduction;

(c) The medical history of the donor or family of the donor, including, without limitation:

(1) Past and current illnesses of the donor; and

(2) Genetic information of the donor; and

(d) The social history of the donor.

2. A person who violates this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. Upon conviction of a person for a violation of the provisions of this section, the Attorney General shall give notice of the conviction to each professional licensing board that has issued a license, certificate or registration to the person.

4. As used in this section:

(a) "Genetic information" means any information that is obtained from a genetic test.

(b) "Genetic test" means a test, including a laboratory test that uses deoxyribonucleic acid extracted from the cells of a person or a diagnostic test, to determine the presence of abnormalities or deficiencies, including carrier status, that:

(1) Are linked to physical or mental disorders or impairments; or

(2) Indicate a susceptibility to illness, disease, impairment or any other disorder, whether physical or mental.

Sec. 7. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 40.4639, 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) Except as otherwise provided in NRS 62B.420 and 176.275, an action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) Except as otherwise provided in NRS 11.245, an action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

(f) An action pursuant to section 8 of this act, but the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting fertility fraud ~~[.]~~ ***or of any medical or genetic disorder which results from the human reproductive material implanted in, used on or***

provided to a patient in violation of section 5 of this act, whichever occurs later.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 8. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who has suffered an injury as a result of a violation of section 5 of this act may bring an action for the recovery of his or her actual damages and any punitive damages which the facts may warrant if the person is or was, at the time of assisted reproduction:

(a) A patient who gave birth to a child conceived through assisted reproduction as a result of a violation of section 5 of this act;

(b) The spouse of a patient who gave birth to a child conceived through assisted reproduction as a result of a violation of section 5 of this act;

(c) A child conceived through assisted reproduction as a result of a violation of section 5 of this act; or

(d) A donor whose human reproductive material resulted in the birth of a child conceived through assisted reproduction as a result of a violation of section 5 of this act.

2. Each child born as a result of a violation of section 5 of this act constitutes the basis for a separate cause of action.

3. A person who prevails in an action brought pursuant to subsection 1 may recover his or her actual damages, attorney's fees and costs and any punitive damages that the facts may warrant.

4. The liability imposed by this section is in addition to any other liability imposed by law.

5. For the purposes of this section, a violation of section 5 of this act shall be deemed to have been committed where the procedure for assisted reproduction occurred or at the principal place of business of the provider of health care.

6. As used in this section:

(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.

(b) "Human reproductive material" has the meaning ascribed to it in section 4 of this act.

(c) "Provider of health care" has the meaning ascribed to it in section 5 of this act.

Sec. 9. NRS 50.700 is hereby amended to read as follows:

50.700 1. In any criminal or juvenile delinquency action relating to the commission of a sexual offense, a court may not order the victim of or a witness to the sexual offense to take or submit to a psychological or psychiatric examination.

2. The court may exclude the testimony of a licensed psychologist, psychiatrist or clinical social worker who performed a psychological or psychiatric examination on the victim or witness if:

(a) There is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness by a licensed psychologist, psychiatrist or clinical social worker; and

(b) The victim or witness refuses to submit to an additional psychological or psychiatric examination by a licensed psychologist, psychiatrist or clinical social worker.

3. In determining whether there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim or witness pursuant to subsection 2, the court must consider whether:

(a) There is a reasonable basis for believing that the mental or emotional state of the victim or witness may have affected his or her ability to perceive and relate events relevant to the criminal prosecution; and

(b) Any corroboration of the offense exists beyond the testimony of the victim or witness.

4. If the court determines there is a prima facie showing of a compelling need for an additional psychological or psychiatric examination of the victim

or witness, the court shall issue a factual finding that details with particularity the reasons why an additional psychological or psychiatric examination of the victim or witness is warranted.

5. If the court issues a factual finding pursuant to subsection 4 and the victim or witness consents to an additional psychological or psychiatric examination, the court shall set the parameters for the examination consistent with the purpose of determining the ability of the victim or witness to perceive and relate events relevant to the criminal prosecution.

6. As used in this section, "sexual offense" includes, without limitation:

(a) An offense that is found to be sexually motivated pursuant to NRS 175.547 or 207.193;

(b) Sexual assault pursuant to NRS 200.366;

(c) Statutory sexual seduction pursuant to NRS 200.368;

(d) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(e) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation;

(f) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(g) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act;***

(h) Incest pursuant to NRS 201.180;

~~[(h)]~~ ***(i)*** Open or gross lewdness pursuant to NRS 201.210;

~~[(i)]~~ ***(j)*** Indecent or obscene exposure pursuant to NRS 201.220;

~~[(j)]~~ ***(k)*** Lewdness with a child pursuant to NRS 201.230;

~~[(k)]~~ ***(l)*** Pandering or sex trafficking of a child pursuant to NRS 201.300;

~~[(l)]~~ ***(m)*** 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 section;

~~[(m)]~~ ***(n)*** 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 pursuant to NRS 200.408, if the crime of violence is an offense listed in this section;

~~[(n)]~~ ***(o)*** Sexual penetration of a dead human body pursuant to NRS 201.450;

~~[(o)]~~ ***(p)*** Luring a child or a person with mental illness pursuant to NRS 201.560;

~~[(p)]~~ ***(q)*** Any other offense that has an element involving a sexual act or sexual conduct with another person; or

~~[(q)]~~ ***(r)*** Any attempt or conspiracy to commit an offense listed in this subsection.

Sec. 10. NRS 176.0931 is hereby amended to read as follows:

176.0931 1. If a defendant is convicted of a sexual offense, the court shall include in sentencing, in addition to any other penalties provided by law, a special sentence of lifetime supervision.

2. The special sentence of lifetime supervision commences after any period of probation or any term of imprisonment and any period of release on parole.

3. A person sentenced to lifetime supervision may petition the sentencing court or the State Board of Parole Commissioners for release from lifetime supervision. The sentencing court or the Board shall grant a petition for release from a special sentence of lifetime supervision if:

(a) The person has complied with the requirements of the provisions of NRS 179D.010 to 179D.550, inclusive;

(b) The person has not been convicted of an offense that poses a threat to the safety or well-being of others for an interval of at least 10 consecutive years after the person's last conviction or release from incarceration, whichever occurs later; and

(c) The person is not likely to pose a threat to the safety of others, as determined by a licensed, clinical professional who has received training in the treatment of sexual offenders, if released from lifetime supervision.

4. A person who is released from lifetime supervision pursuant to the provisions of subsection 3 remains subject to the provisions for registration as a sex offender and to the provisions for community notification, unless the person is otherwise relieved from the operation of those provisions pursuant to the provisions of NRS 179D.010 to 179D.550, inclusive.

5. As used in this section:

(a) "Offense that poses a threat to the safety or well-being of others" includes, without limitation:

(1) An offense that involves:

(I) A victim less than 18 years of age;

(II) A crime against a child as defined in NRS 179D.0357;

(III) A sexual offense as defined in NRS 179D.097;

(IV) A deadly weapon, explosives or a firearm;

(V) The use or threatened use of force or violence;

(VI) Physical or mental abuse;

(VII) Death or bodily injury;

(VIII) An act of domestic violence;

(IX) Harassment, stalking, threats of any kind or other similar acts;

(X) The forcible or unlawful entry of a home, building, structure, vehicle or other real or personal property; or

(XI) The infliction or threatened infliction of damage or injury, in whole or in part, to real or personal property.

(2) Any offense listed in subparagraph (1) that is committed in this State or another jurisdiction, including, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(b) "Sexual offense" means:

(1) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 ~~[,]~~ ***or paragraph (a) of subsection 1 of section 5 of this act;***

(2) An attempt to commit an offense listed in subparagraph (1); or

(3) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

Sec. 11. NRS 176.133 is hereby amended to read as follows:

176.133 As used in NRS 176.133 to 176.161, inclusive, unless the context otherwise requires:

1. "Person professionally qualified to conduct psychosexual evaluations" means a person who has received training in conducting psychosexual evaluations and is:

(a) A psychiatrist licensed to practice medicine in this State and certified by the American Board of Psychiatry and Neurology, Inc.;

(b) A psychologist licensed to practice in this State;

(c) A social worker holding a master's degree in social work and licensed in this State as a clinical social worker;

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

(e) A marriage and family therapist licensed in this State pursuant to chapter 641A of NRS; or

(f) A clinical professional counselor licensed in this State pursuant to chapter 641A of NRS.

2. "Psychosexual evaluation" means an evaluation conducted pursuant to NRS 176.139.

3. "Sexual offense" means:

(a) Sexual assault pursuant to NRS 200.366;

(b) Statutory sexual seduction pursuant to NRS 200.368, if punished as a felony;

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(d) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation and is punished as a felony;

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(f) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act;***

(g) Incest pursuant to NRS 201.180;

~~[(g)]~~ ***(h)*** Open or gross lewdness pursuant to NRS 201.210, if punished as a felony;

~~[(h)]~~ ***(i)*** Indecent or obscene exposure pursuant to NRS 201.220, if punished as a felony;

~~[(i)]~~ ***(j)*** Lewdness with a child pursuant to NRS 201.230;

~~[(j)]~~ ***(k)*** Sexual penetration of a dead human body pursuant to NRS 201.450;

~~[(k)]~~ ***(l)*** Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

~~[(l)]~~ ***(m)*** Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

~~[(m)]~~ ***(n)*** Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

~~[(n)]~~ ***(o)*** An attempt to commit an offense listed in paragraphs (a) to ~~[(m),]~~ ***(n),*** inclusive, if punished as a felony; or

~~[(o)]~~ ***(p)*** An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

Sec. 12. NRS 176A.110 is hereby amended to read as follows:

176A.110 1. The court shall not grant probation to or suspend the sentence of a person convicted of an offense listed in subsection 3 unless:

(a) If a psychosexual evaluation of the person is required pursuant to NRS 176.139, the person who conducts the psychosexual evaluation certifies in the report prepared pursuant to NRS 176.139 that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment; or

(b) If a psychosexual evaluation of the person is not required pursuant to NRS 176.139, a psychologist licensed to practice in this State who is trained to conduct psychosexual evaluations or a psychiatrist licensed to practice medicine in this State who is certified by the American Board of Psychiatry and Neurology, Inc., and is trained to conduct psychosexual evaluations certifies in a written report to the court that the person convicted of the offense does not represent a high risk to reoffend based upon a currently accepted standard of assessment.

2. This section does not create a right in any person to be certified or to continue to be certified. No person may bring a cause of action against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for not certifying a person pursuant to this section or for refusing to consider a person for certification pursuant to this section.

3. The provisions of this section apply to a person convicted of any of the following offenses:

(a) Attempted sexual assault of a person who is 16 years of age or older pursuant to NRS 200.366.

(b) Statutory sexual seduction pursuant to NRS 200.368.

(c) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(d) Abuse or neglect of a child pursuant to NRS 200.508.

(e) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(f) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act.***

(g) Incest pursuant to NRS 201.180.

~~[(g)]~~ ***(h)*** Open or gross lewdness pursuant to NRS 201.210.

~~[(h)]~~ ***(i)*** Indecent or obscene exposure pursuant to NRS 201.220.

~~[(i)]~~ ***(j)*** Sexual penetration of a dead human body pursuant to NRS 201.450.

~~[(j)]~~ ***(k)*** Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

~~[(k)]~~ ***(l)*** Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

~~[(l)]~~ ***(m)*** Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(m)]~~ ***(n)*** A violation of NRS 207.180.

~~[(n)]~~ ***(o)*** An attempt to commit an offense listed in paragraphs (b) to ~~[(m),]~~ ***(n),*** inclusive.

~~[(o)]~~ ***(p)*** Coercion or attempted coercion that is determined to be sexually motivated pursuant to NRS 207.193.

Sec. 13. NRS 178.5698 is hereby amended to read as follows:

178.5698 1. The prosecuting attorney, sheriff or chief of police shall, upon the request of a victim or witness, inform the victim or witness:

(a) When the defendant is released from custody at any time before or during the trial, including, without limitation, when the defendant is released pending trial or subject to electronic supervision;

(b) If the defendant is so released, the amount of bail required, if any; and

(c) Of the final disposition of the criminal case in which the victim or witness was directly involved.

2. A request for information pursuant to subsection 1 must be made:

(a) In writing; or

(b) By telephone through an automated or computerized system of notification, if such a system is available.

3. If an offender is convicted of a sexual offense or an offense involving the use or threatened use of force or violence against the victim, the court shall provide:

(a) To each witness, documentation that includes:

(1) A form advising the witness of the right to be notified pursuant to subsection 5;

(2) The form that the witness must use to request notification in writing; and

(3) The form or procedure that the witness must use to provide a change of address after a request for notification has been submitted.

(b) To each person listed in subsection 4, documentation that includes:

(1) A form advising the person of the right to be notified pursuant to subsection 5 or 6 and NRS 176.015, 176A.630, 178.4715, 209.392, 209.3923,

209.3925, 209.429, 209.521, 213.010, 213.040, 213.095 and 213.131 or NRS 213.10915;

(2) The forms that the person must use to request notification; and

(3) The forms or procedures that the person must use to provide a change of address after a request for notification has been submitted.

4. The following persons are entitled to receive documentation pursuant to paragraph (b) of subsection 3:

(a) A person against whom the offense is committed.

(b) A person who is injured as a direct result of the commission of the offense.

(c) If a person listed in paragraph (a) or (b) is under the age of 18 years, each parent or guardian who is not the offender.

(d) Each surviving spouse, parent and child of a person who is killed as a direct result of the commission of the offense.

(e) A relative of a person listed in paragraphs (a) to (d), inclusive, if the relative requests in writing to be provided with the documentation.

5. Except as otherwise provided in subsection 6, if the offense was a felony and the offender is imprisoned, the warden of the prison shall, if the victim or witness so requests in writing and provides a current address, notify the victim or witness at that address when the offender is released from the prison.

6. If the offender was convicted of a violation of subsection 3 of NRS 200.366 or a violation of subsection 1, paragraph (a) of subsection 2 or subparagraph (2) of paragraph (b) of subsection 2 of NRS 200.508, the warden of the prison shall notify:

(a) The immediate family of the victim if the immediate family provides their current address;

(b) Any member of the victim's family related within the third degree of consanguinity, if the member of the victim's family so requests in writing and provides a current address; and

(c) The victim, if the victim will be 18 years of age or older at the time of the release and has provided a current address,

➥ before the offender is released from prison.

7. The warden must not be held responsible for any injury proximately caused by the failure to give any notice required pursuant to this section if no address was provided to the warden or if the address provided is inaccurate or not current.

8. As used in this section:

(a) "Immediate family" means any adult relative of the victim living in the victim's household.

(b) "Sexual offense" means:

(1) Sexual assault pursuant to NRS 200.366;

(2) Statutory sexual seduction pursuant to NRS 200.368;

(3) Battery with intent to commit sexual assault pursuant to NRS 200.400;

(4) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive;

(5) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act;***

(6) Incest pursuant to NRS 201.180;

~~[(6)]~~ ***(7)*** Open or gross lewdness pursuant to NRS 201.210;

~~[(7)]~~ ***(8)*** Indecent or obscene exposure pursuant to NRS 201.220;

~~[(8)]~~ ***(9)*** Lewdness with a child pursuant to NRS 201.230;

~~[(9)]~~ ***(10)*** Sexual penetration of a dead human body pursuant to NRS 201.450;

~~[(10)]~~ ***(11)*** Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540;

~~[(11)]~~ ***(12)*** Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550;

~~[(12)]~~ ***(13)*** Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony;

~~[(13)]~~ ***(14)*** An offense that, pursuant to a specific statute, is determined to be sexually motivated; or

~~[(14)]~~ ***(15)*** An attempt to commit an offense listed in this paragraph.

Sec. 14. 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.

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. 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) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act.***

(10) Incest pursuant to NRS 201.180.

~~[(10)]~~ ***(11)*** Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

~~[(11)]~~ ***(12)*** Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

~~[(12)]~~ ***(13)*** Lewdness with a child pursuant to NRS 201.230.

~~[(13)]~~ ***(14)*** Sexual penetration of a dead human body pursuant to NRS 201.450.

~~[(14)]~~ ***(15)*** Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

~~[(15)]~~ ***(16)*** Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

~~[(16)]~~ ***(17)*** Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

~~[(17)]~~ ***(18)*** An attempt to commit an offense listed in this paragraph.

Sec. 15. NRS 179D.097 is hereby amended to read as follows:

179D.097 1. "Sexual offense" means any of the following offenses:

(a) 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.

(b) Sexual assault pursuant to NRS 200.366.

(c) Statutory sexual seduction pursuant to NRS 200.368.

(d) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(e) 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 subsection.

(f) 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 section.

(g) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(h) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(i) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act.***

(j) Incest pursuant to NRS 201.180.

~~[(j)]~~ ***(k)*** Open or gross lewdness pursuant to NRS 201.210.

~~[(k)]~~ ***(l)*** Indecent or obscene exposure pursuant to NRS 201.220.

~~[(l)]~~ ***(m)*** Lewdness with a child pursuant to NRS 201.230.

~~[(m)]~~ ***(n)*** Sexual penetration of a dead human body pursuant to NRS 201.450.

~~[(n)]~~ ***(o)*** Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

~~[(o)]~~ ***(p)*** Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

~~[(p)]~~ ***(q)*** Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(q)]~~ ***(r)*** Sex trafficking pursuant to NRS 201.300.

~~[(r)]~~ ***(s)*** Any other offense that has an element involving a sexual act or sexual conduct with another.

~~[(s)]~~ ***(t)*** An attempt or conspiracy to commit an offense listed in paragraphs (a) to ~~[(r),]~~ ***(s),*** inclusive.

~~[(t)]~~ ***(u)*** An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(u)]~~ ***(v)*** An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this subsection. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

~~[(v)]~~ ***(w)*** An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This paragraph includes, without limitation, an offense prosecuted in:

(1) A tribal court.

(2) A court of the United States or the Armed Forces of the United States.

(3) A court having jurisdiction over juveniles.

2. Except for the offenses described in paragraphs ~~[(n)]~~ ***(o)*** and ~~[(o)]~~ ***(p)*** of subsection 1, the term does not include an offense involving consensual sexual conduct if the victim was:

(a) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(b) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 16. NRS 179D.495 is hereby amended to read as follows:

179D.495 If a person who is required to register pursuant to NRS 179D.010 to 179D.550, inclusive, has been convicted of an offense described in paragraph ~~[(r)]~~ ***(s)*** of subsection 1 of NRS 179D.097, paragraph (e) of subsection 1 or subsection 3 of NRS 179D.115 or subsection 7 or 9 of NRS 179D.117, the Central Repository shall determine whether the person is required to register as a Tier I offender, Tier II offender or Tier III offender.

Sec. 17. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.157, inclusive, unless the context otherwise requires:

1. "Board" means the State Board of Parole Commissioners.

2. "Chief" means the Chief Parole and Probation Officer.

3. "Division" means the Division of Parole and Probation of the Department of Public Safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his or her place of residence under the terms and conditions established by the Board.

5. "Responsivity factors" means characteristics of a person that affect his or her ability to respond favorably or unfavorably to any treatment goals.

6. "Risk and needs assessment" means a validated, standardized actuarial tool that identifies risk factors that increase the likelihood of a person reoffending and factors that, when properly addressed, can reduce the likelihood of a person reoffending.

7. "Sex offender" means any person who has been or is convicted of a sexual offense.

8. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 4 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, 201.230, 201.450, 201.540 or 201.550 or paragraph (a) or (b) of subsection 4 or paragraph (a) or (b) of subsection 5 of NRS 201.560 ~~[.]~~ ***or paragraph (a) of subsection 1 of section 5 of this act;***

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnapping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to NRS 175.547.

9. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the Board or the Chief.

Sec. 18. NRS 213.1214 is hereby amended to read as follows:

213.1214 1. The Department of Corrections shall assess each prisoner who has been convicted of a sexual offense to determine the prisoner's risk to reoffend in a sexual manner using a currently accepted standard of assessment. The completed assessment must include, without limitation, a determination of the prisoner's level of risk to reoffend in a sexual manner, including, without limitation, whether the prisoner is a high risk to reoffend in a sexual manner for the purposes of subsection 3 of NRS 213.1215. The Director shall ensure a completed assessment is provided to the Board before, but not sooner than 120 days before, a scheduled parole hearing.

2. The Director shall:

(a) Ensure that any employee of the Department who completes an assessment pursuant to subsection 1 is properly trained to assess the risk of an offender to reoffend in a sexual manner.

(b) Establish a procedure to:

(1) Ensure the accuracy of each completed assessment provided to the Board; and

(2) Correct any error occurring in a completed assessment provided to the Board.

3. This section does not create a right in any prisoner to be assessed or reassessed more frequently than the prisoner's regularly scheduled parole hearings or under a current or previous standard of assessment and does not restrict the Department from conducting additional assessments of a prisoner if such assessments may assist the Board in determining whether parole should be granted or continued. No cause of action may be brought against the State, its political subdivisions, or the agencies, boards, commissions, departments, officers or employees of the State or its political subdivisions for assessing, not assessing or considering or relying on an assessment of a prisoner, if such decisions or actions are made or conducted in compliance with the procedures set forth in this section.

4. The Board shall consider an assessment prepared pursuant to this section before determining whether to grant or revoke the parole of a person convicted of a sexual offense.

5. The Board may adopt by regulation the manner in which the Board will consider an assessment prepared pursuant to this section in conjunction with the standards adopted by the Board pursuant to NRS 213.10885.

6. As used in this section:

(a) "Director" means the Director of the Department of Corrections.

(b) "Reoffend in a sexual manner" means to commit a sexual offense.

(c) "Sex offender" means a person who, after July 1, 1956, is or has been:

(1) Convicted of a sexual offense; or

(2) Adjudicated delinquent or found guilty by a court having jurisdiction over juveniles of a sexual offense listed in subparagraph ~~[(20)]~~ ***(21)*** of paragraph (d).

➥ The term includes, but is not limited to, a sexually violent predator or a nonresident sex offender who is a student or worker within this State.

(d) "Sexual offense" means any of the following offenses:

(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.

(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 pursuant to NRS 200.408, 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) ***Fertility fraud pursuant to paragraph (a) of subsection 1 of section 5 of this act.***

(10) Incest pursuant to NRS 201.180.

~~[(10)]~~ ***(11)*** Open or gross lewdness pursuant to NRS 201.210.

~~[(11)]~~ ***(12)*** Indecent or obscene exposure pursuant to NRS 201.220.

~~[(12)]~~ ***(13)*** Lewdness with a child pursuant to NRS 201.230.

~~[(13)]~~ ***(14)*** Sexual penetration of a dead human body pursuant to NRS 201.450.

~~[(14)]~~ ***(15)*** Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

~~[(15)]~~ ***(16)*** Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

~~[(16)]~~ ***(17)*** Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

~~[(17)]~~ ***(18)*** An attempt or conspiracy to commit an offense listed in subparagraphs (1) to ~~[(16),]~~ ***(17),*** inclusive.

~~[(18)]~~ ***(19)*** An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

~~[(19)]~~ ***(20)*** An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this paragraph. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

~~[(20)]~~ ***(21)*** An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this paragraph, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, but is not limited to, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

➥ Except for the offenses described in subparagraphs (15) and (16), the term does not include an offense involving consensual sexual conduct if the victim was an adult, unless the adult was under the custodial authority of the offender at the time of the offense, or if the victim was at least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 19. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

(h) Violation of the provisions of section 20 of this act.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 20. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care facility shall not provide a patient with human reproductive material for assisted reproduction except in accordance with any written agreement entered into between:

(a) The health care facility and the patient; and

(b) The health care facility and the donor.

2. A health care facility that violates the provisions of this section is subject to a civil penalty of not more than $10,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In such an action, the Attorney General may recover reasonable attorney's fees and costs. If a civil penalty is imposed against a health care facility for violating the provisions of this section, the Attorney General shall, within 30 days after the imposition of the civil penalty, notify:

(a) The Division of Public and Behavioral Health of the Department of Health and Human Services, if the violation was committed by a medical facility or medical laboratory.

(b) The occupational licensing board responsible for licensing the provider of health care who oversees an unlicensed health care facility, if the violation was committed by a health care facility that is not a medical facility or medical laboratory.

3. As used in this section:

(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.

(b) "Health care facility" means a medical facility, sperm bank, laboratory, clinic or office of a provider of health care that provides services relating to assisted reproduction.

(c) "Human reproductive material" means a gamete or human organism at any stage of development from fertilized ovum to embryo.

(d) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

(e) "Medical laboratory" has the meaning ascribed to it in NRS 652.060.

(f) "Provider of health care" has the meaning ascribed to it in section 5 of this act.

Sec. 21. The amendatory provisions of this act apply to a cause of action that accrues on or after July 1, 2023.

Sec. 22. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 597.

AN ACT relating to energy; revising a definition relating to certain renewable energy facilities; revising provisions governing the establishment by the Public Utilities Commission of Nevada of biennial targets for the procurement of energy storage systems by certain electric utilities; requiring the Commission to reevaluate the existing biennial targets; eliminating an obsolete provision relating to the establishment of such targets; establishing requirements for the installation of electrochemical energy storage systems; ~~[authorizing a person who provides a program of training on the installation of electrochemical energy storage systems to request that the Joint Interim Standing Committee on Growth and Infrastructure review the program;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to: (1) determine, on or before October 1, 2018, whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by certain electric utilities; and (2) if the Commission determines that it is in the public interest to establish such targets, adopt regulations establishing biennial targets for the procurement of energy storage systems by certain electric utilities. (NRS 704.795, 704.796) Existing regulations, with certain exceptions, establish progressively larger targets for the procurement of energy storage systems by certain electric utilities, culminating in a requirement that certain electric utilities procure energy storage systems

capable of storing not less than 1,000 megawatts of electric power by December 31, 2030. Existing regulations also require the Commission to review the existing biennial energy storage targets when it reviews the resource plan submitted by an electric utility and determine whether the targets should be altered. (Section 10 of LCB File No. R106-19) **Section 1.5** of this bill requires that the Commission establish biennial targets that deliver the greatest benefits to the customers of the electric utility in relation to the costs of the procurement of energy storage systems. **Section 6** of this bill repeals the obsolete provision that requires the Commission to determine whether to adopt regulations to establish the biennial targets by October 1, 2018, given that those regulations have been adopted. **Section 2** of this bill makes a conforming change relating to the repeal of this obsolete provision.

Section 3 of this bill prohibits a person from installing an electrochemical energy storage system unless the person holds a valid license in the classification required to perform such work and, except under certain limited circumstances, for installations occurring on property other than a residential property after July 1, 2025, ensures that the installation: (1) is performed by or under the direct supervision of a person who holds a certificate demonstrating the successful completion of the Energy Storage and Microgrid Training and Certification program; and (2) conforms to certain standards regarding the installation of signage in connection with such systems. ~~[Section 3 authorizes a person who provides a program of training on the installation of electrochemical energy storage systems to request that the Joint Interim Standing Committee on Growth and Infrastructure review the program. Section 3 requires the Committee to include in its interim report a recommendation to authorize persons certified under such a program to perform or supervise the installation of an electrochemical energy storage system under certain circumstances if the Committee makes certain findings regarding the program.]~~ **Section 4** of this bill provides that a violation of the provisions of **section 3** is grounds for disciplinary action by the State Contractors' Board.

Section 1 of this bill revises the definition of "facility for the storage of energy from renewable generation."

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

Section 1. NRS 701A.327 is hereby amended to read as follows:

701A.327 1. "Facility for the storage of energy from renewable generation" means a facility that is constructed or installed for the ~~[sole]~~ purpose of storing electric energy received from a facility for the generation of electricity from renewable energy for release at a later time, including, without limitation, a facility that is designed to use energy storage technology.

2. The term does not include a facility that is located on a residential property.

Sec. 1.5. NRS 704.796 is hereby amended to read as follows:

704.796 ~~[If, pursuant to NRS 704.795, the Commission determines that it is in the public interest to establish by regulation targets for the procurement of energy storage systems by an electric utility, the]~~

1. ***The*** Commission shall adopt regulations:

~~[1.]~~ ***(a)*** Establishing biennial targets for the procurement of energy storage systems by ~~[the]~~ ***an*** electric utility;

~~[2.]~~ ***(b)*** Setting forth the points of interconnection on the electric grid for the implementation of energy storage systems;

~~[3.]~~ ***(c)*** Establishing that an energy storage system may be owned by the electric utility or any other person;

~~[4.]~~ ***(d)*** Establishing requirements for the filing by the electric utility of annual or biennial plans to meet biennial targets for the procurement and implementation of energy storage systems;

~~[5.]~~ ***(e)*** Prescribing a procedure by which the Commission must, at least once every 3 years, reevaluate the biennial targets for the procurement of energy storage systems by the electric utility;

~~[6.]~~ ***(f)*** Establishing a procedure by which an electric utility may obtain a waiver or deferral of the biennial targets for the procurement of energy storage systems if the electric utility is not able to identify energy storage systems that provide benefits to customers of the utility that exceed the costs of energy storage systems; and

~~[7.]~~ ***(g)*** Requiring the electric utility to include such information as the Commission may require in each plan submitted by the electric utility pursuant to NRS 704.741.

2. The Commission shall establish biennial targets pursuant to subsection 1 that deliver the greatest benefits to the customers of the electric utility in relation to the costs of the procurement of energy storage systems. In calculating the benefits and costs of the procurement of energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:

(a) A reduction in the need for the additional generation of electricity by the electric utility during periods of peak demand;

(b) A reduction in line losses of the electric utility;

(c) The benefits and costs related to ancillary services of the electric utility;

(d) Avoided costs to the electric utility for additional generation, transmission and generation capacity;

(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;

(f) The benefits and costs to the electric utility related to voltage support;

(g) The benefits of diversifying the types of resources used for the generation of electricity;

(h) The administrative costs incurred by the electric utility;

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of the energy storage systems.

Sec. 2. NRS 704.797 is hereby amended to read as follows:

704.797 1. ~~[If the Commission adopts regulations pursuant to NRS 704.796 to establish biennial targets for the procurement of energy storage systems by an electric utility, to]~~ ***To*** meet the targets set forth in ~~[those]~~ ***the*** regulations ~~[, the]~~ ***adopted pursuant to NRS 704.796, an*** electric utility may procure energy storage systems that are either centralized or distributed and either owned by the utility or by any other person, as prescribed by regulation of the Commission.

2. Electric energy storage systems procured by an electric utility to meet ~~[any]~~ ***the*** biennial targets for the procurement of energy storage systems established by regulation pursuant to NRS 704.796 must:

(a) Reduce peak demand for electricity;

(b) Avoid or defer investment by the electric utility in assets for the generation, transmission and distribution of electricity;

(c) Improve the reliability of the operation of the transmission or distribution grid;

(d) Reduce the emission of greenhouse gases or other air pollutants; or

(e) Integrate renewable energy into the electric grid.

Sec. 3. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not install an electrochemical energy storage system in this State unless he or she:

(a) Holds a valid license in the classification required to perform such work issued pursuant to this chapter and the regulations of the Board;

(b) If the installation is for a property other than a residential property and is performed on or after July 1, 2025, and except as otherwise provided in subsection 2, ensures that the installation:

(1) Is performed by or under the direct supervision of a person who holds a certificate demonstrating the successful completion of the Energy Storage and Microgrid Training and Certification program (ESAMTAC); and

(2) Conforms to any standards regarding the installation of signage in connection with such systems as contained in the Standard for the Installation of Stationary Energy Storage Systems, NFPA 855, in the form most recently published by the National Fire Protection Association.

2. The provisions of paragraph (b) of subsection 1 do not apply to work on an electrochemical energy storage system which is performed under a warranty by an employee of the manufacturer of the electrochemical energy storage system.

3. ~~[A person who provides a program of training on the installation of electrochemical energy storage systems other than the Energy Storage and Microgrid Training and Certification program may request that the Joint~~

~~*Interim Standing Committee on Growth and Infrastructure review the program of training on the installation of electrochemical energy storage systems provided by the person. The Joint Interim Standing Committee on Growth and Infrastructure shall include in its report on the activities of the Committee prepared pursuant to NRS 218E.330 a recommendation to amend this section to authorize the installation of an electrochemical energy storage system pursuant to paragraph (b) of subsection 1 by or under the direct supervision of a person who holds a certificate demonstrating the successful completion of such a program if the Committee finds that the program:*~~

~~*(a) Is available to all qualified applicants who wish to participate at a reasonable price;*~~

~~*(b) Provides satisfactory training on the safe installation of the types of electrochemical energy storage systems that are available on the market; and*~~

~~*(c) Complies with federal law.*~~

~~*4.*~~ ***As used in this section:***

(a) "Electrochemical energy storage system" means a commercially available technology that is capable of receiving electric energy and storing that energy by electrochemical means in order to produce and deliver electricity at a later time.

(b) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units; or

(2) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 4. NRS 624.3016 is hereby amended to read as follows:

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

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

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

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

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

5. Failure to comply with NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

6. Failure to comply with NRS 624.860 to 624.875, inclusive, or any regulations of the Board governing contracts for work concerning residential photovoltaic systems used to produce electricity.

7. Failure to comply with NRS 624.600.

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

9. Failure to pay an assessment required pursuant to NRS 624.470.

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

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

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

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

14. Failure to comply with section 3 of this act.

Sec. 5. NRS 624.800 is hereby amended to read as follows:

624.800 For any violation of the provisions of NRS 624.005 to 624.750, inclusive, ***and section 3 of this act*** that is punishable as a misdemeanor, an indictment must be found, or an information or complaint filed, within 2 years after the commission of the offense.

Sec. 6. NRS 704.795 is hereby repealed.

Sec. 7. 1. This section and section 1 and 6 of this act become effective upon passage and approval.

2. Sections 3, 4 and 5 of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

3. Sections 1.5 and 2 of this act become effective on July 1, 2024.

4. Section 1 of this act expires by limitation on June 30, 2049.

TEXT OF REPEALED SECTION

704.795 Commission required to determine whether targets for the procurement of energy storage systems by electric utility is in public interest; required factors to consider; calculation of benefits and costs.

1. On or before October 1, 2018, the Commission shall determine whether it is in the public interest to establish by regulation biennial targets for the procurement of energy storage systems by an electric utility.

2. In making the determination required by subsection 1, the Commission shall consider:

(a) Whether the procurement of energy storage systems by an electric utility will achieve the following purposes:

(1) The integration of renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid of the electric utility.

(2) The improvement of the reliability of the systems for the transmission and distribution of electricity.

(3) The increased use of renewable energy resources to generate electricity.

(4) The reduction of the need for the additional generation of electricity during periods of peak demand.

(5) The avoidance or deferral of investment by the electric utility in generation, transmission and distribution of electricity.

(6) The replacement of ancillary services provided by facilities using fossil fuels with ancillary services provided by the use of energy storage systems.

(7) The reduction of greenhouse gas emissions.

(b) The interconnection of energy storage systems at each point of the electric grid, including, without limitation, in the transmission and distribution of electricity and at the site of the customer.

3. For the purposes of subsection 1, the Commission shall determine that the establishment of targets for the procurement of energy storage systems by an electric utility is in the public interest if the benefits to customers of the electric utility exceed the costs of the procurement of energy storage systems. In calculating the benefits and costs of the procurement of energy storage systems, the Commission shall consider all known and measurable benefits and costs, including, without limitation:

(a) A reduction in the need for the additional generation of electricity during periods of peak demand;

(b) A reduction in line losses;

(c) The benefits and costs related to ancillary services;

(d) Avoided costs for additional generation, transmission and generation capacity;

(e) The benefits arising from a reduction of greenhouse gas emissions and the emission of other air pollutants;

(f) The benefits and costs related to voltage support;

(g) The benefits of diversifying the types of resources used for the generation of electricity;

(h) The administrative costs incurred by the electric utility;

(i) The cost to the electric utility of the integration of energy storage systems into the transmission and distribution grid; and

(j) The cost of energy storage systems.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 588.

AN ACT relating to evidence; prohibiting a law enforcement agency or forensic laboratory from taking certain actions relating to the DNA profile and DNA record of a survivor of sexual assault; expanding certain prohibitions against the use of certain evidence secured in connection with an investigation or prosecution of a sexual assault; requiring certain entities to conduct an audit of certain biological specimens, DNA profiles and DNA records, to the extent money is available; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Sexual Assault Survivors' Bill of Rights, which grants a survivor certain rights relating to the investigation or prosecution of an alleged sexual assault perpetrated against the survivor. (Chapter 178A of NRS) Among other requirements, the Bill of Rights grants a survivor the right to not have forensic evidence from a sexual assault used: (1) to prosecute the survivor for any misdemeanor or offense related to a controlled substance; or (2) as a basis to search for further evidence of any unrelated misdemeanor or any offense related to a controlled substance that may have been committed by the survivor. (NRS 178A.260) **Section 6** of this bill expands this right by prohibiting a law enforcement agency from using any biological evidence obtained from ~~[a]~~ **the sexual assault forensic evidence kit of a survivor or any biological evidence secured in connection with the investigation or prosecution of the alleged sexual assault of the** survivor: (1) to prosecute the survivor for any crime; (2) as a basis to search for further evidence of any criminal offense that may have been committed by the survivor; or (3) for any other purpose that is not directly related to the investigation or prosecution of the alleged sexual assault of the survivor **.** ~~[, unless such action is otherwise required by state or federal law.]~~

Existing law prescribes requirements relating to certain biological evidence secured in connection with an investigation or prosecution of a criminal offense. (NRS 176.0912) With limited exception, **section 3** of this bill prohibits a law enforcement agency from sharing with or disclosing to any person or entity any biological evidence of a survivor secured in connection with the investigation or prosecution of the alleged sexual assault of the survivor. **Section 2** of this bill defines the term "biological evidence" for purposes of the Bill of Rights. **Section 4** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes. **Section 5** makes a conforming change related to the definition of "biological evidence" set forth in **section 2**.

Existing law prescribes certain requirements relating to sexual assault forensic medical kits. Among other requirements, existing law requires: (1) a law enforcement agency to submit a sexual assault forensic evidence kit to the appropriate forensic laboratory; and (2) a forensic laboratory to accept and analyze such evidence and upload a DNA profile obtained from such evidence

to CODIS or the State DNA Database. (NRS 178A.220, 200.3786) With limited exception, **section 3** prohibits a law enforcement agency or forensic laboratory from including the DNA profile of a survivor obtained from the sexual assault forensic evidence kit of the survivor in any database that allows for the storage and exchange of DNA records.

Section 7 of this bill requires, to the extent money is available for this purpose, the Central Repository for Nevada Records of Criminal History, the State DNA Database and each forensic laboratory to: (1) conduct an audit of certain biological specimens, DNA profiles and DNA records; and (2) submit the results of the audit to the Joint Interim Standing Committee on Judiciary and the Director of the Legislative Counsel Bureau on or before January 1, 2024.

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

Section 1. Chapter 178A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Biological evidence" has the meaning ascribed to it in NRS 176.0912 and includes, without limitation, a sexual assault forensic evidence kit.***

Sec. 3. ***1. A law enforcement agency or forensic laboratory shall not include the DNA profile of a survivor obtained from the sexual assault forensic evidence kit of the survivor in any database that allows for the storage and exchange of DNA records unless the law enforcement agency or forensic laboratory is authorized to include the DNA profile in CODIS pursuant to 34 U.S.C. § 12592(b).***

2. Except as otherwise provided in subsection 3 and except as otherwise required by state or federal law, a law enforcement agency that has in its possession or custody any biological evidence of a survivor secured in connection with the investigation or prosecution of the alleged sexual assault of the survivor shall not share such evidence with or disclose such evidence to any person or entity, including, without limitation, any other law enforcement agency, except pursuant to:

(a) A court order; or

(b) A request from another law enforcement agency, if the law enforcement agency determines that such action is necessary to identify or prosecute the person who committed the alleged sexual assault of the survivor.

3. The provisions of subsection 2 do not apply if the disclosure is necessary for purposes of satisfying discovery obligations, including, without limitation, any obligation prescribed by the Federal Rules of Criminal Procedure.

4. As used in this section:

(a) "Any database" includes, without limitation, the State DNA Database, CODIS or any other database that allows for the storage and exchange of

DNA records, including, without limitation, any local, state or national database.

(b) "DNA record" means a database record stored in any database, that includes the DNA profile of a person and data required to manage the record.

Sec. 4. NRS 178A.020 is hereby amended to read as follows:

178A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 178A.030 to 178A.140, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 178A.220 is hereby amended to read as follows:

178A.220 1. A survivor has the right to prompt genetic marker analysis of a sexual assault forensic evidence kit pursuant to NRS 200.3786.

2. A sexual assault forensic evidence kit must be transported to a forensic laboratory and analyzed pursuant to NRS 200.3786, unless the survivor requests in writing at any time before such analysis, for the forensic laboratory to defer analysis of the sexual assault forensic evidence kit.

3. Biological evidence ~~[, including, without limitation, a sexual assault forensic evidence kit,]~~ secured in connection with the investigation or prosecution of a criminal case must be preserved and stored in accordance with the provisions of this subsection and NRS 176.0912. A sexual assault forensic evidence kit that is in the custody of an agency of criminal justice must be retained for:

(a) If the sexual assault forensic evidence kit is associated with an uncharged or unsolved sexual assault, at least 50 years.

(b) If the sexual assault forensic evidence kit is associated with an unreported or anonymous sexual assault, at least 20 years.

4. If a survivor has requested to defer analysis pursuant to subsection 2, the survivor may request that the forensic laboratory analyze the sexual assault forensic evidence kit at any later date before the expiration of the retention period pursuant to subsection 3.

5. A survivor has the right to the information regarding the timeline of the genetic marker analysis of sexual assault forensic evidence kits pursuant to NRS 200.3786.

Sec. 6. NRS 178A.260 is hereby amended to read as follows:

178A.260 ~~[Forensic]~~ ***A law enforcement agency shall not use any biological*** evidence ***obtained*** from ~~[a sexual assault may not be used:]~~ ***the sexual assault forensic evidence kit of a survivor or any biological evidence secured in connection with the investigation or prosecution of the alleged sexual assault of the survivor:***

1. To prosecute ~~[a]~~ ***the*** survivor for any ~~[:~~

~~(a) Misdemeanor; or~~

~~(b) Offense related to a controlled substance.]~~ ***crime;***

2. As a basis to search for further evidence of ~~[any unrelated misdemeanor or]~~ any ***criminal*** offense ~~[related to a controlled substance]~~ that may have been committed by the survivor ~~[.]~~ ***; or***

3. For any other purpose that is not directly related to the investigation or prosecution of the alleged sexual assault of the survivor . ~~[, unless such action is otherwise required by state or federal law.]~~

Sec. 7. 1. To the extent money is available for this purpose, the Central Repository, the State DNA Database and each forensic laboratory shall:

(a) Conduct an audit of any biological specimen, DNA profile or DNA record stored or maintained in the Central Repository, the State DNA Database or forensic laboratory, as applicable, for the period beginning on January 1, 2021, and ending on December 31, 2021. Any such audit must:

(1) Include, without limitation, an examination and analysis of compliance with NRS 176.0911 to 176.0919, inclusive; and

(2) Identify the number of DNA profiles that should have been collected during the period beginning on January 1, 2021, and ending on December 31, 2021, and were not collected during that period; and

(b) Submit the results of the audit to the Joint Interim Standing Committee on Judiciary and the Director of the Legislative Counsel Bureau on or before January 1, 2024.

2. As used in this section:

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

(b) "Central Repository" means the Central Repository for Nevada Records of Criminal History.

(c) "DNA profile" has the meaning ascribed to it in NRS 176.09115.

(d) "DNA record" has the meaning ascribed to it in NRS 176.09116.

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

(f) "State DNA database" means the database established by NRS 176.09121.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 659.

SENATORS STONE, SEEVERS GANSERT, GOICOECHEA; CANNIZZARO, DONDERO LOOP, HAMMOND, HANSEN, NGUYEN AND TITUS

JOINT SPONSORS: ASSEMBLYMEN YUREK, HARDY, GRAY, GALLANT; ~~[AND]~~ **BILBRAY-AXELROD,** GURR **AND HANSEN**

AN ACT relating to crimes; revising the penalties for engaging in reckless driving under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a person to drive a vehicle in willful or wanton disregard of the safety of persons or property. Existing law provides

that certain unlawful acts, such as driving a vehicle in willful or wanton disregard of the safety of persons or property, constitute reckless driving. (NRS 484B.653) Under existing law, if a driver commits reckless driving and proximately causes substantial bodily harm to or the death of another person, the driver: (1) is guilty of a category B felony; (2) 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 (3) may be subject to certain additional penalties if the violation is committed in a pedestrian safety zone or a temporary traffic control zone. (NRS 484B.130, 484B.135, 484B.653)

Section 3 of this bill revises the penalty for committing such a violation under certain circumstances. Specifically, **section 3** increases the maximum term of imprisonment for the commission of such a violation from 6 years to 10 years, if the violation: (1) involves operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit; or (2) is committed in a pedestrian safety zone, school zone or school crossing zone. This bill is known as "Rex's Law" after Rex Patchett.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property on a highway or premises to which the public has access.

(b) Drive a vehicle in an unauthorized speed contest on a highway or premises to which the public has access.

(c) Organize an unauthorized speed contest on a highway or premises to which the public has access.

(d) Drive a vehicle in an unauthorized trick driving display on a public highway.

(e) Facilitate an unauthorized trick driving display on a public highway.

➥ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle on a highway or premises to which the public has access is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. A person who violates paragraph (d) of subsection 1 is guilty of a gross misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

(b) For the second offense and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

7. A person who violates paragraph (e) of subsection 1 is guilty of:

(a) For the first offense, a misdemeanor and:

(1) Shall be punished by a fine of not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense and each subsequent offense, a gross misdemeanor and:

(1) Shall be punished by a fine of not less than $1,000 and not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

8. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 6 or 7, the court:

(a) May issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order; and

(c) May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense.

9. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on a highway or premises to which the public has access in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for ***:***

(a) Except as otherwise provided in paragraph (b), a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

(b) 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 less than $2,000 but not more than $5,000 if:

(1) The violation involves operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit; or

(2) The violation is committed in an area designated as a pedestrian safety zone or school zone or a school crossing zone.

10. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

11. As used in this section:

(a) "Facilitate" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized trick driving display or in any other way participate in an unauthorized trick driving display, including, without limitation:

(1) Using a vehicle to divert, slow, impede or otherwise block traffic with the intent to enable or assist an unauthorized trick driving display; or

(2) Filming or otherwise recording an unauthorized trick driving display with the intent to promote an unauthorized trick driving display.

(b) "Organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

(c) "Trick driving display" means using a vehicle to perform tricks, stunts or other maneuvers on a public highway upon which traffic has been diverted, slowed, impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.

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

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 331.

Bill read second time.

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

Amendment No. 627.

AN ACT relating to emergency management; requiring certain emergency management plans to include certain information related to the evacuation, transport and shelter of persons with pets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that an emergency management plan prepared by the Governor pursuant to NRS 414.060 or adopted by a political subdivision or local organization for emergency management must address the needs of persons with pets, service animals or service animals in training. (NRS 414.095) This bill requires that such an emergency management plan **, to the extent practicable,** also: (1) designate at least one shelter to accommodate persons with pets; and (2) ~~[to the extent practicable,]~~ include provisions for the evacuation, transport and shelter of persons with pets.

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

Section 1. NRS 414.095 is hereby amended to read as follows:

414.095 1. An emergency management plan prepared by the Governor pursuant to NRS 414.060 or adopted by a political subdivision or a local organization for emergency management must, without limitation ~~[, address]~~ ***:***

(a) Address the needs of persons with pets, service animals or service animals in training during and after an emergency or disaster ~~[.]~~ ***;***

(b) ~~[Designate]~~ To the extent practicable, designate at least one shelter to accommodate persons with pets; and

(c) To the extent practicable, include provisions for the evacuation, transport and shelter of persons with pets.

2. As used in this section:

(a) "Pet" has the meaning ascribed to it in NRS 574.615.

(b) "Service animal" has the meaning ascribed to it in NRS 426.097.

(c) "Service animal in training" has the meaning ascribed to it in NRS 426.099.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 334.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 596.

AN ACT relating to energy; authorizing an energy storage system that retains, stores and delivers energy through a system that uses only green hydrogen for the purposes of meeting certain biennial storage targets; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Public Utilities Commission of Nevada to establish by regulation biennial targets for the procurement of energy storage systems by an electric utility which has had a gross annual operating revenue of $250,000,000 or more in this State if the Commission determines such targets to be in the public interest. (NRS 704.187, 704.792, 704.796) Existing regulations establish such targets, with a target for the procurement of energy storage systems with a cumulative capacity of 1,000 megawatts by December 31, 2030. (LCB File No. R106-19) Under existing law, to qualify as an energy storage system for the purpose of meeting the biennial targets, an energy storage system is required to be commercially available technology that is capable of retaining, storing and delivering energy after storage by chemical, thermal or mechanical means. (NRS 704.793) **Section 2.8** of this bill authorizes technology that retains, stores and delivers energy through hydrogen storage and use systems that only use green hydrogen to be used to meet the existing biennial energy storage targets. **Section 2.4** of this bill defines the term "green hydrogen" as hydrogen produced through a certain process that is completely powered by **hourly-matched, geographically deliverable** renewable energy ~~[.]~~ **that is new or otherwise would have been curtailed.** **Section 2.6** of this bill makes a conforming change to make this definition applicable to existing law governing biennial energy storage targets.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 2.4. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

"Green hydrogen" means hydrogen that is produced by splitting water molecules into hydrogen and oxygen through an electrolysis process that is completely powered by hourly-matched, geographically deliverable renewable energy ~~[.]~~ that is new or otherwise would have been curtailed.

Sec. 2.6. NRS 704.791 is hereby amended to read as follows:

704.791 As used in NRS 704.791 to 704.797, inclusive, ***and section 2.4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.792, 704.793 and 704.794 ***and section 2.4 of this act*** have the meanings ascribed to them in those sections.

Sec. 2.8. NRS 704.793 is hereby amended to read as follows:

704.793 "Energy storage system" means commercially available technology that is capable of retaining energy, storing the energy for a period of time and delivering the energy after storage, including, without limitation,

by chemical, thermal or mechanical means ~~[.]~~ ***or through a hydrogen storage and use system that only uses green hydrogen.***

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

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 595.

AN ACT relating to motor vehicles; authorizing certain acts and transactions to be conducted through an electronic branch office established by the Department of Motor Vehicles; revising requirements relating to certificates of registration and certificates of title of a vehicle; eliminating certain limitations on the persons authorized to participate in a program established by the Department for the electronic submission and storage of documents; requiring the Department to design, prepare and issue special license plates for all vehicles that are wholly powered by an electric motor and reducing the fees for those special license plates; authorizing the use of electronic signatures and stamps for recording certain information for certain transactions; prohibiting a person from driving an autocycle upon a highway unless that person holds a driver's license; exempting the driver and passengers of an autocycle from the requirement to wear protective headgear; **revising requirements for a person to be appointed to issue salvage titles on behalf of the Department;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to establish an electronic branch office consisting of an Internet website or software application through which documentation may be submitted and certain transactions may be conducted through electronic means. (NRS 481.055) **Section 1** of this bill sets forth certain specific acts which may be conducted through such an electronic branch office.

Existing law requires that if the Department establishes a program for the electronic submission and storage of documents, the Department allow only certain institutions and persons to apply for and participate in the program. (NRS 482.293) Existing law also authorizes the Department to waive the requirement of any required signature of a natural person on a document submitted by electronic means for those institutions and persons who comply with all of the requirements of the program. (NRS 482.294) **Section 3** of this bill eliminates the limitations on persons who may participate in the program, thereby authorizing applications and participation by all persons. **Section 4** of this bill eliminates references to the limited institutions and persons whose signatures may be waived for documents submitted electronically, providing

for such waiver for any participant who complies with all requirements of the program.

Existing law requires: (1) certain information to be contained on the face of a certificate of registration of a vehicle; and (2) certain information and forms to be contained on the face or reverse, as applicable, of a certificate of title of a vehicle. (NRS 482.245) **Section 2** of this bill eliminates the requirements that such information and forms be contained specifically on the face or reverse of the applicable documents.

Existing law requires, upon a transfer of the title to, or interest of an owner in, a vehicle, the person whose title or interest is to be transferred and the transferee to write their signatures with pen and ink, along with other information, upon the reverse side of the certificate of title. Existing law also exempts a wholesale vehicle auctioneer from this requirement if he or she stamps certain information on the certificate of title and certain other documents relating to the sale and transfer of the vehicle. (NRS 482.400) **Section 5** of this bill: (1) eliminates the requirement of the use of pen and ink and the specification to write on the reverse side of the certificate, thereby authorizing electronic signatures; and (2) authorizes a wholesale vehicle auctioneer to stamp electronically the information required by these provisions.

Sections 1.2 and 5.1 of this bill define the term "autocycle." **Sections 1.6 and 5.5** of this bill amend the definition of the term "motorcycle" to exclude autocycles. **Sections 1.4 and 5.3** of this bill make conforming changes to indicate the proper placement of **sections 1.2 and 5.1** in the Nevada Revised Statutes.

Section 5.7 of this bill prohibits, with certain exceptions, a person from driving an autocycle upon an highway unless that person holds a driver's license.

Existing law requires the driver and passengers of certain vehicles to wear protective headgear and certain other protective devices when those vehicles are being driven on a highway. (NRS 486.231) **Section 5.9** of this bill provides that, when an autocycle is being driven on a highway, the driver and passengers are not required to wear protective headgear.

Existing law: (1) requires the Department to design, prepare and issue special license plates for passenger cars and light commercial vehicles that are wholly powered by an electric motor; and (2) establishes the fees for those special license plates and their renewal. (NRS 482.3797) **Section 4.5** of this bill: (1) requires the Department to design, prepare and issue special license plates for all vehicles that are wholly powered by an electric motor; and (2) reduces the fees for those special license plates and their renewal.

Existing law authorizes the Department to appoint by contract any person as an agent of the Department to issue salvage titles and establishes certain requirements for the Department and proposed agent to enter into such an arrangement. (NRS 487.815) Section 5.93 of this bill defines such a person as a "salvage title agent." Section 5.97 of this bill revises the

requirements imposed on the Department and the proposed agent. Section 5.95 of this bill makes a conforming change to indicate the proper placement of section 5.93 in the Nevada Revised Statutes.

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

Section 1. NRS 481.055 is hereby amended to read as follows:

481.055 1. The Department shall keep its main office at Carson City, Nevada, in rooms provided by the Buildings and Grounds Section of the State Public Works Division of the Department of Administration.

2. The Department may maintain such branch offices throughout the State as the Director may deem necessary to the efficient operation of the Department and the various divisions thereof in space provided by the Buildings and Grounds Section. Any leases or agreements entered into pursuant to this subsection must be executed in accordance with the provisions of NRS 331.110.

3. The Department may establish an electronic branch office consisting of an Internet website or software application through which, notwithstanding any specific statute to the contrary, a person may submit forms, applications and other documentation and the Department may conduct transactions that have been designated by the Director as suitable to be conducted through electronic means ~~[.]~~ ***, including, without limitation:***

(a) The electronic transmission, recording and issuance of certificates of title, certificates of registration and information relating to those certificates.

(b) The electronic transmission and recording of applications for driver's licenses.

(c) The recording and electronic transmission between the Department, other states and law enforcement of information relating to citations and crashes, collisions, accidents and other casualties.

(d) The acceptance of electronic signatures.

(e) The collection and exchange of applications for licenses and other information from persons who are licensed as or seeking to be licensed as:

(1) Brokers;

(2) Dealers;

(3) Distributors;

(4) Lessors;

(5) Manufacturers;

(6) Rebuilders;

(7) Salespersons; and

(8) Vehicle transporters.

(f) The issuance of registration credentials pursuant to NRS 482.217.

4. The Department shall not conduct a transaction through the electronic branch office which state or federal law specifically requires to be conducted in person or accept documentation through the electronic branch office which state or federal law specifically requires to be presented in original form.

Sec. 1.2. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

"Autocycle" means a three-wheeled motor vehicle that:

1. Is designed with two front wheels and one rear wheel;

2. Is equipped with a steering wheel or handlebars;

3. Is equipped with safety belts for the driver and each passenger;

4. Uses foot pedals to control the braking and acceleration of the vehicle;

5. Does not require the operator or passengers to straddle or sit astride the vehicle; and

6. Has been manufactured to meet the federal safety requirements for a motorcycle.

Sec. 1.4. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.0105 to 482.137, inclusive, ***and section 1.2 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.6. NRS 482.070 is hereby amended to read as follows:

482.070 "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "electric bicycle," "electric scooter," "tractor" or "moped" as defined in this chapter. ***The term does not include an autocycle.***

Sec. 2. NRS 482.245 is hereby amended to read as follows:

482.245 1. The certificate of registration must contain ~~[upon the face thereof]~~ the date issued, the registration number assigned to the vehicle, the name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the Department.

2. The certificate of title must contain ~~[upon the face thereof]~~ the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, a reading of the vehicle's odometer as provided to the Department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle, the information required pursuant to subsection 4 of NRS 482.247 if the certificate of title is a certificate of title in beneficiary form pursuant to NRS 482.247 and such other statement of facts as may be determined by the Department. The ~~[reverse side of the]~~ certificate of title must ***also*** contain forms for notice to the Department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of title is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. Except as otherwise required by federal law, the certificate of title of a vehicle which the Department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the

odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.

Sec. 3. NRS 482.293 is hereby amended to read as follows:

482.293 1. The Department may establish a program for the electronic submission and storage of documents.

2. If the Department establishes a program pursuant to subsection 1:

(a) An electronic submission or storage of documents that is carried out pursuant to the program with respect to a particular transaction is not valid unless all original documents required for the transaction pursuant to:

(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and

(2) The provisions of any regulations adopted pursuant thereto,

➥ have been executed and submitted to the Department.

(b) ~~[The Department shall allow only the following persons to apply for participation in the program:~~

~~(1) Financial institutions, new vehicle dealers and used vehicle dealers, for the purpose of submitting documents by electronic means to the Department on behalf of their customers.~~

~~(2) Owners of fleets composed of 10 or more vehicles.~~

~~(c)]~~ The Department shall adopt regulations to carry out the program.

3. The regulations required to be adopted pursuant to paragraph ~~[(c)]~~ ***(b)*** of subsection 2 must include, without limitation:

(a) The type of electronic transmission that the Department will accept for the program.

(b) The process for submission of an application by a person who desires to participate in the program and the fee, if any, that must accompany the application for participation.

(c) The criteria that will be applied by the Department in determining whether to approve an application to participate in the program.

(d) The standards for ensuring the security and integrity of the process for issuance and renewal of a certificate of registration and a certificate of title, including, without limitation, the procedure for a financial and performance audit of the program.

(e) The terms and conditions for participation in the program and any restrictions on the participation.

(f) The contents of a written agreement that must be on file with the Department before a participant may submit a document by electronic means to the Department. Such written agreement must include, without limitation:

(1) An assurance that each document submitted by electronic means contains all the information that is necessary to complete the transaction for which the document is submitted;

(2) Certification that all the information contained in each document that is submitted by electronic means is truthful and accurate;

(3) An assurance that the participant who submits a document by electronic means will maintain all information and records that are necessary to support the document; and

(4) The signature of the participant who files the written agreement with the Department.

(g) The conditions under which the Department may revoke the approval of a person to participate in the program, including, without limitation, failure to comply with this section and NRS 482.294 and the regulations adopted pursuant thereto.

(h) The method by which the Department will store documents that are submitted to it by electronic means.

(i) The required technology that is necessary to carry out the program.

(j) Any other regulations that the Department determines necessary to carry out the program.

(k) Procedures to ensure compliance with:

(1) The provisions of 49 U.S.C. §§ 32701 et seq.; and

(2) The provisions of any regulations adopted pursuant thereto,

➥ to the extent that such provisions relate to the submission and retention of documents used for the transfer of the ownership of vehicles.

4. The Department may accept gifts and grants from any source, including, without limitation, donations of materials, equipment and labor, for the establishment and maintenance of a program pursuant to this section.

Sec. 4. NRS 482.294 is hereby amended to read as follows:

482.294 1. If the Department approves an application for a person to participate in a program established pursuant to NRS 482.293, that participant may submit, by electronic means, a document that is required to be submitted pursuant to this chapter for the issuance or renewal of a certificate of registration or a certificate of title.

2. If the signature of a natural person is required pursuant to this chapter on a document that is submitted by electronic means, the Department may waive that requirement ~~[~~:

~~(a) In the case of a participant who is a financial institution, new vehicle dealer or used vehicle dealer, if the participant who submitted the document on behalf of that person complies with all requirements of this program.~~

~~(b) In the case of a participant who is an owner of a fleet composed of 10 or more vehicles,~~] if the participant complies with all requirements of this program.

3. Notwithstanding any other provision of law to the contrary, a document that is submitted by electronic means pursuant to subsection 1, if accepted by the Department, shall be deemed an original document in administrative proceedings, quasi-judicial proceedings and judicial proceedings.

Sec. 4.5. NRS 482.3797 is hereby amended to read as follows:

482.3797 1. The Department shall:

(a) Design, prepare and issue special license plates for ~~[passenger cars and light commercial]~~ vehicles that are wholly powered by an electric motor, using any colors and designs that the Department deems appropriate; and

(b) Issue the plates only to residents of Nevada for a ~~[passenger car or light commercial]~~ vehicle which is wholly powered by an electric motor.

2. The Department may issue special license plates pursuant to subsection 1 upon application by any person who:

(a) Is entitled to license plates pursuant to NRS 482.265;

(b) Submits proof satisfactory to the Department that the vehicle for which the special license plates are intended meets the requirements of subsection 1; and

(c) Otherwise complies with the requirements for registration and licensing pursuant to this chapter.

3. The fee for the ***issuance of*** special license plates is ~~[$125,~~ ~~***$81,]***~~ ***$90,*** in addition to ***the registration fees set forth in NRS 482.480 and 482.482, as*** applicable ***, and*** governmental services taxes. The special license plates are renewable upon the payment of ~~[$80.]~~ ***$46.***

4. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license plates issued pursuant to this section if that person pays the fees for the personalized prestige license plates in addition to the fees for the special license plates pursuant to subsection 3.

5. The Department, after deducting the costs of all applicable registration, license and license plate fees, shall deposit the fees collected pursuant to subsection 3 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection in the State Highway Fund.

6. If, during a registration period, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedures set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 5. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections 3, 6 and 7, and NRS 482.247, upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall ~~[write their signatures with pen and ink upon]~~ ***sign in writing or electronically*** the certificate of title issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon ~~[the reverse side of]~~ the certificate. The Department may, by regulation, prescribe alternative methods by which a signature may be

affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.

2. Within 5 days after the transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred may submit electronically to the Department a notice of the transfer. The Department may provide, by request and at the discretion of the Department, information submitted to the Department pursuant to this section to a tow car operator or other interested party. The Department shall adopt regulations establishing:

(a) Procedures for electronic submissions pursuant to this section; and

(b) Standards for determining who may receive information from the Department pursuant to this section.

3. The Department shall provide a form for use by a dealer for the transfer of ownership of a vehicle. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of title issued for a vehicle, the form becomes a part of that certificate of title. The Department may charge a fee not to exceed the cost to provide the form.

4. Except as otherwise provided in subsections 5, 6 and 7, the transferee shall immediately apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

5. If the transferee is a dealer who intends to resell the vehicle, the transferee is not required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is resold, the purchaser shall apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

6. If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of title for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of title for the vehicle.

(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection 5. The wholesale vehicle auctioneer is not required to comply with subsection 1 if the wholesale vehicle auctioneer:

(1) Does not take an ownership interest in the vehicle;

(2) Auctions the vehicle to a vehicle dealer or automobile wrecker who is licensed as such in this or any other state; and

(3) Stamps his or her name, his or her identification number as a vehicle dealer and the date of the auction on the certificate of title and the bill of sale and any other documents of transfer for the vehicle. ***The wholesale vehicle auctioneer may stamp electronically the information which is required to be stamped on any document pursuant to this subparagraph.***

7. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the Department or its agent the certificate of registration and the license plate or plates for the vehicle, if the license plate or plates have not been removed from the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply for registration as provided in NRS 482.215 and pay the governmental services taxes due.

8. As used in this section, "wholesale vehicle auctioneer" means a dealer who:

(a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this or any other state; and

(b) Does not in the ordinary course of business buy, sell or own the vehicles he or she auctions.

Sec. 5.1. Chapter 486 of NRS is hereby amended by adding thereto a new section to read as follows:

"Autocycle" means a three-wheeled motor vehicle that:

1. Is designed with two front wheels and one rear wheel;

2. Is equipped with a steering wheel or handlebars;

3. Is equipped with safety belts for the driver and each passenger;

4. Uses foot pedals to control the braking and acceleration of the vehicle;

5. Does not require the operator or passengers to straddle or sit astride the vehicle; and

6. Has been manufactured to meet the federal safety requirements for a motorcycle.

Sec. 5.3. NRS 486.011 is hereby amended to read as follows:

486.011 As used in NRS 486.011 to 486.381, inclusive, ***and section 5.1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 486.031 to 486.057, inclusive, ***and section 5.1 of this act*** have the meanings ascribed to them in those sections.

Sec. 5.5. NRS 486.041 is hereby amended to read as follows:

486.041 "Motorcycle" means every motor vehicle equipped with a seat or a saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, excluding an electric bicycle as defined in NRS 484B.017, an electric scooter as defined in NRS 482.0295, a tractor ***, an autocycle*** and a moped.

Sec. 5.7. NRS 486.061 is hereby amended to read as follows:

486.061 Except for a nonresident who is at least 16 years of age and is authorized by the person's state of residency to drive a motorcycle, a person shall not drive:

1. A motorcycle, except a trimobile, upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, a driver's license issued pursuant to chapter 483 of NRS

endorsed to authorize the holder to drive a motorcycle or a permit issued pursuant to subsection 4 or 5 of NRS 483.280.

2. A trimobile upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, or a driver's license issued pursuant to chapter 483 of NRS.

3. An autocycle upon a highway unless that person holds a driver's license issued pursuant to chapter 483 of NRS.

Sec. 5.9. NRS 486.231 is hereby amended to read as follows:

486.231 1. The Department shall adopt standards for protective headgear and protective glasses, goggles or face shields to be worn by the drivers and passengers of motorcycles and transparent windscreens for motorcycles.

2. Except as otherwise provided in this section, when any motorcycle or moped is being driven on a highway, the driver and passenger shall wear protective headgear securely fastened on the head and protective glasses, goggles or face shields meeting those standards.

3. When a motorcycle or a moped is equipped with a transparent windscreen meeting those standards, the driver and passenger are not required to wear glasses, goggles or face shields.

4. When a motorcycle or moped is being driven in a parade authorized by a local authority, the driver and passenger are not required to wear the protective devices provided for in this section.

5. When a three-wheel vehicle, except a trimobile, on which the driver and passengers ride within an enclosed cab is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.

6. When an autocycle is being driven on a highway, the driver and passengers are not required to wear protective headgear.

Sec. 5.93. **Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Salvage title agent" means a person who enters into a contract with, and is appointed and authorized by, the Department to issue salvage titles pursuant to the provisions of NRS 487.810 and 487.815.

Sec. 5.95. **NRS 487.710 is hereby amended to read as follows:**

487.710 As used in NRS 487.710 to 487.890, inclusive, ***and section 5.93 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 487.720 to 487.790, inclusive, ***and section 5.93 of this act*** have the meanings ascribed to them in those sections.

Sec. 5.97. **NRS 487.815 is hereby amended to read as follows:**

487.815 1. The Department may by contract appoint any person as ~~[an]~~ ***a salvage title*** agent of the Department to issue those salvage titles which the Department is authorized to issue pursuant to NRS 487.810. ~~[An]~~ ***A salvage title*** agent appointed pursuant to this section shall charge and collect the fee required by NRS 487.810 for the issuance of a salvage title and remit it to the Department. Fees remitted to the Department pursuant to this subsection must

be deposited with the State Treasurer for credit to the Revolving Account for the Issuance of Salvage Titles created by NRS 487.825.

2. Before entering into a contract pursuant to subsection 1, ~~[the Department must require:~~

~~(a) Each natural person who will be authorized to issue a salvage title on behalf of the proposed]~~ ***an applicant for appointment as a salvage title*** agent ~~[to:~~

~~(1)]~~ ***must:***

(a) File with the Department, on a form prescribed by the Department, an application which contains, without limitation, his or her social security number.

(b) Submit to the Department a complete set of his or her fingerprints and written permission authorizing the Department to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. ~~[; and~~

~~(2)]~~ ***(c)*** Pay a fee for the processing of fingerprints. The Department shall establish by regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

~~[(b) The proposed agent to procure]~~

(d) Procure and file with the Department a good and sufficient bond in an amount of not less than $50,000, with a corporate surety thereon licensed to do business in the State of Nevada, approved as to form by the Attorney General, and conditioned upon the ~~[proposed agent]~~ ***applicant*** remitting to the Department the full amount of any fee he or she is required to collect pursuant to subsection 1. In lieu of a bond, the ~~[proposed agent]~~ ***applicant*** may deposit with the State Treasurer a like amount of lawful money of the United States.

3. The Department may, as the Director of the Department deems appropriate:

(a) Investigate the actions of ~~[an]~~ ***a salvage title*** agent appointed pursuant to subsection 1.

(b) Conduct audits of the ***salvage title*** agent at regular intervals.

(c) Inspect the premises of the ***salvage title*** agent during regular business hours to determine the ***salvage title*** agent's compliance with the contract entered into pursuant to subsection 1. The Department may require the ***salvage title*** agent to pay to the Department an amount equal to the allowance provided for state officers and employees generally while traveling outside of the State for each day or fraction thereof during which an employee of the Department is engaged in any investigation or examination made at any premises of the ***salvage title*** agent located outside this State, plus any other actual expenses incurred by the employee while he or she is absent from his or her regular place of employment to conduct the investigation or examination outside this State.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2, 3, 4 **, [and]** 5 **, 5.93, 5.95 and 5.97** 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. Sections 1.2, 1.4, 1.6, 4.5 and 5.1 to 5.9, inclusive, of this act become effective on the date on which the Director of the Department of Motor Vehicles notifies the Governor and the Director of the Legislative Counsel Bureau that sufficient resources are available to enable the Department to carry out the provisions of those sections.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 355.

Bill read second time.

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

Amendment No. 669.

AN ACT relating to financial services; prohibiting the Commissioner of Financial Institutions from requiring an applicant for a license to establish a new depository institution to identify the physical address of the proposed depository institution in the application for the license; authorizing certain persons employed by financial institutions to temporarily delay certain financial transactions involving the suspected exploitation of an older person or vulnerable person; exempting certain persons from liability for certain actions relating to the suspected exploitation of an older person or vulnerable person; authorizing the employee of a person licensed to engage in the business of lending in this State to perform certain work from a remote location under certain circumstances; setting forth various requirements concerning such work performed at a remote location; requiring a person licensed to engage in the business of lending in this State to provide notice to the Attorney General and certain other persons of certain breaches of security involving personal information; revising the circumstances under which a person is not required to accept an acknowledged power of attorney; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of various types of financial institutions, including, without limitation, depository institutions, by the Commissioner of Financial Institutions. (Title 55 of NRS) Existing law requires the Commissioner, during the process for the organization and licensing of a banking corporation or company, to examine all the facts connected with the formation of the proposed banking corporation or company, including its location. (NRS 659.045) Similarly, existing law

requires a person who desires to organize a savings bank to submit to the Commissioner an application that contains, among other things, the location of the proposed main office of the savings bank. (NRS 673.080) **Section 1** of this bill prohibits the Commissioner from requiring an applicant for a license to establish a new depository institution to identify in the application for the license the physical address where the main office of the proposed depository institution will be located. **Section 1** authorizes the Commissioner to require such an applicant to: (1) identify the location of the proposed main office, described in general terms, in the application; and (2) provide the physical address of the proposed main office before the depository institution commences business. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law prohibits a person from engaging in the business of lending in this State without having first obtained a license from the Commissioner for each office or other place of business in which the person engages in the business of lending. (NRS 675.060) **Section 5** of this bill authorizes an employee of a licensee to engage in the business of lending in this State at a remote location if authorized by the licensee. **Section 5** requires a licensee: (1) to enter into a written agreement with an employee before authorizing the employee to work at a remote location; and (2) to ensure that the employee and the remote location meet certain requirements. **Section 6** of this bill requires a licensee who authorizes an employee to engage in the business of lending in this State at a remote location to develop and adhere to a written data security policy meeting certain requirements. **Section 7** of this bill sets forth certain prohibited acts with respect to an employee who engages in the business of lending in this State at a remote location. **Section 8** of this bill requires a licensee who authorizes any employee to engage in the business of lending in this State at a remote location to conduct an annual review and evaluation of the operations of the licensee which are conducted by employees working at remote locations. **Section 11** of this bill defines words and terms for the purposes of this bill. **Sections 12-16** of this bill make certain changes to provisions governing the licensing of persons engaged in the business of lending to account for the provisions of **sections 5-8** which authorize an employee of a licensee to engage in the business of lending in this State at a remote location.

Existing law requires a data collector that owns, licenses or maintains computerized data which includes personal information to, after discovery or notification of a breach of security in which personal information maintained by the data collector was, or is reasonably believed to have been, acquired by an unauthorized person, notify each affected resident of this State and certain other persons. (NRS 603A.220) **Section 17** of this bill exempts a person licensed to engage in the business of lending in this State from those requirements. **Section 9** of this bill instead sets forth similar provisions which require a licensee, after discovery or notification of a breach of security in which personal information maintained by the licensee was, or is reasonably

believed to have been, acquired by an unauthorized person, to notify each affected resident if the breach is reasonably likely to subject the resident to a risk of harm and certain other conditions are met. **Section 9** sets forth certain requirements for such a notification. **Section 10** of this bill requires a licensee who is required to notify more than 500 residents of this State pursuant to **section 9** as the result of a single breach also to notify the Attorney General.

Existing law requires certain financial institutions to designate a person to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person. (NRS 657.290) **Section 3** of this bill authorizes a designated reporter to delay a requested disbursement or transaction involving an older person or vulnerable person if the designated reporter knows or has reasonable cause to believe that the older person or vulnerable person has been exploited. **Section 3** sets forth procedures and requirements for the imposition of such a delay. Additionally, **section 3** provides that a financial institution and its officers, employees and designated reporters are immune from criminal, civil and administrative liability for: (1) making a report concerning the known or suspected exploitation of an older person or vulnerable person; (2) delaying ~~[or not delaying]~~ a requested disbursement or transaction involving such exploitation pursuant to **section 3**; and (3) taking certain other actions relating to known or suspected exploitation of an older person or vulnerable person.

Under existing law, a person who refuses to accept an acknowledged power of attorney, with certain exceptions, is subject to: (1) a court order mandating acceptance of the power of attorney; and (2) liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney. (NRS 162A.370) **Section 16.5** of this bill provides that a designated reporter who delays a requested disbursement or transaction pursuant to **section 3** or certain other persons who make a report concerning the exploitation of an older person or vulnerable person are not required to accept an acknowledged power of attorney under certain circumstances.

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

Section 1. Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner shall not require an applicant for a license to establish a new depository institution to identify in the application for the license the physical address where the main office of the proposed depository institution will be located.

2. The Commissioner may require an applicant for a license to establish a new depository institution to:

(a) Identify in the application for the license the location, described in general terms, where the main office of the proposed depository institution will be located; and

(b) Provide to the Commissioner the physical address of the main office of the proposed depository institution before the depository institution commences business.

Sec. 2. NRS 657.150 is hereby amended to read as follows:

657.150 As used in NRS 657.150 to 657.290, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 657.160 and 657.170 have the meanings ascribed to them in those sections.

Sec. 3. NRS 657.290 is hereby amended to read as follows:

657.290 1. Each financial institution shall designate a person or persons to whom an officer or employee of the financial institution must report known or suspected exploitation of an older person or vulnerable person.

2. If an officer or employee reports known or suspected exploitation of an older person or vulnerable person to a designated reporter and, based on such a report or based on his or her own observations or knowledge, the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, the designated reporter ***:*** ~~[shall:]~~

(a) Except as otherwise provided in subsection 3, ***shall*** report the known or suspected exploitation 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;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; ~~[and]~~

(b) ~~[Make]~~ ***Shall make*** such a report as soon as reasonably practicable ~~[.]~~ ***; and***

(c) May temporarily delay a requested disbursement from, or a requested transaction involving, an account of an older person or vulnerable person or an account to which an older person or vulnerable person is a beneficiary if the designated reporter:

(1) Not later than 2 business days after the date on which the requested disbursement or transaction is delayed:

(I) Provides written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, except a party who is reasonably believed to have engaged in the suspected exploitation; and

(II) Notifies the local office of the Aging and Disability Services Division of the Department of Health and Human Services and a local law enforcement agency of the delay; and

(2) Notifies the local office of the Aging and Disability Services Division of the Department of Health and Human Services and the appropriate local law enforcement agency of any new information that is

relevant to the delay within a reasonable time after becoming aware of the information.

3. If the designated reporter knows or has reasonable cause to believe that the exploitation 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 designated reporter shall make the report to an agency other than the one alleged to have committed the act or omission.

4. In accordance with the provisions of subsection 3 of NRS 239A.070, in making a report pursuant to this section, a designated reporter may:

(a) Disclose any facts or information that form the basis of the determination that the designated reporter knows or has reasonable cause to believe that an older person or vulnerable person has been exploited, including, without limitation, the identity of any person believed to be involved in the exploitation of the older person or vulnerable person; and

(b) Provide any financial records or other documentation relating to the exploitation of the older person or vulnerable person.

5. ~~[An officer, employee]~~ ***A financial institution and any of its officers, employees*** and ~~[the]~~ designated ~~[reporter]~~ ***reporters*** are ~~[entitled to the immunity]~~ ***immune*** from ***civil, criminal and administrative*** liability ~~[set forth in NRS 200.5096 for making a report in good faith.]~~ ***arising from:***

(a) Making a report in good faith pursuant to this section;

(b) Delaying ~~[or not delaying]~~ a requested disbursement or transaction involving the known or suspected exploitation of an older person or vulnerable person pursuant to this section; or

(c) Taking any reasonable action which is:

(1) Performed in furtherance of a duty or authorization created by subsection 2, 3 or 4; and

(2) Based upon a reasonable belief that an older person or vulnerable person has been exploited.

6. Except as otherwise provided in this subsection and subsections 7 and 8, a delay in a requested disbursement or transaction authorized by paragraph (c) of subsection 2 expires 15 business days after the date on which the requested disbursement or transaction was delayed. If the local office of the Aging and Disability Services Division of the Department of Health and Human Services or a local law enforcement agency requests in writing that the designated reporter extend the delay, the delay expires upon the earlier of:

(a) Twenty-five business days after the date on which the requested disbursement or transaction was delayed; or

(b) Upon the written request of the local office of the Aging and Disability Services Division of the Department of Health and Human Services or the local law enforcement agency that requested the extension of the delay or upon the order of a court of competent jurisdiction.

7. A delay in a requested disbursement or transaction authorized by paragraph (c) of subsection 2 may expire before the period set forth in subsection 6 and the designated reporter may proceed with the requested disbursement or transaction if the designated reporter reasonably believes that the requested disbursement or transaction will not result in exploitation of the older person or vulnerable person.

8. A court of competent jurisdiction may issue an order extending a delay of a requested disbursement or transaction authorized by paragraph (c) of subsection 2 based on the petition of the local office of the Aging and Disability Services Division of the Department of Health and Human Services, a local law enforcement agency or any other interested party.

9. When determining whether an older person or vulnerable person has been exploited, a designated reporter may consider any of the following circumstances, if applicable and without limitation:

(a) A requested disbursement from, or a requested transaction involving, an account of an older person or vulnerable person or an account to which an older person or vulnerable person is a beneficiary that the older person or vulnerable person cannot explain;

(b) A request to close a certificate of deposit of an older person or vulnerable person that is made:

(1) Before the date of maturity of the certificate of deposit; and

(2) With apparent disregard for any penalty associated with closing the certificate of deposit before the date of maturity of the certificate of deposit;

(c) A check written by an older person or vulnerable person under suspicious circumstances;

(d) An uncharacteristic attempt by an older person or vulnerable person to initiate a wire transfer of a significant sum of money;

(e) A suspicious signature on documentation relating to an account of an older person or vulnerable person;

(f) A suspicious alteration to a:

(1) Trust to which an older person or vulnerable person is a beneficiary; or

(2) Will or trust for which an older person or vulnerable person is a testator or trustee;

(g) A suspicious alteration in a power of attorney relating to an older person or a vulnerable person; and

(h) A person attempting to initiate a financial transaction on behalf of an older person or vulnerable person without proper documentation.

Sec. 4. Chapter 675 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 10, inclusive, of this act.

Sec. 5. *1. An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act if authorized by the licensee.*

2. Before authorizing an employee to engage in the business of lending in this State at a remote location, a licensee must enter into a written

agreement with the employee that is signed by the employee in which the employee:

(a) Agrees to:

(1) Maintain the confidentiality of data concerning borrowers and potential borrowers while working at the remote location;

(2) Maintain all data of the licensee electronically while working at the remote location;

(3) Read and comply with the data security policy adopted by the licensee pursuant to section 6 of this act; and

(4) Keep any equipment provided to the employee by the licensee for use at the remote location safe and secure in the manner prescribed by the licensee;

(b) Agrees not to:

(1) Print or otherwise reproduce physical documents containing any data of the licensee at the remote location;

(2) Except as authorized by section 7 of this act, disclose to a borrower or potential borrower that the employee is working at a remote location;

(3) Convey to a borrower or potential borrower that the remote location at which the licensee is working is the place of business of the licensee; and

(4) Conduct any interactions with a borrower or potential borrower in person at the remote location.

3. A licensee shall not authorize an employee to engage in the business of lending in this State at a remote location unless the remote location:

(a) Is located in the United States;

(b) Is secure and sufficiently closed off from the public to enable the employee to maintain the confidentiality of borrowers and potential borrowers; and

(c) Contains all the equipment necessary for the employee to perform his or her work for the licensee, which must:

(1) Be sufficiently connected to the systems used by the licensee, including, without limitation, telephone systems, computerized data systems and other computer systems, to allow the licensee to monitor and oversee the work of the employee as though the employee were performing the same work at the place of business of the licensee; and

(2) Require the employee to enter unique credentials, passwords or similar information to access the computerized data system of the licensee and other computer systems used by the licensee to conduct business.

4. A licensee shall ensure that each employee of the licensee who engages in the business of lending at a remote location:

(a) Before beginning work at a remote location, completes a training program at the place of business of the licensee that includes, without limitation, instruction on privacy, confidentiality, monitoring and security in the context of remote work and compliance with applicable laws and the policies of the licensee;

(b) Receives the same level of communication, management, oversight and monitoring he or she would receive while working at the place of business of the licensee; and

(c) Complies with the provisions of this chapter and the regulations adopted pursuant thereto.

5. As used in this section, "place of business" means an office or place of business for which a license has been issued pursuant to this chapter.

Sec. 6. *A licensee who authorizes any employee to engage in the business of lending in this State at a remote location shall develop and adhere to a written data security policy. The data security policy must set forth procedures and requirements to ensure that:*

1. Data of the licensee that is stored at or accessible from a remote location is protected against unauthorized or accidental disclosure, access, use, modification, duplication or destruction;

2. An employee working at a remote location is able to access the computerized data system of the licensee and other computer systems of the licensee only through the use of a virtual private network or other system that:

(a) Requires the use of a username and password, frequent password changes, multifactor authentication, a system that automatically prevents a person from accessing an account upon the failure of the person to enter the appropriate credentials after a set number of attempts or any combination thereof; and

(b) Uses data encryption;

3. Any updates or repairs necessary to keep data and equipment secure are installed or implemented immediately;

4. All data of the licensee is stored in a safe and secure manner and the computerized data system of the licensee is capable of being modified to accommodate the storage of data necessary for an employee working at a remote location to perform his or her work;

5. Each remote location at which an employee works contains computers or other electronic devices which make use of reasonable security measures, such as antivirus software and firewalls;

6. The computerized data system of the licensee and other computer systems of the licensee may only be accessed through computers or other electronic devices which:

(a) Are issued by the licensee; and

(b) May only be used by an employee while performing activities approved by the licensee;

7. An internal or external risk assessment is performed annually on the protection of the data of the licensee from reasonably foreseeable internal or external risks;

8. After the performance of a risk assessment pursuant to subsection 7, the data security policy is updated to correct any deficiencies identified in the risk assessment;

9. The licensee has procedures in place which establish the actions that must be taken upon the:

(a) Discovery of a breach of the security of the computerized data system, including, without limitation, any actions that must be taken concerning the disclosure of the breach as required by section 9 of this act or other applicable law; and

(b) Occurrence of an emergency, including, without limitation, a fire or natural disaster, that has the potential to impact the storage of or access to data of the licensee;

10. The data of the licensee is disposed of in a timely and secure manner as required by applicable law and contractual requirements; and

11. The licensee is able, without the licensee or an agent of the licensee being physically present at a remote location, to disconnect any computer or device provided to an employee at a remote location from the computerized data system of the licensee or other computer systems of the licensee and disable and erase any data from such a computer or device upon termination of the employee's employment with the licensee.

Sec. 7. *1. An employee who engages in the business of lending in this State at a remote location shall not print or store physical records containing any data of the licensee at the remote location.*

2. Except as otherwise provided in subsection 3, an employee who engages in the business of lending in this State at a remote location or the licensee who employs such an employee shall not represent in any manner to a borrower, potential borrower or any other person that the employee is working at a remote location, including, without limitation, by:

(a) Advertising in any form the address of the remote location where the employee works or a personal telephone number or facsimile number associated with the remote location;

(b) Meeting a borrower or potential borrower at, or inviting a borrower or potential borrower to, the remote location; or

(c) Directly or indirectly suggesting or holding out in any manner that the address of the remote location is the address of the place of business of the licensee, including, without limitation, by receiving mail intended for the licensee at the remote location or storing physical records of the licensee at the remote location.

3. An employee may respond to an inquiry concerning his or her location by stating that he or she is working remotely or working at a remote location.

4. As used in this section, "place of business" has the meaning ascribed to it in section 5 of this act.

Sec. 8. *A licensee who authorizes any employee to engage in the business of lending in this State at a remote location shall, at least once each year, conduct a review and evaluation of the operations of the licensee which are conducted by employees working at remote locations to determine whether such operations comply with the provisions of sections 5 to 8,*

inclusive, of this act. The Commissioner may require a licensee to conduct such a review and evaluation at such other times as the Commissioner deems necessary.

Sec. 9. *1. If a licensee that owns or licenses computerized data that includes personal information discovers or is notified of a breach of the security of the computerized data system of the licensee, the licensee shall notify any resident of this State whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person if:*

(a) The breach is reasonably likely to subject the resident to a risk of harm; and

(b) Either:

(1) The personal information acquired or believed to have been acquired was not encrypted; or

(2) The breach resulted in, or is reasonably believed to have resulted in, an unauthorized person acquiring an encryption key or other means of converting encrypted personal information acquired by the person into an unencrypted or otherwise intelligible form.

2. Except as otherwise provided in this subsection and subsection 4, the notification required by subsection 1 must be made in the most expedient time possible and not more than 30 days after the date on which the licensee discovered or was notified of the breach. A licensee may delay providing the notification beyond the period required by this subsection, as authorized by subsection 4 or if the delay is caused by any measures necessary to determine the scope of the breach and restore the reasonable integrity of the computerized data system of the licensee.

3. Except as otherwise provided in subsection 4, a licensee that maintains data which includes personal information that the licensee does not own shall notify the owner of the information of any breach of the security of the computerized data system of the licensee immediately following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

4. A notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification must be made after the law enforcement agency determines that the notification will not impede a criminal investigation.

5. Except as otherwise provided in subsections 6 and 8, a notification required by this section may be provided by any of the following methods:

(a) Written notification.

(b) Electronic notification, if the notification provided is consistent with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

(c) Substitute notification, if the licensee demonstrates that the cost of providing notification would exceed $250,000, the affected class of subject persons to be notified exceeds 500,000 or the licensee does not have

sufficient contact information. Substitute notification must consist of all the following:

(1) Notification by electronic mail when the licensee has electronic mail addresses for the subject persons.

(2) Conspicuous posting of the notification on the Internet website of the licensee, if the licensee maintains an Internet website.

(3) Notification to major statewide media.

6. If a breach involves a username, password or other login credentials to an electronic mail account furnished by the licensee, the licensee shall not provide the notification required pursuant to this section to that electronic mail account.

7. A notification provided by a licensee pursuant to this section must be written in plain language and contain, at a minimum, the following information:

(a) The name and contact information of the licensee;

(b) A list of the types of personal information that were or are reasonably believed to have been subject to the breach;

(c) The period of time, if known, in which personal information was potentially subject to acquisition by unauthorized persons as a result of the breach, including, without limitation, the date of the breach and the date upon which the licensee discovered or was notified of the breach;

(d) The toll-free telephone numbers and addresses of the major credit reporting agencies; and

(e) If the breach involved personal information that includes a username, password or other login credentials to an online account, an advisement to the person whose personal information was, or is reasonably believed to have been, acquired by an unauthorized person to promptly change any relevant passwords or security questions or answers associated with the online account and to take any other appropriate steps to protect the online account and any other online account for which the person uses any of the same information to access.

8. A licensee who maintains his or her own notification procedures as part of a data security policy for the treatment of personal information that are otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section if the licensee notifies subject persons in accordance with its policies and procedures in the event of a breach of the security of the computerized data system of the licensee.

Sec. 10. *1. A licensee who is required to notify more than 500 residents of this State pursuant to section 9 of this act as the result of a single breach shall notify the Attorney General of the breach not more than 30 days after the date on which the licensee discovered or was notified of the breach. The notification must include, without limitation:*

(a) The number of residents of this State affected or estimated to be affected by the breach.

(b) A list of the types of personal information that were or are reasonably believed to have been subject to the breach.

(c) The period of time, if known, in which personal information was potentially subject to acquisition by unauthorized persons as a result of the breach, including, without limitation, the date of the breach and the date upon which the licensee discovered or was notified of the breach.

(d) A summary of the actions taken to contain the breach.

(e) A sample copy of the notification the licensee provided to persons affected or reasonably believed to be affected by the breach which excludes any personally identifiable information.

2. If any of the information described in subsection 1 is unavailable to a licensee at the time the licensee submits the notification to the Attorney General, the licensee shall promptly provide the information to the Attorney General after the information becomes available to the licensee.

Sec. 11. NRS 675.020 is hereby amended to read as follows:

675.020 As used in this chapter, unless the context otherwise requires:

1. "Amount of cash advance" means the amount of cash or its equivalent actually received by a borrower or paid out at his or her direction or on his or her behalf.

2. "Amount of loan obligation" means the amount of cash advance plus the aggregate of charges added thereto pursuant to authority of this chapter.

3. ***"Breach of the security of the computerized data system" or "breach" means the unauthorized acquisition of computerized data from the computerized data system of the licensee that compromises the security, confidentiality or integrity of personal information maintained by the licensee. The term does not include the good faith acquisition of personal information by an employee or agent of a licensee for a legitimate purpose of the licensee, so long as the personal information is not used for a purpose unrelated to the licensee or subject to further authorized disclosure.***

4. "Business of lending in this State" means that a person:

(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or

(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.

5. "Commissioner" means the Commissioner of Financial Institutions.

~~[4.]~~ ***6.*** "Community" means a contiguous area of the same economic unit or metropolitan area as determined by the Commissioner, and may include all or part of a city or several towns or cities.

~~[5.]~~ ***7. "Computerized data system" means a system of software, hardware or firmware, including, without limitation, a system of web-based applications, that:***

(a) Is owned, leased or licensed by a licensee;

(b) Is located at the place of business of the licensee or hosted remotely; and

(c) Stores or provides access to personal information, financial information or other data related to borrowers or potential borrowers.

8. "Consumer credit" has the meaning ascribed to it in NRS 604A.036.

~~[6.]~~ ***9.*** "Covered service member" has the meaning ascribed to it in NRS 604A.038.

~~[7.]~~ ***10.*** "Dependent" has the meaning ascribed to it in NRS 604A.057.

~~[8.]~~ ***11.*** "Internet business lender" means a person who makes business loans exclusively through the Internet.

~~[9.]~~ ***12.*** "License" means a license, issued under the authority of this chapter, to make loans in accordance with the provisions of this chapter, at a single place of business.

~~[10.]~~ ***13.*** "Licensee" means a person to whom one or more licenses have been issued.

~~[11.]~~ ***14.*** "Nationwide Multistate Licensing System and Registry" or "Registry" has the meaning ascribed to it in NRS 604A.083.

15. "Personal information" has the meaning ascribed to it in NRS 603A.040.

16. "Remote location" means a location other than an office or place of business for which a license has been issued pursuant to this chapter and at which the employee of a licensee engages in the business of lending in this State pursuant to sections 5 to 8, inclusive, of this act.

Sec. 12. NRS 675.060 is hereby amended to read as follows:

675.060 ~~[1.]~~ No person may engage in the business of lending in this State without first having obtained a license from the Commissioner pursuant to this chapter for each office or other place of business at which the person engages in such business, except that ~~[if]~~ ***:***

1. If a person intends to engage in the business of lending in this State as a deferred deposit loan service, high-interest loan service or title loan service, as those terms are defined in chapter 604A of NRS, the person must obtain a license from the Commissioner pursuant to chapter 604A of NRS before the person may engage in any such business.

2. ~~[For the purpose of this section, a person engages in the business of lending in this State if he or she:~~

~~(a) Solicits loans in this State or makes loans to persons in this State, unless these are isolated, incidental or occasional transactions; or~~

~~(b) Is located in this State and solicits loans outside of this State or makes loans to persons located outside of this State, unless these are isolated, incidental or occasional transactions.~~] ***An employee of a licensee may engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act.***

Sec. 13. NRS 675.120 is hereby amended to read as follows:

675.120 If the Commissioner finds:

1. That the financial responsibility, experience, character and general fitness of the applicant are such as to command the confidence of the public

and to warrant belief that the business will be operated lawfully, honestly, fairly and efficiently, within the purposes of this chapter; and

2. That the applicant, unless he or she will function solely as a loan broker, has available for the operation of the business at the specified location ***identified in the application*** liquid assets of at least $50,000,

➥ he or she shall thereupon enter an order granting the application, and file his or her findings of fact together with the transcript of any hearing held under this chapter, and forthwith issue and deliver a license to the applicant.

Sec. 14. NRS 675.130 is hereby amended to read as follows:

675.130 Each license shall:

1. State the address at which the business is to be conducted ~~[:]~~ ***, not including any remote location;*** and

2. State fully the name of the licensee, and if the licensee is a copartnership or association, the names of its members, and if a corporation, the date and place of its incorporation.

Sec. 15. NRS 675.210 is hereby amended to read as follows:

675.210 Not more than one place of business may be maintained under the same license. The Commissioner may issue additional licenses to the same licensee for other business locations upon compliance with all the provisions of this chapter governing issuance of a single license. Nothing herein requires a license for ~~[any]~~ ***:***

1. Any place of business devoted to accounting, recordkeeping or administrative purposes only ~~[.]~~ ***; or***

2. A remote location.

Sec. 16. NRS 675.240 is hereby amended to read as follows:

675.240 No licensee shall conduct the business of making loans provided for by this chapter under any name or at any place other than that stated in the license. Nothing herein shall prevent ~~[the]~~ ***:***

1. The making of loans by mail nor prohibit accommodations to individual borrowers when necessitated by hours of employment, sickness or other emergency situations ~~[.]~~ ***; or***

2. A licensee from authorizing an employee to engage in the business of lending in this State at a remote location in accordance with sections 5 to 8, inclusive, of this act.

Sec. 16.5. NRS 162A.370 is hereby amended to read as follows:

162A.370 1. Except as otherwise provided in subsection 2:

(a) A person shall either accept an acknowledged power of attorney, or request a certification, a translation or an opinion of counsel pursuant to NRS 162A.360, not later than 10 business days after presentation of the power of attorney for acceptance;

(b) If a person requests a certification, a translation or an opinion of counsel pursuant to NRS 162A.360, the person shall accept the power of attorney not later than 5 business days after receipt of the certification, translation or opinion of counsel; and

(c) A person may not require an additional or different form of power of attorney for authority granted in the power of attorney presented.

2. A person is not required to accept an acknowledged power of attorney if:

(a) The person is not otherwise required to engage in a transaction with the principal in the same circumstances;

(b) Engaging in a transaction with the agent or the principal in the same circumstances would be inconsistent with federal law;

(c) The person has actual knowledge of the termination of the agent's authority or of the power of attorney before exercise of the power;

(d) A request for a certification, a translation or an opinion of counsel pursuant to NRS 162A.360 is refused;

(e) The person in good faith believes that the power is not valid or that the agent does not have the authority to perform the act requested, whether or not a certification, a translation or an opinion of counsel has been requested or provided pursuant to NRS 162A.360; ~~[or]~~

(f) The person makes, or has actual knowledge that another person has made, a report pursuant to NRS 200.5093 stating a good faith belief that the principal may be subject to abuse, neglect, exploitation, isolation or abandonment by the agent or a person acting for or with the agent ~~[.]~~ ***; or***

(g) The person:

(1) Makes, or has actual knowledge that another person has made, a report pursuant to NRS 657.290 of the known or suspected exploitation by the agent, or a person acting for or with the agent, of the principal who is an older person or vulnerable person; or

(2) Is a designated reporter of a financial institution who, pursuant to NRS 657.290, delays a requested disbursement or transaction involving a principal who is an older person or vulnerable person whom the designated reporter knows or has reasonable cause to believe is being exploited.

3. A person that refuses in violation of this section to accept an acknowledged power of attorney is subject to:

(a) A court order mandating acceptance of the power of attorney; and

(b) Liability for reasonable attorney's fees and costs incurred in any action or proceeding that confirms the validity of the power of attorney or mandates acceptance of the power of attorney.

4. As used in this section:

(a) "Designated reporter" has the meaning ascribed to it in NRS 657.230.

(b) "Older person" has the meaning ascribed to it in NRS 657.250.

(c) "Vulnerable person" has the meaning ascribed to it in NRS 657.270.

Sec. 17. NRS 603A.220 is hereby amended to read as follows:

603A.220 1. ~~[Any]~~ ***Except as otherwise provided in subsection 7, a*** data collector that owns or licenses computerized data which includes personal information shall disclose any breach of the security of the system data following discovery or notification of the breach to any resident of this State whose unencrypted personal information was, or is reasonably believed to

have been, acquired by an unauthorized person. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in subsection 3, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the system data.

2. Any data collector that maintains computerized data which includes personal information that the data collector does not own shall notify the owner or licensee of the information of any breach of the security of the system data immediately following discovery if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

3. The notification required by this section may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this section must be made after the law enforcement agency determines that the notification will not compromise the investigation.

4. For purposes of this section, except as otherwise provided in subsection 5, the notification required by this section may be provided by one of the following methods:

(a) Written notification.

(b) Electronic notification, if the notification provided is consistent with the provisions of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq.

(c) Substitute notification, if the data collector demonstrates that the cost of providing notification would exceed $250,000, the affected class of subject persons to be notified exceeds 500,000 or the data collector does not have sufficient contact information. Substitute notification must consist of all the following:

(1) Notification by electronic mail when the data collector has electronic mail addresses for the subject persons.

(2) Conspicuous posting of the notification on the Internet website of the data collector, if the data collector maintains an Internet website.

(3) Notification to major statewide media.

5. A data collector which:

(a) Maintains its own notification policies and procedures as part of an information security policy for the treatment of personal information that is otherwise consistent with the timing requirements of this section shall be deemed to be in compliance with the notification requirements of this section if the data collector notifies subject persons in accordance with its policies and procedures in the event of a breach of the security of the system data.

(b) Is subject to and complies with the privacy and security provisions of the Gramm-Leach-Bliley Act, 15 U.S.C. §§ 6801 et seq., shall be deemed to be in compliance with the notification requirements of this section.

6. If a data collector determines that notification is required to be given pursuant to the provisions of this section to more than 1,000 persons at any one time, the data collector shall also notify, without unreasonable delay, any

consumer reporting agency that compiles and maintains files on consumers on a nationwide basis, as that term is defined in 15 U.S.C. § 1681a(p), of the time the notification is distributed and the content of the notification.

7. The provisions of this section do not apply to a person licensed pursuant to chapter 675 of NRS.

Sec. 18. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 17, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 363.

Bill read second time.

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

Amendment No. 629.

AN ACT relating to affordable housing; authorizing the Housing Division of the Department of Business and Industry to prioritize funding for projects related to affordable housing that give preference to certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Account for Affordable Housing in the State General Fund and prescribes the distribution and use of money in the Account. (NRS 319.500, 319.510) Existing law also authorizes the Housing Division of the Department of Business and Industry to distribute a certain portion of money in the Account to public or private nonprofit charitable organizations for projects that meet certain criteria. (NRS 319.510) This bill authorizes the Division to give priority to projects that provide a preference for: (1) women who are veterans; (2) women who were previously incarcerated; (3) survivors of domestic violence; ~~[and]~~ (4) elderly women who do not have stable or adequate living arrangements ~~[.]~~ **; and (5) unmarried persons with primary physical custody of a child.**

WHEREAS, The shortage of affordable housing is affecting communities across the State of Nevada and the nation, and particularly impacts certain populations of women in Nevada; and

WHEREAS, Women who are veterans face many challenges when returning to civilian life, including, without limitation, raising children on their own and dealing with the psychological repercussions related to events such as military service or sexual trauma, which can put women who are veterans at a high risk of experiencing housing insecurity or homelessness; and

WHEREAS, Women who were formerly incarcerated experience barriers to employment as well as distrust and discrimination which create significant obstacles for formerly incarcerated women to obtain and maintain safe, stable housing for themselves and their families after release; and

WHEREAS, Survivors of domestic violence are also hampered in finding safe, affordable housing as a result of certain barriers such as a history of financial abuse, discrimination based on the violent or criminal actions of perpetrators and the unique safety and confidentiality needs of survivors of domestic violence; and

WHEREAS, Elderly women are more likely to live in poverty than men as a result of historical wage disparities and having to take time away from the workforce for caregiving; and

WHEREAS, Expansion of the inventory of affordable housing that provides a preference for these disadvantaged female populations will address many of the significant obstacles that such women face in obtaining safe, stable and affordable housing; and

WHEREAS, Federal and state funding for housing in Nevada should be prioritized for projects that provide a preference for such disadvantaged women; now, therefore,

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

Section 1. NRS 319.510 is hereby amended to read as follows:

319.510 1. Except as otherwise provided in subsection 2, money deposited in the Account for Affordable Housing must be used:

(a) For the acquisition, construction or rehabilitation of affordable housing for eligible families by public or private nonprofit charitable organizations, housing authorities or local governments through loans, grants or subsidies;

(b) To provide technical and financial assistance to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction or rehabilitation of affordable housing for eligible families;

(c) To provide funding for projects of public or private nonprofit charitable organizations, housing authorities or local governments that provide assistance to or guarantee the payment of rent or deposits as security for rent for eligible families, including homeless persons;

(d) To reimburse the Division for the costs of administering the Account;

(e) To assist eligible persons by supplementing their monthly rent for the manufactured home lots, as defined by NRS 118B.016, on which their manufactured homes, as defined by NRS 118B.015, are located; and

(f) In any other manner consistent with this section to assist eligible families in obtaining or keeping affordable housing, including use as the State's contribution to facilitate the receipt of related federal money.

2. Except as otherwise provided in this subsection, the Division may expend money from the Account as reimbursement for the necessary costs of

efficiently administering the Account and any money received pursuant to 42 U.S.C. §§ 12701 et seq. In no case may the Division expend more than $40,000 per year or an amount equal to 6 percent of any money made available to the State pursuant to 42 U.S.C. §§ 12701 et seq., whichever is greater. In addition, the Division may expend not more than $175,000 per year from the Account to create and maintain the statewide low-income housing database required by NRS 319.143. The Division may expend not more than $75,000 per year of the money deposited in the Account pursuant to NRS 375.070 for the purpose set forth in paragraph (e) of subsection 1. Of the remaining money allocated from the Account:

(a) Except as otherwise provided in subsection 3, 15 percent must be distributed to the Division of Welfare and Supportive Services of the Department of Health and Human Services for use in its program developed pursuant to 45 C.F.R. § 233.120, as that section existed on December 4, 1997, to provide emergency assistance to needy families with children, subject to the following:

(1) The Division of Welfare and Supportive Services shall adopt regulations governing the use of the money that are consistent with the provisions of this section.

(2) The money must be used solely for activities relating to affordable housing that are consistent with the provisions of this section.

(3) The money must be made available to families that have children and whose income is at or below the federally designated level signifying poverty.

(4) All money provided by the Federal Government to match the money distributed to the Division of Welfare and Supportive Services pursuant to this section must be expended for activities consistent with the provisions of this section.

(b) Eighty-five percent must be distributed to public or private nonprofit charitable organizations, housing authorities and local governments for the acquisition, construction and rehabilitation of affordable housing for eligible families, subject to the following:

(1) ***Priority may be given to those projects that provide a preference for:***

(I) Women who are veterans;

(II) Women who were previously incarcerated;

(III) Survivors of domestic violence; ~~[and]~~

(IV) Elderly women who do not have stable or adequate living arrangements ~~[.]~~ ; and

(V) Unmarried persons with primary physical custody of a child.

(2) Priority must be given to those projects that qualify for the federal tax credit relating to low-income housing.

~~[~~(2)~~]~~ ***(3)*** Priority must be given to those projects that anticipate receiving federal money to match the state money distributed to them.

~~[~~(3)~~]~~ ***(4)*** Priority must be given to those projects that have the commitment of a local government to provide assistance to them.

~~[(4)]~~ ***(5)*** All money must be used to benefit families whose income does not exceed 120 percent of the median income for families residing in the same county, as defined by the United States Department of Housing and Urban Development.

~~[(5)]~~ ***(6)*** Not less than 15 percent of the units acquired, constructed or rehabilitated must be affordable to persons whose income is at or below the federally designated level signifying poverty. For the purposes of this subparagraph, a unit is affordable if a family does not have to pay more than 30 percent of its gross income for housing costs, including both utility and mortgage or rental costs.

~~[(6)]~~ ***(7)*** To be eligible to receive money pursuant to this paragraph, a project must be sponsored by a local government.

3. The Division may, pursuant to contract and in lieu of distributing money to the Division of Welfare and Supportive Services pursuant to paragraph (a) of subsection 2, distribute any amount of that money to private or public nonprofit entities for use consistent with the provisions of this section.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 368.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 662.

SENATORS D. HARRIS, SPEARMAN, DONATE, NEAL; CANNIZZARO, DALY, DONDERO LOOP, FLORES, KRASNER, LANGE, NGUYEN, PAZINA AND SCHEIBLE

JOINT SPONSORS: ASSEMBLYWOMEN BILBRAY-AXELROD AND HANSEN

AN ACT relating to real property; prescribing a procedure for removing certain discriminatory restrictions or prohibitions from a written instrument relating to real property; requiring the Real Estate Division of the Department of Business and Industry to prescribe a restrictive covenant modification form; eliminating certain provisions relating to a declaration of removal of a discriminatory restriction or prohibition; requiring each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that any restriction or prohibition in a written instrument relating to real property that purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of the real property or purports to limit, restrict or prohibit the use or occupation of the real property on the basis of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression is void and unenforceable by operation of law. Existing law authorizes an owner of real property that is subject to such a restriction or prohibition to record a

declaration of removal of the discriminatory restriction or prohibition by filing a declaration form with the county recorder of the county in which the real property is located. If an owner files such a form, existing law requires the county recorder to attach the declaration form to the original recorded instrument to indicate that the discriminatory restriction or prohibition is void. (NRS 111.237)

Section 1.3 of this bill eliminates provisions relating to the filing and recordation of a declaration of removal of a discriminatory restriction or prohibition. Instead, **section 1.3** prescribes a procedure for removing a discriminatory restriction or prohibition from a written instrument relating to real property. **Section 1.3** requires an interested person who wishes to remove a discriminatory restriction or prohibition from a written instrument to file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document, which redacts from a written instrument any discriminatory restriction or prohibition identified by the court in its order. If, after considering such a petition and any objections, the district court determines that a restriction or prohibition identified in a petition is void and unenforceable by operation of law, **section 1.3** requires the district court to issue an order directing the appropriate county recorder to record a restrictive covenant modification document. If the district court issues such an order, **section 1.3** authorizes an interested person to record a restrictive covenant modification document by filing with the appropriate county recorder: (1) a restrictive covenant modification form; (2) a certified copy of the written instrument; and (3) a certified copy of the court order. Upon receipt of these documents, **section 1.3** requires the county recorder to: (1) redact from the written instrument any language identified in the court order; (2) record and index the restrictive covenant modification document and restrictive covenant modification form; and (3) retain the original written instrument as a public record for historical purposes.

Section 1 of this bill defines certain terms relating to the procedure prescribed by **section 1.3**. **Section 2** of this bill makes a conforming change relating to the recordation of a restrictive covenant modification document or restrictive covenant modification form.

Section 1.5 of this bill requires the Real Estate Division of the Department of Business and Industry to: (1) solicit recommendations concerning the design and contents of a restrictive covenant modification form; and (2) prescribe such a form.

Section 3 of this bill requires each county recorder in this State to provide certain notice to each owner who recorded a declaration of removal of a discriminatory restriction or prohibition with the office of the county recorder.

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

Section 1. NRS 111.010 is hereby amended to read as follows:

111.010 As used in this chapter:

1. "Conveyance" shall be construed to embrace every instrument in writing, except a last will and testament, whatever may be its form, and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned or surrendered.

2. "Estate and interest in lands" shall be construed and embrace every estate and interest, present and future, vested and contingent, in lands as defined in subsection 3.

3. "Lands" shall be construed as coextensive in meaning with lands, tenements and hereditaments, and shall include in its meaning all possessory right to the soil for mining and other purposes.

4. "Restrictive covenant modification document" means a certified copy of a written instrument which redacts from the written instrument any language identified in a court order issued pursuant to NRS 111.237.

5. "Restrictive covenant modification form" means the form prescribed by the Real Estate Division of the Department of Business and Industry pursuant to NRS 111.2375.

Sec. 1.3. NRS 111.237 is hereby amended to read as follows:

111.237 1. Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, leasing or mortgaging of such real property to any person of a specified race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable and every restriction or prohibition as to the use or occupation of real property because of the user's or
occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

2. Every restriction or prohibition, whether by way of covenant, condition upon use or occupation, or upon transfer of title to real property, which restriction or prohibition directly or indirectly limits the acquisition, use or occupation of such property because of the acquirer's, user's or occupier's race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression is void and unenforceable.

3. ~~[The owner or owners of any real property subject to a]~~ ***A*** restriction or prohibition that is void and unenforceable by operation of law pursuant to subsection 1 or 2 may ~~[record]~~ ***be removed from a written instrument using the restrictive covenant modification procedure provided in this section.***

4. An interested person who wishes to remove from a written instrument any restriction or prohibition that is void and unenforceable by operation of law must file a petition in the district court requesting that the court issue an order directing the county recorder to record a restrictive covenant modification document. Any such petition must:

(a) Be made on a form prescribed by the ~~[Real Estate Division]~~ ***clerk*** of the ~~[Department of Business and Industry pursuant to NRS 111.2375 declaring that all such restrictions]~~ ***court;***

(b) Specifically identify any restriction or ~~[prohibitions are removed from]~~ ***prohibition*** the ~~[referenced original]~~ ***interested person seeks to have redacted from the*** written instrument ~~[.~~

~~4. The form must be completed and signed by]~~ ***; and***

(c) Be accompanied by:

(1) An affidavit that states that the petitioner meets the definition of "interested person" set forth in subsection 14, if the petitioner is not the owner or owners of the real property; and

(2) A copy of the written instrument.

5. If the petitioner is not the owner or owners of the real property ~~[and]~~ ***, a copy of the petition must be served upon each owner of the property by mailing a copy of the petition by certified mail, return receipt requested, to each owner at his or her place of residence or to the registered agent of each owner at the address of the registered agent.***

6. If, within 10 days after service of the petition:

(a) No written objection is filed ***,*** ~~[in]~~ the ~~[office of]~~ ***district court may consider the petition without a hearing.***

(b) A written objection is filed, the district court shall set the matter for a hearing.

7. After considering the petition and any objections, if the district court determines that a restriction or prohibition identified in the petition is void and unenforceable by operation of law pursuant to subsection 1 or 2, the district court shall issue an order directing the county recorder ***of the county*** in which the real property is located ~~[.~~

~~5.]~~ ***to record a restrictive covenant modification document. An order issued pursuant to this subsection must clearly identify the language that must be redacted in the restrictive covenant modification document.***

8. If the ~~[form is filed with the appropriate county recorder]~~ ***district court issues an order*** pursuant to subsection ~~[4,]~~ ***7, an interested person may record a restrictive covenant modification document by filing with the appropriate county recorder:***

(a) A completed, signed restrictive covenant modification form;

(b) A certified copy of the written instrument; and

(c) A certified copy of a court order issued pursuant to subsection 7.

9. Upon receipt of the documents required by subsection 8, the county recorder shall ~~[record and index the form with any other restriction or prohibition upon real property, including, without limitation, real property within a common interest community pursuant to chapter 116 of NRS.~~

~~6. If the form is not filed with the county recorder of the appropriate county pursuant to subsection 4, the county recorder shall transfer the form to the county recorder of the appropriate county for recording and indexing in the manner described in subsection 5.~~

~~7.~~ ***:***

(a) Redact from the certified copy of the written instrument any language identified in the order;

(b) Record and index:

(1) The restrictive covenant modification document; and

(2) The restrictive covenant modification form; and

(c) Retain the original written instrument as a public record for historical purposes.

10. The decision of the district court is not appealable.

11. No fee may be charged by:

(a) The clerk of the court for:

(1) The filing of a petition or written objection pursuant to this section; or

(2) Providing a certified copy of a court order issued pursuant to subsection 7; or

(b) The county recorder for any filing, indexing or recording required pursuant to subsection 9.

12. The filing of a petition pursuant to subsection 4 does not constitute grounds for delaying any probate proceeding, divorce proceeding or bankruptcy proceeding to which an owner is a party.

13. Nothing in this section regarding familial status shall be construed to apply to housing for older persons so long as such housing complies with the requirements of 42 U.S.C. § 3607.

~~[8.]~~ ***14.*** As used in this section:

(a) "Disability" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) "Familial status" means the fact that a person:

(1) Lives with a child under the age of 18 and has:

(I) Lawful custody of the child; or

(II) Written permission to live with the child from the person who has lawful custody of the child;

(2) Is pregnant; or

(3) Has begun the proceeding to adopt or otherwise obtain lawful custody of a child.

(c) "Interested person" includes:

(1) The owner or owners of the real property.

(2) A representative of a common-interest community, if the real property is located within a common-interest community.

(3) A nonprofit organization or academic institution whose mission, in whole or in part, is to combat discrimination based upon race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation, or gender identity or expression.

Sec. 1.5. NRS 111.2375 is hereby amended to read as follows:

111.2375 1. The Real Estate Division of the Department of Business and Industry shall:

(a) Solicit recommendations from the county recorder of each county concerning the design and contents of a ***restrictive covenant modification*** form that may be used ~~[to make a declaration of removal of]~~ ***for the purpose of redacting and removing*** a discriminatory restriction pursuant to NRS 111.237.

(b) Prescribe such a form after considering all recommendations solicited pursuant to paragraph (a).

2. ~~[The form must provide for the inclusion of the following:~~

~~(a) Identifying information concerning the original written instrument that contains a prohibition or restriction that is void and unenforceable pursuant to NRS 111.237;~~

~~(b) The name or names of the owner or owners of the property;~~

~~(c) The assessor's parcel number;~~

~~(d) The legal description of the real property as provided in the original written instrument;~~

~~(e) The mailing address of the owner or owners of the property; and~~

~~(f) The following statements in 14-point font, in substantially the following form:~~

~~(1) The referenced original written instrument contains discriminatory restrictions that are void and unenforceable pursuant to NRS 111.237. This declaration removes from the referenced original instrument all provisions that are void and unenforceable pursuant to NRS 111.237 and is valid solely for that purpose; and~~

~~(2) All persons in this State shall have an equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, color, religion, ancestry, national origin, disability, familial status, sex, sexual orientation or gender identity or expression pursuant to chapter 118 of NRS.~~

~~3.]~~ The form must be made available, free of charge:

(a) By the Real Estate Division at its principal office designated pursuant to NRS 645.170 and at each branch office established pursuant to NRS 645.170 and on any Internet website maintained by the Division; and

(b) By the county recorder at the office of the county recorder and on any Internet website maintained by the county recorder in his or her official capacity.

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a ~~[declaration of removal of discriminatory restriction,]~~ ***restrictive covenant modification form, a restrictive covenant modification document,*** a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, any conveyance of real property or instrument in writing setting forth an agreement to convey real

property or a notice pursuant to NRS 111.3655 unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document, if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain and sale deed;

(b) Quitclaim deed;

(c) Warranty deed; or

(d) Trustee's deed upon sale,

➥ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

Sec. 3. As soon as reasonably practicable on or after October 1, 2023, each county recorder in this State shall provide notice of the provisions of this act to each owner who, before October 1, 2023, recorded a form declaring that a restriction or prohibition is removed from an original written instrument.

Sec. 4. (Deleted by amendment.)

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 378.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 636.

AN ACT relating to common-interest communities; revising the type of documents that are required to be made available on the Internet website or within the electronic portal that is required to be established and maintained by certain unit-owners' associations; setting forth certain requirements for an Internet website or electronic portal that provides the ability for a unit's owner to make certain payments electronically; revising requirements concerning the provision of certain notices by an association; ~~[authorizing an association to purchase a unit in a common-interest community at a foreclosure sale;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each association of a common-interest community that contains 150 or more units to establish and maintain a secure Internet website or electronic portal and make available on the website or within the electronic portal any documents relating to the association. Existing law also requires the Internet website or online portal to provide units' owners with the ability to pay assessments electronically. (NRS 116.31069) **Section 4** of this bill revises those requirements to: (1) require only certain specified documents concerning the association to be made available on the Internet website or within the electronic portal; and (2) eliminate the requirement that the Internet website or electronic portal provide units' owners the ability to pay assessments electronically. Instead, **section 1** of this bill authorizes such an Internet website or electronic portal to provide units' owners with the ability to pay obligations electronically if certain requirements are met, including, without limitation, the requirement that the association maintains certain insurance and that the executive board of the association makes a determination that providing units' owners the ability to make such payments is in the best interest of the association. **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, in general, any notice required to be given to a units' owner by an association and any communication from or other information provided by the association to be delivered to the mailing or electronic mail address designated by the unit's owner, unless the unit's owner has opted out of receiving electronic communications or has not designated an electronic mail address. (NRS 116.31068) **Section 3** of this bill eliminates those requirements for notice with respect to communications from and other information provided by the association and instead requires, with certain exceptions, such notices to be delivered to the electronic mail address that a unit's owner designates. **Section 3** sets forth the manner in which an association is required to deliver such notices to a unit's owner who has opted out of receiving electronic notices or who has not designated an electronic mail address at which to receive notices.

~~[Existing law provides that a unit-owners' association has a lien on a unit in a common-interest community for certain assessments and charges imposed on the unit's owner from the time the assessment or charge becomes due and establishes the process for the foreclosure of such liens, including the sale of the unit. (NRS 116.310312, 116.3116-116.31168) Existing law prohibits various persons from purchasing the unit at the foreclosure sale, including the person conducting the sale and any person who was involved in the process of foreclosing the association's lien. (NRS 116.31164) Section 5 of this bill authorizes an association to purchase a unit at a sale for the foreclosure of its lien by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of the lien.]~~

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

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An Internet website or electronic portal established and maintained by an association pursuant to NRS 116.31069 may provide units' owners with the ability to pay obligations electronically only if:

(a) The association, or if the association has contracted with a payment processor, the payment processor, maintains a policy of cybersecurity insurance in a minimum aggregate amount of $5,000,000 that provides coverage for potential losses associated with the unauthorized acquisition of personal information provided to process payments through the Internet website or electronic portal, including, without limitation, losses caused by identity theft.

(b) For an association that has contracted with a payment processor who maintains a policy of cybersecurity insurance described in paragraph (a), the association must maintain its own policy of cybersecurity insurance in a minimum aggregate amount of:

(1) For an association that contains 150 units or less, $250,000;

(2) For an association that contains more than 150 units and not more than 250 units, $500,000; and

(3) For an association that contains 250 units or more, $1,000,000.

(c) The Internet website or electronic portal allows the association or payment processor to suspend the ability of a unit's owner to make a payment through the Internet website or electronic portal concerning any past due obligation that has been assigned to a third party for collection.

(d) The association or payment processor complies with the requirements of NRS 603A.010 to 603A.290, inclusive, with respect to any personal information collected through the Internet website or online portal.

(e) The executive board of the association has conducted an evaluation of the costs and benefits of providing units' owners the ability to pay obligations through the Internet website or electronic portal, including, without limitation, the cost of the cybersecurity insurance required by this section

and the potential impact on units' owners in the association, and has determined that providing units' owners the ability to make such payments through the Internet website or electronic portal is in the best interest of the association.

2. Nothing in this section requires a third party who has been assigned a past due obligation for collection to provide the debtor with the ability to pay the past due obligation through an Internet website or electronic portal.

3. As used in this section:

(a) "Cybersecurity insurance" means insurance that provides coverage for losses arising out of or relating to data breaches, unauthorized intrusions into an information system, computer viruses, ransomware, identity theft and similar exposures.

(b) "Obligation" has the meaning ascribed to it in NRS 116.310313.

(c) "Payment processor" means a person with whom an association has contracted to process payments made through an Internet website or electronic portal established and maintained by an association pursuant to NRS 116.31069 on behalf of the association.

(d) "Personal information" has the meaning ascribed to it in NRS 603A.040.

Sec. 2. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in subsections 2 and 3, if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and section 1 of this act*** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than 6 units.

Sec. 3. NRS 116.31068 is hereby amended to read as follows:

116.31068 1. Except as otherwise provided in ~~[subsection 3 and unless a unit's owner opts out of receiving electronic communications or has not designated an electronic mail address,]~~ ***subsections 2, 3 and 6,*** an association shall deliver any notice required to be given by the association under this chapter ~~[and any communication from or other information provided by the association]~~ to the ~~[mailing or]~~ electronic mail ~~[addresses]~~ ***address*** a unit's owner designates.

2. Except as otherwise provided in subsection ~~[3,]~~ ***6,*** if a unit's owner has opted out of receiving electronic ~~[communications, or has not designated an electronic mail address to which a notice, communication or other information~~

~~can be delivered,~~] ***notices,*** the association may deliver notices [~~, communications and other information~~] by:

(a) Hand delivery to each unit's owner;

(b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of each unit; or

(c) Any other method reasonably calculated to provide notice to the unit's owner.

[~~2.~~] ***3. Except as otherwise provided in subsection 6, if a unit's owner has not opted out of receiving electronic notices, but has not designated an electronic mail address at which to receive notices pursuant to this section, the association may deliver any notice required to be given pursuant to this chapter by:***

(a) Electronic means, including, without limitation, by electronic mail to an electronic mail address that a unit's owner has provided to the association but has not designated as the electronic mail address at which to receive notices pursuant to this section; or

(b) Any of the methods specified in subsection 2.

4. A unit's owner is entitled to designate only one electronic mail address at which to receive notices pursuant to this section.

5. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

[~~3.~~] ***6.*** The provisions of this section do not apply:

(a) To a notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive; or

(b) If any other provision of this chapter specifies the manner in which a notice [~~, communication or other information~~] must be given by an association.

Sec. 4. NRS 116.31069 is hereby amended to read as follows:

116.31069 1. Each association of a common-interest community that contains 150 or more units shall establish and maintain a secure Internet website or electronic portal that may be accessed by any unit's owner. The association shall make available on the website or within the electronic portal [~~any~~] ***the following*** documents relating to the common-interest community or the association ***:*** [~~, including, without limitation:~~]

(a) The governing documents;

(b) [~~The most recent copy of the declaration of covenants, conditions and restrictions;~~

~~(c)~~] The annual budget of the association and any proposed budgets; ***and***

[~~(d)~~] ***(c)*** The notices and agendas for any upcoming meetings of the association ***.*** [~~; and~~

~~(e) Any other documents required to be posted by law or regulation.~~]

2. [~~The Internet website or electronic portal established and maintained pursuant to subsection 1 must provide units' owners with the ability to pay assessments electronically.~~

~~3.~~] Each association of a common-interest community that contains fewer than 150 units may, and is encouraged to, establish and maintain a secure Internet website or electronic portal pursuant to subsection 1.

Sec. 5. ~~[NRS 116.31164 is hereby amended to read as follows:~~

~~116.31164 1. The sale must be conducted in accordance with the provisions of this section.~~

~~2. If the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 satisfies the amount of the association's lien that is prior to its security interest not later than 5 days before the date of sale, the sale may not occur unless a record of such satisfaction is recorded in the office of the county recorder of the county in which the unit is located not later than 2 days before the date of sale.~~

~~3. The sale must be made between the hours of 9 a.m. and 5 p.m. and:~~

~~(a) If the unit is located in a county whose population is less than 100,000, at the courthouse in the county in which the unit is located.~~

~~(b) If the unit is located in a county whose population is 100,000 or more, at the public location in the county designated by the governing body of the county to conduct a sale of real property pursuant to NRS 107.080.~~

~~4. The sale may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State.~~

~~5. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale, except that:~~

~~(a) If the sale is postponed by oral proclamation, the sale must be postponed to a later date at the same time and location; and~~

~~(b) If such a date has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 116.311635.~~

~~6. On the day of sale, at the time and place specified in the notice, the person conducting the sale:~~

~~(a) Shall state to the persons assembled for the sale whether or not the holder of the security interest described in paragraph (b) of subsection 2 of NRS 116.3116 has satisfied the amount of the association's lien that is prior to that first security interest pursuant to subsection 3 of NRS 116.3116.~~

~~(b) Except as otherwise provided in subsection 7, may sell the unit at public auction to the highest cash bidder.~~

~~7. [~~The~~] *Except as otherwise provided in subsection 8, the* following persons may not purchase the unit:~~

~~(a) Any person who was involved in the process of foreclosing the association's lien pursuant to NRS 116.3116 to 116.31168, inclusive, including, without limitation:~~

~~(1) Any person who exercised discretion in any decision relating to the foreclosure of the lien and any person employed by such a person;~~

~~(2) A collection agency used by the association to collect an obligation relating to the unit;~~

~~(3) A community manager of the association and any of his or her assistants;~~

~~(4) A member of the executive board of the association; or~~

~~(5) An attorney who provided representation to any of the parties with regard to the foreclosure of the lien;~~

~~(b) Any person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity to a person set forth in paragraph (a); or~~

~~(c) The person conducting the sale or any entity in which that person holds an interest.~~

~~8. *Notwithstanding any provision of the governing documents or any agreement to the contrary, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of the lien.*~~

~~9. After the sale, the person conducting the sale shall:~~

~~(a) Comply with the provisions of subsection 2 of NRS 116.31166; and~~

~~(b) Apply the proceeds of the sale for the following purposes in the following order:~~

~~(1) The reasonable expenses of sale;~~

~~(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;~~

~~(3) Satisfaction of the association's lien;~~

~~(4) Satisfaction in the order of priority of any subordinate claim of record; and~~

~~(5) Remittance of any excess to the unit's owner.~~**] (Deleted by amendment.)**

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 386.

Bill read second time.

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

Amendment No. 678.

AN ACT relating to barbering; authorizing an applicant for a license as a barber or apprentice who fails to pass the examination required for licensure

to retake the examination without fulfilling any additional requirements under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who wishes to be licensed as a barber or an apprentice, in addition to fulfilling certain other requirements, to pass an examination conducted by the State Barbers' Health and Sanitation Board. (NRS 643.070, 643.080, 643.085) Existing law sets forth certain requirements for an applicant for a license as a barber who fails to pass the examination for licensure to be eligible to retake the examination. If the applicant is not a licensed cosmetologist, the applicant is required to practice as a licensed apprentice for an additional 3 months. If the applicant is a licensed cosmetologist, the applicant is required to complete further study in a barber school, as prescribed by the Board. Similarly, if an applicant for a license as an apprentice fails to pass the examination for licensure, existing law requires the applicant to complete further study in a barber school, as prescribed by the Board, before the applicant is eligible to retake the examination. (NRS 643.110) This bill authorizes an applicant for licensure as a barber **who is not a licensed cosmetologist and** who fails to pass the examination required for licensure to retake the examination without fulfilling any additional requirements, so long as the applicant retakes the examination not later than 1 year after the initial examination. If an applicant does not retake the examination within that period, the applicant is required to ~~[fulfill the]~~ **continue to practice as a licensed apprentice for an** additional ~~[requirements set forth under existing law]~~ **3 months** each time before the applicant is eligible to retake the examination. Additionally, this bill authorizes an applicant for licensure as an apprentice **or for licensure as a barber, if the applicant is a licensed cosmetologist,** who fails to pass the examination required for licensure to retake the examination not more than three times within 6 months after taking the initial examination without fulfilling any additional requirements. If an applicant does not retake the examination within that period, the applicant is required to complete 250 hours of further study in a barber school **each time** before the applicant is eligible to retake the examination.

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

Section 1. NRS 643.110 is hereby amended to read as follows:

643.110 1. Except as otherwise provided in subsection 2, an applicant for a license as a barber who fails to pass the examination conducted by the Board ***may retake the examination for a license as a barber. If the applicant retakes the examination:***

(a) Not later than 1 year after taking the initial examination, the applicant is not required to complete any additional period of practice as a licensed apprentice before he or she may retake the examination; and

(b) Later than 1 year after taking the initial examination, the applicant must continue to practice as a licensed apprentice for an additional 3 months ***each time*** before he or she may retake the examination for a license as a barber.

2. An applicant for a license as a barber who is a cosmetologist licensed pursuant to the provisions of chapter 644A of NRS and who fails to pass the examination conducted by the Board ***may retake the examination for a license as a barber. ~~[If the]~~ The applicant ~~[retakes the examination:~~***

~~***(a) Not later than 1 year after taking the initial examination, the applicant is not required to complete]***~~ ***may, without completing further study in a barber school , ~~[before he or she may]~~ retake the examination ~~[; and~~***

~~***(b) Later]*** not more than ~~[1 year]~~ three times within 6 months after taking the initial examination . ~~[,]~~ If the applicant retakes the examination later than 6 months after taking the initial examination, the applicant*** must complete ~~[further study as prescribed by the Board, not exceeding]~~ 250 hours ~~[,]~~ ***of further study*** in a barber school approved by the Board ***each time*** before he or she may retake the examination for a license as a barber.

3. An applicant for a license as an apprentice who fails to pass the examination provided for in NRS 643.080 ~~[must complete further study as prescribed by the Board in a barber school approved by the Board before he or she]~~ may retake the examination for a license as an apprentice. ***The applicant may, without completing further study in a barber school, retake the examination not more than three times within 6 months after taking the initial examination. If the applicant retakes the examination later than 6 months after taking the initial examination, the applicant must complete 250 hours of further study in a barber school approved by the Board each time before he or she may retake the examination for a license as an apprentice.***

4. An applicant for a license as an instructor who fails to pass the examination provided for in NRS 643.1775 may retake the examination for a license as an instructor. If the applicant retakes the examination:

(a) Not later than 1 year after taking the initial examination, the applicant is not required to complete further study in a barber school before he or she may retake the examination; and

(b) Later than 1 year after taking the initial examination, the applicant must complete 250 hours of further study in a barber school approved by the Board each time before he or she may retake the examination for a license as an instructor.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 407.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 637.

AN ACT relating to personal financial administration; revising provisions that govern estates of deceased persons; revising provisions governing the notice of sale of certain property; authorizing a petitioner to submit a notice through an electronic filing system pursuant to the Nevada Electronic Filing and Conversion Rules; making certain information concerning trusts confidential; revising provisions governing the classification of distribution of interests; revising the powers exercisable by the protector of a trust; revising provisions relating to the jurisdiction and venue of a trust; clarifying provisions relating to a notice provided by the trustee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the estate of a decedent may be settled by the district court of any county in which any part of the estate is located or where the decedent was a resident at the time of death. (NRS 136.010) **Section 1** of this bill provides that the jurisdiction of the settlement of the estate of a decedent may be assumed in the district court of any county in this State if: (1) the decedent was a resident of this State at the time of death; or (2) any part of the estate is located in this State. Existing law further provides that, if a decedent was a resident of this State at his or her time of death, the district court of any county in this State may assume jurisdiction of the settlement of the estate only after considering the convenience of the forum to certain parties. (NRS 136.010) **Section 1** removes such provisions of law and instead provides that: (1) the venue of the settlement of the estate of the decedent is proper in any district court in this State; and (2) if an interested person objects to the venue on the basis of convenience, the court may determine the appropriate venue only after considering the convenience of the forum in relation to where the decedent died or owned property or the preferences of certain parties.

Existing law provides that if a homestead was selected by the spouses and recorded while both were living, the homestead, upon the death of either spouse, vests absolutely in the survivor. If no homestead was selected, existing law provides that the homestead may be set apart by the court to the surviving spouse, minor child or minor children of the decedent for a limited period if the court deems it advisable after considering, among other things, the needs and resources of the family. (NRS 146.050) **Section 2** of this bill clarifies that the court must consider the needs and resources of the surviving spouse, minor child or minor children of the decedent.

If the value of an estate does not exceed $100,000, existing law authorizes the estate of the decedent to be set aside and assigned in a certain order without administration. (NRS 146.070) **Section 3** of this bill authorizes the court to: (1) upon request, order any asset assigned and set apart to be distributed to a designated person who resides in this State; (2) order the designated person to distribute the assets to the persons entitled thereto; and (3) retain jurisdiction of the estate to enforce the orders of the court until the designated person can

prove that all sums of money due and all property of the estate has been distributed properly.

Existing law requires a notice of the time and place of sale of real property to be published in a certain manner before the sale is made. Under existing law, the court may waive the requirement of publication if, among other things, the personal representative is the sole devisee or heir of the estate or if all devisees or heirs of the estate consent in writing. (NRS 148.220) **Section 4** of this bill provides that the court may waive the requirement of publication if the following persons consent in writing: (1) the personal representative, if he or she is the sole devisee or heir of the estate; (2) all devisees to whom the property is devised if the property is specifically devised in the decedent's will; (3) all residuary devisees if the property is not specifically devised in the decedent's will; or (4) in the case of an intestate estate, all heirs of the estate.

Existing law requires that before the court can confirm a sale of real property at a private sale, the court must first, among other things, determine that the real property has been appraised within 1 year before the time of sale. Under existing law, the court can waive the requirement of an appraisement: (1) for good cause shown; or (2) if the personal representative is the sole devisee or heir of the estate, or if all devisees or heirs consent in writing to sale without an appraisal. (NRS 148.260) **Section 5** of this bill authorizes the court to waive the requirement of an appraisement if the following people consent in writing to sale without an appraisal: (1) the personal representative, if he or she is the sole devisee or heir of the estate; (2) all devisees to whom the property is devised, if the property is specifically devised in the will of the decedent; (3) all residuary devisees, if the property is not specifically devised in the will of the decedent; and (4) in the case of an intestate estate, all heirs to the estate.

Existing law requires a petitioner to provide notice of the time and place of the hearing of a petition to certain interested persons by: (1) mailing a copy by registered or ordinary first-class mail addressed to the person being notified; and (2) publishing a copy of the notice in certain newspapers under certain circumstances. (NRS 155.010) If the court has established an electronic filing system pursuant to the Nevada Electronic Filing and Conversion Rules, **section 6** of this bill authorizes a petitioner to provide such notice to certain interested persons by submitting a copy of the notice through the electronic filing system of the court or through any other electronic means.

Existing law authorizes the maker or legal representative of a maker of a will, trust or testamentary instrument to obtain declaratory relief under the testamentary instrument or with respect to the administration of the trust or certain estates for certain purposes. (NRS 30.040) **Section 7** of this bill additionally authorizes an interested person or the legal representative of an interested person to obtain declaratory relief under the same circumstances.

Section 9 of this bill provides that a settlor of a trust may use a method set forth in a trust instrument for determining whether the settlor or trustee is incapacitated. **Section 16** of this bill authorizes a trustee presenting a certification of trust to include a declaration that the incapacity of the former

trustee has been established pursuant to **section 9** and that the current acting trustee has succeeded to the office of trustee. (NRS 164.410)

Section 13 of this bill provides that certain information concerning trusts in pleadings and filings is confidential. **Section 18** of this bill makes a conforming change to reflect that certain information concerning trusts in pleadings and filings is made confidential pursuant to **section 13**.

Existing law classifies a distribution interest, among other classifications, as a support interest if the trustee is required to make distributions to the beneficiary pursuant to an ascertainable standard. (NRS 163.4185) **Section 11** of this bill revises the circumstances under which a distribution interest is classified as a support interest.

Existing law prescribes the powers and duties of a protector of a trust. (NRS 163.5553) **Section 12** of this bill provides that, unless otherwise provided in the trust instrument: (1) the powers of a protector of a trust are fiduciary in nature; and (2) the trust instrument may define the scope and extent of the fiduciary standard applicable to the exercise of any of the powers and duties of a protector of a trust.

Existing law provides that under certain circumstances, the district court is required to assume jurisdiction of a trust as a proceeding in rem. If the trustee does not reside or conduct business in this State, existing law provides that jurisdiction is proper in this State if, among other requirements: (1) the trust expressly provides that the trust originated in this State or that a court in this State has jurisdiction; (2) under certain circumstances, a person has designated that the trust originated in this State or that this State has jurisdiction; or (3) one or more beneficiaries of the trust reside in this State. (NRS 164.010) **Section 14** of this bill: (1) provides that jurisdiction of a trust is proper in this State if the trust or a certain person expressly provides or designates that the trust originated in a county located in this State; (2) removes the requirement that one or more beneficiaries of the trust reside in this State; and (3) provides that jurisdiction is proper if any trustee resides or conducts business in this State.

Existing law also provides that, for the purposes of determining venue, the court must consider the preference of counties in a certain order. (NRS 164.010) **Section 14** specifies that for the purposes of determining venue in this State, the following preferences apply: (1) a county in which venue was most recently declared; (2) a county in which venue is declared in the trust instrument; (3) a county in which the situs or domicile of the trust is declared in a certification of trust; (4) a county in which any trustee resides or conducts business at the time of the filing of the petition; (5) a county in which any real property interest owned by the trust is located; and (6) a county in which any beneficiary resides.

Existing law authorizes a trustee to provide notice to certain persons after a revocable trust becomes irrevocable and generally prohibits any person who is provided notice from bringing an action to contest the validity of the trust more than 120 days after notice is served. (NRS 164.021) **Section 15** of this bill

clarifies that the notice must contain the dispositive provisions of the trust instrument that pertain to the beneficiary or a complete copy of the trust instrument. **Section 15** also authorizes a person to consent in writing to a period shorter than 120 days in which to bring an action to contest the validity of the trust.

Section 17 of this bill makes a technical correction to a provision relating to the liability of a trustee or disinterested person who, in good faith, fails to take certain actions. (NRS 164.796)

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

Section 1. NRS 136.010 is hereby amended to read as follows:

136.010 1. ~~[The]~~ ***Jurisdiction of the settlement of the*** estate of a decedent may be ~~[settled by]~~ ***assumed in*** the district court of any county in this State ~~[:]~~ ***if:***

(a) ~~[In which any part of the estate is located;]~~ ***The decedent was a resident of this State at the time of death;*** or

(b) ~~[Where the decedent was a resident at the time of death.]~~ ***Any part of the estate of the decedent is located in this State.***

2. ~~[If the decedent was a resident of this State at the time of death, the district court of any county in this State, whether death occurred in that county or elsewhere, may assume jurisdiction]~~ ***Venue*** of the settlement of the estate of ~~[the]~~ ***a*** decedent ***is proper in any district court in this State. If an interested person objects to the venue on the basis of convenience, the court may determine the appropriate venue*** only after ~~[taking into consideration]~~ ***considering, in order of priority,*** the convenience of the forum to:

(a) ***Where the decedent resided at the time of death;***

(b) Where the decedent owned real property;

(c) The ***preference of the*** person named as personal representative or trustee in the will; and

~~[(b)]~~ ***(d)*** The ***preference of the*** heirs, devisees, interested persons or beneficiaries to the decedent or estate and their legal counsel.

3. After a properly noticed hearing is held, the district court that first assumes jurisdiction of the settlement of an estate has exclusive jurisdiction of the settlement of that estate, including, without limitation:

(a) The proving of wills;

(b) The granting of letters; and

(c) The administration of the estate.

Sec. 2. NRS 146.050 is hereby amended to read as follows:

146.050 1. If the homestead was selected by the spouses, or either of them, during their marriage, and recorded while both were living, as provided in chapter 115 of NRS, it vests, on the death of either spouse, absolutely in the survivor, unless vesting is otherwise required pursuant to subsection 2 of NRS 115.060.

2. If no homestead was so selected, a homestead may be set apart by the court to the surviving spouse, minor child or minor children of the decedent for a limited period if deemed advisable considering the needs and resources of the ~~[family]~~ ***surviving spouse, minor child or minor children of the decedent*** and the nature, character and obligations of the estate. The duration of the homestead must be designated in the order setting it apart and may not extend beyond the lifetime of the surviving spouse or the minority of any child of the decedent, whichever is longer. A homestead so set apart then vests, subject to the setting apart:

(a) If set apart from the separate property of the decedent, in the heirs or devisees of the decedent.

(b) If set apart from community property, one-half in the surviving spouse and one-half in the devisees of the decedent, or if no disposition is made, then entirely in the surviving spouse.

3. In either case referred to in subsection 1 or 2, the homestead is not subject to the payment of any debt or liability existing against the spouses, or either of them, at the time of death of either, unless the debt or liability is secured by a mortgage or lien.

Sec. 3. NRS 146.070 is hereby amended to read as follows:

146.070 1. All or part of the estate of a decedent may be set aside without administration by the order of the court as follows:

(a) If the value of a decedent's estate does not exceed $100,000, the estate may be set aside without administration by the order of the court; or

(b) If a decedent's will directs that all or part of the decedent's estate is to be distributed to the trustee of a nontestamentary trust established by the decedent and in existence at the decedent's death, the portion of the estate subject to such direction may be set aside without administration. Any portion of a decedent's estate set aside to the nontestamentary trust pursuant to this paragraph is subject to creditors of the estate unless the petitioner provides proof to the court that the trustee has published or mailed the requisite notice to such creditors on behalf of the nontestamentary trust and settlor pursuant to NRS 164.025.

2. Except as otherwise provided in subsection 3, the whole estate set aside pursuant to paragraph (a) of subsection 1 must be assigned and set apart in the following order:

(a) To the payment of the petitioner's attorney's fees and costs incurred relative to the proceeding under this section;

(b) To the payment of funeral expenses, expenses of last illness, money owed to the Department of Health and Human Services as a result of payment of benefits for Medicaid and creditors, if there are any;

(c) To the payment of other creditors, if any; and

(d) Any balance remaining to the claimant or claimants entitled thereto pursuant to a valid will of the decedent, and if there is no valid will, pursuant to intestate succession in accordance with chapter 134 of NRS.

3. If the value of the estate does not exceed $100,000 and the decedent is survived by a spouse or one or more minor children, the court must set aside the estate for the benefit of the surviving spouse or the minor child or minor children of the decedent, subject to any reduction made pursuant to subsection 4 or 5. The court may allocate the entire estate to the surviving spouse, the entire amount to the minor child or minor children, or may divide the estate among the surviving spouse and minor child or minor children.

4. As to any amount set aside to or for the benefit of the surviving spouse or minor child or minor children of the decedent pursuant to subsection 3, the court must set aside the estate without the payment of creditors except as the court finds necessary to prevent a manifest injustice.

5. To prevent an injustice to creditors when there are nonprobate transfers that already benefit the surviving spouse or minor child or minor children of the decedent, the court has the discretion to reduce the amount set aside under subsection 3 to the extent that the value of the estate, when combined with the value of nonprobate transfers, as defined in NRS 111.721, from the decedent to or for the benefit of the surviving spouse or minor child or minor children of the decedent exceeds $100,000.

6. In exercising the discretion granted in this section, the court shall consider the needs and resources of the surviving spouse and minor child or minor children, including any assets received by or for the benefit of the surviving spouse or minor child or minor children from the decedent by nonprobate transfers.

7. For the purpose of this section, a nonprobate transfer from the decedent to one or more trusts or custodial accounts for the benefit of the surviving spouse or minor child or minor children shall be considered a transfer for the benefit of such spouse or minor child or minor children.

8. Proceedings taken under this section must not begin until at least 30 days after the death of the decedent and must be originated by a petition containing:

(a) A specific description of all property in the decedent's estate;

(b) A list of all known liens and encumbrances against estate property at the date of the decedent's death, with a description of any that the petitioner believes may be unenforceable;

(c) An estimate of the value of the property, together with an explanation of how the estimated value was determined;

(d) A statement of the debts of the decedent so far as known to the petitioner;

(e) The names and residences of the heirs and devisees of the decedent and the age of any who is a minor and the relationship of the heirs and devisees to the decedent, so far as known to the petitioner; and

(f) If the decedent left a will, a statement concerning all evidence known to the petitioner that tends to prove that the will is valid.

9. If the petition seeks to have the estate set aside for the benefit of the decedent's surviving spouse or minor child or minor children without payment to creditors, the petition must also contain:

(a) A specific description and estimated value of property passing by one or more nonprobate transfers from the decedent to the surviving spouse or minor child or minor children; or

(b) An allegation that the estimated value of the property sought to be set aside, combined with the value of all nonprobate transfers from the decedent to the surviving spouse or minor child or minor children who are seeking to receive property pursuant to this section, is less than $100,000.

10. When property is distributed pursuant to an order granted under this section, the court may allocate the property on a pro rata basis or a non-pro rata basis.

11. The clerk shall set the petition for hearing and the petitioner shall give notice of the petition and hearing in the manner provided in NRS 155.010 to the decedent's heirs and devisees and to the Director of the Department of Health and Human Services. If a complete copy of the petition is not enclosed with the notice, the notice must include a statement setting forth to whom the estate is being set aside.

12. No court or clerk's fees may be charged for the filing of any petition in, or order of court thereon, or for any certified copy of the petition or order in an estate not exceeding $2,500 in value.

13. At the hearing on a petition under this section, the court may require such additional evidence as the court deems necessary to make the findings required under subsection 14.

14. The order granting the petition shall include:

(a) The court's finding as to the validity of any will presented;

(b) The court's finding as to the value of the estate and, if relevant for the purposes of subsection 5, the value of any property subject to nonprobate transfers;

(c) The court's determination of any property set aside under subsection 2;

(d) The court's determination of any property set aside under subsection 3, including, without limitation, the court's determination as to any reduction made pursuant to subsection 4 or 5; and

(e) The name of each distributee and the property to be distributed to the distributee.

15. As to the distribution of the share of a minor child set aside pursuant to this section, the court may direct the manner in which the money may be used for the benefit of the minor child as is deemed in the court's discretion to be in the best interests of the minor child, and the distribution of the minor child's share shall be made as permitted for the minor child's share under the terms of the decedent's will or to one or more of the following:

(a) A parent of such minor child, with or without the filing of any bond;

(b) A custodian under chapter 167 of NRS; or

(c) A court-appointed guardian of the estate, with or without bond.

16. ***The court, upon request of a petitioner under this section and upon such terms and conditions the court deems advisable to protect any interested person of the estate:***

(a) May order that any asset assigned and set apart pursuant to subsection 2 be distributed first to a designated person who resides in this State and is otherwise qualified pursuant to NRS 139.010;

(b) May order the designated person to distribute the assets to the person or persons entitled thereto; and

(c) Shall retain jurisdiction to enforce its orders until the designated person demonstrates to the court, by the production of satisfactory receipts, that all sums of money due and all the property of the estate has been distributed to the persons entitled thereto and all acts lawfully required have been performed.

17. For the purposes of this section, the value of property must be the fair market value of that property, reduced by the value of all enforceable liens and encumbrances. Property values and the values of liens and encumbrances must be determined as of the date of the decedent's death.

Sec. 4. NRS 148.220 is hereby amended to read as follows:

148.220 1. Notice of the time and place of sale of real property must be published in a newspaper published in the county in which the property, or some portion of the property, is located, if there is one so published, and if not, then in such paper as the court directs, for 2 weeks, being three publications, 1 week apart, before the day of sale or, in the case of a private sale, before the day on or after which the sale is to be made. For good cause shown, the court may decrease the number of publications to one and shorten the time for publication to a period not less than 8 days.

2. The court may waive the requirement of publication if:

(a) The ~~[personal representative is the sole devisee or heir of the estate, or if all devisees or heirs of the estate]~~ ***following persons*** consent in writing ~~[;]~~ ***:***

(1) The personal representative, if he or she is the sole devisee or heir of the estate;

(2) If the property is specifically devised in the will of the decedent, all devisees to whom the property is devised;

(3) If the property is not specifically devised in the will of the decedent, all residuary devisees; or

(4) In the case of an intestate estate, all heirs of the estate.

(b) The personal representative provides proof that the property has been publicly listed in a public property listing service for a period of not less than 30 days; or

(c) The estate is subject to a lien or mortgage on the property in excess of the value of the real property and the estate has entered into an agreement with the holder of the lien or mortgage to waive the deficiency and accept the net sales proceeds.

3. If it appears from the inventory and appraisement that the value of the property to be sold does not exceed $5,000, the personal representative may

waive the requirement of publication and, in lieu thereof, post a notice of the time and place of sale in three of the most public places in the county in which the property, or some portion of the property, is located, for 2 weeks before the day of the sale or, in the case of a private sale, before the day on or after which the sale is to be made.

4. The property proposed to be sold must be described with common certainty in the notice.

Sec. 5. NRS 148.260 is hereby amended to read as follows:

148.260 1. Except as otherwise provided in subsection 2, a sale of real property at a private sale must not be confirmed by the court unless the court is satisfied that the sum offered represents the fair market value of the property sold and the real property has been appraised within 1 year before the time of sale. If the property has not been appraised, a new appraisement must be performed, as in the case of an original appraisement of an estate, at any time before the sale or confirmation of the property.

2. The court may waive the requirement of an appraisement:

(a) For good cause shown; ~~[or]~~

(b) ~~[If the]~~ ***The*** personal representative ***, if he or she*** is the sole devisee or heir of the estate ~~[, or if all devisees or heirs]~~ ***;***

(c) If the property is specifically devised in the will of the decedent, all devisees to whom the property is devised consent in writing to sale without an appraisal;

(d) If the property is not specifically devised in the will of the decedent, all residuary devisees consent in writing to sale without an appraisal; or

(e) In the case of an intestate estate, all heirs to the estate consent in writing to the sale without an appraisal,

➥ in which case the personal representative may rely on the assessed value of the property for taxation in obtaining confirmation of the sale.

Sec. 6. NRS 155.010 is hereby amended to read as follows:

155.010 1. Except as otherwise provided in this section or a specific statute relating to the kind of notice required or otherwise ordered by the court in a particular instance, a petitioner shall cause notice of the time and place of the hearing of a petition to be given to each interested person and to every other person entitled to notice pursuant to this title or his or her attorney if the person has appeared by attorney or requested that notice be sent to his or her attorney. Notice must be given:

(a) By mailing a copy thereof at least 10 days before the time set for the hearing by certified, registered or ordinary first-class mail addressed to the person being notified at the post office address given in the person's demand for notice, if any, or at his or her office or place of residence, if known, or by personally delivering a copy thereof to the person being notified at least 10 days before the time set for the hearing; ~~[or]~~

(b) ***By submitting a copy thereof through an electronic filing system, if the court establishes such a system pursuant to the Nevada Electronic Filing***

and Conversion Rules or by any other electronic means if the interested person or person entitled to notice consents in writing; or

(c) If the address or identity of the person is not known and cannot be ascertained with reasonable diligence, by publishing at least once a week for 3 consecutive weeks a copy thereof in a newspaper having general circulation in the county where the hearing is to be held, the last publication of which must be at least 10 days before the date set for the hearing.

2. A person who, for the purposes of the matter to be considered at a hearing, is not an interested person is not entitled to notice of that hearing.

3. The court, for good cause shown, may provide for a different method or time of giving notice for any hearing, or may dispense with the notice otherwise required to be given to a person under this title.

4. Proof of the giving of notice must be made on or before the hearing and filed in the proceeding.

5. A person entitled to notice may, in writing, waive notice of the hearing of a petition.

6. Notice given pursuant to paragraph (b) or (c) of subsection 1 is complete upon electronic submission of any kind, unless the petitioner is notified pursuant to the Nevada Electronic Filing and Conversion Rules that the service was not effectuated on the person intended to be served by such electronic means.

Sec. 7. NRS 30.040 is hereby amended to read as follows:

30.040 1. Any person interested under a deed, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

2. ~~[A]~~ ***Any interested person or legal representative of an interested person of, or a*** maker or legal representative of a maker of ***,*** a will, trust or other writings constituting a testamentary instrument may have determined any question of construction or validity arising under the instrument and obtain a declaration of rights, status or other legal relations thereunder. Any action for declaratory relief under this subsection may only be made in a proceeding commenced pursuant to the provisions of title 12 or 13 of NRS, as appropriate.

3. A principal or a person granted authority to act for a principal under power of attorney, whether denominated an agent, attorney-in-fact or otherwise, may have determined any question of construction or validity arising under the instrument and obtain a declaration of rights, status or other legal relations thereunder. Any action for declaratory relief under this subsection may only be made in a proceeding commenced pursuant to the provisions of title 12 or 13 of NRS, as appropriate.

Sec. 8. Chapter 163 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. ***1. A person determined pursuant to this section to lack capacity or to be incapacitated shall be deemed to no longer have the authority to serve as a trustee, and the person having priority to serve as or to appoint the successor trustee upon resignation, death or incapacity of the trustee under the trust instrument shall immediately assume such authority.***

2. A person who would have authority to serve as the trustee but for the fact that he or she has been determined to be incapacitated pursuant to subsection 3 and who later regains capacity as determined in accordance with subsection 7 is immediately restored to such authority.

3. A person serving as a trustee is incapacitated for purposes of this section if the person:

(a) Is determined to lack capacity pursuant to subsection 4; or

(b) Is:

(1) Missing; or

(2) Detained, including, without limitation, incarcerated.

4. The incapacity of a person serving as a trustee may be established by:

(a) A method provided in the trust instrument of the person, including, without limitation, a method that does not require a physician or a court to determine incapacity;

(b) A licensed physician who has personally examined the person, unless the trust instrument provides otherwise; or

(c) A court of competent jurisdiction.

5. The successor trustee may certify under penalty of perjury that the incapacity of a person has been determined pursuant to this section by a signed affidavit that is acknowledged by all the currently acting trustees of the trust other than the incapacitated trustee. A person who acts in reliance upon such a certification of incapacity without knowledge that the representations contained therein are incorrect is not liable to any person for so acting and may assume without inquiry that the person who has been certified as incapacitated lacks capacity.

6. Any interested person may petition a court of competent jurisdiction pursuant to NRS 164.015 for an order declaring a person serving as a trustee to lack capacity within the meaning of this section and for the removal as a trustee.

7. A person who would have priority to serve as the trustee but for the fact that he or she has been determined to be incapacitated, who later regains capacity, may establish his or her capacity by:

(a) Using a method in the trust instrument to establish the capacity of the trustee;

(b) If the person is incapacitated pursuant to paragraph (b) of subsection 3, a signed affidavit acknowledged by the person that the individual is no longer incapacitated and that is delivered to the currently acting trustees of the trust; or

(c) Petitioning a court of competent jurisdiction under NRS 164.015 for an order declaring that the person is not incapacitated.

8. A written determination of the successor trustee or licensed physician provided pursuant to paragraph (a) or (b) of subsection 4 must be provided under penalty of perjury.

9. Incapacity pursuant to paragraph (c) of subsection 4 must be established by a preponderance of the evidence.

Sec. 10. (Deleted by amendment.)

Sec. 11. NRS 163.4185 is hereby amended to read as follows:

163.4185 1. A distribution interest may be classified as:

(a) A mandatory interest if the trustee has no discretion to determine whether a distribution should be made, when a distribution should be made or the amount of the distribution.

(b) A support interest if the trustee is ***mandatorily*** required to make distributions to the beneficiary ~~[pursuant to an]~~ ***upon the determination of the trustee that the distribution will satisfy a defined*** ascertainable standard ~~[.]~~ ***set forth in the instrument and, upon such a determination, the trust instrument does not otherwise condition such distribution authority on the further discretion of the trustee.***

(c) A discretionary interest if the trustee has discretion to determine whether a distribution should be made, when a distribution should be made and the amount of the distribution.

2. If a trust contains a combination of a mandatory interest, a support interest or a discretionary interest, the trust must be separated as:

(a) A mandatory interest only to the extent of the mandatory language provided in the trust;

(b) A support interest only to the extent of the support language provided in the trust; and

(c) A discretionary interest for any remaining trust property.

3. If a trust provides for a support interest that also includes mandatory language but the mandatory language is qualified by discretionary language, the support interest must be classified and separated as a discretionary interest.

4. As used in this section, "ascertainable standard" means a standard relating to a person's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1), and any regulations of the United States Treasury promulgated thereunder.

Sec. 12. NRS 163.5553 is hereby amended to read as follows:

163.5553 1. A trust protector may exercise the powers provided to the trust protector in the instrument ~~[in the best interests of the trust.]~~ ***subject to the terms and provisions in the instrument.*** The powers exercised by a trust protector are at the sole discretion of the trust protector and are binding on all other persons. The powers granted to a trust protector may include, without limitation, the power to:

(a) Modify or amend the instrument to achieve a more favorable tax status or to respond to changes in federal or state law.

(b) Modify or amend the instrument to take advantage of changes in the rule against perpetuities, restraints on alienation or other state laws restricting the terms of a trust, the distribution of trust property or the administration of the trust.

(c) Increase or decrease the interests of any beneficiary under the trust.

(d) Modify the terms of any power of appointment granted by the trust. A modification or amendment may not grant a beneficial interest to a person which was not specifically provided for under the trust instrument.

(e) Remove and appoint a trustee, trust adviser, investment committee member or distribution committee member.

(f) Terminate the trust.

(g) Direct or veto trust distributions.

(h) Change the location or governing law of the trust.

(i) Appoint a successor trust protector or trust adviser.

(j) Interpret terms of the instrument at the request of the trustee.

(k) Advise the trustee on matters concerning a beneficiary.

(l) Review and approve a trustee's reports or accounting.

2. The powers provided pursuant to subsection 1 may be incorporated by reference to this section at the time a testator executes a will or a settlor signs a trust instrument. The powers provided pursuant to subsection 1 may be incorporated in whole or in part.

3. Unless otherwise provided in the trust instrument, the powers of the trust protector shall be considered fiduciary in nature. The trust instrument may define the scope and extent of a fiduciary standard applicable to the exercise of any power of the trust protector, including, without limitation, reducing or relieving the trust protector of a fiduciary duty.

Sec. 13. Chapter 164 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Confidential information relating to trusts that is contained in petitions and subsequent related findings under this title or title 12 of NRS may be redacted and filed under seal without a prior court order so long as the unredacted and complete copies of such petitions and filings are promptly provided to the court in camera and to all persons entitled to notice thereto.

2. Unless the court orders otherwise, confidential information once redacted or filed under seal must be redacted and filed under seal without a prior court order in all subsequent filings and orders in the matter relating to the petition, and unredacted and complete copies of such filings and orders must be promptly provided in camera to the court and to all persons entitled to copies thereto, as appropriate.

3. Nothing in this section shall be construed to abridge the power of any court of competent jurisdiction to order the production of unredacted and complete copies of petitions, filings and orders that have been redacted or

filed under seal to an interested person, as defined in NRS 132.185, or to other persons for cause shown.

4. As used in this section, "confidential information" includes:

(a) Trust instruments, inventories, accountings and reports;

(b) The names and addresses of trust settlors and beneficiaries;

(c) Trust dispositive terms, including, without limitation:

(1) The identity and amount of distributions or gifts; and

(2) Powers of appointments;

(d) Corporate and company records relating to trusts;

(e) Personally identifying information, including, without limitation, social security numbers and dates of birth; and

(f) Any other information ~~[ordered by]~~ the court ~~[,]~~ deems confidential, if the interest in protecting the confidentiality of the information outweighs the public interest in accessing such information.

Sec. 14. NRS 164.010 is hereby amended to read as follows:

164.010 1. Upon petition of any person appointed as trustee of an express trust by any written instrument other than a will, or upon petition of a settlor or beneficiary of the trust, the district court ~~[of the county in which any trustee resides or conducts business at the time of the filing of the petition or in which the trust has been domiciled as of the time of the filing of the petition]~~ shall assume jurisdiction of the trust as a proceeding in rem unless another court has properly assumed continuing jurisdiction in rem in accordance with the laws of that jurisdiction and the district court determines that it is not appropriate for the district court to assume jurisdiction under the circumstances.

2. For the purposes of this section, ~~[a trust is domiciled]~~ ***jurisdiction is proper*** in this State ~~[notwithstanding that the trustee neither resides nor conducts business in this State]~~ if:

(a) The trust instrument expressly provides that ~~[the]~~ ***:***

(1) The situs of the trust is in this State ***or a county located in this State;*** or ~~[that a]~~

(2) A court in this State has jurisdiction over the trust;

(b) A person has designated for the trust that this State ***or a county located in this State*** is the situs or has jurisdiction, if such person made the designation at a time during which he or she held the power to make such a designation under the express terms of the trust instrument;

(c) The trust owns an interest in real property located in this State;

(d) The trust owns personal property, wherever situated, if the trustee is:

(1) Incorporated or authorized to do business in this State;

(2) A trust company licensed under chapter 669 of NRS;

(3) A family trust company, as defined in NRS 669A.080; or

(4) A national association having an office in this State;

(e) ~~[One or more beneficiaries of the trust reside]~~ ***Any trustee resides or conducts business*** in this State; or

(f) At least part of the administration of the trust occurs in this State.

3. Notwithstanding the provisions of this section, if a court of a jurisdiction other than this State has jurisdiction over a trust and grants an order authorizing a transfer of jurisdiction over that trust to this State, the district court has the power to assume jurisdiction over the trust and to otherwise supervise the administration of that trust in accordance with the procedures set forth in this title.

4. For the purposes of determining venue ~~[,]~~ ***within this State,*** preference is given in the following order:

(a) To the county in which ~~[the situs or domicile]~~ ***venue*** was most recently declared by a person granted the power to make such a declaration under the terms of the trust instrument at the time of the filing of the petition;

(b) To the county in which ~~[the situs or domicile]~~ ***venue*** is declared in the trust instrument; ~~[and]~~

(c) To the county in which the situs or domicile is declared by the trustee at the time of the filing of the petition in a certification of the trust which complies with subsection 2 of NRS 164.400 and subsection 2 of NRS 164.410 and which contains a declaration of the trust's situs or domicile as authorized in subsection 1 of NRS 164.410 ~~[.]~~ ***;***

(d) To a county in which any trustee resides or conducts business at the time of the filing of the petition;

(e) To a county in which any real property interest owned by the trust is located; and

(f) To a county in which any beneficiary of the trust resides.

5. When the court assumes jurisdiction pursuant to this section, the court:

(a) Has jurisdiction of the trust as a proceeding in rem as of the date of the filing of the petition;

(b) Shall be deemed to have personal jurisdiction over any trustee confirmed by the court and any person appearing in the matter, unless such an appearance is made solely for the purpose of objecting to the jurisdiction of the court;

(c) May confirm at the same time the appointment of the trustee and specify the manner in which the trustee must qualify; and

(d) May consider at the same time granting orders on other matters relating to the trust, including, without limitation, matters that might be addressed in a declaratory judgment relating to the trust under subsection 2 of NRS 30.040 or petitions filed pursuant to NRS 153.031 or 164.015 whether such matters are raised in the petition to assume jurisdiction pursuant to this section or in one or more separate petitions that are filed concurrently with the petition to assume jurisdiction.

6. At any time, ~~[the]~~ ***a*** trustee may petition the court for removal of the trust from continuing jurisdiction of the court.

7. As used in this section, "written instrument" includes, without limitation, an electronic trust as defined in NRS 163.0015.

Sec. 15. NRS 164.021 is hereby amended to read as follows:

164.021 1. When a revocable trust becomes irrevocable because of the death of a settlor or by the express terms of the trust, the trustee may, after the trust becomes irrevocable, provide notice to any beneficiary of the irrevocable trust, any heir of the settlor or to any other interested person.

2. The notice provided by the trustee must contain:

(a) The identity of the settlor of the trust and the date of execution of the trust instrument;

(b) The name, mailing address and telephone number of any trustee of the trust;

(c) ~~[Any provision]~~ ***The dispositive provisions*** of the trust instrument which ~~[pertains]~~ ***pertain*** to the beneficiary ***, a complete copy of the trust instrument*** or notice that the heir or interested person is not a beneficiary under the trust;

(d) Any information required to be included in the notice expressly provided by the trust instrument; and

(e) A statement set forth in a separate paragraph, in 12-point boldface type or an equivalent type which states: "You may not bring an action to contest the trust more than 120 days from the date this notice is provided to you."

3. The trustee shall cause notice pursuant to this section to be provided in accordance with the provisions of NRS 155.010.

4. ~~[No]~~ ***Except as otherwise provided in this subsection, no*** person upon whom notice is provided pursuant to this section may bring an action to contest the validity of the trust more than 120 days from the date the notice ~~[pursuant to this section is provided, regardless of whether a petition under NRS 164.010 is subsequently]~~ ***is*** served upon the person ***,*** ~~[after the notice is provided,]~~ unless the person proves that he or she ~~[was not provided]~~ ***did not receive actual*** notice ***.*** ~~[in accordance with this section.]~~ ***A person upon whom notice is provided pursuant to this section may provide consent in writing to a period of less than 120 days in which the person may bring an action to contest the validity of the trust.***

5. For the purposes of paragraph (c) of subsection 2, a copy of the trust instrument shall be considered complete if it includes all amendments and restatements to the trust instrument the trustee has determined to be in effect at the time of the death of the settlor after the trustee has exercised due diligence.

6. A trustee is not liable in providing information pursuant to paragraph (c) of subsection 2 to any person whom the trustee has determined, after the exercise of due diligence, to be a beneficiary, heir or interested person.

Sec. 16. NRS 164.410 is hereby amended to read as follows:

164.410 1. A certification of trust may confirm the following facts or contain the following information:

(a) The existence of the trust and date of execution of any trust instrument;

(b) The identity of the settlor and each currently acting trustee;

(c) The powers of the trustee and any restrictions imposed upon the trustee in dealing with assets of the trust;

(d) The revocability or irrevocability of the trust and the identity of any person holding a power to revoke it;

(e) If there is more than one trustee, whether all of the currently acting trustees must or less than all may act to exercise identified powers of the trustee;

(f) A declaration regarding the situs or domicile of the trust and regarding the law that governs the validity, construction and administration of the trust; ~~[and]~~

(g) The form in which title to assets of the trust is to be taken ~~[.]~~ ***; and***

(h) A declaration that:

(1) The incapacity of the former trustee of the trust, including a settlor serving as the former trustee, has been determined pursuant to subsection 3, 4 or 6 of section 9 of this act; and

(2) The current acting trustee succeeded to the office of trustee pursuant to subsection 1 of section 9 of this act.

2. The certification must contain a statement that the trust has not been revoked or amended to make any representations contained in the certification incorrect, and that the signatures are those of all the currently acting trustees.

Sec. 17. NRS 164.796 is hereby amended to read as follows:

164.796 1. Unless expressly prohibited by the trust instrument, a trustee may convert a trust into a unitrust if:

(a) The trustee determines conversion to a unitrust will better enable the trustee to carry out the intent of the settlor and the purpose of the trust;

(b) The trustee gives written notice of his or her intention to convert the trust to a unitrust, including how the unitrust will operate, the income distributions rate established pursuant to subsection 3 of NRS 164.797 and subsection 1 of NRS 164.799, and what initial decisions the trustee will make pursuant to this section, to all beneficiaries who:

(1) Are presently eligible to receive income from the trust;

(2) Would be eligible, if a power of appointment were not exercised, to receive income from the trust if the interest of any beneficiary eligible to receive income terminated immediately before the trustee gives notice; and

(3) Would receive, if a power of appointment were not exercised, a distribution of principal if the trust terminated immediately before the trustee gives notice;

(c) There is at least one beneficiary who meets the requirements of subparagraph (1) of paragraph (b) and at least one beneficiary who meets the requirements of subparagraph (2) of paragraph (b); and

(d) No beneficiary objects, in writing and delivered to the trustee within 60 days of the mailing of the notice, to the conversion of the trust to a unitrust.

2. If a beneficiary timely objects to converting a trust into a unitrust, or if there are no beneficiaries under either subparagraph (1) or (3) of paragraph (b) of subsection 1, the trustee may petition the court to approve the conversion of the trust into a unitrust. The court shall approve the conversion if the court

concludes that the conversion will enable the trustee to better carry out the intent of the settlor and the purpose of the trust.

3. A beneficiary may request that a trustee convert a trust into a unitrust. If the trustee does not convert the trust, the beneficiary may petition the court to order the conversion. The court shall direct the conversion if the court concludes that the conversion will enable the trustee to better carry out the intent of the settlor and the purpose of the trust.

4. A trustee, in determining whether and to what extent to convert a trust to a unitrust pursuant to subsection 1, shall consider all factors relevant to the trust and to the beneficiaries, including the factors set forth in subsection 2 of NRS 164.795, as applicable.

5. A conversion of a trust to a unitrust does not affect a term of the trust directing or authorizing the trustee to distribute principal or authorizing a beneficiary to withdraw all or a portion of the principal.

6. A trustee may not convert a trust into a unitrust in any circumstance set forth in subsection 3 of NRS 164.795.

7. If a trustee is prevented from converting a trust because a provision of paragraph (e), (f), (g) or (h) of subsection 3 of NRS 164.795 applies to the trustee and if there is a cotrustee to whom such provisions do not apply, the cotrustee may convert the trust unless the exercise of the power by the remaining trustee is not permitted by the terms of the trust. If all trustees are prevented from converting a trust because a provision of paragraph (e), (f), (g) or (h) of subsection 3 of NRS 164.795 applies to all of the trustees, the trustees may petition the court to direct a conversion.

8. A trustee may permanently, or for a specified period, including a period measured by the life of a person, release the power to convert a trust pursuant to subsection 1 if:

(a) The trustee is uncertain about whether possessing or exercising the power of conversion will cause a result described in paragraphs (a) to (f), inclusive, or (h) of subsection 3 of NRS 164.795; or

(b) The trustee determines that possessing or exercising the power of conversion may or will deprive the trust of a tax benefit or impose a tax burden not described in subsection 3 of NRS 164.795.

9. A trustee or disinterested person who, in good faith, ***takes or*** fails to take any action under this section is not liable to any person affected by such action or inaction, regardless of whether the affected person received notice as provided in this section or was under a legal disability at the time of delivery of notice. An affected person's exclusive remedy is to petition the court for an order directing the trustee to convert the trust into a unitrust, to reconvert a unitrust into a trust or to change the percentage used to calculate the unitrust amount.

10. This section shall be construed to pertain to the administration of a trust, and the provisions of this section are available to any trust administered in this State or that is governed by the laws of this State, unless:

(a) The terms of the trust instrument show an intent that a beneficiary is to receive an amount other than a reasonable current return from the trust;

(b) The trust:

(1) Has a guaranteed annuity interest or fixed percentage interest as described in section 170(f)(2)(B) of the Internal Revenue Code;

(2) Is a charitable remainder trust within the meaning of section 664(d) of the Internal Revenue Code;

(3) Is a qualified subchapter S trust within the meaning of section 1361(c) of the Internal Revenue Code;

(4) Is a personal residence trust within the meaning of section 2702(a)(3)(A) of the Internal Revenue Code; or

(5) Is a trust in which one or more settlors retain a qualified interest within the meaning of section 2702(b) of the Internal Revenue Code;

(c) One or more persons to whom the trustee could distribute income have a power of withdrawal over the trust that is not subject to an ascertainable standard or that can be exercised to discharge a duty of support; or

(d) The terms of the trust instrument expressly prohibit the use of the provisions of this section through reference to this section or the trust instrument expressly states the settlor's intent that net income is not calculated as a unitrust amount.

11. As used in this section, "ascertainable standard" means a standard relating to an individual's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code and any regulations of the United States Treasury promulgated thereunder.

Sec. 18. 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 13 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. 19. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 417.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 702.

AN ACT relating to common-interest communities; revising provisions relating to the requirement that the executive board of a unit-owners' association make certain records available for review at a designated location; ~~[requiring a unit's owner to pay the actual costs incurred by the association in providing such records under certain circumstances; prohibiting certain persons from taking retaliatory action against a unit-owners' association or certain other persons associated with the association; prohibiting certain persons within a common-interest community from bullying another person within that same common-interest community; revising the definition of the term violation relating to violations of the laws governing common-interest communities;]~~ authorizing the Commission for Common-Interest Communities and Condominium Hotels **or a hearing panel** to impose certain sanctions on a person who files certain affidavits with the Real Estate Division of the Department of Business and Industry; ~~[requiring the Division to take certain actions before referring an affidavit relating to a violation to the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the executive board of a unit-owners' association of a common-interest community to make certain financial records available for review at the business office of the association or some other nearby location including, among other records, certain personnel records of the employees of the association relating to the number of hours worked and the salaries and benefits of those employees. (NRS 116.31175) Section 1 of this bill excludes from the records the executive board must make available any personnel records of the employees of the association, including, without limitation, employment contracts, information regarding the salaries and benefits of~~

~~employees and any other information concerning the employees of the association.~~

~~— Existing law requires the executive board to provide, upon request: (1) a copy of such records to the unit's owner or the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels; (2) a copy in electronic format at no charge to the unit's owner or the Ombudsman; or (3) if the board is unable to provide a copy in electronic format, a copy in paper format at a cost not to exceed a certain amount per page of the record.]~~ Existing law prohibits the executive board **of a unit-owners' association of a common-interest community** from requiring a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association. (NRS 116.31175) **Section 1** ~~[revises this prohibition and instead authorizes the executive board to require a unit's owner or Ombudsman to pay the actual costs incurred by the association for the unit's owner to review any such record.~~

~~— Existing law provides that if a unit's owner is the subject of a retaliatory action based on certain complaints or requests, the unit's owner may bring an action to recover compensatory damages and attorney's fees and costs. (NRS 116.31183) Section 2 of this bill prohibits a unit's owner, tenant or guest or invitee of a unit's owner or tenant to take, or direct or encourage another person to take, any retaliatory action against the executive board, a member of the executive board, a community manager or an officer, employee or agent of the association based on certain actions taken by the executive board, member, community manager or officer, employee or agent. Section 2 also provides that the executive board, member, community manager or officer, employee or agent may bring an action to recover compensatory damages and attorney's fees and costs from the person who took such a retaliatory action.~~

~~— Existing law prohibits certain persons within a common-interest community from threatening, harassing or otherwise engaging in certain courses of conduct against another person within that same common-interest community. (NRS 116.31184) Section 2.5 of this bill additionally prohibits certain persons within a common-interest community from bullying another person within that same common-interest community.~~

~~— Section 3 of this bill revises the definition of the term "violation" for the purposes of existing law relating to violations of the laws governing common-interest communities to include a violation of the provision of law that prohibits a person from threatening, harassing or otherwise engaging in bullying or a course of conduct against certain persons in a unit-owners' association which: (1) causes harm or serious emotional distress, or the reasonable apprehension thereof to that person; or (2) creates a hostile environment for that person. (NRS 116.31184, 116.745)]~~ **increases the maximum hourly amount the executive board may require a unit's owner to pay to review any books, records, contracts or other papers of the association to $25 per hour.**

Existing law authorizes a person who is aggrieved by an alleged violation to file with the Real Estate Division of the Department of Business and Industry a written affidavit which includes certain information. Existing law authorizes the Commission for Common-Interest Communities and Condominium Hotels or a hearing panel to impose ~~[certain]~~ **an** administrative ~~[fines]~~ **fine of not more than $1,000** against ~~[a]~~ **any** person who knowingly files a false or fraudulent affidavit with the Division. (NRS 116.760) **Section 4** of this bill **: (1) increases the maximum amount of the administrative fine to not more than $10,000; and (2)** additionally authorizes the Commission or hearing panel to impose sanctions that disqualify a person from serving as a member of the executive board for a period of not more than 10 years against any person who **knowingly** files a ~~[vexatious, misleading, retaliatory, frivolous,]~~ false or fraudulent affidavit with the Division.

~~[Existing law provides that upon receipt of such an affidavit, the Division must refer the affidavit to the Ombudsman. (NRS 116.765) Section 5 of this bill requires the Division to determine whether the alleged violation, if assumed to be true, would constitute a violation before referring the affidavit to the Ombudsman.]~~

Section 4 also authorizes the Commission or a hearing panel to designate a person as a vexatious affiant if the Commission or hearing panel has imposed an administrative fine or sanctions against the person for knowingly filing a false or fraudulent affidavit with the Division on two or more occasions. Under section 4, if the Commission or a hearing panel has designated a person as a vexatious affiant, then: (1) the Commission or hearing panel is required to transmit a copy of the order designating the person as a vexatious affiant to the Division; and (2) the Division shall not thereafter accept an affidavit filed by the person unless the person first submits a copy of the affidavit to the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels and, after reviewing the affidavit, the Ombudsman grants leave for the person to file the affidavit with the Division.

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

Section 1. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in subsection 4, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association, including, without limitation:

(a) The financial statement of the association;

(b) The budgets of the association required to be prepared pursuant to NRS 116.31151;

(c) The study of the reserves of the association required to be conducted pursuant to NRS 116.31152; and

(d) All contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party.

2. The executive board shall provide a copy of any of the records described in paragraphs (a), (b) and (c) of subsection 1 to a unit's owner or the Ombudsman within 21 days after receiving a written request therefor. Such records must be provided in electronic format at no charge to the unit's owner or, if the association is unable to provide the records in electronic format, the executive board may charge a fee to cover the actual costs of preparing a copy, but the fee may not exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

3. If the executive board fails to provide a copy of any of the records pursuant to subsection 2 within 21 days, the executive board must pay a penalty of $25 for each day the executive board fails to provide the records.

4. The provisions of subsection 1 do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees; ***[including, without limitation, employment contracts, information regarding the salaries and benefits of employees and any other information concerning the employees of the association;]***

(b) The records of the association relating to another unit's owner, including, without limitation, any architectural plan or specification submitted by a unit's owner to the association during an approval process required by the governing documents, except for those records described in subsection 5; and

(c) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:

(1) Is in the process of being developed for final consideration by the executive board; and

(2) Has not been placed on an agenda for final approval by the executive board.

5. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

6. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If the Ombudsman is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

7. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

8. The executive board shall not ~~*[may]*~~ require a unit's owner to pay an amount in excess of ~~[~~$10~~]~~ ***$25*** per hour ~~*[the actual costs incurred by the association for the unit's owner]*~~ to review any books, records, contracts or other papers of the association pursuant to the provisions of subsection 1.

~~*[9. As used in this section, "actual costs" includes, without limitation:*~~

~~*(a) The cost of gathering, preparing, copying or providing records, regardless of format;*~~

~~*(b) The cost of retrieving records from storage; and*~~

~~*(c) Any other related cost incurred by the association in allowing a unit's owner to review any books, records, contracts or other papers of the association.]*~~

Sec. 2. ~~[NRS 116.31183 is hereby amended to read as follows:~~

~~116.31183 1. An executive board, a member of an executive board, a community manager or an officer, employee or agent of an association shall not take, or direct or encourage another person to take, any retaliatory action against a unit's owner because the unit's owner has:~~

~~(a) Complained in good faith about any alleged violation of any provision of this chapter or the governing documents of the association;~~

~~(b) Recommended the selection or replacement of an attorney, community manager or vendor; or~~

~~(c) Requested in good faith to review the books, records or other papers of the association.~~

~~2. *A unit's owner, a tenant or a guest or invitee of a unit's owner or tenant shall not take, or direct or encourage another person to take, any retaliatory action against the executive board, a member of the executive board, a community manager or an officer, employee or agent of the*~~

association because the executive board, member of the executive board, community manager or officer, employee or agent of the association has:

(a) In good faith, provided a unit's owner or, if different, the person against whom a fine will be imposed, with a notice of the applicable provisions of law or governing documents of the association that form the basis of an alleged violation;

(b) Failed in good faith to respond to a request or demand within the prescribed period pursuant to the governing documents of the association or this chapter; or

(c) Refused in good faith to provide confidential information of the association upon request or to otherwise engage in an unlawful activity.

~~3. In addition to any other remedy provided by law, upon a violation of this section, a unit's owner~~ ***, member of the executive board, community manager or officer, employee or agent of an association*** ~~may bring a separate action to recover:~~

~~(a) Compensatory damages; and~~

~~(b) Attorney's fees and costs of bringing the separate action.~~

4. As used in this section:

(a) "Retaliatory action" includes, without limitation, making defamatory statements on social media or another similar online forum.

(b) "Social media" has the meaning ascribed to it in NRS 232.003.]

(Deleted by amendment.)

Sec. 2.5. **[**~~NRS 116.31184 is hereby amended to read as follows:~~

~~116.31184 1. A community manager, an agent or employee of the community manager, a member of the executive board, an officer, employee or agent of an association, a unit's owner or a guest or tenant of a unit's owner shall not willfully and without legal authority threaten, harass or otherwise engage in~~ ***bullying or*** ~~a course of conduct against any other person who is the community manager of his or her common-interest community or an agent or employee of that community manager, a member of the executive board of his or her association, an officer, employee or agent of his or her association, another unit's owner in his or her common-interest community or a guest or tenant of a unit's owner in his or her common-interest community which:~~

~~(a) Causes harm or serious emotional distress, or the reasonable apprehension thereof, to that person; or~~

~~(b) Creates a hostile environment for that person.~~

~~2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor.~~

3. As used in this section, "bullying:"

(a) Means written, verbal or electronic expressions or physical acts or gestures, or any combination thereof, that are directed at a person or group of persons, or a single severe and willful act or expression that is directed at a person or group of persons, and:

(1) Have the effect of:

(I) Damaging the property of a person; or

~~*(II) Placing a person in reasonable fear of damage to the property of the person;*~~

~~*(2) Interfere with the rights of a person by:*~~

~~*(I) Creating an intimidating or hostile environment for the person; or*~~

~~*(II) Substantially interfering with the ability of the person to participate in or benefit from services, activities or privileges provided by a common-interest community; or*~~

~~*(3) Are acts or conduct described in subparagraph (1) or (2) and are based upon the:*~~

~~*(I) Actual of perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristics or background of a person; or*~~

~~*(II) Association of a person with another person having one or more of those actual or perceived characteristics;*~~

~~*(b) Includes, without limitation:*~~

~~*(1) Repeated or pervasive taunting, name-calling, belittling, mocking or use of put-downs or demeaning humor regarding the actual or perceived race, color, national origin, ancestry, religion, gender identity or expression, sexual orientation, physical or mental disability of a person, sex or any other distinguishing characteristic or background of a person;*~~

~~*(2) Behavior that is intended to harm another person by damaging or manipulating his or her relationships with others by conduct that includes, without limitation, spreading false rumors;*~~

~~*(3) Repeated or pervasive intimidation such as the use of aggressive, menacing or disrespectful gestures;*~~

~~*(4) Threats of harm to the possessions of a person, whether such threats are transmitted verbally, electronically or in writing;*~~

~~*(5) Blackmail, extortion or demands for protection money or involuntary loans or donations;*~~

~~*(6) Except as otherwise provided in NRS 116.345, blocking access to any property or facility of a common-interest community;*~~

~~*(7) Stalking; and*~~

~~*(8) Physically harmful contact with or injury to another person or his or her property.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 116.745 is hereby amended to read as follows:~~

~~116.745 As used in NRS 116.745 to 116.795, inclusive, unless the context otherwise requires, "violation" means a violation of:~~

~~1. Any provision of this chapter~~ **;** ~~[except NRS 116.31184;]~~

~~2. Any regulation adopted pursuant to this chapter; or~~

~~3. Any order of the Commission or a hearing panel.]~~ **(Deleted by amendment.)**

Sec. 4. NRS 116.760 is hereby amended to read as follows:

116.760 1. Except as otherwise provided in this section, a person who is aggrieved by an alleged violation may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Division a written affidavit that sets forth the facts constituting the alleged violation. The affidavit may allege any actual damages suffered by the aggrieved person as a result of the alleged violation.

2. An aggrieved person may not file such an affidavit unless the aggrieved person has provided the respondent by certified mail, return receipt requested, with written notice of the alleged violation set forth in the affidavit. The notice must:

(a) Be mailed to the respondent's last known address.

(b) Specify, in reasonable detail, the alleged violation, any actual damages suffered by the aggrieved person as a result of the alleged violation, and any corrective action proposed by the aggrieved person.

3. A written affidavit filed with the Division pursuant to this section must be:

(a) On a form prescribed by the Division.

(b) Accompanied by evidence that:

(1) The respondent has been given a reasonable opportunity after receiving the written notice to correct the alleged violation; and

(2) Reasonable efforts to resolve the alleged violation have failed.

4. The Commission or a hearing panel may impose ~~[an]~~ ***either or both of the following:***

(a) An administrative fine of not more than ~~[$1,000 against~~ ~~,]~~ ***$10,000; or***

(b) Sanctions disqualifying a person from serving as a member of the executive board for a period of not more than 10 years,

➥ ***against*** any person who knowingly files a ~~*[vexatious, misleading, retaliatory, frivolous,]*~~ false or fraudulent affidavit with the Division.

5. The Commission or a hearing panel may designate a person as a vexatious affiant if the Commission or a hearing panel has imposed an administrative fine or sanctions against the person pursuant to subsection 4 for knowingly filing a false or fraudulent affidavit with the Division on two or more occasions. If the Commission or a hearing panel has designated a person as a vexatious affiant pursuant to this subsection, the Commission or hearing panel shall transmit a copy of the order designating the person as a vexatious affiant to the Division and the Division shall not thereafter accept an affidavit filed by the person unless:

(a) The person first submits a copy of the affidavit to the Ombudsman; and

(b) After reviewing the affidavit, the Ombudsman grants leave for the person to file the affidavit with the Division.

Sec. 5. ~~[NRS 116.765 is hereby amended to read as follows:~~

~~116.765 1. Upon receipt of an affidavit that complies with the provisions of NRS 116.760,~~ ~~*if the Division determines that the alleged violation, if*~~

~~***assumed to be true, would constitute a violation of this chapter,*** the Division shall refer the affidavit to the Ombudsman.~~

~~2. The Ombudsman shall give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the alleged violation.~~

~~3. If the parties are unable to resolve the alleged violation with the assistance of the Ombudsman, the Ombudsman shall provide to the Division a report concerning the alleged violation and any information collected by the Ombudsman during his or her efforts to assist the parties to resolve the alleged violation.~~

~~4. Upon receipt of the report from the Ombudsman, the Division shall conduct an investigation to determine whether good cause exists to proceed with a hearing on the alleged violation.~~

~~5. If, after investigating the alleged violation, the Division determines that the allegations in the affidavit are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall file a formal complaint with the Commission and schedule a hearing on the complaint before the Commission or a hearing panel.~~**]**

(Deleted by amendment.)

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 547.

AN ACT relating to public safety; establishing provisions governing the operation of a personal delivery device; imposing certain requirements on a personal delivery device operator; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides pedestrians on or near a highway with certain rights and imposes certain duties. (NRS 484B.280-484B.297) Existing law authorizes the operation of a mobile carrying device on sidewalks and in crosswalks and provides that such a device has, in general, the rights and duties of a pedestrian. (NRS 484B.790)

Section 3 of this bill defines the term "personal delivery device" to mean an electrically powered device that: (1) is intended primarily to transport cargo on sidewalks, crosswalks and other pedestrian areas; **and** (2) ~~[is not intended to carry passengers; and (3)]~~ is equipped with technology that allows navigation with or without the active control or monitoring of a natural person. **Section 1** of this bill provides that a personal delivery device is not a "vehicle" for purposes of existing law governing travel on public highways. (NRS

482.135) **Section 5** of this bill ~~[.]~~ **provides that a personal delivery device may only be operated at an institution within the Nevada System of Higher Education or on a sidewalk or crosswalk directly adjacent to such an institution while servicing the institution. Section 5:** (1) authorizes a personal delivery device to operate ~~[on sidewalks, in crosswalks and]~~ on highways **only** if crossing at an intersection ~~[.]~~ **or within a crosswalk;** (2) prohibits such a device from transporting hazardous material, transporting a person or unreasonably interfering with pedestrians or vehicle traffic; and (3) provides that such a device has, in general, the rights and duties of a pedestrian. **Section 5** also requires a personal delivery device to include a unique identifying number and a means of identifying and contacting the personal delivery device operator. **Section 4** of this bill defines the term "personal delivery device operator" to mean a person or entity that exercises control or monitoring over the operation and navigation of a personal delivery device, not including a person who solely: (1) requests or receives a delivery; (2) arranges for or dispatches a delivery; or (3) stores, charges or maintains a personal delivery device. **Section 6** of this bill requires a personal delivery device operator to maintain a policy of general liability insurance to cover any damages caused by the operation of personal delivery devices under the control of the operator. **Section 8** of this bill provides that a violation of the provisions of **section 5 or 6** is a civil infraction. **Section 7** of this bill makes a conforming change to indicate the proper placement of **sections 3 and 4** in the Nevada Revised Statutes.

Existing law authorizes the governing body of a county or city, respectively, to enact ordinances which regulate the time, place and manner of operation of mobile carrying devices. (NRS 244.3565, 268.41015) **Sections 9 and 10** of this bill create similar authority for personal delivery devices.

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

Section 1. NRS 482.135 is hereby amended to read as follows:

482.135 Except as otherwise provided in NRS 482.36348, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway. The term does not include:

1. Devices moved by human power or used exclusively upon stationary rails or tracks;
2. Mobile homes or commercial coaches as defined in chapter 489 of NRS;
3. Electric bicycles;
4. Electric personal assistive mobility devices;
5. Electric scooters; ~~[or]~~
6. A mobile carrying device as that term is defined in NRS 484B.029 ~~[.]~~ ***;***

or

7. A personal delivery device as that term is defined in section 3 of this act.

Sec. 2. Chapter 484B of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 6, inclusive, of this act.

Sec. 3. ***1. "Personal delivery device" means an electrically powered device that:***

(a) Is designed to operate autonomously, semi-autonomously or remotely by a personal delivery device operator;

(b) Is equipped with technology that allows navigation with or without the active control or monitoring of a natural person;

(c) Is intended primarily to transport cargo on sidewalks, crosswalks and other pedestrian areas;

(d) Weighs less than 150 pounds when empty; and

(e) Has a maximum speed of 10 miles per hour.

2. The term does not include a mobile carrying device.

Sec. 4. ***"Personal delivery device operator" means a person or entity that exercises control or monitoring over the operation and navigation of a personal delivery device. The term does not include a person or entity who solely:***

1. Requests or receives the delivery or services of a personal delivery device;

2. Arranges for or dispatches the requested services of a personal delivery device; or

3. Stores, charges or maintains a personal delivery device.

Sec. 5. ***1. ~~[Except as otherwise provided in NRS 244.3565 or 268.41015, a]~~ A personal delivery device may only be operated ~~[on a sidewalk or crosswalk, including, without limitation, at]~~ :***

(a) At an institution within the Nevada System of Higher Education ~~[, if:

(a)]~~ or upon a sidewalk or crosswalk directly adjacent to an institution within the Nevada System of Higher Education while servicing such an institution.

(b) If:

(1) The operator of the personal delivery device is capable of actively monitoring and remotely controlling the navigation and movement of the personal delivery device;

~~[(b)]~~ (2) The personal delivery device is equipped with a braking device that enables the personal delivery device to come to a controlled stop;

~~[(c)]~~ (3) The personal delivery device includes a unique identifying number and a means of identifying and contacting the personal delivery device operator; and

~~[(d)]~~ (4) The personal delivery device is operated in accordance with any requirements imposed by this section.

2. A personal delivery device operator may not allow a personal delivery device to:

(a) Operate on the highways of this State except when crossing at an intersection or within a crosswalk;

(b) Fail to comply with any traffic-control signal or devices that a pedestrian is obligated to comply with;

(c) Unreasonably interfere with pedestrians or vehicle traffic;

(d) Transport hazardous material as that term is defined in NRS 459.7024; or

(e) Transport a person.

3. A personal delivery device has all the rights and duties of a pedestrian except those which by their nature can have no application or as otherwise provided in this section.

4. A violation of this section:

(a) Is not a misdemeanor;

(b) Shall not be deemed a moving traffic violation; and

(c) Is punishable by the imposition of a civil penalty of $250.

5. As used in this section, "institution within the Nevada System of Higher Education" means any institution, branch, facility, department, office or housing of, or used by or for the benefit of, the Nevada System of Higher Education ~~[.]~~ or students or faculty of the System. The term includes, without limitation, campuses, offices, facilities and housing for students or faculty, whether owned or not owned by the System ~~[.]~~ , and property which is directly adjacent to property that is owned and managed by the System.

Sec. 6. ***A personal delivery device operator shall maintain an insurance policy that provides general liability coverage of not less than $500,000 for any damages arising from the combined operations of any personal delivery devices under the control of the personal delivery device operator.***

Sec. 7. NRS 484B.003 is hereby amended to read as follows:

484B.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484B.007 to 484B.077, inclusive, ***and sections 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 484B.760 is hereby amended to read as follows:

484B.760 1. It is a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, for any person to do any act forbidden or fail to perform any act required in NRS 484B.768 to 484B.790, inclusive ~~[.]~~ ***and sections 5 and 6 of this act.***

2. The parent of any child and the guardian of any ward shall not authorize or knowingly permit the child or ward to violate any of the provisions of chapters 484A to 484E, inclusive, of NRS.

3. The provisions applicable to bicycles, electric bicycles and electric scooters apply whenever a bicycle, an electric bicycle or an electric scooter is operated upon any highway or upon any path set aside for the exclusive use of bicycles, electric bicycles and electric scooters subject to those exceptions stated herein.

Sec. 9. NRS 244.3565 is hereby amended to read as follows:

244.3565 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** the board of commissioners of each county in this State may, to protect the health and safety of the public, enact an ordinance which ~~[regulates]~~ ***:***

(a) Regulates the time, place and manner of the operation of a mobile carrying device ***or personal delivery device*** in the unincorporated areas of the county, including, without limitation, by prohibiting the use of a mobile carrying device ***or personal delivery device*** in a specified area of the county ~~[.]~~ ***; and***

(b) Establishes additional standards for the safe operation of a personal delivery device.

2. A board of county commissioners, in enacting an ordinance pursuant to subsection 1, may not prohibit the use of a mobile carrying device on a sidewalk in the county that is more than 36 inches wide.

3. ***The board of county commissioners of each county in this State may not enact an ordinance which regulates:***

(a) The design, manufacture, maintenance, taxation or assessment of a personal delivery device; or

(b) The types of property, other than alcohol and cannabis, that may be transported by a personal delivery device.

4. Nothing in this section shall be construed to prohibit a board of county commissioners from requiring a personal delivery device operator to obtain from the county a business license or pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the board of county commissioners.

5. As used in this section ~~[, "mobile]~~ ***:***

(a) "Mobile carrying device" has the meaning ascribed to it in NRS 484B.029.

(b) "Personal delivery device" has the meaning ascribed to it in section 3 of this act.

(c) "Personal delivery device operator" has the meaning ascribed to it in section 4 of this act.

Sec. 10. NRS 268.41015 is hereby amended to read as follows:

268.41015 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** the city council or other governing body of each incorporated city in this State, whether or not organized under general law or special charter, may, to protect the health and safety of the public, enact an ordinance which ~~[regulates]~~ ***:***

(a) Regulates the time, place and manner of the operation of a mobile carrying device ***or personal delivery device*** in the city, including, without limitation, by prohibiting the use of a mobile carrying device ***or personal delivery device*** in a specified area of the city ~~[.]~~ ***; and***

(b) Establishes additional standards for the safe operation of a personal delivery device.

2. A city council or governing body, in enacting an ordinance pursuant to subsection 1, may not prohibit the use of a mobile carrying device on a sidewalk in the city that is more than 36 inches wide.

3. ***The city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may not enact an ordinance which regulates:***

(a) The design, manufacture, maintenance, taxation or assessment of a personal delivery device; or

(b) The types of property, other than alcohol and cannabis, that may be transported by a personal delivery device.

4. Nothing in this section shall be construed to prohibit a city council or governing body from requiring a personal delivery device operator to obtain from the city a business license or pay any business license fee in the same manner that is generally applicable to any other business that operates within the jurisdiction of the city council or governing body.

5. As used in this section ~~[, "mobile]~~ ***:***

(a) "Mobile carrying device" has the meaning ascribed to it in NRS 484B.029.

(b) "Personal delivery device" has the meaning ascribed to it in section 3 of this act.

(c) "Personal delivery device operator" has the meaning ascribed to it in section 4 of this act.

Sec. 11. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, of this act become effective:

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

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

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 592.

AN ACT relating to motorcycles; revising provisions relating to penalties for driving without a motorcycle driver's license, motorcycle endorsement or permit to operate a motorcycle; ~~[establishing certain requirements for the renewal of a motorcycle endorsement to a driver's license;]~~ revising certain requirements for instructors for the Program for the Education of Motorcycle Riders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a resident of this State from driving a motorcycle upon a highway unless that person holds a valid motorcycle driver's license, a driver's license with a motorcycle endorsement or a permit to operate a motorcycle. (NRS 486.061) Existing law also provides that any person who violates this requirement is guilty of a misdemeanor. (NRS 486.381) **Section 3** of this bill provides that a court must allow such a person to complete a course of motorcycle safety in lieu of imposing a fine for such a violation which must be completed within 9 months of the issuance of the final order.

~~[Existing law provides that a motorcycle endorsement to a driver's license expires simultaneously with the expiration of the driver's license. (NRS 486.161) Existing regulations provide that a driver's license expires on the eighth anniversary of the birthday of the licensee, measured from the birthday of the licensee nearest the date of issuance or renewal. (NAC 483.043) Section 4 of this bill requires that an applicant for the renewal of a motorcycle endorsement, except for the first renewal of the motorcycle endorsement, provide proof that the applicant has successfully completed a course of motorcycle safety in the immediately preceding 12 months before the applicant may renew the motorcycle endorsement. Section 4 also provides that an applicant who submits such proof is not required to submit such proof again at any subsequent renewal that occurs within 7 years after such submission. Section 7 of this bill provides that this requirement does not take effect until January 1, 2032.]~~

Existing law requires the Director of the Department of Motor Vehicles to establish the Program for the Education of Motorcycle Riders and sets forth certain eligibility requirements for instructors of the Program. (NRS 486.372, 486.375) **Section 6** of this bill removes the eligibility requirements that a Program instructor: (1) be a resident of this State or a member of the Armed Forces of the United States stationed at a military installation located in Nevada; and (2) has held a motorcycle driver's license or endorsement for at least 2 years.

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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 486.061 is hereby amended to read as follows:

486.061 ***1.*** Except for a nonresident who is at least 16 years of age and is authorized by the person's state of residency to drive a motorcycle, a person shall not drive:

~~[1.]~~ ***(a)*** A motorcycle, except a trimobile, upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, a driver's license issued pursuant to chapter 483 of NRS endorsed to authorize the holder to drive a motorcycle or a permit issued pursuant to subsection 4 or 5 of NRS 483.280.

~~[2.]~~ ***(b)*** A trimobile upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, or a driver's license issued pursuant to chapter 483 of NRS.

2. If, pursuant to NRS 486.381, a court of competent jurisdiction finds that a person has violated the requirement of paragraph (a) of subsection 1, the court shall permit the person to complete a course of motorcycle safety in lieu of assessing a fine for the violation. The course of motorcycle safety must be completed within 9 months after the date of the final order of the court and proof of successful completion of the course must be filed with the court.

Sec. 4. ~~[NRS 486.161 is hereby amended to read as follows:~~

~~486.161 1. Every motorcycle driver's license expires as prescribed by regulation.~~

~~2. The Department shall adopt regulations prescribing when a motorcycle driver's license expires.~~

~~3. Every~~ ***motorcycle driver's*** ~~license is renewable at any time before its expiration upon application, submission of the statement required pursuant to NRS 486.084 and payment of the required fee.~~

~~***4.*** Every motorcycle endorsement to a driver's license issued on or after January 1, 1972, expires simultaneously with the expiration of the driver's license.~~

~~***5. Except for the initial renewal of a motorcycle endorsement to a driver's license, an applicant for the renewal of a motorcycle endorsement after the first renewal must submit proof of the successful completion by the applicant of a course of motorcycle safety approved by the Department, in consultation with the Administrator of the Program, in the immediately preceding 12 months, except that an applicant who has submitted proof of the successful completion of a course of motorcycle safety is not required to submit such proof at any subsequent renewal that occurs within 7 years after such submission of proof.***~~

~~[4.]~~ ***6.*** ~~Except as otherwise provided in subsection 1 of NRS 483.384, each applicant for renewal must appear before an examiner for a driver's license and successfully pass a test of the applicant's eyesight.]~~ **(Deleted by amendment.)**

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 486.375 is hereby amended to read as follows:

486.375 1. A person who:

(a) ~~[Is a resident of this State or is a member of the Armed Forces of the United States stationed at a military installation located in Nevada;~~

~~(b)]~~ Is at least 21 years old;

~~[(c)]~~ ***(b)*** Holds a motorcycle driver's license or a motorcycle endorsement to a driver's license issued by the Department;

~~[(d) Has held a motorcycle driver's license or endorsement for at least 2 years; and~~

~~(e)]~~ ***and***

(c) Is certified as an instructor of motorcycle riders by a nationally recognized public or private organization which is approved by the Director,

➥ may apply to the Department for a license as an instructor for the Program.

2. The Department shall not license a person as an instructor if, within 2 years before the person submits an application for a license:

(a) The person has accumulated three or more demerit points pursuant to the uniform system of demerit points established pursuant to NRS 483.473, or has been convicted of, or found to have committed, traffic violations of comparable number and severity in another jurisdiction; or

(b) The person's driver's license was suspended or revoked in any jurisdiction.

3. The Director shall adopt standards and procedures for the licensing of instructors for the Program.

Sec. 6.5. (Deleted by amendment.)

Sec. 7. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2, 5, 6 and 6.5 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 3 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, 2025, for all other purposes.

4. 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, 2032, for all other purposes.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 520.

Bill read second time and ordered to third reading.

Assembly Bill No. 521.

Bill read second time and ordered to third reading.

Assembly Bill No. 522.

Bill read second time and ordered to third reading.

Senate Bill No. 11.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 599.

AN ACT relating to unmanned aerial vehicles; requiring the Department of Public Safety to adopt certain regulations relating to unmanned aerial vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the usage of unmanned aerial vehicles by the State and its political subdivisions and private citizens. (NRS 493.103-493.118) A public agency other than a law enforcement agency may, for specified public purposes prescribed in regulations adopted by the Department of Public Safety, employ an unmanned aerial vehicle that has been registered with the Department. (NRS 493.118; NAC 493.100) **Section** ~~[1.7]~~ **1.9** of this bill requires the Department to adopt regulations to establish: (1) a list of countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and (2) a list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire. **Sections 1 and 1.3** of this bill prohibit **effective January 1, 2025,** a public agency or law enforcement agency from operating, purchasing or acquiring any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department.

Section 1.7 of this bill requires the Department to adopt regulations to: (1) authorize a public agency to conduct scheduled inspections to ensure compliance with building and fire codes and laws, ordinances, regulations and rules adopting or establishing building and fire codes; (2) prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during the scheduled inspection; and (3) provide that if a photograph, image or recording or other information is collected through the operation of an unmanned aerial vehicle during a scheduled inspection, such photograph, image, recording or other information is not admissible and must not be disclosed in any proceeding other than a proceeding relating to the purpose of the scheduled inspection.

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

Section 1. NRS 493.112 is hereby amended to read as follows:

493.112 1. Except as otherwise provided in this section, nothing in this section shall be deemed to otherwise prohibit the operation of an unmanned aerial vehicle by a law enforcement agency for any lawful purpose in this State.

2. Except as otherwise provided in subsection 3, a law enforcement agency shall not operate an unmanned aerial vehicle for the purpose of gathering evidence or other information within the curtilage of a residence or at any other

location or upon any property in this State at which a person has a reasonable expectation of privacy, unless the law enforcement agency first obtains a warrant from a court of competent jurisdiction authorizing the use of the unmanned aerial vehicle for that purpose. A warrant authorizing the use of an unmanned aerial vehicle must specify the period for which operation of the unmanned aerial vehicle is authorized. A warrant must not authorize the use of an unmanned aerial vehicle for a period of more than 10 days. Upon motion and a showing of probable cause, a court may renew a warrant after the expiration of the period for which the warrant was initially issued.

3. A law enforcement agency may operate an unmanned aerial vehicle without obtaining a warrant issued pursuant to subsection 2:

(a) If the law enforcement agency has probable cause to believe that a person has committed a crime, is committing a crime or is about to commit a crime, and exigent circumstances exist that make it unreasonable for the law enforcement agency to obtain a warrant authorizing the use of the unmanned aerial vehicle.

(b) If a person provides written consent to the law enforcement agency authorizing the law enforcement agency to acquire information about the person or the real or personal property of the person. The written consent must specify the information to be gathered and the time, place and manner in which the information is to be gathered by the law enforcement agency.

(c) For the purpose of conducting search and rescue operations for persons and property in distress.

(d) Under circumstances in which the law enforcement agency believes that an imminent threat exists to the life and safety of an individual person or to the public at large, including, without limitation, the threat of an act of terrorism. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall document the factual basis for its belief that such an imminent threat exists and shall, not later than 2 business days after initiating operation, file a sworn statement with a court of competent jurisdiction describing the nature of the imminent threat and the need for the operation of the unmanned aerial vehicle.

(e) Upon the declaration of a state of emergency or disaster by the Governor. A law enforcement agency that operates an unmanned aerial vehicle pursuant to this paragraph shall not use the unmanned aerial vehicle outside of the geographic area specified in the declaration or for any purpose other than the preservation of public safety, the protection of property, or the assessment and evaluation of environmental or weather-related damage, erosion or contamination.

4. Any photograph, image, recording or other information that is acquired by a law enforcement agency through the operation of an unmanned aerial vehicle in violation of this section, or that is acquired from any other person or governmental entity, including, without limitation, a public agency and any department or agency of the Federal Government, that obtained the photograph, image, recording or other information in a manner inconsistent

with the requirements of this section, and any evidence that is derived therefrom:

(a) Is not admissible in and must not be disclosed in a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

5. ~~[A]~~ Except as otherwise provided in this subsection, a law enforcement agency shall not operate, purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118. A law enforcement agency may operate or use an unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle that was purchased or acquired before the effective date of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118.

Sec. 1.3. NRS 493.115 is hereby amended to read as follows:

493.115 1. A public agency:

(a) May operate an unmanned aerial vehicle only if:

(1) Before the operation of the unmanned aerial vehicle, the public agency registers the unmanned aerial vehicle with the Department pursuant to subsection 2 of NRS 493.118.

(2) The public agency operates the unmanned aerial vehicle in accordance with the regulations adopted by the Department pursuant to subsection 4 of NRS 493.118.

(b) Must not operate an unmanned aerial vehicle for the purposes of assisting a law enforcement agency with law enforcement or conducting a criminal prosecution.

2. Any photograph, image, recording or other information that is acquired by a public agency through the operation of an unmanned aerial vehicle in violation of this section, and any evidence that is derived therefrom:

(a) Is not admissible in, and must not be disclosed in, a judicial, administrative or other adjudicatory proceeding; and

(b) May not be used to establish reasonable suspicion or probable cause as the basis for investigating or prosecuting a crime or offense.

3. ~~[A]~~ Except as otherwise provided in this subsection, a public agency shall not operate, purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle in violation of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118. A public agency may operate or use an unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle that was purchased or acquired before the effective date of the regulations adopted by the Department pursuant to subsection 6 of NRS 493.118.

Sec. 1.7. NRS 493.118 is hereby amended to read as follows:

493.118 1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

(a) The name of the public agency;

(b) The name and contact information of each operator of the unmanned aerial vehicle;

(c) Sufficient information to identify the unmanned aerial vehicle; and

(d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

(a) The provision of fire services.

(b) The provision of emergency medical services.

(c) The protection of a critical facility that is public property.

(d) Search and rescue operations conducted for persons and property in distress.

5. The regulations adopted by the Department pursuant to subsection 4 must include provisions that:

(a) Authorize, as a public purpose, a public agency to operate an unmanned aerial vehicle that is registered with the Department in order to conduct a scheduled inspection to ensure compliance with building or fire codes or laws, ordinances, regulations or rules adopting or establishing building or fire codes that are enforced by the public agency.

(b) Prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during a scheduled inspection described in paragraph (a). If any photograph, image or recording is collected in violation of such a regulation or if any other information is collected through the operation of an unmanned aerial vehicle during such a scheduled inspection, the photograph, image, recording or other information:

(1) Is not admissible and must not be disclosed in any judicial, administrative or other adjudicatory proceeding other than a proceeding relating to the purpose of the scheduled inspection; and

(2) May not be used to establish reasonable suspicion or probable cause as the basis for the investigation or prosecution of a crime or other offense.

~~***[6. In addition to the regulations adopted pursuant to subsection 4, the Department shall adopt regulations to establish:***~~

~~***(a) A list of countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and***~~

~~***(b) A list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire.***~~

~~***7. The lists established pursuant to subsection 6 must include, without limitation:***~~

~~***(a) Any country, business or entity from which a federal agency or contractor is prohibited from purchasing or acquiring an unmanned aerial vehicle, or other equipment or service relating to the operation of an unmanned aerial vehicle pursuant to any federal law, rule, regulation or order; and***~~

~~***(b) Any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle which has been prohibited for use by a federal agency or contractor pursuant to any federal law, rule, regulation or order.]***~~

Sec. 1.9. **NRS 493.118 is hereby amended to read as follows:**

493.118 1. The Department shall, to the extent that money is available for this purpose, establish and maintain a registry of unmanned aerial vehicles that are operated by public agencies in this State. The Department shall include on its Internet website the information that is maintained in the registry.

2. A public agency shall, for each unmanned aerial vehicle the public agency intends to operate, submit to the Department, on a form provided by the Department, for inclusion in the registry:

(a) The name of the public agency;

(b) The name and contact information of each operator of the unmanned aerial vehicle;

(c) Sufficient information to identify the unmanned aerial vehicle; and

(d) A statement describing the use of the unmanned aerial vehicle by the public agency.

3. The Department shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report outlining the activities of public agencies with respect to the operation of unmanned aerial vehicles in this State.

4. The Department shall adopt regulations prescribing the public purposes for which a public agency may operate an unmanned aerial vehicle that is registered with the Department pursuant to this section, including, without limitation:

(a) The provision of fire services.

(b) The provision of emergency medical services.

(c) The protection of a critical facility that is public property.

(d) Search and rescue operations conducted for persons and property in distress.

5. The regulations adopted by the Department pursuant to subsection 4 must include provisions that:

(a) Authorize, as a public purpose, a public agency to operate an unmanned aerial vehicle that is registered with the Department in order to conduct a scheduled inspection to ensure compliance with building or fire codes or laws, ordinances, regulations or rules adopting or establishing building or fire codes that are enforced by the public agency.

(b) Prohibit a public agency from collecting any photograph, image or recording through the operation of an unmanned aerial vehicle during a scheduled inspection described in paragraph (a). If any photograph, image or recording is collected in violation of such a regulation or if any other information is collected through the operation of an unmanned aerial vehicle during such a scheduled inspection, the photograph, image, recording or other information:

(1) Is not admissible and must not be disclosed in any judicial, administrative or other adjudicatory proceeding other than a proceeding relating to the purpose of the scheduled inspection; and

(2) May not be used to establish reasonable suspicion or probable cause as the basis for the investigation or prosecution of a crime or other offense.

6. In addition to the regulations adopted pursuant to subsection 4, the Department shall adopt regulations to establish:

(a) A list of countries, businesses and entities from which a public agency or law enforcement agency shall not purchase or acquire any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle; and

(b) A list of unmanned aerial vehicles and other related equipment or services that a public agency or law enforcement agency shall not operate, purchase or acquire.

7. The lists established pursuant to subsection 6 must include, without limitation:

(a) Any country, business or entity identified by the Secretary of Defense of the United States Department of Defense pursuant to Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Public Law 116-283, any amendments thereto or any subsequent federal law establishing such a list;

(b) Any unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle sold, manufactured or distributed by an entity identified by the Secretary of Defense of the United States Department of Defense pursuant to Section 1260H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021,

Public Law 116-283, any amendments thereto or any subsequent federal law establishing such a list;

(c) Any hardware, software, vendor or service prohibited from being used by a state agency in Nevada by a regulation, guideline or policy adopted by the Division of Enterprise Information Technology Services of the Department of Administration pursuant to NRS 242.111 and 242.115; and

(d) Any other unmanned aerial vehicle or other equipment or service relating to the operation of an unmanned aerial vehicle, as determined by the Department.

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

2. ~~[Sections 1, 1.3 and]~~ **Section** 1.7 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 October 1, 2023, for all other purposes.

3. Sections 1, 1.3 and 1.9 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, 2025, for all other purposes.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 78.

Bill read second time.

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

Amendment No. 684.

AN ACT relating to property; establishing and revising various definitions relating to property; establishing provisions relating to fees charged by landlords to prospective tenants; prohibiting landlords from transferring, selling, assigning or reporting to certain agencies information concerning amounts owed by tenants to landlords; establishing provisions relating to circumstances under which a landlord changes his or her agent, broker or property management company; **requiring a rental agreement to include separate appendices that contain certain information; making it unlawful for a landlord or certain other persons to charge a tenant certain fees;** making various changes relating to fees, fines, deposits and costs paid by tenants; requiring rental agreements to include a grace period for the late payment of rent; requiring a tenant to be served with advance notice of increases in certain fees, fines and costs; revising provisions relating to agents of attorneys who serve certain notices relating to evictions; revising provisions relating to representation in small claim actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a landlord and a tenant to perform certain obligations with respect to a lease of real property. (NRS 118A.240-118A.300) As part of a lease of real property, a landlord may require a tenant to pay a security deposit, defined as a payment, deposit, fee or charge used by the landlord to: (1) remedy a default in the payment of rent by the tenant; (2) repair damage to the premises other than normal wear; and (3) clean the dwelling unit. (NRS 118A.240, 118A.242) **Section 5** of this bill defines the term "security deposit" to mean a deposit made in cash or by any other acceptable manner to a landlord for any of the following purposes: (1) remedying any default of the tenant in the payment of periodic rent, including, without limitation, the cost of any fee for the late payment of rent; (2) repairing damage to the premises caused by the tenant other than normal wear; and (3) cleaning the unit. **Section 28** of this bill repeals the existing definition of "security deposit."

Existing law requires a landlord to return a security deposit, or any remaining portion thereof, within 30 days after the termination of the tenancy and makes the landlord liable for certain amounts for failing to return the security deposit within this period. (NRS 118A.242) **Section 15** of this bill requires a landlord to deliver an itemized, written accounting of the disposition of the security deposit or surety bond, or a combination thereof in certain circumstances; (2) prescribes how delivery of the itemized, written accounting must be effectuated by the landlord; and (3) makes the landlord liable for certain amounts for failing to deliver the itemized, written accounting. **Section 15** also provides that in any action relating to an amount claimed of a security deposit for repairing damage to the premises caused by the tenant, the landlord has the burden of proving: (1) that the damage to the premises occurred during the tenancy; and (2) the actual costs of repair.

Existing law defines "normal wear" as deterioration which occurs without negligence, carelessness or abuse of the premises, equipment or chattels by the tenant, a member of the household of the tenant or another person on the premises with the consent of the tenant. (NRS 118A.110) **Section 11** of this bill revises the definition of "normal wear" to mean expected deterioration which occurs during the course of a tenancy from the normal use of the premises by such persons.

Existing law requires written rental agreements to contain certain provisions, including, without limitation, provisions concerning **: (1)** the amount of rent and the manner and time of its payment **[.] ; and (2) fees which are required and the purposes for which they are required.** (NRS 118A.200) Existing law authorizes a landlord to charge a reasonable fee for the late payment of rent. (NRS 118A.210) **Section 12** of this bill **[additionally]** requires such rental agreements to include a grace period for the late payment of rent. **Section 13** of this bill prohibits a landlord from charging the fee for the late payment of rent until the expiration of the grace period set forth in the rental agreement. **Section 4** of this bill defines the term "grace period" for such purposes. **Section 12** also **[**requires certain information relating to fees, fines

~~and costs to be: (1) disclosed in writing to the tenant before he or she enters into a written rental agreement or otherwise begins the tenancy; and (2) printed clearly and conspicuously on the first page of the written rental agreement or clearly and conspicuously disclosed within the addenda to the written rental agreement, if applicable, that must be signed by the landlord or his or her agent and the tenant or his or her agent.]~~ **: (1) requires a written rental agreement to include a separate appendix that contains an explanation of each fee that may be charged during the term of the rental agreement and the purpose for which the fee may be charged; and (2) makes it unlawful for a landlord or other person authorized to enter into a rental agreement on his or her behalf to charge a tenant a fee in an amount or for any purpose that is not set forth in the appendix. Finally, section 12 requires a written rental agreement to also include a separate appendix that contains an explanation of the rights of the tenant pursuant to federal and state law and local ordinances.**

Existing law places certain prohibitions on rental agreements. (NRS 118A.220) **Section 14** of this bill prohibits rental agreements from requiring tenants to pay any fee, fine or cost except those which are: (1) authorized by statute; or (2) actual and reasonable. **Sections 12, 19-21 and 24** of this bill make conforming changes relating to the limitations on fees, fines and costs.

Section 7 of this bill authorizes a landlord to charge a fee for the eviction of a tenant. ~~[Additionally, section]~~ **Section 6** of this bill ~~[: (1) authorizes]~~ **requires** a landlord ~~[to charge a single fee to every prospective tenant]~~ who ~~[intends to occupy one dwelling unit; and (2) prohibits a landlord from charging a]~~ **collects from a prospective tenant any** fee **to apply to rent a dwelling unit to refund the fee if the landlord: (1) rents the dwelling unit** to ~~[other]~~ **a different** prospective ~~[tenants who submit applications for occupancy of the same dwelling unit unless the initial application or applications, as applicable, for that dwelling unit have been denied.]~~ **tenant; and (2) does not conduct the activity for which the fee was collected. Section 6 further prohibits a landlord from collecting an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.**

Section 8 of this bill prohibits a landlord from transferring, selling, assigning or reporting to certain agencies any amount owed by the tenant, unless the landlord first delivers to the tenant an itemized, written accounting of all outstanding amounts owed by the tenant. **Section 8.5** of this bill requires any action for the enforcement of any provision of a rental agreement to be brought: (1) not later than 2 years after the termination of the tenancy; and (2) as a small claims action, if certain jurisdictional limits apply to the amount owed by the tenant.

Section 9 of this bill provides that if a landlord changes his or her agent, broker or property management company, the landlord or the new agent, broker or company is required to send certain information to the tenant within 10 business days after the change.

Existing law prohibits a landlord from increasing the rent of a tenant unless the tenant is served with advance notice of the increase. (NRS 118A.300) **Section 18** of this bill similarly prohibits a landlord from increasing certain fees, fines and costs charged to the tenant unless the tenant is served with advance notice of the increase.

Existing law provides that if a tenant's failure to perform basic obligations can be remedied by cleaning and the tenant fails to comply with a request to remedy such failure in a timely manner, the landlord may enter the dwelling unit, cause the work to be done and bill the tenant. (NRS 118A.440) **Section 22** of this bill deletes this provision of existing law.

Existing law requires a tenant to be served with certain notices relating to evictions. Existing law also provides that certain notices may be served by an agent of an attorney who is licensed in this State if: (1) the attorney has been retained by the landlord in certain actions; and (2) the agent is acting at the direction and under the direct supervision of the attorney. (NRS 40.280) In addition to the existing requirements concerning such agents, **section 25** of this bill prohibits the agent from being employed as a property manager in this State.

Existing law authorizes a nongovernmental legal or commercial entity to be represented by its director, officer or employee in an action in small claims court. (NRS 73.012) Similarly, **section 26** of this bill authorizes a landlord to be represented by his or her agent in a small claims action.

Section 26.5 of this bill provides that the amendatory provisions of this bill do not apply to a tenant of a dwelling unit that is a manufactured home, or on the premises of a manufactured home lot or a manufactured home park.

Finally, **section 27** of this bill provides that a rental agreement entered into before the effective date of this bill is binding upon the parties and may be enforced on or after that date, regardless of whether the provisions of the rental agreement conflict with the amendatory provisions of this bill.

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

Section 1. NRS 118.101 is hereby amended to read as follows:

118.101 1. A person may not refuse to:

(a) Authorize a person with a disability to make reasonable modifications to a dwelling which he or she occupies or will occupy if:

(1) The person with the disability pays for the modifications; and

(2) The modifications are necessary to ensure that the person with the disability may use and enjoy the dwelling; or

(b) Make reasonable accommodations in rules, policies, practices or services if those accommodations are necessary to ensure that the person with the disability may use and enjoy the dwelling.

2. A landlord may, as a condition for the authorization of such a modification, reasonably require the person who requests the authorization, upon the termination of his or her occupancy, to restore the dwelling to the

condition that existed before the modification, reasonable wear and tear excepted.

3. Except as otherwise provided in subsection 4, a landlord may not increase the amount of a security deposit the landlord customarily requires a person to deposit because that person has requested authorization to modify a dwelling pursuant to subsection 1.

4. If a person requests authorization to modify a dwelling pursuant to subsection 1, the landlord may require that person to deposit an additional security deposit in addition to the amount the landlord usually requires if the additional security deposit:

(a) Is necessary to ensure the restoration of the dwelling pursuant to subsection 2;

(b) Does not exceed the actual cost of the restoration; and

(c) Is deposited by the landlord in an interest-bearing account. Any interest earned on the additional amount must be paid to the person who requested the authorization.

5. As used in this section, "security deposit" has the meaning ascribed to it in ~~[~~NRS 118A.240.~~]~~ ***section 5 of this act.***

Sec. 2. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 9, inclusive, of this act.

Sec. 3. (Deleted by amendment.)

Sec. 4. ***"Grace period" means a period of time, not less than 3 days, during which rent can be paid late by a tenant.***

Sec. 5. ***"Security deposit" means a deposit paid in cash, by check or by any other acceptable manner to a landlord for any of the following purposes:***

1. Remedying any default of the tenant in the payment of periodic rent, including, without limitation, the cost of any fee for the late payment of rent.

2. Repairing damage to the premises caused by the tenant other than normal wear.

3. Cleaning the dwelling unit.

Sec. 6. ***1. A landlord ~~[may charge a single fee for the submission of a rental application by every prospective tenant who intends to occupy one dwelling unit. If a landlord has charged a fee for the submission of a rental application from a prospective tenant or multiple prospective tenants that intend to occupy one dwelling unit, the landlord may not charge other prospective tenants a fee for the submission of a rental application for the same dwelling unit unless the initial application or applications, as applicable, for that dwelling unit have been denied.~~***

~~2. The fee described in subsection 1 must not exceed the direct and actual costs of the landlord in processing the application, including, without limitation, reasonable personnel and administrative costs.~~] ***who collects from a prospective tenant any fee to apply to rent a dwelling unit, including, without limitation, an application fee, a fee to obtain a credit report or a fee to obtain a background check, shall refund the fee to the prospective tenant if the landlord:***

(a) Rents the dwelling unit to a different prospective tenant; and

(b) Does not conduct the activity for which the fee was collected, including, without limitation, processing the application or obtaining a credit report or background check of the prospective tenant.

2. A landlord shall not collect an application fee, a fee to obtain a credit report or a fee to obtain a background check for a minor who is a member of the household of the prospective tenant.

3. As used in this section:

(a) "Household" means an association of persons who live in the same home or dwelling and who are related by blood, adoption, marriage or domestic partnership.

(b) "Minor" means a person who is under 18 years of age.

Sec. 7. *A landlord may charge a tenant a fee for the eviction of the tenant. The amount of the fee must not exceed the direct and actual costs of the landlord associated with the action for eviction.*

Sec. 8. *1. A landlord may not transfer, sell, assign or report to a collection agency or credit reporting agency any amount owed by the tenant to the landlord, unless the landlord delivers to the tenant an itemized, written accounting of all outstanding amounts owed by the tenant at least 30 days in advance of transferring, selling, assigning or reporting the amount owed to a collection agency or credit reporting agency.*

2. An itemized, written accounting required by subsection 1 must contain a disclosure which states that if the outstanding amounts are not paid within 30 days, the landlord will transfer, sell, assign or report the outstanding amount to a collection agency or credit reporting agency.

3. The delivery of the itemized, written accounting must be effectuated by the landlord by:

(a) Personally handing the itemized, written accounting to the tenant at the place where rent is paid by the tenant; or

(b) Mailing the itemized, written accounting to the tenant at the present address of the tenant, if known, or the last known address of the tenant, if the present address of the tenant is unknown.

Sec. 8.5. *1. Any action for the enforcement of any provision of a rental agreement must be commenced not later than 2 years after the termination of the tenancy, as established by the rental agreement.*

2. If the amount owed by the tenant does not exceed the jurisdictional limit set forth in chapter 73 of NRS, the landlord must bring a small claims action.

Sec. 9. *Within 10 business days after the landlord changes his or her agent, broker or property management company, the landlord or the new agent, broker or company shall provide written notification to the tenant which must contain:*

1. The name, address and telephone number of the new agent, broker or company; and

2. A statement that the security deposit of the tenant was transferred, in its entirety without deductions, to the new entity and that no additional security deposit is required to be paid by the tenant.

Sec. 10. NRS 118A.020 is hereby amended to read as follows:

118A.020 As used in this chapter, unless the context otherwise requires, the terms defined in NRS 118A.030 to 118A.175, inclusive, ***and sections 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 118A.110 is hereby amended to read as follows:

118A.110 ***1.*** "Normal wear" means ~~[that]~~ ***the expected*** deterioration which occurs ~~[without negligence, carelessness or abuse]~~ ***during the course of a tenancy from the normal use*** of the premises ~~[, equipment or chattels]~~ by the tenant, a ***household*** member of the ~~[tenant's household]~~ ***tenant*** or other person on the premises with the ~~[tenant's]~~ consent ~~[.]~~ ***of the tenant.***

2. The term does not include damage to the premises which results from the neglect or abuse of the premises by the tenant, a household member of the tenant or other person on the premises.

Sec. 12. NRS 118A.200 is hereby amended to read as follows:

118A.200 1. Any written agreement for the use and occupancy of a dwelling unit or premises must be signed by the landlord or his or her agent and the tenant or his or her agent.

2. The landlord shall provide one copy of any written agreement described in subsection 1 to the tenant free of cost at the time the agreement is executed and, upon request of the tenant, provide additional copies of any such agreement to the tenant within a reasonable time. The landlord may charge a reasonable fee for providing the additional copies.

3. Any written rental agreement must contain, but is not limited to, provisions relating to the following subjects:

(a) Duration of the agreement.

(b) Amount of rent and the manner and time of its payment ~~[.]~~ ***, including, without limitation:***

(1) The duration of the grace period.

(2) The fee for the late payment of rent.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) ~~[Fees]~~ ***Subject to the limitations set forth in NRS 118A.220, fees, fines and costs*** which are ~~[required]~~ ***to be paid by the tenant*** and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund ~~[.]~~ ***, as applicable.***

(g) ~~[Charges which may be required for late or partial payment of rent or for return of any dishonored check.~~

~~(h)]~~ Inspection rights of the landlord.

~~[(i)]~~ ***(h)*** A listing of persons or numbers of persons who are to occupy the dwelling.

~~[(j)]~~ ***(i)*** Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

~~[(k)]~~ ***(j)*** A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

~~[(l)]~~ ***(k)*** A summary of the provisions of NRS 202.470.

~~[(m)]~~ ***(l)*** Information regarding the procedure pursuant to which a tenant may report to the appropriate authorities:

(1) A nuisance.

(2) A violation of a building, safety or health code or regulation.

~~[(n)]~~ ***(m)*** Information regarding the right of the tenant to engage in the display of the flag of the United States, as set forth in NRS 118A.325.

(n) A separate appendix that contains a clear and concise explanation of each fee that may be charged during the term of the rental agreement and the purpose for which the fee may be charged. The appendix must state with specificity:

(1) For each fee that is variable, that the cost to be paid by the tenant is the actual cost incurred and that no additional fee will be added unless the fee is for a charge incurred by the tenant, including, without limitation, a late fee; and

(2) For each fee that is fixed or provided by a third-party vendor, the current amount of the fee.

(o) A separate appendix that contains a clear and concise explanation of the rights of the tenant pursuant to federal and state laws and local ordinances.

4. In addition to the provisions required by subsection 3, any written rental agreement for a single-family residence which is not signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS must contain a disclosure at the top of the first page of the agreement, in a font size at least two times larger than any other font size in the agreement, which states that:

(a) There are rebuttable presumptions in NRS 205.0813 and 205.0817 that the tenant does not have lawful occupancy of the dwelling unless the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; and

(2) Includes the current address and telephone number of the landlord or his or her authorized representative; and

(b) The agreement is valid and enforceable against the landlord and the tenant regardless of whether the agreement:

(1) Is notarized or is signed by an authorized agent of the landlord who at the time of signing holds a permit to engage in property management pursuant to chapter 645 of NRS; or

(2) Includes the current address and telephone number of the landlord or his or her authorized representative.

5. ~~*[The range of all fees, fines and costs, known or reasonably known, and the purpose for which they are required and the range of totals must be:*~~

~~*(a) Disclosed in writing to the tenant before he or she enters into a written rental agreement or otherwise commences the tenancy; and*~~

~~*(b) Clearly and conspicuously printed on the first page of the written rental agreement or clearly and conspicuously disclosed within the addenda to the rental agreement, if applicable, that must be signed by the landlord or his or her agent and the tenant or his or her agent.*~~

~~*6.]*~~ The absence of a written agreement raises a disputable presumption that:

(a) There are no restrictions on occupancy by children or pets.

(b) Maintenance and waste removal services are provided without charge to the tenant.

(c) ~~[No charges for partial or late payments of rent or for dishonored checks are paid by the tenant.]~~ ***There is no fee for the late payment of rent.***

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. ~~*[7.]*~~ It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to use any written agreement which does not conform to the provisions of this section, and any provision in an agreement which contravenes the provisions of this section is void.

7. ***It is unlawful for a landlord or any person authorized to enter into a rental agreement on his or her behalf to charge a tenant a fee in an amount or for any purpose that is not set forth in the appendix to the rental agreement that is required pursuant to paragraph (n) of subsection 3.***

8. As used in this section, "single-family residence" means a structure that is comprised of not more than four units. The term does not include a manufactured home as defined in NRS 118B.015.

Sec. 13. NRS 118A.210 is hereby amended to read as follows:

118A.210 1. Rent is payable without demand or notice at the time and place agreed upon by the parties.

2. Unless the rental agreement establishes a definite term, the tenancy is from week to week in the case of a tenant who pays weekly rent and in all other cases the tenancy is from month to month.

3. In the absence of an agreement, either written or oral:

(a) Rent is payable at the beginning of the tenancy; and

(b) Rent for the use and occupancy of a dwelling is the fair rental value for the use and occupancy.

4. A landlord may charge a reasonable late fee for the late payment of rent as set forth in the rental agreement, but:

(a) In a tenancy that is longer than week to week, no late fee may be charged or imposed until at least 3 calendar days after the date that rent is due;

(b) Such a late fee must not exceed 5 percent of the amount of the periodic rent; ~~[and]~~

(c) ***Such a late fee must not be charged until the expiration of the grace period set forth in the rental agreement; and***

(d) The maximum amount of the late fee must not be increased based upon a late fee that was previously imposed.

Sec. 14. NRS 118A.220 is hereby amended to read as follows:

118A.220 1. A rental agreement shall not provide that the tenant:

(a) Agrees to waive or forego rights or remedies afforded by this chapter;

(b) Authorizes any person to confess judgment on any claim arising out of the rental agreement;

(c) Agrees to pay ~~[the]~~ ***:***

(1) The landlord's attorney's fees, except that the agreement may provide that reasonable attorney's fees may be awarded to the prevailing party in the event of court action; ***or***

(2) Any fee, fine or cost, except those which are:

(I) Expressly authorized by statute; or

(II) Actual and reasonable;

(d) Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith if the liability is based upon an act or omission of the landlord or any agent or employee of the landlord; or

(e) Agrees to give the landlord a different notice of termination than that required to be given by the landlord to the tenant.

2. Any provision prohibited by subsection 1 is void as contrary to public policy and the tenant may recover any actual damages incurred through the inclusion of the prohibited provision.

Sec. 15. NRS 118A.242 is hereby amended to read as follows:

118A.242 1. The landlord may not demand or receive a security deposit or a surety bond, or a combination thereof, including the last month's rent, whose total amount or value exceeds 3 months' periodic rent.

2. In lieu of paying all or part of the security deposit required by the landlord, a tenant may, if the landlord consents, purchase a surety bond to secure the tenant's obligation to the landlord under the rental agreement to:

(a) Remedy any default of the tenant in the payment of rent.

(b) Repair damages to the premises other than normal wear and tear.

(c) Clean the dwelling unit.

3. The landlord:

(a) Is not required to accept a surety bond purchased by the tenant in lieu of paying all or part of the security deposit; and

(b) May not require a tenant to purchase a surety bond in lieu of paying all or part of the security deposit.

4. Upon termination of the tenancy by either party for any reason, the landlord may claim of the security deposit or surety bond, or a combination thereof, only such amounts as are reasonably necessary to ~~[remedy]~~ ***:***

(a) Remedy any default of the tenant in the payment of rent ~~[, to repair]~~ ***;***

(b) Repair damages to the premises caused by the tenant other than normal wear ~~[and to pay the reasonable costs of cleaning the premises.]~~ ***; and***

(c) Clean the premises.

5. The landlord shall ~~[provide]~~ ***deliver to*** the tenant ~~[with]~~ an itemized, written accounting of the disposition of the security deposit or surety bond, or a combination thereof, and return any remaining portion of the security deposit to the tenant ~~[no]~~ ***not*** later than 30 days after the termination of the tenancy by handing it to the tenant personally at the place where the rent is paid, or by mailing it to the tenant at the tenant's present address or, if that address is unknown, at the tenant's last known address.

~~[5. If a tenant disputes an item contained in an itemized written accounting received from a landlord pursuant to subsection 4, the tenant may send a written response disputing the item to the surety. If the tenant sends the written response within 30 days after receiving the itemized written accounting, the surety shall not report the claim of the landlord to a credit reporting agency unless the surety obtains a judgment against the tenant.]~~

6. ***The delivery of the itemized, written accounting must be effectuated by the landlord by:***

(a) Personally handing the itemized, written accounting to the tenant at the place where rent is paid by the tenant; or

(b) Mailing the itemized, written accounting to the tenant at the present address of the tenant, if known, or the last known address of the tenant, if the present address of the tenant is unknown.

7. If the landlord fails or refuses to ***deliver the itemized, written accounting or*** return the remainder of a security deposit within 30 days after the end of a tenancy, the landlord is liable to the tenant for damages :

(a) In an amount equal to the entire security deposit; and

(b) For a sum to be fixed by the court of not more than the amount of the entire security deposit.

~~[7.]~~ ***8.*** In determining the sum, if any, to be awarded under paragraph (b) of subsection ~~[6,]~~ ***7,*** the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

~~[8. Except for an agreement which provides for a nonrefundable charge for cleaning, in a reasonable amount, no]~~

9. In any action relating to an amount claimed of a security deposit or surety bond, or a combination thereof, by a landlord for repairing damage to the premises caused by the tenant other than normal wear, the landlord has the burden of proving:

(a) That the damage to the premises occurred during the tenancy of the tenant; and

(b) The actual costs of repair.

10. A rental agreement ~~[may]~~ ***must not*** contain any provision characterizing any security deposit under this section as nonrefundable or any

provision waiving or modifying a tenant's rights under this section. Any such provision is void as contrary to public policy.

~~[9.]~~ ***11.*** The claim of a tenant to a security deposit to which the tenant is entitled under this chapter takes precedence over the claim of any creditor of the landlord.

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 118A.300 is hereby amended to read as follows:

118A.300 The landlord may not increase ~~[the]~~ ***:***

1. The rent payable by a tenant unless the landlord serves the tenant with a written notice, ~~[60]~~ ***at least 60*** days or, in the case of any periodic tenancy of less than 1 month, ~~[30]~~ ***at least 30*** days in advance of the first rental payment to be increased, advising the tenant of the increase.

2. Any fee, fine or cost required to be paid by the tenant, unless the landlord serves the tenant with a written notice:

(a) At least 60 days in advance of the first payment to be increased, if the tenancy is from month to month; or

(b) At least 30 days in advance of the first payment to be increased, if the tenancy is from week to week.

Sec. 19. NRS 118A.355 is hereby amended to read as follows:

118A.355 1. Except as otherwise provided in this chapter, if a landlord fails to maintain a dwelling unit in a habitable condition as required by this chapter, the tenant shall deliver a written notice to the landlord specifying each failure by the landlord to maintain the dwelling unit in a habitable condition and requesting that the landlord remedy the failures. If a failure is remediable and the landlord adequately remedies the failure or uses his or her best efforts to remedy the failure within 14 days after receipt of the notice, the tenant may not proceed under this section. If the landlord fails to remedy a material failure to maintain the dwelling unit in a habitable condition or to make a reasonable effort to do so within the prescribed time, the tenant may:

(a) Terminate the rental agreement immediately.

(b) Recover actual damages.

(c) Apply to the court for such relief as the court deems proper under the circumstances.

(d) Withhold any rent that becomes due without incurring ~~[late fees, charges for notice or]~~ any ~~[other charge or]~~ fee ***, fine or cost*** authorized by ~~[this chapter or]~~ the rental agreement until the landlord has remedied, or has attempted in good faith to remedy, the failure.

2. The tenant may not proceed under this section:

(a) For a condition caused by the tenant's own deliberate or negligent act or omission or that of a member of his or her household or other person on the premises with his or her consent; or

(b) If the landlord's inability to adequately remedy the failure or use his or her best efforts to remedy the failure within 14 days is due to the tenant's

refusal to allow lawful access to the dwelling unit as required by the rental agreement or this chapter.

3. If the rental agreement is terminated, the landlord shall return all prepaid rent and any security deposit recoverable by the tenant under this chapter.

4. A tenant may not proceed under this section unless the tenant has given notice as required by subsection 1, except that the tenant may, without giving that notice:

(a) Recover damages under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that the landlord had knowledge of the condition constituting the failure to maintain the dwelling in a habitable condition; or

(2) Has received written notice of that condition from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (d) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the failure to maintain the dwelling in a habitable condition from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the failure within the time prescribed in the written notice of that condition from the governmental agency.

5. Justice courts shall establish by local rule a mechanism by which tenants may deposit rent withheld under paragraph (d) of subsection 1 into an escrow account maintained or approved by the court. A tenant does not have a defense to an eviction under paragraph (d) of subsection 1 unless the tenant has deposited the withheld rent into an escrow account pursuant to this subsection.

Sec. 20. NRS 118A.370 is hereby amended to read as follows:

118A.370 If the landlord fails to deliver possession of the dwelling unit to the tenant as provided in this chapter, rent abates until possession is delivered as required, and the tenant may:

1. Terminate the rental agreement upon at least 5 days' written notice to the landlord and upon termination the landlord shall return all prepaid rent, any security deposit recoverable under this chapter ~~[,]~~ and any ~~[payment,]~~ ***other fee, fine, cost or*** deposit ~~[, fee or charge to secure the execution of]~~ ***required under*** the rental agreement ~~[; or]~~ ***to be paid by the tenant before his or her possession of the premises.***

2. Demand performance of the rental agreement by the landlord and, if the tenant elects, maintain an action for possession of the dwelling unit against the landlord or any person wrongfully in possession and recover the actual damages sustained. If the landlord has exercised due diligence to evict the holdover tenant or remedy the condition keeping the new tenant from taking possession, the landlord is not liable for damages **.** ~~[; or]~~

3. Pursue any other remedies to which the tenant is entitled, including the right to recover any actual damages suffered.

Sec. 21. NRS 118A.380 is hereby amended to read as follows:

118A.380 1. If the landlord is required by the rental agreement or this chapter to supply heat, air-conditioning, running water, hot water, electricity, gas, a functioning door lock or another essential item or service and the landlord willfully or negligently fails to do so, causing the premises to become unfit for habitation, the tenant shall give written notice to the landlord specifying the breach. If the landlord does not adequately remedy the breach, or use his or her best efforts to remedy the breach within 48 hours, except a Saturday, Sunday or legal holiday, after it is received by the landlord, the tenant may, in addition to any other remedy:

(a) Procure reasonable amounts of such essential items or services during the landlord's noncompliance and deduct their actual and reasonable cost from the rent;

(b) Recover actual damages, including damages based upon the lack of use of the premises or the diminution of the fair rental value of the dwelling unit;

(c) Withhold any rent that becomes due during the landlord's noncompliance without incurring ~~[late fees, charges for notice or]~~ any ~~[other charge or]~~ fee ***, fine or cost*** authorized by ~~[this chapter or]~~ the rental agreement, until the landlord has attempted in good faith to restore the essential items or services; or

(d) Procure other housing which is comparable during the landlord's noncompliance, and the rent for the original premises fully abates during this period. The tenant may recover the actual and reasonable cost of that other housing which is in excess of the amount of rent which is abated.

2. If the tenant proceeds under this section, the tenant may not proceed under NRS 118A.350 and 118A.360 as to that breach.

3. The rights of the tenant under this section do not arise until the tenant has given written notice as required by subsection 1, except that the tenant may, without having given that notice:

(a) Recover damages as authorized under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that the landlord had knowledge of the lack of such essential items or services; or

(2) Has received written notice of the uninhabitable condition caused by such a lack from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (c) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the breach within the time prescribed in the written notice of that condition from the governmental agency.

4. The rights of the tenant under paragraph (c) of subsection 1 do not arise unless the tenant is current in the payment of rent at the time of giving written notice pursuant to subsection 1.

5. If such a condition was caused by the deliberate or negligent act or omission of the tenant, a member of his or her household or other person on the premises with his or her consent, the tenant has no rights under this section.

Sec. 22. NRS 118A.440 is hereby amended to read as follows:

118A.440 If the tenant's failure to perform basic obligations under this chapter can be remedied by repair ~~[,]~~ ***or*** replacement of a damaged item ***,*** ~~[or cleaning,]~~ and the tenant fails to use his or her best efforts to comply within 14 days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time or more promptly if conditions require in case of emergency, the landlord may enter the dwelling unit and cause the work to be done in a workmanlike manner and submit the itemized bill for the actual and reasonable cost, or the fair and reasonable value of the work. The itemized bill must be paid as rent on the next date periodic rent is due, or if the rental agreement has terminated, may be submitted to the tenant for immediate payment or deducted from the security deposit.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 12, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home or recreational vehicle with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent may cause to be served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) Before the close of business on the seventh judicial day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in subsection 2 of NRS 40.2542. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant:

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent;

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle are located or to the district court of the county in which the dwelling, apartment, mobile home or recreational vehicle are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff

or constable shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant, ➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court on a form provided by the clerk of court to dispute the reasonableness of the actions of a landlord pursuant to subsection 3 of NRS 118A.460. The motion must be filed within 5 days after the tenant has vacated or been removed from the premises. Upon the filing of a motion pursuant to this subsection, the court shall schedule a hearing on the motion. The hearing must be held within 5 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Order the landlord to allow the retrieval of the tenant's essential personal effects at the date and time and for a period necessary for the retrieval, as determined by the court; and

(b) Award damages in an amount not greater than $2,500.

10. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 9, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

11. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable ~~[~~charge~~]~~ ***fee*** for late ~~[~~payments~~]~~ ***payment*** of rent ~~[~~or dishonored checks,~~]~~ or a security deposit. As used in this subsection, "security deposit" has the meaning ascribed to it in ~~[~~NRS 118A.240.~~]~~ ***section 5 of this act.***

12. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) The tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 8 of NRS 40.215.

(b) A tenant who provides proof to the landlord that he or she is a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

13. As used in this section, "close of business" means the close of business of the court that has jurisdiction over the matter.

Sec. 25. NRS 40.280 is hereby amended to read as follows:

40.280 1. Except as otherwise provided in NRS 40.253 and 40.2542, the notices required by NRS 40.251 to 40.260, inclusive, must be served by the sheriff, a constable, a person who is licensed as a process server pursuant to chapter 648 of NRS or the agent of an attorney licensed to practice in this State:

(a) By delivering a copy to the tenant personally.

(b) If the tenant is absent from the tenant's place of residence or from the tenant's usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the tenant at the tenant's place of residence or place of business.

(c) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the leased property, delivering a copy to a person there residing, if the person can be found, and mailing a copy to the tenant at the place where the leased property is situated.

2. The notices required by NRS 40.230, 40.240 and 40.414 must be served upon an unlawful or unauthorized occupant:

(a) Except as otherwise provided in this paragraph and paragraph (b), by delivering a copy to the unlawful or unauthorized occupant personally, in the presence of a witness. If service is accomplished by the sheriff, constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, the presence of a witness is not required.

(b) If the unlawful or unauthorized occupant is absent from the real property, by leaving a copy with a person of suitable age and discretion at the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

(c) If a person of suitable age or discretion cannot be found at the real property, by posting a copy in a conspicuous place on the property and mailing a copy to the unlawful or unauthorized occupant at the place where the property is situated. If the occupant is unknown, the notice must be addressed to "Current Occupant."

3. Service upon a subtenant may be made in the same manner as provided in subsection 1.

4. Proof of service of any notice required by NRS 40.230 to 40.260, inclusive, must be filed with the court before:

(a) An order for removal of a tenant is issued pursuant to NRS 40.253 or 40.254;

(b) An order for removal of an unlawful or unauthorized occupant is issued pursuant to NRS 40.414;

(c) A writ of restitution is issued pursuant to NRS 40.290 to 40.420, inclusive; or

(d) An order for removal of a commercial tenant pursuant to NRS 40.2542.

5. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order or writ filed pursuant to paragraph (a), (b) or (c) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraph (b):

(1) If the notice was served pursuant to subsection 1, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice. If the notice was served by the agent of an attorney licensed in this State, the statement must be accompanied by a declaration, signed by the attorney and bearing the license number of the attorney, stating that the attorney:

(I) Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive;

(II) Reviewed the date and manner of service by the agent; and

(III) Believes to the best of his or her knowledge that such service complies with the requirements of this section.

(2) If the notice was served pursuant to paragraph (a) of subsection 2, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, as applicable, and a witness, signed under penalty of perjury by the server, acknowledging that the tenant or occupant received the notice on a specified date.

(3) If the notice was served pursuant to paragraph (b) or (c) of subsection 2, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

6. Proof of service of notice pursuant to NRS 40.230 to 40.260, inclusive, that must be filed before the court may issue an order filed pursuant to paragraph (d) of subsection 4 must consist of:

(a) Except as otherwise provided in paragraphs (b) and (c):

(1) If the notice was served pursuant to subsection 2 of NRS 40.2542, an affidavit or declaration signed by the tenant or the unlawful or unauthorized occupant, and a witness, as applicable, signed under penalty of perjury by the

server, acknowledging that the tenant or occupant received the notice on a specified date.

(2) If the notice was served pursuant to paragraph (b) or (c) of subsection 1, an affidavit or declaration signed under penalty of perjury by the person who served the notice, stating the date and manner of service and accompanied by a confirmation of delivery or certificate of mailing issued by the United States Postal Service or confirmation of actual delivery by a private postal service.

(b) If the notice was served by a sheriff, a constable or a person who is licensed as a process server pursuant to chapter 648 of NRS, a written statement, endorsed by the person who served the notice, stating the date and manner of service. The statement must also include the number of the badge or license of the person who served the notice.

(c) For a short-term tenancy, if service of the notice was not delivered in person:

(1) A certificate of mailing issued by the United States Postal Service or by a private postal service to the landlord or the landlord's agent; or

(2) The endorsement of a sheriff or constable stating the:

(I) Time and date the request for service was made by the landlord or the landlord's agent;

(II) Time, date and manner of the service; and

(III) Fees paid for the service.

7. For the purpose of this section, an agent of an attorney licensed in this State shall only serve notice pursuant to subsection 1 if:

(a) The landlord has retained the attorney in an action pursuant to NRS 40.230 to 40.420, inclusive; ~~[and]~~

(b) The agent is acting at the direction and under the direct supervision of the attorney ~~[.]~~ ***; and***

(c) The agent is not employed as the property manager of any premises in this State.

Sec. 26. NRS 73.012 is hereby amended to read as follows:

73.012 ***1.*** A corporation, partnership, business trust, estate, trust, association or any other nongovernmental legal or commercial entity may be represented by its director, officer or employee in an action mentioned or covered by this chapter.

2. A landlord may be represented by his or her agent in an action mentioned or covered by this chapter.

Sec. 26.5. 1. The amendatory provisions of this act do not apply to the tenant of a dwelling that is a manufactured home or on the premises of a manufactured home lot or a manufactured home park.

2. As used in this section:

(a) "Dwelling" has the meaning ascribed to it in 118A.080.

(b) "Manufactured home" has the meaning ascribed to it in NRS 118B.015.

(c) "Manufactured home lot" has the meaning ascribed to it in NRS 118B.016.

(d) "Manufactured home park" has the meaning ascribed to it in NRS 118B.017.

(e) "Tenant" has the meaning ascribed to it in NRS 118A.170.

Sec. 27. Any rental agreement between a landlord and tenant entered into before the effective date of this act is binding upon the parties to the agreement and may be enforced on or after the effective date of this act, regardless of whether any provision of the rental agreement conflicts with the amendatory provisions of this act.

Sec. 28. NRS 118A.240 is hereby repealed.

Sec. 29. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

118A.240 "Security deposit" defined.

1. Any payment, deposit, fee or charge that is to be used for any of the following purposes is a "security deposit" and is governed by the provisions of this section and NRS 118A.242 and 118A.244:

(a) Remedying any default of the tenant in the payments of rent.

(b) Repairing damages to the premises other than normal wear caused by the tenant.

(c) Cleaning the dwelling unit.

2. "Security deposit" does not include:

(a) Any payment, deposit or fee to secure an option to purchase the premises; or

(b) Any payment to a corporation qualified under the laws of this State as a surety, guarantor or obligator for a premium paid to secure a surety bond or a similar bond, guarantee or insurance coverage for purposes of securing a tenant's obligations to a landlord as described in NRS 118A.242.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 146.

Bill read second time.

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

Amendment No. 647.

AN ACT relating to health care; revising provisions governing the regulation of hospitals; prohibiting a health carrier from denying certain providers of health care from entering into a contract to join the network of the health carrier under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations establishing licensing standards for hospitals. (NRS 449.0302) Existing

regulations require a doctor of medicine or osteopathic medicine to perform a physical examination and complete a medical history of a patient seeking admission to a hospital not more than 7 days before or more than 48 hours after the patient is admitted to the hospital. (NAC 449.358) **Section 1** of this bill requires those regulations to authorize a certified nurse-midwife to perform such a physical examination or obtain such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.

Existing law requires a health carrier to comply with certain provisions governing the network plans that the health carrier offers or issues. (NRS 687B.600-687B.850) **Section 4** of this bill prohibits a health carrier from denying a request from a provider of health care to enter into a provider network contract to join the network established by the health carrier if the provider of health care: (1) meets **and accepts** the terms and conditions for participation in the network plan of the health carrier; (2) is employed by or has accepted an offer of employment from a school of medicine or school of osteopathic medicine in this State; (3) does not have a clinical practice already established in this State; and (4) requests to become a participating provider of health care in the network of the health carrier. **Section 4** authorizes a health carrier to deny a request from such a provider of health care to enter into such a provider network contract for certain reasons. **Section 4** also clarifies that a health carrier is authorized to terminate such a provider of health care from participating in the network of the health carrier for any grounds authorized under the provider contract. **Sections 6 and 7** of this bill make conforming changes to indicate the proper placement of **section 4** in the Nevada Revised Statutes. **Sections 2 and 3** of this bill require the State or a local government to comply with **section 4** if it offers a health insurance policy to its officers and employees.

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

Section 1. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or

449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➥ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the
Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➥ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. ***If the regulations adopted pursuant to this section require a physical examination to be performed on a patient or the medical history of a patient to be obtained before or after the patient is admitted to a hospital, those regulations must authorize a certified nurse-midwife to perform such a physical examination or obtain such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.***

14. As used in this section ~~[~~, "living~~]~~ ***:***

(a) "Certified nurse-midwife" means a person who is:

(1) Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and

(2) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

(b) "Living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 2. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 ***and section 4 of this act*** apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district,

municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 3. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 4 of this act,*** in the same

manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 4. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health carrier which offers or issues a network plan may not deny a request from a provider of health care to enter into a provider network contract with the health carrier if the provider of health care:

(a) Meets and accepts the terms and conditions for participation in the network of the health carrier, including, without limitation:

(1) Meeting any credentialing requirement of the health carrier;

(2) Agreeing to all provisions of the provider network contract, including, without limitation, provisions setting forth the grounds and procedures for terminating providers of health care from participation in the network; and

(3) Agreeing to participate in a review of the performance and experience of the provider of health care at least once each year or as otherwise required by the health carrier;

(b) Is employed by or has accepted an offer of employment from a school of medicine or school of osteopathic medicine in this State to serve in a position where the provider of health care teaches students studying to become providers of health care or resident physicians at least 50 percent of the time the provider of health care is performing his or her duties for the school;

(c) Does not have a clinical practice already established in this State at the time the request to enter into a provider network contract is made; and

(d) Requests to be a participating provider of health care in the network of the health carrier.

2. A health carrier which offers or issues a network plan may deny a request from a provider of health care to enter into a provider network contract with the health carrier if:

(a) The health carrier contracts with a third party for the delivery of services to covered persons;

(b) Participating providers of health care are paid though capitation agreements; or

(c) Accepting the provider of health care into the network plan would disrupt existing provider network contracts.

3. A health carrier may terminate a provider network contract entered into pursuant to subsection 1 for any grounds authorized under the contract. Such grounds may include, without limitation, failure to maintain the employment described in paragraph (b) of subsection 1 or issues of inconsistency with other participating providers of health care with regard to:

(a) Access for covered persons to the services of the provider of health care;

(b) The cost of the services of the provider of health care;

(c) The quality of care provided by the provider of health care; or

(d) Other issues relating to the utilization of the services of the provider of health care.

Sec. 5. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, ***and section 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 687B.670 is hereby amended to read as follows:

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 4 of this act;***

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 4 of this act;*** and

3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 4 of this act.***

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 October 1, 2023, for all other purposes.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 161.

Bill read second time.

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

Amendment No. 648.

SUMMARY— ~~[Provides for the use of certain federal benefits]~~ **Establishes programs** to **facilitate the** purchase **of** menstrual products. (BDR 38-811)

AN ACT relating to public assistance; providing for the use of benefits under certain federal programs for persons with low incomes to purchase menstrual products; **authorizing the establishment of a program to assist certain recipients of public assistance in the purchase of menstrual products;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Supplemental Nutrition Assistance Program, which provides assistance to certain low-income families for the

purchase of food. (7 U.S.C. §§ 2011 et seq.) Existing federal law also establishes the Special Supplemental Nutrition Program for Women, Infants and Children, which provides, through eligible local agencies, nutrition education and supplemental foods to pregnant women, mothers, infants and children less than 5 years of age with low household incomes. (42 U.S.C. § 1786) Existing law requires the Department of Health and Human Services to administer these programs within this State. (NRS 422A.338) This bill requires the Department to authorize recipients of benefits provided under those programs to use such benefits to purchase menstrual products: (1) to the extent authorized by federal law; and (2) to the extent that federal funding is available. **This bill also authorizes the Department to: (1) establish and administer a program to provide assistance for the purpose of purchasing menstrual products to recipients of benefits provided through programs for which the Division of Welfare and Supportive Services of the Department is responsible; and (2) accept gifts, grants and donations for the purposes of establishing such a program.**

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law and to the extent that federal funding is available, the Department shall authorize recipients of benefits provided under Supplemental Nutrition Assistance or the Special Supplemental Nutrition Program for Women, Infants and Children established by 42 U.S.C. § 1786 to use such benefits to purchase menstrual products.

2. The Department shall take any action necessary to obtain federal authorization and federal funding to carry out the provisions of subsection 1, including, without limitation, applying for any necessary federal waiver.

3. To the extent that money is available for this purpose, the Department, through the Division, may establish and administer a program to provide assistance for the purpose of purchasing menstrual products to recipients of benefits provided through programs for which the Division is responsible. The Department may accept gifts, grants and donations from any source for the purpose of establishing and administering such a program.

4. As used in this section, "menstrual products" includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle.

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 performing any 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.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 172.

Bill read second time.

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

Amendment No. 574.

AN ACT relating to health care; authorizing a minor to give express consent to certain health care providers for certain services for the prevention of sexually transmitted diseases and pregnancy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the age of 18 years as the age of majority in this State. (NRS 129.010) However, existing law authorizes a local or state health officer, licensed physician or clinic to examine or treat any minor who is suspected of being infected or is infected with any sexually transmitted disease without the consent of the parent, parents or legal guardian of the minor. (NRS 129.060) **Section 1** of this bill: (1) clarifies that a minor must consent to such examination or treatment before the examination or treatment is provided; and (2) additionally authorizes a minor to consent to such an examination or treatment provided by a physician assistant or registered nurse. **Section 1** also authorizes a minor to give express consent to certain health care providers for the provision of services for the prevention of sexually transmitted diseases ~~[,~~ ~~including]~~ **or** the prescribing, dispensing or administration of a contraceptive drug or device ~~[.]~~ without the consent or notification of the parent, parents or legal guardian of the minor.

Existing law prohibits an employee or volunteer at a family resource center which has received a grant from the Director of the Department of Health and Human Services from administering drugs or contraceptives to or performing medical or dental procedures for a minor without written consent from the parent, guardian or legal custodian of the minor. (NRS 430A.180) **Section 2** of this bill authorizes a physician, physician assistant, registered nurse or pharmacist who is an employee or volunteer at such a family resource center to provide services for the prevention of sexually transmitted diseases ~~[,~~ ~~including the prescribing, dispensing or administering of]~~ **or prescribe, dispense or administer** a contraceptive drug or device ~~[.]~~ to a minor without consent of the parent, guardian or legal custodian.

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

Section 1. NRS 129.060 is hereby amended to read as follows:

129.060 Notwithstanding any other provision of law, ~~[the consent of the parent, parents or legal guardian of a minor is not necessary in order to authorize a]~~ ***a minor may give express consent to:***

1. ***A*** local or state health officer, licensed physician ***, physician assistant, registered nurse*** or clinic to ~~[examine]~~ ***conduct an examination for*** or treat, or both, ~~[any minor who is suspected of being infected or is found to be infected with]~~ any sexually transmitted disease.

2. A local or state health officer, licensed physician, physician assistant, registered nurse, pharmacist or clinic to ~~[provide]~~ :

(a) Provide services related to the prevention of sexually transmitted diseases, including, without limitation, the services described in NRS 639.28085 ; or ~~[the issuance of]~~

(b) Issue a prescription for, the dispensing of or the administration of a contraceptive drug or device.

Sec. 2. NRS 430A.180 is hereby amended to read as follows:

430A.180 ~~[When]~~

1. Except as otherwise provided in subsection 2, when providing services on behalf of a family resource center which has received a grant from the Director pursuant to the provisions of this chapter, an employee or volunteer at the family resource center shall not administer drugs or contraceptives to or perform medical or dental procedures for a minor unless written consent to administer those drugs or contraceptives or to perform those procedures has been obtained from the minor's parent, guardian or legal custodian.

2. A licensed physician, physician assistant, registered nurse or pharmacist who is an employee or volunteer at a family resource center which has received a grant from the Director pursuant to the provisions of this chapter may provide the services described in NRS 129.060 under the conditions authorized by that section.

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

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 289.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 635.

AN ACT relating to crimes; expanding the applicability of enhanced penalties for assault or battery against a provider of health care under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an assault without a deadly weapon or battery without a deadly weapon or without substantial harm to the victim is generally punishable as a misdemeanor. (NRS 200.471, 200.481) A person who commits

assault without a deadly weapon against a provider of health care in the performance of his or her duties where the perpetrator knows or should know that the victim is a provider of health care is instead guilty of: (1) a category D felony, if the perpetrator is a probationer, a prisoner who is in lawful custody or confinement or a parolee; and (2) in all other cases, a gross misdemeanor. (NRS 200.471) Additionally, a person who commits a battery against a provider of health care performing his or her duty is guilty of: (1) a gross misdemeanor, if the perpetrator knows or should know that the victim is a provider of health care; or (2) category B felony if the perpetrator knows or should know that the victim is a provider of health care and the battery involves substantial bodily harm or strangulation. (NRS 200.481) **Sections 1 and 2** of this bill provide that, for those purposes, the term "provider of health care" includes: (1) a behavior analyst, assistant behavior analyst, registered behavior technician, mental health technician, public safety officer at a health care facility or participant in a program of training to provide emergency medical services; **(2) a person who provides health care services in the home for compensation;** or ~~[(2)]~~ **(3)** any person who is employed by or volunteers at a health care facility and meets certain other requirements. **Sections 1 and 2** additionally provide that the enhanced penalties for an assault or a battery against a provider of health care apply any time the provider of health care is assaulted or battered on the premises of a health care facility where the provider of health care performs his or her duty and the perpetrator knows or should know that the victim is a provider of health care, whether or not the provider of health care was performing his or her duty.

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

Section 1. 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) ***"Health care facility" means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other location, other than a residence, where health care is provided.***

(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 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)]~~ ***(e)*** "Provider of health care" means ~~[a]~~ ***:***

(1) 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 person who provides health care services in the home for compensation,*** 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 behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician,*** a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, ***a public safety officer at a health care facility,*** an emergency medical technician, an advanced emergency medical technician ***,*** ~~[and]~~ a paramedic ~~[.~~

~~(e)]~~ ***or a participant in a program of training to provide emergency medical services; or***

(2) An employee of or volunteer for a health care facility who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

(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.

~~[(f)]~~ ***(g)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(g)]~~ ***(h)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(i)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(i)]~~ ***(j)*** "Taxicab driver" means a person who operates a taxicab.

~~[(j)]~~ ***(k)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

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]~~ ***:***

(1) Is committed upon ~~[an]~~ ***:***

(I) An officer, ~~[a provider of health care,]~~ a school employee, a taxicab driver or a transit operator who is performing his or her duty ***;***

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~

(III) A sports official based on the performance of his or her duties at a sporting event ***;*** and ~~[the]~~

(2) 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 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]~~ ***:***

(1) Is committed ***by a probationer, a prisoner who is in lawful custody or confinement or a parolee*** upon ~~[an]~~ ***:***

(I) An officer, ~~[a provider of health care,]~~ a school employee, a taxicab driver or a transit operator who is performing his or her duty ***;***

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~

(III) 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]~~

(2) 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 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. 2. 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) ***"Health care facility" has the meaning ascribed to it in NRS 200.471.***

(e) "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)]~~ ***(f)*** "Provider of health care" has the meaning ascribed to it in NRS 200.471.

~~[(f)]~~ ***(g)*** "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)]~~ ***(h)*** "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~[(h)]~~ ***(i)*** "Sports official" has the meaning ascribed to it in NRS 41.630.

~~[(i)]~~ ***(j)*** "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)]~~ ***(k)*** "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~[(k)]~~ ***(l)*** "Taxicab driver" means a person who operates a taxicab.

~~[(l)]~~ ***(m)*** "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

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]~~ ***:***

(I) An officer, ~~[provider of health care,]~~ school employee, taxicab driver or transit operator who was performing his or her duty ***;***

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~

(III) 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 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 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]~~ ***:***

(1) Is committed upon ~~[an]~~ ***:***

(I) An officer, ~~[provider of health care,]~~ school employee, taxicab driver or transit operator who is performing his or her duty ***;***

(II) A provider of health care while the provider of health care is performing his or her duty or is on the premises where he or she performs that duty; or ~~[upon a]~~

(III) A sports official based on the performance of his or her duties at a sporting event ***;*** and ~~[the]~~

(2) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator 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.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 704.

AN ACT relating to energy; revising certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement; imposing various requirements on solar installation companies; revising ~~[the definition of "distributed generation system",]~~ **certain definitions;** prohibiting a person from engaging in certain activities relating to residential photovoltaic systems unless the person is licensed by the State Contractors' Board or is an employee of such a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain requirements on solar installation companies that sell and install distributed generation systems in this State. Existing law prescribes certain contractual requirements for an agreement for the purchase or lease of a distributed generation system and a power purchase agreement. (NRS 598.9801-598.9822) **Section 3** of this bill authorizes a purchaser or lessee who enters into or signs an agreement for the purchase or lease of a distributed generation system or a power purchase agreement to rescind **or cancel** the agreement by providing certain notice to the solar installation company within 3 business days after the agreement was entered into or signed.

Existing law requires an agreement for the purchase or lease of a distributed generation system or a power purchase agreement to include a cover page

containing certain information. (NRS 598.9809, 598.9813, 598.9816) **Sections 6-8** of this bill require such a cover page to include certain additional information. **Section 2** of this bill requires a solar installation company to: (1) verbally communicate the information that is required to be included in the cover page to a purchaser or lessee, as applicable, **in person or** via a telephone call **or videoconference** that is recorded; and (2) maintain each recording ~~[of such a telephone call]~~ for not less than ~~[10]~~ **4** years after the date ~~[on which the telephone call is made.]~~ **of any final inspection of the distributed generation system.** ~~[Section 9 of this bill requires]~~ **If** a solar installation company ~~[,]~~ **or its employees or agents advertise or negotiate certain terms for the purchase or lease of a distributed generation system or a power purchase agreement in a language other than English, section 9 of this bill requires the company to provide a translation of the contract, agreement or certain required notices in that language to certain persons** before the execution of ~~[an]~~ **the contract or** agreement ~~[for the purchase or lease of a distributed generation system or a power purchase agreement , to provide a copy of the cover page to the purchaser or lessee, as applicable, in the language that the majority of the solicitation, offer or transaction for the agreement occurred, if the majority of the language that was used was a language other than English.]~~ **resulting from such advertising or negotiations. Section 4** of this bill makes a conforming change to indicate the proper placement of **sections** ~~[2 and]~~ **1.3-3 of this bill** in the Nevada Revised Statutes.

Existing law defines "distributed generation system" as a system or facility for the generation of electricity: (1) that uses solar energy to generate electricity; (2) that is located on the property of a customer of an electric utility; (3) that is connected on the customer's side of the electricity meter; (4) that provides electricity primarily to offset customer load on that property; and (5) the excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems. (NRS 598.9804) **Section 5** of this bill revises the definition of "distributed generation system" to mean a system or facility for the **residential** generation of electricity that uses solar energy to generate electricity. **Section 5.5 of this bill revises the definition of "solar installation company."**

Section 9 ~~[of this bill]~~ provides that if a solar installation company executes an agreement for the purchase or lease of a distributed generation system or a power purchase agreement and **knowingly** fails to comply with requirements set forth under existing law governing such agreements and **sections** ~~[2 ,]~~ **1.3-9** of this bill, the agreement is voidable by the purchaser or lessee, as applicable.

Existing law prohibits a person from performing any work on residential photovoltaic systems used to produce electricity without the proper license or other authorization under state law. (NRS 624.860) **Section 10** of this bill revises that prohibition to ~~[: (1)]~~ prohibit a person from performing such work **, or providing a bid for or executing a contract to perform such work,** unless the person holds a license issued by the State Contractors' Board or is

an employee of such a person . [; and (2) additionally prohibit a person from advertising, soliciting or offering to enter into an agreement for the purchase or lease of a distributed generation system or a power purchase agreement unless the person holds such a license or is an employee of such a person. Section 10 provides that a person who does not hold such a license and is not an employee of a person who holds such a license is authorized to generate leads or referrals for a residential photovoltaic system used to produce electricity if the person does not provide a quote or offer for the sale or installation of such a system.]

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections [2 and] **1.3 to** 3 **, inclusive,** of this act.

Sec. 1.3. ***"Offset" means the amount of alternating current kilowatt hours generated by a distributed generation system divided by prior consumption, to the extent data on prior consumption is available.***

Sec. 1.7. ***"Production" means the amount of alternating current kilowatt hours generated by a distributed generation system.***

Sec. 2. ***1. A solar installation company shall, [through] in person or by telephone [,] or videoconference, verbally [communicate] :***

(a) Confirm the identity of a purchaser or lessee under an agreement for the purchase or lease of a distributed generation system or a host customer under a power purchase agreement;

(b) Communicate to [a] the purchaser , [or] lessee [under an agreement for the purchase or lease of a distributed generation system] or [a] host customer [under a power purchase agreement] the information required to be included in a cover page pursuant to NRS 598.9809, 598.9813 or 598.9816, as applicable [,] ; and

(c) Confirm that the purchaser, lessee or host customer understands the information communicated pursuant to paragraph (b).

2. The verbal communication required by subsection 1 must be:

(a) Recorded by the solar installation company; and

(b) [Provided:

(1) At] Conducted at the time of the execution of the agreement or within 48 hours after the execution of the agreement . [; and

(2) Before the installation of any distributed generation system under the agreement.]

3. A solar installation company shall not commence the installation of any distributed generation system under an agreement until the recording required pursuant to this section has been made.

4. A solar installation company shall maintain the recording [of a verbal communication made] required pursuant to this section for not less than [10] 4 years after the [recording is made,] date of the final inspection of the

distributed generation system within the jurisdiction in which the distributed generation system is located.

Sec. 3. ***Any purchaser or lessee who enters into or signs an agreement for the purchase or lease of a distributed generation system or host customer who enters into a power purchase agreement may rescind or cancel the agreement , without any penalty or obligation, by giving notice in writing to the solar installation company either by delivering, mailing or telegraphing such notice or sending such notice by electronic mail not later than midnight of the third business day after the date the agreement was entered into or signed. The notice must be addressed to the solar installation company at the solar installation company's place of business , or another place designated in the agreement, or sent to the electronic mail address set forth on the cover page required by NRS 598.9809, 598.9813 or 598.9816, as applicable, and must contain words indicating the intent of the purchaser, lessee or host customer to rescind or cancel the transaction previously entered into.***

Sec. 4. NRS 598.9801 is hereby amended to read as follows:

598.9801 As used in NRS 598.9801 to 598.9822, inclusive, ***and sections [2 and] 1.3 to 3 , inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 598.9802 to 598.9808, inclusive, ***and sections 1.3 and 1.7 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 598.9804 is hereby amended to read as follows:

598.9804 "Distributed generation system" means a system or facility for the ***residential*** generation of electricity ~~[:~~

~~1. That]~~ ***that*** uses solar energy to generate electricity ***.*** ~~[;~~

~~2. That is located on the property of a customer of an electric utility;~~

~~3. That is connected on the customer's side of the electricity meter;~~

~~4. That provides electricity primarily to offset customer load on that property; and~~

~~5. The excess generation from which is periodically exported to the grid in accordance with the provisions governing net metering systems used by customer-generators pursuant to NRS 704.766 to 704.776, inclusive.]~~

Sec. 5.5. **NRS 598.9808 is hereby amended to read as follows:**

598.9808 1. "Solar installation company" means any form of business organization or any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or unincorporated organization, that ~~[transacts]~~ ***holds a license issued pursuant to chapter 624 of NRS which authorizes the performance of work concerning a distributed generation system and, directly or indirectly, on its own behalf or on behalf of another:***

(a) Performs or offers to perform any work concerning a distributed generation system;

(b) Advertises, solicits or offers to enter into an agreement described in NRS 598.9801 to 598.9822, inclusive, and sections 1.3 to 3, inclusive, of this act; or

(c) Transacts business ~~[directly with a residential customer of an electric utility]~~ to:

~~[(a)]~~ ***(1)*** Sell and install a distributed generation system; or

~~[(b)]~~ ***(2)*** Install a distributed generation system owned by a third party from whom the customer:

~~[(1)]~~ ***(I)*** Leases a distributed generation system; or

~~[(2)]~~ ***(II)*** Purchases electricity generated by a distributed generation system.

2. The term does not include ~~[entities that are third-party:~~

~~(a) Owners of a distributed generation system; or~~

~~(b) Financiers of a distributed generation system who do not sell or install the distributed generation system.]~~ ***a person who generates leads or referrals to perform work concerning a distributed generation system for persons who hold a license issued pursuant to chapter 624 of NRS authorizing the performance of such work, if such activity is limited to:***

(a) Serving as the source of a referral;

(b) Providing the contact information of a person who holds a license issued pursuant to chapter 624 of NRS to a prospective purchaser or lessee;

(c) Setting up appointments on behalf of a person who holds a license issued pursuant to chapter 624 of NRS; or

(d) Advertising through print media.

Sec. 6. NRS 598.9809 is hereby amended to read as follows:

598.9809 An agreement for the lease of a distributed generation system must include a cover page that ~~[provides]~~ ***:***

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement ~~[with]~~ , without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in section 3 of this act.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to section 3 of this act and notice that the lessee may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to section 2 of this act.

(d) Notice that, before the installation of the distributed generation system, the lessee will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the lease of the distributed generation system other than what is contained in the agreement.

2. Provides the following information in at least 10-point font:

~~[1.]~~ ***(a)*** The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

~~[2.]~~ ***(b)*** An estimated timeline for the installation of the distributed generation system.

~~[~~3.~~]~~ ***(c)*** The estimated amount of the monthly payments due under the lease in the first year of operation of the distributed generation system.

~~[~~4.~~]~~ ***(d)*** The length of the term of the lease.

~~[~~5.~~]~~ ***(e)*** A description of any warranties.

~~[~~6.~~]~~ ***(f)*** The rate of any payment increases.

~~[~~7.~~]~~ ***(g)*** The identification of any state or federal tax incentives that are included in calculating the amount of the monthly payments due under the lease.

~~[~~8.~~]~~ ***(h)*** The estimated production of the distributed generation system in the first year of operation. ~~[.~~

~~—9.~~~~]~~ ***and an explanation that:***

(1) The lessee will always receive a power bill if the premises of the lessee are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the lessee will impact the estimated offset, or savings, in relation to the production.

(i) A description of the terms for renewal or any other options available at the end of the term of the lease.

~~[~~10.~~]~~ ***(j)*** A description of any option to purchase the distributed generation system before the end of the term of the lease.

~~[~~11.~~]~~ ***(k)*** Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~[~~12.~~]~~ ***(l)*** Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~[~~13.~~]~~ ***(m)*** Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~[~~14.~~]~~ ***(n)*** Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(o) Notice that the lessee, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

Sec. 7. NRS 598.9813 is hereby amended to read as follows:

598.9813 An agreement for the purchase of a distributed generation system must include a cover page that ~~[~~provides~~]~~ ***:***

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement ~~[with]~~ , without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in section 3 of this act.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to section 3 of this act and notice that the purchaser may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to section 2 of this act.

(d) Notice that, before the installation of the distributed generation system, the purchaser will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the purchase of the distributed generation system other than what is contained in the agreement.

2. Provide the following information in at least 10-point font:

~~[1.]~~ ***(a)*** The size of the distributed generation system.

~~[2.]~~ ***(b)*** The length of the term of the warranty for the distributed generation system.

~~[3.]~~ ***(c)*** An estimated timeline for the installation of the distributed generation system.

~~[4.]~~ ***(d)*** A description of any warranties.

~~[5.]~~ ***(e)*** The total cost of the distributed generation system.

~~[6.]~~ ***(f)*** The estimated value of any portfolio energy credits and rebates of any incentives included in the calculation of the total cost of the distributed generation system.

~~[7.]~~ ***(g)*** The amounts due at the signing for and at the completion of the installation of the distributed generation system.

~~[8.]~~ ***(h)*** The estimated production of the distributed generation system in the first year of operation ~~[.~~

~~9.]~~ ***and an explanation that:***

(1) The purchaser will always receive a power bill if the premises of the purchaser are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the purchaser will impact the estimated offset, or savings, in relation to the production.

(i) Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~[10.]~~ ***(j)*** Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~[11.]~~ ***(k)*** Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~[12.]~~ ***(l)*** Contact information for the State Contractors' Board and Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the purchaser, before the execution of the agreement, may request any document used in the solicitation, offer or transaction for the agreement in any language.

Sec. 8. NRS 598.9816 is hereby amended to read as follows:

598.9816 A power purchase agreement for the sale of the output of a distributed generation system must include a cover page that ~~[provides]~~ ***:***

1. Prominently displays the following information at the top of the cover page in at least 16-point font:

(a) Notice of the right to rescind or cancel the agreement ~~[with]~~ , without any penalty or obligation, within 3 business days after the execution of the agreement, as provided in section 3 of this act.

(b) An electronic mail address to which a notice of rescission or cancellation may be sent pursuant to section 3 of this act and notice that the host customer may send such a notice to that electronic mail address.

(c) Notice of the requirement to make and maintain a recording pursuant to section 2 of this act.

(d) Notice that, before the installation of the distributed generation system, the host customer will have the opportunity to confirm that no representations, offers or promises were made at any time concerning the sale of the output of the distributed generation system other than what is contained in the agreement.

2. Provides the following information in at least 10-point font:

~~[1.]~~ ***(a)*** The rate of any increase in the payments to be made during the term of the agreement and, if applicable, the date of the first such increase.

~~[2.]~~ ***(b)*** An estimated timeline for the installation of the distributed generation system.

~~[3.]~~ ***(c)*** The rate of electricity per kilowatt-hour of electricity for the first year of the agreement.

~~[4.]~~ ***(d)*** The length of the term of the agreement.

~~[5.]~~ ***(e)*** The amounts due at the signing for and at the completion of the installation or any inspection of the distributed generation system.

~~[6.]~~ ***(f)*** The estimated production of the distributed generation system in the first year of operation ~~[.~~

~~7.]~~ ***and an explanation that:***

(1) The host customer will always receive a power bill if the premises of the host customer are connected to the power grid;

(2) The estimated production or offset is based on available data on prior consumption; and

(3) Any change in consumption by the host customer will impact the estimated offset, or savings, in relation to the production.

(g) A description of the options available at the end of the term of the agreement.

~~[8.]~~ ***(h)*** A description of any option to purchase the distributed generation system before the end of the term of the agreement.

~~[9.]~~ ***(i)*** Notice of the existence of the Recovery Fund administered by the State Contractors' Board pursuant to NRS 624.470.

~~[10.]~~ ***(j)*** Notice that a person financially damaged by a licensed contractor who performs work on a residence may be eligible to recover certain financial damages from the Recovery Fund.

~~[11.]~~ ***(k)*** Notice that a host customer may file a complaint with the Public Utilities Commission of Nevada.

~~[~~12.~~]~~ ***(l)*** Contact information for the State Contractors' Board and the Public Utilities Commission of Nevada, including, without limitation, a telephone number.

(m) Notice that the host customer, before execution of the agreement, may request any document used in the solicitation, offer or transaction for the power purchase agreement in any language.

Sec. 9. NRS 598.9822 is hereby amended to read as follows:

598.9822 1. A host customer may file a complaint concerning a solar installation company with the Public Utilities Commission of Nevada. Upon receipt of a complaint, the Commission may direct the host customer to the appropriate agency or person to resolve the complaint.

2. The failure of a person to comply with NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[2 and]~~ 1.3 to 3 ,inclusive, of this act*** constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

3. ***If a solar installation company executes with a purchaser or lessee an agreement for the purchase or lease of a distributed generation system or with a host customer a power purchase agreement and knowingly fails to comply with any requirement of NRS 598.9801 to 598.9822, inclusive, and sections ~~[2 and]~~ 1.3 to 3 , inclusive, of this act, including, without limitation, by failing to include any disclosure or information required by NRS 598.9801 to 598.9822, inclusive, and sections ~~[2 and]~~ 1.3 to 3 , inclusive, of this act, or knowingly failing to maintain a recording of a verbal communication as required by section 2 of this act, the agreement is voidable by the purchaser, lessee or host customer. The actions of persons who solely conduct administrative duties or provide administrative services directly to and for the benefit of the solar installation company are not imputed to the solar installation company for the purposes of this subsection.***

4. A violation of any provision of NRS 598.9801 to 598.9822, inclusive, ***and sections ~~[2 and]~~ 1.3 to 3 , inclusive, of this act*** constitutes consumer fraud for the purposes of NRS 41.600.

~~[~~4.~~]~~ ***5.*** Any document described in NRS 598.9809 to 598.9821, inclusive, ***and sections ~~[2 and]~~ 1.3 to 3 , inclusive, of this act*** must be provided in:

(a) English; or

(b) ~~[~~Spanish,~~]~~ ***Any other language,*** if any person so requests ~~[.]~~ ***before the execution of the relevant document.***

6. ~~[A]~~ If a solar installation company ~~[, before the execution of an agreement for the purchase or lease of a distributed generation system or a power purchase agreement, shall provide the purchaser, lessee or host customer, as applicable, a copy of the cover page required by NRS 598.9809, 598.9813 or 598.9816, as applicable, in the language that the majority of the solicitation, offer or transaction for the agreement occurred, if the majority of the language that was used was a language other than English.] advertises its services or negotiates orally or in writing any of the requirements of NRS 598.9801 to 598.9822, inclusive, and sections 1.3 to 3, inclusive, of this act***

in a language other than English or permits an employee or agent of the solar installation company to so advertise or negotiate, the solar installation company must deliver a translation of any contract, agreement or notice described in NRS 598.9801 to 598.9822, inclusive, and sections 1.3 to 3, inclusive, of this act resulting from such advertising or negotiations in the language in which such advertising was made or such negotiations occurred to a person who is a party to such a contract or agreement, or who may sign the contract or agreement, or who is entitled to receive such notice. The translation of the contract, agreement or notice must be provided before the execution of the contract or agreement and include, without limitation, every term and condition in the contract, agreement or notice.

Sec. 10. NRS 624.860 is hereby amended to read as follows:

624.860 ***[1.]*** A person shall not, directly or indirectly **[**~~, on his or her own behalf or on behalf of another,~~**]** perform or offer to perform ***, provide any proposal or bid for or execute a contract to perform*** any work concerning a residential photovoltaic system used to produce electricity ***[, or advertise, solicit or offer to enter into an agreement described in NRS 598.9801 to 598.9822, inclusive, and sections 2 and 3 of this act]*** unless the person **[**~~holds: 1. A~~**]** ***:***

[(a)] ***1. Holds a*** license issued pursuant to this chapter which authorizes the person to perform **[**~~such~~**]** work **[**~~; or~~**]** ***concerning a residential photovoltaic system used to produce electricity; or***

[(b)] ***2. Is an employee of a person described in [paragraph (a).***

~~2. Any other license, certificate, registration or permit under state law which authorizes the person to perform such work.~~ ***The provisions of this section do not prohibit a person who does not hold a license issued pursuant to this chapter and who is not an employee of a person who holds a license issued pursuant to this chapter from generating leads or referrals for a residential photovoltaic system used to produce electricity if the person does not provide a quote or offer for the sale or installation of such a residential photovoltaic system.]*** ***subsection 1.***

Sec. 10.5. **This act becomes effective on January 1, 2024.**

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 315.

Bill read second time.

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

Amendment No. 652.

AN ACT relating to persons with disabilities; prescribing certain rights for persons with disabilities who are receiving certain home and community-based services and persons who are aged receiving such services; prescribing certain rights for pupils with disabilities who are receiving certain services through an

individualized education program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law authorizes states to implement certain home and community-based services for persons who are elderly or disabled. (42 U.S.C. § 1396n) **Section 1** of this bill prescribes certain rights for persons with an intellectual disability, developmental disability or physical disability who are receiving such services or who are aged and receiving such services. **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 public schools to provide special programs and services for pupils with disabilities. (NRS 388.419, 388.429) **Section 3** of this bill prescribes certain rights for pupils with disabilities who are enrolled in a public school or receiving services from a provider of special education and receiving transition services through an individualized education program. **Section 4** of this bill makes a conforming change to indicate the proper placement of **section 3** 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 a new section to read as follows:

1. This section may be cited as the Bill of Rights for Persons with Intellectual, Developmental or Physical Disabilities or who are Aged.

2. Except as otherwise specifically provided by law, each person with an intellectual disability, developmental disability or physical disability who is receiving services pursuant to a home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n, and each person who is aged and is receiving such services, has, to the extent applicable to the services received by the person and appropriate for the person pursuant to the home and community-based services waiver, the right to:

(a) Participate in decisions that affect the life of the person, including, without limitation, decisions relating to:

(1) The finances and personal property of the person;

(2) The location where the person resides; and

(3) The development and implementation of any plan for delivering services and the frequency with which services are delivered pursuant to the home and community-based services waiver.

(b) Be treated with respect and dignity.

(c) An appropriate, safe and sanitary living environment that complies with all local, state and federal standards and recognizes the needs of the person for privacy and independence.

(d) Food that is adequate to meet the nutritional needs of the person.

(e) Practice the religion of his or her choice or abstain from the practice of any religion.

(f) Receive timely, effective and appropriate health care.

(g) Receive ancillary services, to the extent necessary for the person.

(h) Maintain privacy and confidentiality in personal matters.

(i) Communicate freely with persons of his or her choice and in any reasonable manner he or she chooses.

(j) Own and use personal property.

(k) Have social interactions with persons of any sex or gender identity or expression.

(l) Pursue vocational opportunities to promote and enhance the economic independence of the person.

(m) Be treated as an equal citizen under the law.

(n) Be free from emotional, psychological, physical and financial abuse.

(o) Participate in appropriate programs of education, training, social development, habilitation and reasonable recreation, including, without limitation, a class at or other program administered by a university, college, community college or trade school.

(p) Select a parent, family member, advocate , employee of this State or other person to act on his or her behalf, including, without limitation, by entering into a supported decision-making agreement pursuant to NRS 162C.200.

(q) Manage his or her own personal finances.

(r) Have his or her personal and medical records kept confidential to the extent provided by state and federal law.

(s) Voice grievances and suggest changes in policies, services and providers of services without restraint, interference, coercion, discrimination or reprisal.

(t) Be free from unnecessary chemical, physical or mechanical restraints.

(u) Participate in the political process.

(v) Refuse to participate in any medical, psychological or other research or experiment.

3. The rights set forth in subsection 2 do not abrogate any remedies provided by law.

4. As used in this section:

(a) "Developmental disability" has the meaning ascribed to it in NRS 435.007.

(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.

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. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. This section may be cited as the Transition Bill of Rights for Pupils with Disabilities.

2. Except as otherwise specifically provided by law, each pupil with a disability who is enrolled in a public school or receiving services from a provider of special education and is receiving transition services through an individualized education program pursuant to 34 C.F.R. § 300.43 has the right to:

(a) Be provided notice of and invited to any meeting concerning his or her individualized education program at which transition services will be discussed.

(b) Attend all meetings concerning his or her individualized education program and be able to represent his or her desire concerning his or her:

(1) Training or education;

(2) Employment; and

(3) If appropriate, independent living.

(c) Be treated with respect and dignity by all teachers, paraprofessionals and other educational staff.

(d) Assist in the development of realistic, specific and measurable post-secondary goals in training, education, employment and, if appropriate, independent living for the pupil.

(e) Receive coordinated secondary transition services and related support services to help prepare the pupil to meet the measurable postsecondary goals established pursuant to paragraph (d). Such services must include, without limitation:

(1) An age-appropriate transition assessment;

(2) Instruction and related services;

(3) Community experiences;

(4) Assistance in developing objectives for employment and other life after the pupil ceases to attend school; and

(5) If appropriate, services to aid in developing skills for daily living and an evaluation of functional vocational skills.

(f) Communicate freely using methods of communication that are accessible to the pupil , including, without limitation, the preferred language of the pupil, concerning his or her strengths, interests, preferences and vision of his or her future for consideration when developing the transition plan.

(g) Have access to social interactions in school-based settings that are common to pupils of a similar age with persons with whom he or she chooses to interact. Such access must be provided to the same extent as pupils not receiving transition services through an individualized education program.

(h) Assist in developing annual goals and objectives reasonably calculated to promote progress toward achieving the measurable postsecondary goals developed pursuant to paragraph (d).

(i) Invite, or have assistance in inviting, appropriate outside agencies to any meeting concerning his or her individualized education program at which transition services will be discussed.

(j) Receive information necessary to identify, explore and connect with outside agencies, as appropriate, including, without limitation:

(1) The Bureau of Vocational Rehabilitation in the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; ~~[and]~~

(2) The Aging and Disability Services Division of the Department of Health and Human Services ~~[.]~~ ;

(3) The Council on Developmental Disabilities established in this State pursuant to 42 U.S.C. § 15025; and

(4) The Statewide Independent Living Council established in this State pursuant to 29 U.S.C. § 796d.

(k) Receive information on appropriate programs of support, including, without limitation, the Supplemental Security Income Program, as defined in NRS 422A.075.

(l) Select a parent, family member, advocate , employee of this State or other person to act on his or her behalf, including, without limitation, as prescribed in NRS 388.459.

(m) As appropriate to his or her individualized education program, receive education in financial literacy, including, without limitation, information about the Nevada ABLE Savings Program established pursuant to NRS 427A.889, to assist the pupil in managing his or her financial affairs.

(n) Receive, as appropriate, the pre-employment transition services required by 34 C.F.R. § 361.48.

(o) Voice concerns and disagreements with his or her educational or transition services and suggest changes in policies, services and providers of services without restraint, interference, coercion, discrimination or reprisal.

(p) Assist in the development of a course of study that is designed to provide the pupil with the ability to achieve his or her measurable post-secondary goals established pursuant to paragraph (d) and obtain a diploma.

(q) Receive information regarding potential consequences of attaining a diploma accessible to pupils with disabilities.

(r) As appropriate to his or her individualized education program, receive instruction in civil participation, including, without limitation, participation in the political process.

(s) Be notified, not less than 1 year before the pupil reaches 18 years of age, that any right accorded to the parent of a pupil with a disability pursuant to Part B of the Individuals with Disabilities Education Act, 20 U.S.C. § 1411 et seq., and the regulations adopted pursuant thereto, transfer to the pupil when he or she reaches 18 years of age.

3. The rights of a pupil with a disability set forth in subsection 2 do not abrogate any remedies provided by law.

Sec. 4. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive ~~[:]~~ ***, and section 3 of this act:***

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

(a) American Sign Language;

(b) English-based manual or sign systems;

(c) Oral and aural communication;

(d) Spoken and written English, including speech reading or lip reading; and

(e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Provider of special education" means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

8. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell

or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

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

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 317.

Bill read second time.

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

Amendment No. 653.

AN ACT relating to public welfare; authorizing a provider of homeless services to authorize the use of the provider's address as a temporary mailing address by a person experiencing homelessness for certain purposes; requiring the Division of Welfare and Supportive Services of the Department of Health and Human Services to publish a list of such providers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to provide certain services to persons who are transient, at imminent risk of homelessness or homeless. (NRS 422A.680) **Section 7** of this bill authorizes a provider of homeless services to authorize a person experiencing homelessness to utilize the provider's address as a temporary mailing address, if that person is ~~[a Nevada resident]~~ receiving other services from the provider ~~[.]~~ **and is a Nevada resident or a person who is not currently a Nevada resident and who the provider determines intends to remain in the State of Nevada for at least 6 months.** A person authorized to use a temporary mailing address under **section 7** may use that temporary mailing address for various purposes, including applying for public assistance, enrolling a family member in school, enrolling in an institution of the Nevada System of Higher Education, obtaining housing and seeking or retaining employment. **Section 7** requires a provider of homeless services to notify the Division of Welfare and Supportive Services of the Department within 30 days after authorizing a person experiencing homelessness to use the provider's address as that person's temporary address. **Section 7** further requires the Division, within the limits of legislative appropriation, to publish on the Internet website maintained by the Division a list of providers of homeless services that authorize a person experiencing homelessness to use the provider's address as that person's temporary mailing address. Finally, **section 7** provides that nothing in this bill shall be construed to prohibit a person actually residing at a provider of homeless services from using the address of that provider for the purpose of registering to vote or receiving voting materials by mail.

Section 8 of this bill authorizes the Administrator of the Division to adopt regulations to carry out the provisions of **sections 2-8** of this bill.

Sections 3-6 of this bill define terms relating to the provision of a temporary address for a person experiencing homelessness.

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

Section 1. Chapter 422A 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 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Nevada resident" means a person who has:***

1. Actually resided in this State for at least 6 months; or

2. A valid driver's license or identification card issued by the Department of Motor Vehicles of this State, other than such an identification card which indicates that the person is a seasonal resident.

Sec. 4. ***"Person experiencing homelessness" means a person who is transient, at imminent risk of homelessness or homeless.***

Sec. 5. ***"Provider of homeless services" means an organization that:***

1. Is a governmental entity or is exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3);

2. Operates in this State; and

3. Primarily provides services to persons experiencing homelessness.

Sec. 6. ***"Temporary mailing address" means a mailing address which a person experiencing homelessness is authorized to use pursuant to section 7 of this act.***

Sec. 7. ***1. A provider of homeless services may authorize a person to use the provider's address as that person's temporary mailing address for a period of time not to exceed 180 days if that person is:***

(a) A Nevada resident ~~***[.]***~~ ***or a person who is not currently a Nevada resident and who the provider determines intends to remain in the State of Nevada for at least 6 months;***

(b) A person in crisis; and

(c) Receiving services from the provider of homeless services.

2. A person experiencing homelessness may use a temporary mailing address to:

(a) Apply for public assistance;

(b) Enroll a family member in a school or other public educational facility;

(c) Enroll in an institution of the Nevada System of Higher Education;

(d) Obtain permanent or temporary housing, including, without limitation, supportive housing;

(e) Seek or retain employment; or

(f) Facilitate any other purpose prescribed by the Administrator of the Division.

3. A provider of homeless services that authorizes a person experiencing homelessness to use the provider's address as a temporary mailing address shall notify the Division within 30 days after the authorization is given.

4. Within the limits of legislative appropriation, the Division shall publish a list of all the providers of homeless services that authorize a person experiencing homelessness to use the provider's address as the person's temporary mailing address on an Internet website maintained by the Division.

5. Nothing in this section shall be construed to prohibit a person actually residing at a provider of homeless services from using the address of that provider of homeless services where the person resides for the purpose of registering to vote or receiving voting materials by mail.

Sec. 8. ***The Administrator may adopt regulations to carry out the provisions of sections 2 to 8, inclusive, of this act.***

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 8, inclusive, of this act become effective:

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

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

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 348.

Bill read second time.

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

Amendment No. 654.

AN ACT relating to health care; requiring written approval to close certain hospitals or convert such a hospital into a different type of health facility; requiring certain facilities that provide emergency medical services to provide certain notice to patients; establishing **and increasing** certain civil penalties; **requiring an off-campus location of a hospital that provides emergency medical services or an independent center for emergency medical care to include certain information on a claim for reimbursement or payment;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain the written approval of the: (1) Director of the Department of Health and Human Services before making certain capital expenditures for construction of a new health facility under certain circumstances; or (2) the Chief Medical Officer before operating or undertaking any expenditure for the operation of a new medical helicopter

within 150 miles from the base of an existing medical helicopter. (NRS 439A.100, 439A.104) **Section 2** of this bill similarly requires a person to obtain the written approval of the Director before closing a hospital in a county whose population is 100,000 or more (currently Clark and Washoe Counties) or converting such a hospital into a different type of health facility. **Sections 2 and 7-9** of this bill provide that such approval is a condition to: (1) the issuance or renewal of a license for certain health facilities converted from a hospital; and (2) certain amendments to such a license. **Sections 5 and 10** of this bill authorize the Department and the Division of Public and Behavioral Health of the Department to impose certain civil penalties and take certain other disciplinary action against a person who closes a hospital in a county whose population is 100,000 or more or converts a hospital in such a county to a different type of health facility without written approval in violation of **section 2**.

Existing law requires: (1) a hospital to notify the Department of any merger, acquisition or similar transaction involving the hospital; and (2) a physician group practice or a person who owns all or substantially all of a physician group practice to notify the Department of certain similar transactions under certain circumstances. (NRS 439A.126) **Section 4** of this bill authorizes the Department to impose an administrative penalty against a hospital ~~[, physician group practice or person who owns all or substantially all of a physician group practice]~~ that fails to provide timely notice of the information required by existing law. **Section 4 also requires the Department to notify the Board of Medical Examiners or the State Board of Osteopathic Medicine, as appropriate, if a physician group practice or a person who owns all or substantially all of a physician group practice fails to provide such timely notice. Upon receiving notice of such failure from the Department, sections 10.7 and 11.5 of this bill require those boards to proceed as if a complaint had been filed. If, after conducting an investigation and a hearing, the Board of Medical Examiners or the State Board of Osteopathic Medicine determines that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of a transaction for which notice is required, sections 10.7 and 11.5 authorize the respective board to impose an administrative penalty.**

Existing law requires each off-campus location of a hospital to obtain and use on all claims for reimbursement or payment a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital. (NRS 449.1818) Section 10.3 of this bill clarifies that the off-campus location: (1) is required to include the national provider identifier on each claim for reimbursement or payment; and (2) may additionally include on such a claim the national provider identifier for the main campus of the hospital. Section 10.3 also requires an independent center for emergency medical

care to include its national provider identifier on all claims for reimbursement or payment.

Among other sanctions, existing law authorizes the Division of Public and Behavioral Health to impose against a hospital that fails to obtain a national provider identifier for an off-campus location that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital an administrative penalty of not more than $5,000 for each day of such failure, together with interest. (NRS 449.163) Section 10.2 of this bill doubles the amount of the administrative penalty that the Division is authorized to impose for such failure.

Existing law provides every patient of a medical facility, including ~~[an independent center for emergency medical care or]~~ **a** hospital, with the right to receive certain information about the condition and care of the patient and the cost of such care. (NRS 449A.106) ~~[Section]~~ **If an off-campus location of a hospital provides emergency medical services, section 10.5** of this bill requires ~~[an independent center for emergency medical care]~~ **the off-campus location** to **: (1)** post conspicuous notice that the ~~[independent center for emergency care]~~ **off-campus location** is an emergency medical facility and will charge patients for an emergency room visit ~~[. If an off-campus location of a hospital provides emergency medical services, section 10.5 requires the off-campus location to]~~ **; and (2)** provide each patient with ~~[: (1)]~~ certain notice concerning the rights of the patient upon registration **.** ~~[; and (2)]~~ **Section 10.5 also requires such an off-campus location to provide each patient with** a more detailed notice concerning billing and payment after the patient is found not to have an emergency medical condition or after the emergency medical condition of the patient has been stabilized, as applicable.

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

Section 1. Chapter 439A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Except as otherwise provided in this section, no person may close a hospital in a county whose population is 100,000 or more or convert a***

hospital in such a county into a different type of health facility without first applying for and obtaining the written approval of the Director or the designee of the Director. The Division of Public and Behavioral Health of the Department shall not issue a new license or alter an existing license for conversion to a different type of health facility unless the Director or the designee of the Director has issued such an approval.

2. The Director may adopt regulations which prescribe the process to apply for written approval pursuant to this section.

3. An applicant must provide any information requested by the Director or the designee of the Director for consideration of an application, which must include, without limitation, information related to:

(a) The location of the hospital;

(b) The ownership structure of the hospital;

(c) Whether the closure or conversion is likely to benefit any other health facility in the same geographic area as the hospital in which any person with an ownership interest in the hospital also has an ownership interest;

(d) An explanation of the need for the closure or conversion;

(e) Data regarding the population served by the hospital in the 24 months immediately preceding the application; and

(f) The manner in which and the locations where the population served by the hospital will be able to obtain the health services that were provided by the hospital during the 24 months following the closure or conversion of the hospital.

4. The Director or the designee of the Director shall not approve an application submitted pursuant to subsection 1 without considering the information required to be submitted pursuant to subsection 3.

5. The decision of the Director or the designee of the Director pursuant to this section is a final decision for the purposes of judicial review.

6. The provisions of this section do not apply to any person who ceases to operate hospitals in this State.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 439A.126 is hereby amended to read as follows:

439A.126 1. A hospital shall notify the Department of any merger, acquisition or joint venture with any entity, including, without limitation, a physician group practice, to which the hospital is a party or any contract for the management of the hospital not later than 60 days after the finalization of the transaction or execution of the contract for management, as applicable.

2. A physician group practice or a person who owns all or substantially all of a physician group practice shall notify the Department of a transaction described in subsection 3 to which the physician group practice or person, as applicable, is a party or any contract for the management of the physician group practice not later than 60 days after the finalization of the transaction or execution of the contract for management, as applicable, if:

(a) The physician group practices that are parties to the transaction or contract for management or that are owned by those parties represent at least 20 percent of the physicians who practice any specialty in a primary service area; and

(b) The physician group practice represents the largest number of physicians of any physician group practice that is a party to or owned by a party to the transaction or contract for management.

3. Notice must be provided pursuant to subsection 2 for any:

(a) Merger of, consolidation of or other affiliation between physician group practices, persons who own physician group practices or any combination thereof;

(b) The acquisition of all or substantially all of the properties and assets of a physician group practice;

(c) The acquisition of all or substantially all of the capital stock, membership interests or other equity interests of a physician group practice;

(d) The employment of all or substantially all of the physicians in a physician group practice; or

(e) The acquisition of an insolvent physician group practice.

4. Notice pursuant to subsection 1 or 2 must be provided in the form prescribed by the Department and must include, without limitation:

(a) The name of each party to the transaction or contract for management, as applicable;

(b) A description of the nature of the proposed relationship of the parties to the transaction or contract for management, as applicable;

(c) The names and any specialties of each physician who is a party or employed by or affiliated with a physician group practice that is a party to or is owned by a party to the transaction or contract for management, as applicable;

(d) The name and address of each business entity that will provide health services after the transaction or contract for management, as applicable;

(e) A description of the health services to be provided at each location of a business entity described in paragraph (d); and

(f) The primary service area to be served by each location of a business entity described in paragraph (d).

5. The Department shall:

(a) Post the information contained in the notices provided pursuant to subsections 1 and 2 on an Internet website maintained by the Department; and

(b) Annually prepare a report regarding market transactions and concentration in health care based on the information in the notices and post the report on an Internet website maintained by the Department.

6. ***If a hospital ~~[, a physician group practice or a person who owns all or substantially all of a physician group practice]~~ fails to provide timely notice to the Department pursuant to subsection 1 ~~[or 2, as applicable,]~~ and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department may impose against the hospital ~~[, physician group practice or person who owns all or substantially all of a physician group practice]~~ an administrative penalty of not more than $5,000 for each day of such failure.***

7. If a physician group practice or a person who owns all or substantially all of a physician group practice fails to provide timely notice to the Department pursuant to subsection 2 and the failure was not caused by excusable neglect, technical problems or other extenuating circumstances, the Department shall notify the Board of Medical Examiners or the State Board of Osteopathic Medicine, or both, as applicable, of such failure.

8. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used by the Department to carry out the provisions of NRS 439A.111 to 439A.126, inclusive, or for any other purpose authorized by the Legislature.

~~*[8.]*~~ *9.* As used in this section:

(a) "Physician group practice" means any business entity organized for the purpose of the practice of medicine or osteopathic medicine by more than one physician.

(b) "Primary service area" means an area comprising the smallest number of zip codes from which the hospital or physician group practice draws at least 75 percent of patients.

Sec. 5. NRS 439A.310 is hereby amended to read as follows:

439A.310 1. Except as otherwise provided in subsection 2, any person who violates any of the provisions of this chapter is liable to the State for a civil penalty of:

(a) Where the provision violated governs the licensing of a project which is required to be approved pursuant to NRS 439A.100 ~~[,]~~ ***or section 2 of this act,*** not more than 10 percent of the proposed expenditure for the project.

(b) Where any other provision is violated, not more than $20,000 for each violation.

2. The Department shall not impose a penalty under this section if it applies for injunctive relief to prevent the same violation.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 449.080 is hereby amended to read as follows:

449.080 1. If, after investigation, the Division finds that the:

(a) Applicant is in full compliance with the provisions of NRS 449.029 to 449.2428, inclusive;

(b) Applicant is in substantial compliance with the standards and regulations adopted by the Board;

(c) Applicant, if he or she has undertaken a project for which approval is required pursuant to NRS 439A.100 ~~[,]~~ ***or section 2 of this act,*** has obtained the approval of the Director of the Department of Health and Human Services; and

(d) Facility conforms to the applicable zoning regulations,

➥ the Division shall issue the license to the applicant.

2. Any investigation of an applicant for a license to provide community-based living arrangement services conducted pursuant to subsection 1 must include, without limitation, an inspection of any building operated by the applicant in which the applicant proposes to provide community-based living arrangement services.

3. A license applies only to the person to whom it is issued, is valid only for the premises described in the license and is not transferable.

Sec. 8. NRS 449.087 is hereby amended to read as follows:

449.087 1. A licensee must obtain the approval of the Division to amend his or her license to operate a facility before the addition of any of the following services:

(a) The intensive care of newborn babies.

(b) The treatment of burns.

(c) The transplant of organs.

(d) The performance of open-heart surgery.

(e) A center for the treatment of trauma.

2. The Division shall approve an application to amend a license to allow a facility to provide any of the services described in subsection 1 if:

(a) The applicant satisfies the requirements contained in NRS 449.080;

(b) The Division determines on the basis of the standards adopted by the Board pursuant to subsection 4 that there are an adequate number of cases in the community to be served to support amending the license to add the service; and

(c) The Division determines that the applicant satisfies any other standards adopted by the Board pursuant to subsection 4.

3. The Division may revoke its approval if the licensee fails to maintain substantial compliance with the standards adopted by the Board pursuant to subsection 4 for the provision of such services, or with any conditions included in the written approval of the Director issued pursuant to the provisions of NRS 439A.100 ~~[.]~~ ***or section 2 of this act.***

4. The Board shall:

(a) Adopt standards which have been adopted by appropriate national organizations to be used by the Division in determining whether there are an adequate number of cases in the community to be served to support amending the license of a licensee to add a service pursuant to this section; and

(b) Adopt such other standards as it deems necessary for determining whether to approve the provision of services pursuant to this section.

Sec. 9. NRS 449.089 is hereby amended to read as follows:

449.089 1. Each license issued pursuant to NRS 449.029 to 449.2428, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of all fees required pursuant to subsection 4 and NRS 449.050, as applicable, unless the Division finds, after an investigation, that the facility has not:

(a) Satisfactorily complied with the provisions of NRS 449.029 to 449.2428, inclusive, or the standards and regulations adopted by the Board;

(b) Obtained the approval of the Director of the Department of Health and Human Services before undertaking a project, if such approval is required by NRS 439A.100 ~~[,]~~ ***or section 2 of this act;*** or

(c) Conformed to all applicable local zoning regulations.

2. Each reapplication for an agency to provide personal care services in the home, an agency to provide nursing in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a provider of community-based living arrangement services, a hospital described in 42 U.S.C. § 1395ww(d)(1)(B)(iv), a psychiatric hospital that provides inpatient services to children, a psychiatric residential treatment facility, a residential facility for groups, a program of hospice care, a home for individual residential care, a facility for the care of adults during the day, a facility for hospice care, a nursing pool, the distinct part of a hospital which meets the requirements of a skilled nursing facility or nursing facility pursuant

to 42 C.F.R. § 483.5, a hospital that provides swing-bed services as described in 42 C.F.R. § 482.58 or, if residential services are provided to children, a medical facility or facility for the treatment of alcohol or other substance use disorders must include, without limitation, a statement that the facility, hospital, agency, program, pool or home is in compliance with the provisions of NRS 449.115 to 449.125, inclusive, and 449.174.

3. Each reapplication for an agency to provide personal care services in the home, a community health worker pool, a facility for intermediate care, a facility for skilled nursing, a facility for the care of adults during the day, a residential facility for groups or a home for individual residential care must include, without limitation, a statement that the holder of the license to operate, and the administrator or other person in charge and employees of, the facility, agency, pool or home are in compliance with the provisions of NRS 449.093.

4. Each reapplication for a surgical center for ambulatory patients, facility for the treatment of irreversible renal disease, facility for hospice care, program of hospice care, hospital, facility for intermediate care, facility for skilled nursing, agency to provide personal care services in the home or rural clinic must be accompanied by the fee prescribed by the State Board of Health pursuant to NRS 457.240, in addition to the fees imposed pursuant to NRS 449.050.

Sec. 10. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 ***or section 2 of this act*** or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required ~~[.]~~ ***, including, without limitation, the closure or conversion of any hospital in a county whose population is 100,000 or more that is owned by the licensee without approval pursuant to section 2 of this act.***

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 10.2. **NRS 449.163 is hereby amended to read as follows:**

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) ~~[Impose]~~ ***Except where a greater penalty is authorized by subsection 2, impose*** an administrative penalty of not more than $5,000 per day for each

violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. ***If an off-campus location of a hospital fails to obtain a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital in violation of NRS 449.1818, the Division may impose against the hospital an administrative penalty of not more than $10,000 for each day of such failure, together with interest thereon at a rate not to exceed 10 percent per annum, in addition to any other action authorized by this chapter.***

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1 ~~[,]~~ ***or subsection 2,*** the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

~~[3.]~~ ***4.*** The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

~~[4.]~~ ***5.*** Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 ***or subsection 2*** must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 10.3. **NRS 449.1818 is hereby amended to read as follows:**

449.1818 1. Each off-campus location of a hospital ~~[must]~~ ***shall*** obtain and use ***and include*** on all claims for reimbursement or payment for health care services provided at the location a national provider identifier that is distinct from the national provider identifier used by the main campus and any other off-campus location of the hospital. ***If the off-campus location includes the national provider identifier on such a claim, the off-campus location may also include on the claim the national provider identifier used by the main campus of the hospital. If the off-campus location includes both the national provider identifier used by the off-campus location and the national provider identifier used by the main campus on a claim, the claim must clearly identify which national provider identifier corresponds to the off-campus***

location and which national provider identifier corresponds to the main campus.

2. ***An independent center for emergency medical care shall include on all claims for reimbursement or payment for health care services provided at the independent center for emergency medical care the national provider identifier used by the independent center for emergency medical care.***

3. As used in this section:

(a) "National provider identifier" means the standard, unique health identifier for health care providers that is issued by the national provider system in accordance with 45 C.F.R. Part 162.

(b) "Off-campus location" means a facility:

(1) With operations that are directly or indirectly owned or controlled by, in whole or in part, a hospital or which is affiliated with a hospital, regardless of whether it is operated by the same governing body as the hospital;

(2) That is located more than 250 yards from the main campus of the hospital;

(3) That provides services which are organizationally and functionally integrated with the hospital; and

(4) That is an outpatient facility providing ambulatory surgery, urgent care or emergency room services.

Sec. 10.5. Chapter 449A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An ~~[independent center for emergency medical care]~~ off-campus location shall post conspicuously in each location where patients are admitted and registered a sign, in not less than 24 point boldface type, which states in English and Spanish:

NOTICE

This is an emergency medical facility that treats emergency medical conditions. You will be charged for a visit to an emergency room and not for a visit to an urgent care center.

2. An off-campus location shall provide to each patient of the emergency department of the off-campus location and any adult accompanying such a patient who is less than 18 years of age immediately upon registration a written statement in substantially the following form:

PATIENT INFORMATION

This is an emergency medical facility that treats emergency medical conditions. You will be charged for a visit to an emergency room and not for a visit to an urgent care center.

We will screen and treat you regardless of your ability to pay.

You have the right to ask questions regarding your treatment options and costs.

You have the right to receive prompt and reasonable responses to such questions and requests.

You have the right to reject treatment.

~~***[However, we encourage you to defer your questions until after we screen you for an emergency medical condition.]***~~

This is not a complete statement of patient information or rights. You will receive a more comprehensive statement after the completion of a medical screening examination that does not reveal an emergency medical condition or after your emergency medical condition has been stabilized.

3. To the extent practicable, a written statement provided pursuant to subsection 2 must be in the language requested by the patient or the adult accompanying the patient, as applicable.

4. After the completion of an appropriate medical screening examination of a patient of the emergency department of the off-campus location that does not reveal an emergency medical condition or after stabilizing the emergency medical condition of such a patient, an off-campus location shall provide the patient and, if the patient, is less than 18 years of age, any adult accompanying the patient, with written notice of:

(a) The policies of the off-campus location concerning the acceptance of patients enrolled in Medicaid and Medicare;

(b) The networks of third parties in which the off-campus location participates;

(c) The possibility that the patient may be billed separately by providers of health care at the off-campus location;

(d) The maximum price for emergency medical services that the off-campus location commonly provides; and

(e) Any additional fees that the off-campus location charges.

~~***[4.]***~~ ***5. As used in this section:***

(a) ~~***["Independent center for emergency medical care" has the meaning ascribed to it in NRS 449.013.***~~

~~***(b)]***~~ ***"Network" means a defined set of providers of health care who are under contract with a third party to provide health care services to persons covered by the third party.***

~~***[(c)]***~~ ***(b) "Off-campus location" means a facility:***

(1) With operations that are directly or indirectly owned or controlled by, in whole or in part, a hospital or which is affiliated with a hospital, regardless of whether it is operated by the same governing body as the hospital;

(2) That is located more than 250 yards from the main campus of the hospital;

(3) That provides services which are organizationally and functionally integrated with the hospital; and

(4) That is an outpatient facility providing emergency room services.

~~*[(d)]*~~ *(c) "Third party" means any insurer, governmental entity or other organization providing health coverage or benefits in accordance with state or federal law.*

Sec. 10.7. **Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this subsection, if the Board receives notice from the Department of Health and Human Services pursuant to NRS 439A.126 that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of a transaction described in subsection 3 of NRS 439A.126, the Board must proceed as if a complaint had been filed against the physician group practice or person, as applicable. If the report concerns a physician group practice that consists of physicians licensed pursuant to this chapter and osteopathic physicians licensed pursuant to chapter 633 of NRS, the Board shall consult with the State Board of Osteopathic Medicine to ensure that either the Board or the State Board of Osteopathic Medicine, but not both, investigates the notice.

2. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of Health and Human Services of a transaction described in subsection 3 of NRS 439A.126, the Board may impose an administrative penalty of not more than $5,000 for each day of such failure.

3. As used in this section, "physician group practice" has the meaning ascribed to it in NRS 439A.126.

Sec. 11. (Deleted by amendment.)

Sec. 11.5. **Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this subsection, if the Board receives notice from the Department of Health and Human Services pursuant to NRS 439A.126 that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of a transaction described in subsection 3 of NRS 439A.126, the Board must proceed as if a complaint had been filed against the physician group practice or person, as applicable. If the report concerns a physician group practice that consists of osteopathic physicians licensed pursuant to this chapter and physicians licensed pursuant to chapter 630 of NRS, the Board shall consult with the Board of Medical Examiners to ensure that either the Board or the Board of Medical Examiners, but not both, investigates the notice.

2. If, after conducting an investigation and a hearing in accordance with the provisions of this chapter, the Board determines that a physician group practice or a person who owns all or substantially all of a physician group practice has failed to provide timely notice to the Department of Health and Human Services of a transaction described in subsection 3 of NRS 439A.126, the Board may impose an administrative penalty of not more than $5,000 for each day of such failure.

3. As used in this section, "physician group practice" has the meaning ascribed to it in NRS 439A.126.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to ~~[11.]~~ **11.5,** 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.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 362.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 661.

AN ACT relating to public safety; requiring a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe; requiring each law enforcement agency to adopt certain policies and procedures governing the performance by peace officers of works protected by copyright in certain circumstances; revising provisions governing the establishment of a program for the imprinting of a symbol indicating a medical condition on a driver's license or identification card; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a peace officer from placing a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. Existing law also requires a peace officer to monitor any person who is in the custody of the peace officer for any signs of distress and to take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe. (NRS 193.305) **Section 1** of this bill requires a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe by an emergency medical attendant, physician, physician assistant or registered nurse as soon as practicable.

Section 2 of this bill requires each law enforcement agency to adopt written policies and procedures governing the performance of copyrighted works by peace officers employed by the law enforcement agency while on duty,

including policies prohibiting a peace officer from performing, or causing the performance of, a copyrighted work for the purpose of preventing or interfering with the dissemination or sharing of a recording of the peace officer performing his or her official duties, with certain exceptions. **Section 2** prohibits retaliation or punitive action against a peace officer who discloses information concerning the performance of a copyrighted work in violation of such policies and procedures.

Existing law authorizes the Department of Motor Vehicles to adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license or identification card. (NRS 483.3485, 483.863) **Sections 4 and 6** of this bill authorize the Department to adopt regulations establishing a program for the imprinting of a symbol, and not any other indicator, of a medical condition on a driver's license and identification card, respectively. If the Department establishes such a program, **sections 4 and 6** additionally require: (1) the Department to adopt a single symbol to represent all applicable medical conditions; (2) the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card if the person is on anticoagulants or has certain specified medical conditions; (3) the Department to maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license or identification card of a person; and (4) the Department to maintain certain information about the program on its Internet website. **If the Department establishes such a program, sections 4 and 6 also: (1) authorize the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card to indicate other medical conditions not specified in statute as the Department deems appropriate; and (2) require the Department to provide a means for members of the public to suggest additional medical conditions.**

Sections 3 and 5 of this bill make conforming changes in existing provisions relating to the issuance or renewal of a driver's license or identification card for consistency with the revisions made to the program pursuant to **sections 4 and 6**. **Section 7** of this bill requires the Department to include certain information regarding the program on the notifications for renewal of registration issued by the Department for a 12-month period.

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

Section 1. NRS 193.305 is hereby amended to read as follows:

193.305 1. In carrying out his or her duties, a peace officer shall not use a choke hold on another person.

2. A peace officer shall not place a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. A peace officer shall monitor any person who is

in the custody of the peace officer for any signs of distress and shall take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe.

3. ***If a person who is in the custody of a peace officer indicates that he or she cannot breathe, the peace officer shall ensure that medical aid is rendered to the person by an emergency medical attendant, physician, physician assistant or registered nurse as soon as practicable.***

4. If a peace officer, in carrying out his or her duties, uses physical force on another person, the peace officer shall ensure that medical aid is rendered to any person who is injured by the use of such physical force as soon as practicable.

~~[~~4.~~]~~ ***5.*** As used in this section ~~[~~, "choke~~]~~ ***:***

(a) "Choke hold" means:

~~[~~(a)~~]~~ ***(1)*** A method by which a person applies sufficient pressure to another person to make breathing difficult or impossible, including, without limitation, any pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce intake of air; or

~~[~~(b)~~]~~ ***(2)*** Applying pressure to a person's neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

Sec. 2. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each law enforcement agency shall adopt written policies and procedures governing the performance by peace officers employed by the law enforcement agency of copyrighted works while on duty. Such policies and procedures must:

(a) Except as otherwise provided in paragraph (b), prohibit a peace officer from performing, or causing the performance of, a copyrighted work for the

purpose of preventing or interfering with the dissemination or sharing of a recording of the peace officer performing his or her official duties, including, without limitation, the dissemination or sharing of a recording through an Internet website; and

(b) Authorize a peace officer to perform, or cause the performance of, a copyrighted work:

(1) While engaged in an undercover investigation;

(2) When the peace officer is not publicly performing official duties; or

(3) As necessary to ensure the safety of the peace officer at the time the copyrighted work is performed.

2. No retaliatory or punitive action may be taken against a peace officer who discloses information concerning the performance of a copyrighted

work in violation of the policies and procedures of a law enforcement agency adopted pursuant to subsection 1.

3. As used in this section:

(a) "Copyrighted work" means any work protected under Title 17 of the United States Code.

(b) "Perform" has the meaning ascribed to it in 17 U.S.C. § 101.

Sec. 3. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the Nevada Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, the Secretary of State or his or her designee or the Chair of the Nevada Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is a misdemeanor for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to have indicated whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition imprinted on his or her driver's license.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 4. NRS 483.3485 is hereby amended to read as follows:

483.3485 1. The Department may adopt regulations establishing a program for the imprinting of a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition on a driver's license issued by the Department.

2. ~~[Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on a driver's license to]~~ ***If the Department establishes a program pursuant to subsection 1:***

(a) Except as otherwise provided in this title, the Department shall adopt a single symbol for imprinting on a driver's license to indicate a medical condition and shall not adopt individualized symbols for different medical conditions.

(b) The regulations adopted by the Department must provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license if the person is:

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;
(VI) Chronic obstructive pulmonary disease;
(VII) A food allergy;
(VIII) Malignant hyperthermia;
(IX) Sickle cell disease;
(X) Systemic lupus erythematosus;
(XI) Heart disease;
(XII) Hemophilia;
(XIII) Schizophrenia;
(XIV) Depression; or
(XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license of an eligible person. The record must be maintained in the same location and manner as all other records relating to the driver's license of the person, including, without limitation, the records relating to the driver's license of the person that are made available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall maintain on the Internet website of the Department information about the program established pursuant to subsection 1, including, without limitation, the manner in which a person may obtain a driver's license which has been imprinted with a symbol indicating a medical condition.

(e) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 5. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. The Department shall adopt regulations prescribing the information that must be contained on an identification card.

4. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her identification card that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to indicate whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition imprinted on his or her identification card.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

5. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

6. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 4 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 6. NRS 483.863 is hereby amended to read as follows:

483.863 1. The Department may adopt regulations establishing a program for the imprinting of a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition on an identification card issued by the Department.

2. ~~[Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on an identification card to]~~ ***If the Department establishes a program pursuant to subsection 1:***

(a) Except as otherwise provided in this title, the Department shall adopt a single symbol for imprinting on an identification card to indicate a medical condition and shall not adopt individualized symbols for different medical conditions.

(b) The regulations adopted by the Department must provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card if the person is:

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;

(VI) Chronic obstructive pulmonary disease;

(VII) A food allergy;

(VIII) Malignant hyperthermia;

(IX) Sickle cell disease;

(X) Systemic lupus erythematosus;

(XI) Heart disease;

(XII) Hemophilia;

(XIII) Schizophrenia;

(XIV) Depression; or

(XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the identification card of an eligible person. The record must be maintained in the same location and manner as all other records relating to the identification card of the person, including, without limitation, the records relating to the identification card of the person that are available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall, at the time of the issuance or renewal of an identification card, give the holder the opportunity to have imprinted on his or her identification card a symbol indicating a medical condition.

(e) The Department shall maintain on the Internet website of the Department information about the program established pursuant to subsection 1, including, without limitation, the manner in which a person may obtain an identification card which has been imprinted with a symbol indicating a medical condition.

(f) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 7. If the Department of Motor Vehicles adopts a program for the imprinting of a symbol indicating a medical condition on a driver's license or identification card issued by the Department pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, respectively, the Department shall, 30 days after the date on which the Department first accepts an application for the imprinting of a symbol indicating a medical condition pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, and any regulations adopted pursuant thereto, and for 12 calendar months thereafter, print on each notification for renewal of registration mailed by the Department pursuant to NRS 482.280, and on any electronic notification for renewal of registration issued by the Department:

1. A statement notifying the public that an eligible person may have imprinted on his or her driver's license or identification card a symbol indicating a medical condition.

2. The address of the Internet website of the Department where interested persons may obtain more information about the program established pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on October 1, 2023.

3. Sections 3 to 7, inclusive, of this act become effective:

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

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

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 497, 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*

SECOND READING AND AMENDMENT

Assembly Bill No. 497.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 708.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYWOMEN** BILBRAY-AXELROD **; HANSEN AND MOSCA**

AN ACT relating to education; authorizing a pupil to attend a public school outside the zone of attendance the pupil is otherwise required to attend in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the board of trustees of certain school districts to zone the school district and determine which pupils must attend each school; and (2) allows pupils to attend certain schools despite the zoning decision of the board of trustees of the school district. (NRS 388.040) **Section 2** of this bill authorizes a pupil to attend a public school outside the zone of attendance in which the pupil is otherwise required to attend if the public school is not at capacity in the grade or classes required by the pupil. **Section 2** additionally requires **: (1)** the superintendent of each school district to establish an application process to enable such transfers of pupils between public schools ~~.~~ **; and (2) the State Board of Education to adopt regulations governing such a process.** **Section 1** of this bill authorizes the board of trustees of a school district that furnishes transportation to pupils to elect not to provide transportation to a pupil who attends a public school outside of his or her zone of attendance pursuant to **section 2**. **Additionally, sections 1 and 2 authorize the board of trustees of a school district to accept gifts and grants to carry out certain provisions of those sections.**

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

Section 1. NRS 386.790 is hereby amended to read as follows:

386.790 1. As provided in this title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to NRS 388.417 to 388.469, inclusive, or 388.5251 to 388.5267, inclusive:

(a) Who are not excused from school attendance by the provisions of this title; and

(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.

2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.

3. The board of trustees of any school district may:

(a) Establish bus routes.

(b) Make regulations governing the conduct of pupils while being transported.

(c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations of the State Board of Education or with law.

4. The board of trustees of a school district that furnishes transportation pursuant to this section may elect not to provide transportation to pupils who attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.

5. The board of trustees of a school district may accept gifts and grants to assist in any provision of transportation to pupils described pursuant to subsection 4.

Sec. 2. NRS 388.040 is hereby amended to read as follows:

388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.

2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:

(a) Charter school;

(b) University school for profoundly gifted pupils;

(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is a child in foster care who is remaining in his or her school of origin pursuant to NRS 388E.105;

(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive; ~~[or]~~

(e) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is an English learner enrolling in the school pursuant to subsection 5 of NRS 388.408 ~~[.]~~ ***; or***

(f) Public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade or classes required by the pupil.

3. The superintendent of each school district shall:

(a) Establish an application process for a pupil to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2. Such a process must:

(1) Include a deadline by which an application must be submitted each school year;

(2) Provide for the notification of pupils and principals when an application is approved; and

(3) Require an application only if a pupil wishes to attend a public school outside the zone of attendance of the pupil.

(b) Establish capacity limits for each grade level and class within each public school in the school district.

(c) Publish, in coordination with the Department, the capacity limits established by paragraph (b).

(d) Establish a method to determine which pupils to enroll in any grade level and class within a public school for which applications exceed the capacity limits established by paragraph (b) which may include, without limitation, a lottery system.

(e) Allow a pupil whose application to attend a public school outside the zone of attendance that the pupil is otherwise required to attend is approved to permanently transfer to that public school without requiring an additional application in any subsequent school year.

4. The application process established pursuant to paragraph (a) of subsection 3 must not consider any of the following factors in determining whether to approve an application:

(a) The academic, artistic or athletic ability of a pupil;

(b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity;

(c) Whether a pupil is a pupil with a disability;

(d) Whether a pupil is an English learner; or

(e) Except as otherwise provided in this paragraph, whether a pupil has previously been the subject of disciplinary action. The superintendent of a school district may deny the application of a pupil who, in the school year for which the application is submitted or the immediately preceding school year, was suspended for 10 or more days or expelled.

5. If an application to attend a public school outside the zone of attendance that a pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 is approved, the board of trustees of a school district may, but is not required to, provide transportation for the pupil to the public school pursuant to NRS 386.790 to 386.845, inclusive.

6. A pupil whose application to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 is approved shall be deemed enrolled in the school district within which the public school is located regardless of the location of the residence of the pupil.

7. <u>The board of trustees of a school district may accept gifts and grants to carry out the provisions of this section.</u>

<u>8. The State Board shall adopt any regulations necessary to carry out the provisions of this section.</u>

9. As used in this section:

(a) "Expelled" has the meaning ascribed to "expel" or "expulsion" in NRS 392.4603.

(b) "Suspended" has the meaning ascribed to "suspend" or "suspension" in NRS 392.4607.

Sec. 3. 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.

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 ~~[July]~~ **January** 1, ~~[2024,]~~ **2025,** for all other purposes.

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Monroe-Moreno moved that upon return from the printer, Senate Bills Nos. 82 and 368 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 34.

Bill read third time.

The following amendment was proposed by Assemblyman Yurek:

Amendment No. 711.

AN ACT relating to legal services; authorizing the Attorney General or the chief legal officer or other authorized representative of a political subdivision of this State to provide legal representation to certain officers or employees of the State or a political subdivision thereof in certain actions or proceedings; revising provisions relating to special counsel employed by the Attorney General; revising provisions governing the legal representation of certain persons by the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Attorney General or the chief legal officer or other authorized representative of a political subdivision of this State to provide legal counsel to certain officers or employees of the State or a political subdivision of the State who are named as defendants in a civil action and certain other persons who are not officers or employees of the State or a political subdivision. Existing law authorizes the Attorney General, chief legal officer or other authorized representative to employ special counsel with respect to such civil actions if the Attorney General, chief legal officer or other authorized representative, as applicable, determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to

be provided by the Attorney General, chief legal officer or other authorized representative. (NRS 41.0339)

Section 1 of this bill authorizes the Attorney General or the chief legal officer or other authorized representative of a political subdivision of the State to represent certain officers or employees of the State or a political subdivision thereof who are summoned or subpoenaed to appear in an action or proceeding in which the person is not a named defendant if: (1) the person submits a written request for representation; and (2) the Attorney General, chief legal officer or other authorized representative, as applicable, determines that such representation is in the best interest of the State or a political subdivision of the State. **Section 1** also authorizes the Attorney General, chief legal officer or other authorized representative to employ special counsel with respect to such actions or proceedings if the Attorney General, chief legal officer or other authorized representative, as applicable, determines that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be provided by the Attorney General, chief legal officer or other authorized representative. **Section 2** of this bill makes a conforming change to indicate the appropriate placement of **section 1** in the Nevada Revised Statutes.

Existing law defines the term "state judicial officer" to mean a justice of the Supreme Court, senior justice, judge of a district court or senior judge. (NRS 41.03385) **Section 3.3** of this bill revises the term to include a judge or senior judge of the Court of Appeals.

Existing law requires that certain determinations relating to the employment of special counsel be made by the Attorney General prior to trial. (NRS 41.03435) **Section 3.7** of this bill removes the requirement that such determinations be made prior to trial.

In general, existing law: (1) provides that the Attorney General and his or her deputies are the legal advisers on all state matters arising in the Executive Department of the State Government; and (2) prohibits persons in the Executive Department from employing other counsel to represent the State or any agency in the Executive Department unless the Attorney General and the deputies of the Attorney General are disqualified to act in the matter. (NRS 228.110) **Section 4** of this bill authorizes a person in the Executive Department to employ counsel other than the Attorney General to represent the State or any agency in the Executive Department if the Attorney General determines that it is impracticable, uneconomical or could constitute a conflict of interest for the Attorney General or a deputy of the Attorney General to serve as the legal adviser on the matter. **Section 4** also requires compensation for such counsel to be paid out of: (1) the Reserve for Statutory Contingency Account; or (2) available federal grants or a permanent fund in the State Treasury other than the State General Fund.

Section 4.3 of this bill requires the Office of the Attorney General to submit a report, on or before July 1 of each odd-numbered year, to the Director of the Legislative Counsel Bureau for distribution to the Joint Interim Standing Committee on the Judiciary that includes, without

limitation, a list of each contract for outside legal counsel entered into by the Executive Department of State Government during the immediately preceding biennium and, for each such contract, the names of the parties to the contract and the monetary amount of the contract.

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

Section 1. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The official attorney may represent any present or former local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator summoned or subpoenaed to appear in an action or proceeding in which the person is not a named defendant, if:

(a) Within 7 days after the delivery or service of the summons or subpoena, the person submits a written request for representation to the official attorney, and, if the person has an administrative supervisor, his or her administrative supervisor, unless a waiver is granted pursuant to subsection 9; and

(b) The official attorney determines that such representation is in the best interest of the State or a political subdivision of the State.

2. As soon as reasonably practicable after receiving a request pursuant to subsection 1, the official attorney shall determine whether to represent the person who submitted the request and provide written notice of his or her determination to that person.

3. No fact pertaining to the arrangements or circumstances by which the State or a political subdivision or any attorney thereof represents any person or

does not represent a person pursuant to this section is admissible in evidence in any action or proceeding, except in connection with an application to withdraw as the attorney of record.

4. If the official attorney determines that it is impracticable, uneconomical or could constitute a conflict of interest for the official attorney to provide the legal services associated with representing a person pursuant to this section, the official attorney may employ special counsel to render such legal services. Compensation for special counsel employed by an official attorney pursuant to this subsection must be paid in accordance with the requirements prescribed by NRS 41.03435 or 41.0344, as applicable.

5. At any time after a written request is submitted pursuant to subsection 1, the person requesting representation may employ his or her own counsel to represent him or her in the action or proceeding. At that time, the State or political subdivision is excused from any duty to represent that person and is not liable for any expenses associated with the action or proceeding, including, without limitation, court costs and attorney's fees.

6. The official attorney may apply to a court to withdraw from representing a person pursuant to this section at any time after the official attorney has appeared in an action or proceeding to represent the person upon notice to the person. Such notice must include, without limitation, the reason for the requested withdrawal.

7. If a court grants a motion to withdraw brought by the official attorney pursuant to subsection 6, the State or any political subdivision has no duty to continue to represent the person who is the subject of the motion to withdraw.

8. The provisions of this section do not abrogate or otherwise alter or affect any immunity from, or protection against, any civil action or civil liability which is provided by law to a local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor, State Legislator, member of a state board or commission or member of a local board or commission for any act or omission relating to the person's public duties or employment.

9. The official attorney may waive the requirement for notification prescribed by paragraph (a) of subsection 1 for good cause shown.

10. Nothing in this section shall be construed to require an official attorney to represent any present or former local judicial officer, state judicial officer, officer or employee of the State or a political subdivision, immune contractor or State Legislator in any action or proceeding.

11. As used in this section, "action or proceeding" means any action, suit, matter, cause, hearing, appeal or proceeding.

Sec. 2. NRS 41.03375 is hereby amended to read as follows:

41.03375 As used in NRS 41.03375 to 41.03473, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 41.03377, 41.0338 and 41.03385 have the meanings ascribed to them in those sections.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. NRS 41.03385 is hereby amended to read as follows:

41.03385 "State judicial officer" means a justice ***or senior justice*** of the Supreme Court, ~~[senior justice,]~~ ***judge or senior judge of the Court of Appeals or*** judge ***or senior judge*** of a district court ***.*** ~~[or senior judge.]~~

Sec. 3.7. NRS 41.03435 is hereby amended to read as follows:

41.03435 The Attorney General may employ special counsel whose compensation must be fixed by the Attorney General, subject to the approval of the State Board of Examiners, if the Attorney General determines ~~[at any time prior to trial]~~ that it is impracticable, uneconomical or could constitute a conflict of interest for the legal service to be rendered by the Attorney General or a deputy attorney general. Compensation for special counsel must be paid out of:

1. The Reserve for Statutory Contingency Account; or
2. Available federal grants or a permanent fund in the State Treasury other than the State General Fund.

Sec. 4. NRS 228.110 is hereby amended to read as follows:

228.110 1. Except as otherwise provided in NRS 228.111 to 228.1118, inclusive, and 228.112 to 228.1127, inclusive, or by specific statute:

(a) The Attorney General and the duly appointed deputies of the Attorney General shall be the legal advisers on all state matters arising in the Executive Department of the State Government.

(b) No officer, commissioner or appointee of the Executive Department of the Government of the State of Nevada shall employ any attorney at law or counselor at law to represent the State of Nevada within the State, or to be compensated by state funds, directly or indirectly, as an attorney acting within the State for the State of Nevada or any agency in the Executive Department thereof unless ~~[the]~~ ***:***

(1) The Attorney General and the deputies of the Attorney General are disqualified to act in such matter ~~[.]~~ ***; or***

(2) The Attorney General determines that it is impracticable, uneconomical or could constitute a conflict of interest for the Attorney General or a deputy of the Attorney General to serve as the legal adviser in such matter.

2. ***Compensation for any attorney or counselor at law employed as special counsel by the Attorney General must be paid in accordance with the requirements prescribed by NRS 41.03435.***

3. All claims for legal services rendered in violation of this section shall be void.

Sec. 4.3. **On or before July 1 of each odd-numbered year, the Office of the Attorney General shall submit a report to the Director of the Legislative Counsel Bureau for distribution to the Joint Interim Standing Committee on the Judiciary that includes, without limitation:**

1. A list of each contract entered into pursuant to NRS 228.110, as amended by section 4 of this act during the immediately preceding biennium; and

2. For each such contract listed in the report, the names of the parties to the contract and the monetary amount of the contract.

Sec. 4.7. **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. 5.** 1. This section and sections 3, 3.3 and 3.7 of this act become effective upon passage and approval.

2. Sections 1, 2**,** ~~[and]~~ 4 **, 4.3 and 4.7** of this act become effective on October 1, 2023.

Assemblyman Yurek moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 85.

Bill read third time.

Roll call on Senate Bill No. 85:

YEAS—42.
NAYS—None.

Senate Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 91.

Bill read third time.

Remarks by Assemblyman Yurek.

ASSEMBLYMAN YUREK:

Senate Bill 91 authorizes a licensed clinical alcohol and drug counselor to supervise a certified problem gambling counselor intern if the licensed clinical alcohol and drug counselor completes specific training in problem gambling and the supervision of interns.

Roll call on Senate Bill No. 91:
YEAS—42.
NAYS—None.

Senate Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 115.

Bill read third time.

Roll call on Senate Bill No. 115:
YEAS—42.
NAYS—None.

Senate Bill No. 115 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Roll call on Senate Bill No. 133:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 147.

Bill read third time.

Roll call on Senate Bill No. 147:
YEAS—42.
NAYS—None.

Senate Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Roll call on Senate Bill No. 148:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 153.

Bill read third time.

Roll call on Senate Bill No. 153:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Roll call on Senate Bill No. 164:

YEAS—42.

NAYS—None.

Senate Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 177.

Bill read third time.

Roll call on Senate Bill No. 177:

YEAS—42.

NAYS—None.

Senate Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 181.

Bill read third time.

Roll call on Senate Bill No. 181:

YEAS—31.

NAYS—DeLong, Gray, Gurr, Hafen, Hansen, Koenig, La Rue Hatch, McArthur, Newby, O'Neill, Summers-Armstrong—11.

Senate Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 182.

Bill read third time.

Roll call on Senate Bill No. 182:

YEAS—42.
NAYS—None.
Senate Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 194.
Bill read third time.
Roll call on Senate Bill No. 194:
YEAS—42.
NAYS—None.
Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 223.
Bill read third time.
Roll call on Senate Bill No. 223:
YEAS—42.
NAYS—None.
Senate Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 243.
Bill read third time.
Roll call on Senate Bill No. 243:
YEAS—42.
NAYS—None.
Senate Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 257.
Bill read third time.
Roll call on Senate Bill No. 257:
YEAS—42.
NAYS—None.
Senate Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 258.
Bill read third time.
Roll call on Senate Bill No. 258:
YEAS—42.
NAYS—None.
Senate Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 259.
Bill read third time.
Roll call on Senate Bill No. 259:
YEAS—42.
NAYS—None.
Senate Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 260.
Bill read third time.
Roll call on Senate Bill No. 260:
YEAS—42.
NAYS—None.
Senate Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 261.
Bill read third time.
Roll call on Senate Bill No. 261:
YEAS—42.
NAYS—None.
Senate Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 264.
Bill read third time.
Roll call on Senate Bill No. 264:
YEAS—42.
NAYS—None.
Senate Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 286.
Bill read third time.
Roll call on Senate Bill No. 286:
YEAS—42.
NAYS—None.
Senate Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 299.
Bill read third time.

Roll call on Senate Bill No. 299:
YEAS—37.
NAYS—DeLong, Gray, Gurr, Hafen, McArthur—5.
Senate Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 316.
Bill read third time.
Roll call on Senate Bill No. 316:
YEAS—42.
NAYS—None.
Senate Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 338.
Bill read third time.
Roll call on Senate Bill No. 338:
YEAS—39.
NAYS—Carter, Brittney Miller, Summers-Armstrong—3.
Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 340.
Bill read third time.
Roll call on Senate Bill No. 340:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Senate Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 351.
Bill read third time.
Roll call on Senate Bill No. 351:
YEAS—42.
NAYS—None.
Senate Bill No. 351 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 354.
Bill read third time.
Roll call on Senate Bill No. 354:
YEAS—40.
NAYS—Gallant, Gray—2.

Senate Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 381.

Bill read third time.

Roll call on Senate Bill No. 381:

YEAS—42.

NAYS—None.

Senate Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 397.

Bill read third time.

Roll call on Senate Bill No. 397:

YEAS—42.

NAYS—None.

Senate Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 401.

Bill read third time.

Roll call on Senate Bill No. 401:

YEAS—42.

NAYS—None.

Senate Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 410.

Bill read third time.

Roll call on Senate Bill No. 410:

YEAS—42.

NAYS—None.

Senate Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 411.

Bill read third time.

Roll call on Senate Bill No. 411:

YEAS—42.

NAYS—None.

Senate Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 433.

Bill read third time.

Roll call on Senate Bill No. 433:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 442.

Bill read third time.

Roll call on Senate Bill No. 442:

YEAS—42.

NAYS—None.

Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 3, 18, 36, 68, 78, 82, 136, 206, 212, 215, 219, 223, 265, 274, 372, 401, 426; Senate Bill No. 27, 42, 44, 66, 406.

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

Assembly in recess at 2:23 p.m.

ASSEMBLY IN SESSION

At 2:29 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 164, Amendment No. 544; Assembly Bill No. 210, Amendment No. 575; Assembly Bill No. 214, Amendment No. 691; Assembly Bill No. 366, Amendment No. 577, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 244, 282.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 23, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of Assembly Bills Nos. 286, 442.

WAYNE THORLEY
Fiscal Analysis Division

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

Assembly in recess at 2:31 p.m.

ASSEMBLY IN SESSION

At 8:23 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 134, 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 Commerce and Labor, to which was referred Senate Bill No. 249, 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 Health and Human Services, to which were referred Assembly Bill No. 463; Senate Bill No. 239, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Senate Bill No. 180, 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*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 76, 98, 100, 101, 110, 116, 118, 122, 126, 131, 146, 154, 162, 189, 225, 227, 235, 251, 264, 282, 289, 298, 311, 318, 333, 359, 361, 407.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 244.

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

Motion carried.

Senate Bill No. 282.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 463.

Bill read second time.

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

Amendment No. 645.

AN ACT relating to children; transferring certain duties and authority related to the licensing and regulation of certain child care facilities from the Division of Public and Behavioral Health of the Department of Health and Human Services to the Division of Welfare and Supportive Services of the Department; revising the membership of the Nevada Early Childhood Advisory Council; revising provisions governing the inspection and review of child care facilities; **revising provisions governing the inspection and approval of certain facilities by certain fire protection officials and agencies;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a child care facility to obtain a license from the Division of Public and Behavioral Health of the Department of Health and Human Services if: (1) the city or county in which the child care facility is located has not provided for the licensure of child care facilities by an agency of the city or county, as applicable; or (2) the child care facility is a child care institution. (NRS 432A.131) Existing law defines "child care institution" for that purpose to mean a facility that provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. (NRS 432A.0245) **Section 4** of this bill transfers the authority to license and regulate such child care facilities from the Division of Public and Behavioral Health to the Division of Welfare and Supportive Services of the Department. **Section 1** of this bill authorizes an employee of the Division of Welfare and Supportive Services to access the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child when investigating the background of certain persons associated with a child care facility, small child care establishment or outdoor youth program. **Section 2** of this bill defines "Administrator" to refer to the Administrator of the Division of Welfare and Supportive Services, and **section 3** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes. **Sections 6-8** of this bill transfer to the Administrator: (1) the duties to establish a policy for the coordination of entities with an interest in child care and to inspect child care facilities; and (2) the authority to waive certain education requirements for a person who is responsible for the operation of a child care facility. **Sections 9 and 10** of this bill make revisions so that certain

reports relating to the immunization of children who have been admitted to child care facilities continue to be submitted to the Division of Public and Behavioral Health. **Section 11** of this bill transfers to the Division of Welfare and Supportive Services the duty to conduct a review of a child care facility that has been found by a legislative audit to have certain deficiencies.

Existing law establishes the Nevada Early Childhood Advisory Council and requires the Council to include certain members appointed by the Governor. (NRS 432A.076) **Section 5** of this bill eliminates the requirement that the Council include one member who is a representative of the Division of Public and Behavioral Health. **Section 5** adds to the membership of the Council: (1) one member who is a representative of the Division of Welfare and Supportive Services whose duties include responsibility for child care; (2) one member who is a representative of that Division whose duties include implementing regulations governing the licensure of child care facilities; and (3) one member who is ~~[nominated by the Nevada Indian Commission and acts as a liaison for Indian tribes in this State.]~~ **a representative of a tribal organization, with consideration given to an enrolled member of a Nevada Indian tribe.**

Existing law: (1) requires the State Fire Marshal or a designee thereof to enter and inspect every building or premises of a child care facility and supervise fire drills at such a facility; and (2) provides that certain health care facilities are subject to inspection and approval by the State Fire Marshal. (NRS 432A.180, 449.0307) Section 8 provides that the State Fire Marshal or a designee is authorized, rather than required, to inspect child care facilities and supervise fire drills at such facilities. Section 8 also authorizes the State Fire Marshal to designate a local fire agency that meets an industry standard accepted by the State Fire Marshal to perform those duties. Finally, section 8 requires the State Board of Health to adopt regulations governing such inspections. Section 11.5 of this bill authorizes a designee of the State Fire Marshal, which may include a local fire agency that meets an industry standard accepted by the State Fire Marshal, to inspect and approve certain health care facilities. Section 11.8 of this bill makes a conforming change to clarify that the State Fire Marshal is authorized to designate such a local fire agency to conduct certain inspections of a residential facility for groups or a building operated by a provider of community-based living arrangement services.

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

Section 1. NRS 432.100 is hereby amended to read as follows:

432.100 1. There is hereby established a Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child. This Central Registry must be maintained by the Division.

2. The Central Registry must contain:

(a) The information in any substantiated report of child abuse or neglect made pursuant to NRS 392.303 or 432B.220;

(b) The information in any substantiated report of a violation of NRS 201.540, 201.560, 392.4633 or 394.366 made pursuant to NRS 392.303;

(c) Statistical information on the protective services provided in this State; and

(d) Any other information which the Division determines to be in furtherance of NRS 392.275 to 392.365, inclusive, 432.097 to 432.130, inclusive, and 432B.010 to 432B.400, inclusive.

3. The Division may release information contained in the Central Registry to an employer if:

(a) The person who is the subject of a background investigation by the employer provides written authorization for the release of the information; and

(b) Either:

(1) The employer is required by law to conduct the background investigation of the person for employment purposes; or

(2) The person who is the subject of the background investigation could, in the course of his or her employment, have regular and substantial contact with children or regular and substantial contact with elderly persons who require assistance or care from other persons,

➥ but only to the extent necessary to inform the employer whether the person who is the subject of the background investigation has been found to have abused or neglected a child.

4. Except as otherwise provided in this section or by specific statute, information in the Central Registry may be accessed only by:

(a) An employee of the Division;

(b) An agency which provides child welfare services;

(c) An employee of the Division of ~~[Public and Behavioral Health]~~ ***Welfare and Supportive Services*** of the Department who is obtaining information in accordance with NRS 432A.170; and

(d) With the approval of the Administrator, an employee or contractor of any other state or local governmental agency responsible for the welfare of children who requests access to the information and who demonstrates to the satisfaction of the Administrator a bona fide need to access the information. Any approval or denial of a request submitted in accordance with this paragraph is at the sole discretion of the Administrator.

Sec. 2. Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:

"Administrator" means the Administrator of the Division.

Sec. 3. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.0295, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4. NRS 432A.0273 is hereby amended to read as follows:

432A.0273 "Division" means the Division of ~~[Public and Behavioral Health]~~ ***Welfare and Supportive Services*** of the Department.

Sec. 5. NRS 432A.076 is hereby amended to read as follows:

432A.076 1. The Nevada Early Childhood Advisory Council is hereby established as the state advisory council on early childhood education and care required to be established pursuant to 42 U.S.C. § 9837b(b)(1)(A)(i). The membership of the Council must be appointed by the Governor and include, without limitation:

(a) One member who is a representative of the Division ~~[of Public and Behavioral Health of the Department]~~ whose duties include responsibility for child care;

(b) ***One member who is a representative of the Division whose duties include implementing regulations governing the licensure of child care facilities;***

(c) One member who is a representative of the Department of Education;

~~[(c)]~~ ***(d)*** One member who is a representative of the Department of Education whose duties include responsibilities for programs under section 619 or part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

~~[(d)]~~ ***(e)*** One member who is a representative of the boards of trustees of the school districts in this State;

~~[(e)]~~ ***(f)*** One member who is a representative of the Nevada System of Higher Education;

~~[(f)]~~ ***(g)*** One member who is a representative of local providers of early childhood education and developmental services;

~~[(g)]~~ ***(h)*** One member who is a representative of Head Start agencies in this State, including, without limitation, migrant and seasonal Head Start programs and Indian Head Start programs;

~~[(h)]~~ ***(i)*** One member who is appointed or designated pursuant to 42 U.S.C. § 9837b(a)(3)(A);

~~[(i)]~~ ***(j)*** One member who is a representative of the Aging and Disability Services Division of the Department;

~~[(j)]~~ ***(k)*** One member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood education programs;

~~[(k)]~~ ***(l)*** One member who is a representative of a nonprofit organization located in northern Nevada that provides early childhood education programs;

~~[(l)]~~ ***(m)*** One member who is a representative of the pediatric mental, physical or behavioral health care industry; ~~[and~~

~~(m)]~~ ***(n) One member who is ~~[nominated by the Nevada Indian Commission and acts as a liaison for Indian tribes in this State;]~~ a representative of a tribal organization, with consideration given to an enrolled member of a Nevada Indian tribe; and***

(o) Such other members as the Governor determines are appropriate.

2. The Council shall:

(a) Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood education programs.

(b) Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood education programs.

(c) Identify opportunities for and barriers to coordination and collaboration among early childhood education programs funded in whole or in part by the Federal Government, the State or a local government.

(d) Develop recommendations for:

(1) Increasing the participation of children in early childhood education programs funded in whole or in part by the Federal Government, the State or a local government, including, without limitation, providing information on such programs to underrepresented and special populations;

(2) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood education programs;

(3) A statewide professional development system for teachers engaged in early childhood education; and

(4) The establishment of statewide standards for early childhood education programs in this State.

(e) Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.

(f) Establish, in cooperation with the State Board of Education, guidelines for evaluating the school readiness of children. The guidelines must:

(1) Be based on national school readiness indicators;

(2) Address the following components of school readiness:

(I) Physical and developmental health;

(II) Social and emotional development;

(III) Approaches to learning;

(IV) Language and early literacy development; and

(V) Cognition and general knowledge.

(g) Develop recommendations for increasing parental involvement and family engagement in early childhood education programs.

(h) Perform such other duties relating to early childhood education programs as designated by the Governor.

3. On or before December 1 of each year, the Council shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services and the Joint Interim Standing Committee on Education, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation, a summary of the activities of the Council and any recommendations for improvements to the early childhood system in this State.

4. The Council may accept gifts, grants and donations from any source for the support of the Council in carrying out the provisions of this section.

Sec. 6. NRS 432A.079 is hereby amended to read as follows:

432A.079 1. The ~~[Board]~~ ***Administrator*** shall establish a policy providing for coordination among all interested public, private and commercial agencies or entities to foster their cooperation in the interests of:

(a) Improving the quality of child care services offered by each participating agency and entity.

(b) Ensuring continuity in the program of community child care for each family.

(c) Reaching the maximum number of families possible within available resources, with top priority given to low-income families.

(d) Increasing opportunities for developing staff competence and career development within and between cooperating agencies and entities.

(e) Developing the most efficient, effective and economical methods for providing services to children and families.

(f) Ensuring an effective voice by parents of children receiving child care in the policy for and direction of programs.

(g) Mobilizing the resources of the community in such a manner as to ensure maximum public, private and individual commitment to provide expanded child care.

2. Such a policy must be primarily concerned with the coordination of day care and preschool programs, and also be concerned with:

(a) Availability of other needed services for children in preschool or day care programs;

(b) Availability of needed services for children of school age; and

(c) Coordination of community services with preschool or day care programs.

Sec. 7. NRS 432A.1773 is hereby amended to read as follows:

432A.1773 1. A licensee of a child care facility, or a person appointed by the licensee, who is responsible for the daily operation, administration or management of a child care facility must:

(a) Be at least 21 years of age and:

(1) Hold an associate's degree or a higher degree in early childhood education and have at least 1,000 hours of verifiable experience in a child care facility;

(2) Hold an associate's degree or a higher degree in any field other than early childhood education, have completed at least 15 semester hours in early childhood education or related courses and have at least 2,000 hours of verifiable experience in a child care facility;

(3) Hold a high school diploma or, if approved by the Administrator **,** ~~[of the Division of Public and Behavioral Health,]~~ a general educational development certificate, have completed at least 15 semester hours in early childhood education or related courses and have at least 3,000 hours of experience in a child care facility;

(4) Hold a current credential as a "Child Development Associate" with an endorsement for preschool age children or infants or toddlers, as

appropriate, which has been issued by the Council for Professional Recognition, or its successor organization, and have at least 2,000 hours of verifiable experience in a child care facility; or

(5) Have a combination of education and experience which, in the judgment of the Administrator **,** ~~[of the Division of Public and Behavioral Health,]~~ is equivalent to that required by subparagraph (1), (2), (3) or (4);

(b) Have at least 1,000 verifiable hours in an administrative position or have completed a course or other training in business administration; and

(c) Within 90 days after the licensee or person appointed by the licensee commences service as the director of a child care facility, apply to the Nevada Registry or its successor organization, and annually renew his or her registration before the date on which it expires.

2. As used in this section, "Nevada Registry" means the organization that operates the statewide system of career development and recognition created to:

(a) Acknowledge and encourage professional achievement in the early childhood care and education workforce in this State;

(b) Establish a professional development system in this State for the field of early childhood care and education;

(c) Approve and track all informal training in the field of early childhood care and education in this State; and

(d) Act as a statewide clearinghouse of information concerning the field of early childhood care and education.

Sec. 8. NRS 432A.180 is hereby amended to read as follows:

432A.180 1. Any authorized member or employee of the Division may enter and inspect any building or premises of a child care facility or small child care establishment, whether registered or not, or the area of operation of an outdoor youth program at any time to secure compliance with or prevent a violation of any provision of this chapter.

2. The State Fire Marshal or a designee of the State Fire Marshal ~~[shall, at least annually:]~~ ***, which may include a local fire agency that*** ~~***[is accredited by a national organization that accredits fire agencies,]***~~ ***meets an industry standard accepted by the State Fire Marshal, may, in accordance with regulations adopted by the Board:***

(a) Enter and inspect every building or premises of a child care facility, on behalf of the Division; and

(b) Observe and make recommendations regarding the drills conducted pursuant to NRS 432A.077,

➥ to secure compliance with standards for safety from fire and other emergencies.

3. The ~~[Chief Medical Officer]~~ ***Administrator*** or a designee of the ~~[Chief Medical Officer]~~ ***Administrator*** shall enter and inspect at least annually, every building or premises of a child care facility and area of operation of an outdoor youth program ~~[, on behalf of the Division,]~~ to secure compliance with laws

and regulations concerning the health, safety and welfare of children in the care of the facility or program.

4. The annual inspection of any child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court must include, without limitation, an inspection of all areas where food is prepared and served, bathrooms, areas used for sleeping, common areas and areas located outdoors that are used by children at the child care facility. The ~~[Chief Medical Officer]~~ ***Administrator*** shall publish reports of the inspections and make them available for public inspection upon request.

Sec. 9. NRS 432A.230 is hereby amended to read as follows:

432A.230 Except as otherwise provided in NRS 432A.235 for accommodation facilities:

1. Except as otherwise provided in subsection 3 and unless excused because of religious belief or medical condition, a child may not be admitted to any child care facility within this State, including a facility licensed by a county or city, unless the parents or guardian of the child submit to the operator of the facility a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

(a) Diphtheria;

(b) Tetanus;

(c) Pertussis if the child is under 6 years of age;

(d) Poliomyelitis;

(e) Rubella;

(f) Rubeola; and

(g) Such other diseases as the local board of health or the State Board of Health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or his or her designee or a registered nurse or his or her designee, attesting that the certificate accurately reflects the child's record of immunization.

3. A child whose parent or guardian has not established a permanent residence in the county in which a child care facility is located and whose history of immunization cannot be immediately confirmed by a physician in this State or a local health officer, may enter the child care facility conditionally if the parent or guardian:

(a) Agrees to submit within 15 days a certificate from a physician or local health officer that the child has received or is receiving the required immunizations; and

(b) Submits proof that the parent or guardian has not established a permanent residence in the county in which the facility is located.

4. If a certificate from the physician or local health officer showing that the child has received or is receiving the required immunizations is not

submitted to the operator of the child care facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

5. Before December 31 of each year, each child care facility shall report to the Division ***of Public and Behavioral Health*** of the Department, on a form furnished by ~~[the]~~ ***that*** Division, the exact number of children who have:

(a) Been admitted conditionally to the child care facility; and

(b) Completed the immunizations required by this section.

Sec. 10. NRS 432A.235 is hereby amended to read as follows:

432A.235 1. Except as otherwise provided in subsection 2 and unless excused because of religious belief or medical condition, a child may not be admitted to any accommodation facility within this State, including an accommodation facility licensed by a county or city, unless the parents or guardian of the child submit to the operator of the accommodation facility written documentation stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the diseases set forth in subsection 1 of NRS 432A.230. The written documentation required pursuant to this subsection must be:

(a) A letter signed by a licensed physician stating that the child has been immunized and received boosters or is complying with the schedules;

(b) A record from a public school or private school which establishes that a child is enrolled in the school and has satisfied the requirements for immunization for enrollment in the school pursuant to NRS 392.435 or 394.192; or

(c) Any other documentation from a local health officer which proves that the child has been immunized and received boosters or is complying with the schedules.

2. A child whose parent or guardian has not established a permanent residence in the county in which an accommodation facility is located and whose history of immunization cannot be immediately confirmed by the written documentation required pursuant to subsection 1 may enter the accommodation facility conditionally if the parent or guardian:

(a) Agrees to submit within 15 days the documentation required pursuant to subsection 1; and

(b) Submits proof that the parent or guardian has not established a permanent residence in the county in which the facility is located.

3. If the documentation required pursuant to subsection 1 is not submitted to the operator of the accommodation facility within 15 days after the child was conditionally admitted, the child must be excluded from the facility.

4. Before December 31 of each year, each accommodation facility shall report to the Division ***of Public and Behavioral Health*** of the Department, on a form furnished by ~~[the]~~ ***that*** Division, the exact number of children who have:

(a) Been admitted conditionally to the accommodation facility; and

(b) Completed the immunizations required by this section.

5. To the extent that the Board or an agency for the licensing of child care facilities established by a county or city requires a child care facility to maintain proof of immunization of a child admitted to the facility, the Board or agency shall authorize a business which operates more than one accommodation facility to maintain proof of immunization of a child admitted to any accommodation facility of the business at a single location of the business. The documentation must be accessible by each accommodation facility of the business.

Sec. 11. NRS 218G.595 is hereby amended to read as follows:

218G.595 1. Not later than 45 days after receiving a report pursuant to NRS 218G.590 concerning a child care facility licensed pursuant to chapter 432A of NRS, the Division of ~~[Public and Behavioral Health]~~ ***Welfare and Supportive Services*** of the Department of Health and Human Services or the county or incorporated city from which the facility has obtained a license pursuant to NRS 432A.131, as applicable, shall review the facility to which the report pertains to determine whether the facility has corrected the deficiencies described in the report. The review may include a physical inspection of the facility at the discretion of the Division, county or city, as applicable.

2. After conducting a review pursuant to subsection 1, the Division, county or city shall provide a report of its determinations to the Legislative Auditor. The report must include:

(a) A determination of whether the deficiencies described in the report of the Legislative Auditor or the Legislative Auditor's designee have been resolved;

(b) If the deficiencies described in the report of the Legislative Auditor or the Legislative Auditor's designee have not been resolved, a description of the measures being taken by the facility to resolve the deficiencies, a determination of whether those measures are adequate and the expected date by which the deficiencies will be resolved; and

(c) A statement of any issues of fact or law on which the Division, county or city, as applicable, disagrees with the report of the Legislative Auditor or the Legislative Auditor's designee.

3. If the Division, county or city concludes, after a review conducted pursuant to subsection 1, that a child care facility has not resolved a deficiency described in the report of the Legislative Auditor or the Legislative Auditor's designee, the Division, county or city, as applicable, shall, not later than 30 days after completing the review:

(a) Provide a copy of its report to each court or other governmental agency that places children in the facility and post the report publicly on an Internet website maintained by the Division, county or city, as applicable; and

(b) Schedule another review of the facility which must be conducted not later than 30 days after the review conducted pursuant to subsection 1. After the review conducted pursuant to this paragraph, the Division, county or city,

as applicable, shall take the actions described in subsection 2 and, if necessary, this subsection.

4. The Legislative Auditor or the Legislative Auditor's designee shall include any information provided by the Division, a county or an incorporated city concerning any deficiency identified at a child care facility in any report issued by the Legislative Auditor or the Legislative Auditor's designee concerning the inspections, reviews and surveys required by NRS 218G.575.

5. This section shall not be construed to prohibit or limit the ability of:

(a) A licensing entity to impose sanctions on a facility for children under its jurisdiction; or

(b) A law enforcement agency to respond to criminal conduct at a facility for children.

6. As used in this section, "child care facility" has the meaning ascribed to it in NRS 432A.024.

Sec. 11.5. **NRS 449.0307 is hereby amended to read as follows:**

449.0307 The Division may:

1. Upon receipt of an application for a license, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies and purposes of any person proposing to engage in the operation of a medical facility, a facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed. The facility is subject to inspection and approval as to standards for safety from fire, on behalf of the Division, by the State Fire Marshal ~~[.]~~ ***or a designee of the State Fire Marshal, which may include a local fire agency that meets an industry standard accepted by the State Fire Marshal.***

2. Upon receipt of a complaint against a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed, except for a complaint concerning the cost of services, conduct an investigation into the premises, facilities, qualifications of personnel, methods of operation, policies, procedures and records of that facility or any other medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed which may have information pertinent to the complaint.

3. Employ such professional, technical and clerical assistance as it deems necessary to carry out the provisions of NRS 449.029 to 449.245, inclusive.

Sec. 11.8. **NRS 449.131 is hereby amended to read as follows:**

449.131 1. Any authorized member or employee of the Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.029 to 449.245, inclusive.

2. The State Fire Marshal or a designee of the State Fire Marshal ***, which may include a local fire agency that meets an industry standard accepted by the State Fire Marshal,*** shall, upon receiving a request from the Division or a

written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.0302:

(a) Enter and inspect a residential facility for groups or a building operated by a provider of community-based living arrangement services in which such services are provided; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.0302,

➥ to ensure the safety of the residents of the facility or persons receiving care from the provider, as applicable, in an emergency.

3. The Chief Medical Officer or a designee of the Chief Medical Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups and each building operated by a provider of community-based living arrangement services in which such services are provided to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Division shall enter and inspect any building or premises operated by a residential facility for groups or provider of community-based living arrangement services within 72 hours after the Division is notified that a residential facility for groups or provider of community-based living arrangement services is operating without a license.

Sec. 12. 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. 13. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose

name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

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

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 134.

Bill read second time.

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

Amendment No. 709.

AN ACT relating to health care; prohibiting an insurer from entering into a contract with a provider of vision care that contains certain provisions; **requiring a provider of vision care to make certain disclosures to a covered person;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits an insurer from entering into a contract with a provider of vision care that conditions any rate of reimbursement for vision care on the provider of vision care prescribing certain ophthalmic devices or materials or increases the rate of reimbursement if the provider of vision care prescribes such ophthalmic devices or materials. (NRS 686A.135) **Section 1** of this bill additionally prohibits an insurer from entering into a contract with a provider of vision care that: (1) authorizes the insurer to set or limit the amount that the provider of vision care may charge for vision care that is not reimbursed under the contract; or (2) requires the provider of vision care to use a specific laboratory as the manufacturer of ophthalmic devices or materials provided to covered persons. **Section 1 requires a provider of vision care to disclose to any covered person an ownership or pecuniary interest of the provider in a supplier of ophthalmic devices or materials before the covered person authorizes the provider to obtain covered eyewear materials from such a supplier.**

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

Section 1. NRS 686A.135 is hereby amended to read as follows:

686A.135 1. An insurer shall not enter into a contract with a provider of vision care that ~~[conditions]~~ ***:***

(a) Authorizes the insurer to set or limit the amount that the provider of vision care may charge for vision care that is not reimbursed under the contract;

(b) Requires the provider of vision care to use a specific laboratory as the manufacturer of ophthalmic devices or materials provided to covered persons; or

(c) Conditions any rate of reimbursement for vision care on the provider of vision care prescribing ophthalmic devices or materials in which the insurer has an ownership or other pecuniary interest or increases the rate of reimbursement if the provider of vision care prescribes such ophthalmic devices or materials.

2. Before entering into a contract with a provider of vision care to include the provider of vision care in the network of an insurer, the insurer must provide to the provider of vision care a list of the rates of reimbursement for each service covered by the contract.

3. An insurer shall disclose in any policy of insurance that covers vision care or any description of benefits covered by such a policy, whether written or electronic, any ownership or other pecuniary interest of the insurer in a supplier of ophthalmic devices or materials or a provider of vision care. The disclosure must appear in a conspicuous and clear manner.

4. An insurer that does not provide reimbursement for specific vision care shall not claim in any advertisement or other material that the insurer covers that vision care if such vision care is available at a discount or with a copayment or coinsurance in an amount that is in addition to the copayment or coinsurance that a covered person is typically required to pay for covered services.

5. ***A provider of vision care shall disclose in writing to any covered person under a policy of insurance that covers vision care any ownership or other pecuniary interest of the provider of vision care in a supplier of ophthalmic devices or materials, including, without limitation, a general disclosure of any rebates or rewards programs, before the covered person authorizes the provider of vision care to obtain covered eyewear materials from such a supplier or laboratory that is not contracted with the insurer providing the policy of insurance that covers vision care. The disclosure must appear in a conspicuous and clear manner.***

6. Nothing in this section shall be construed to prohibit a covered person from using an in-network source or supplier of ophthalmic devices or materials as set forth in the covered person's policy of insurance that covers vision care.

7. As used in this section:

(a) "Provider of vision care" means a physician who provides vision care or an optometrist.

(b) "Vision care" means:

(1) Routine ophthalmological evaluation of the eye, including refraction.

(2) Ophthalmic devices or materials, including, without limitation, lenses, frames, mountings or other specially fabricated ophthalmic devices.

➥ The term "vision care" does not include the initiation of treatment or diagnosis pursuant to a program of medical care.

Sec. 2. The amendatory provisions of section 1 of this act do not apply to any contract existing on October 1, 2023, between an insurer and a provider of vision care until the contract is renewed.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 180.

Bill read second time.

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

Amendment No. 707.

AN ACT relating to water; revising provisions relating to the establishment, membership and duties of a groundwater board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a board of county commissioners to recommend to the State Engineer that the State Engineer establish a groundwater board in an area designated as a groundwater basin by the State Engineer. If the State Engineer directs the establishment of a groundwater board, the Governor is required to appoint seven members who serve on the groundwater board. Existing law authorizes the Governor to dissolve the groundwater board if the Governor determines that the future activities of the board are likely to be insubstantial. (NRS 534.035) **Section 1** of this bill: (1) authorizes a board of county commissioners to request that the State Engineer establish a groundwater board and appoint seven members to serve on the groundwater board; (2) **authorizes boards of county commissioners to jointly request that the State Engineer establish a groundwater board; (3)** authorizes a board of county commissioners **or boards of county commissioners, as applicable,** to appoint a nonvoting member to the groundwater board; ~~[(3)]~~ **(4)** provides that the groundwater board must be dissolved after 4 years unless the State Engineer approves a request from the board of county commissioners **or boards of county commissioners, as applicable,** to continue the board; and ~~[(4)]~~ **(5)** provides that the groundwater board may be dissolved by a majority vote of the groundwater board. **Section 1 further provides that only one groundwater board may be established for a designated groundwater basin.**

Section 1 also requires the State Engineer to consider the written advice and recommendations of the groundwater board on reducing overpumping in the designated basin.

Existing law requires: (1) the State to pay certain expenses of a groundwater board such as per diem and travel allowances for board members and expenses for consultants employed by a groundwater board; and (2) the State Engineer to determine and certify the budget of a groundwater board for paying such expenses. (NRS 534.035, 534.040) **Sections 1 and 2** of this bill eliminate these provisions and provide that members serve without compensation.

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

Section 1. NRS 534.035 is hereby amended to read as follows:

534.035 1. In each area designated as a groundwater basin by the State Engineer pursuant to the provisions of NRS 534.030 ~~[, the]~~ ***:***

(a) If the designated groundwater basin is located in one county, the board of county commissioners may ~~[recommend to the State Engineer]~~ ***request*** that the State Engineer establish a groundwater board. ~~[The State Engineer shall determine whether or not a groundwater board is to be established and may direct its establishment by order.]~~

(b) If the designated groundwater basin is located in more than one county:

(1) A board of county commissioners may request or the boards of county commissioners of the counties may jointly request that the State Engineer establish a groundwater board.

(2) Regardless of whether a groundwater board is requested to be established jointly, the State Engineer may appoint members of the groundwater board in accordance with subsection 3 who reside in any county in which the designated groundwater basin is located.

2. ***Not more than one groundwater board may be established in a designated groundwater basin pursuant to subsection 1.***

3. If a groundwater board is ~~[established, the governing bodies of all the cities and towns within the designated area, the board of county commissioners of each county in which the area is located, and the governing body of any water district in which the area is included, or partly included, shall each submit a list of names of residents of the area to the Governor, who]~~ ***requested to be established pursuant to subsection 1, the State Engineer*** shall appoint seven members of the board ~~[. At least one member must be appointed from each list.]~~ ***who must reside within the designated groundwater basin as follows:***

(a) Four members, each of whom holds a permit or certificate to appropriate water within the designated groundwater basin with a senior date of priority, as determined by the State Engineer;

(b) Two members, each of whom holds a permit or certificate to appropriate water within the designated groundwater basin with a junior date of priority, as determined by the State Engineer; and

(c) One member who holds a permit or certificate, or permits or certificates, within the designated groundwater basin for the greatest quantity of groundwater in the basin, or if such a person is already appointed or unwilling to serve, the person who holds a permit or certificate, or permits or certificates, in the designated groundwater basin for the next greatest quantity of groundwater in the basin, as determined by the State Engineer.

~~[3.]~~ ***4.*** ~~[After the initial terms, the]~~ ***In addition to the members appointed pursuant to subsection ~~[2,]~~ 3, the board of county commissioners or boards of county commissioners, as applicable, may appoint a nonvoting member to the groundwater board.***

~~[4.]~~ ***5.*** ***The*** term of office of each member of the ***groundwater*** board is 4 years. The ***groundwater*** board shall elect one member as chair and one member as secretary to serve as such at the pleasure of the ***groundwater*** board.

~~[~~4.~~ 5.]~~ ***6.*** The ***groundwater*** board shall ~~[maintain its headquarters at the county seat of]~~ ***hold public meetings and any physical location for such public meetings must be in*** the county in which the designated area is located , or if the area lies in more than one county ~~[,]~~ ***and the counties jointly requested the establishment of the groundwater board,*** in ~~[the county seat of]~~ one of the counties in which the area is located. The board shall hold meetings at such times and places as it may determine. Special meetings may be called at any time by the secretary at the request of any four members, or by the chair, upon notice specifying the matters to be acted upon at the meeting. No matters other than those specified in the notice may be acted upon at that meeting unless all members are present and consent thereto.

~~[~~5.~~ 6.]~~ ***7.*** A majority of the ***groundwater*** board constitutes a quorum, and the ***groundwater*** board shall act only by a majority of those present.

~~[6. For each day's attendance at each meeting of the groundwater board, or for each day when services are actually performed for the groundwater board, the members are entitled to receive per diem and travel allowances provided by law. Claims for those expenses must be paid as provided in subsection 7 of NRS 534.040.~~

~~7.]~~ ***8.*** ***Members of the groundwater board serve without compensation.***

~~[8.]~~ ***9.*** The State Engineer shall ~~[not approve any application or issue any permit to drill a well, appropriate groundwater, change the place or manner of use or the point of diversion of water within the designated area, adopt any related regulations or enter any related orders until the State Engineer has conferred with the board and obtained its]~~ ***consider the*** written advice and recommendations ~~[.]~~ ***of the groundwater board on reducing overpumping in the designated groundwater basin.***

~~[8. It is the intention of the Legislature that the State Engineer and the board be in agreement whenever possible, but, for the purpose of fixing responsibility to the Governor, if]~~ ***If*** there is any disagreement between the State Engineer and the ***groundwater*** board, the views of the State Engineer prevail. ~~[A written report of any such disagreement must be made immediately to the Governor by the State Engineer and the board.]~~ ***A decision of the State Engineer to comply or not comply with the views of the groundwater board is not subject to judicial review. A disagreement between the State Engineer and a groundwater board is not admissible in any proceeding challenging a decision of the State Engineer.***

~~[9.]~~ ***10.*** ~~[Any]~~ ***A*** groundwater board ~~[may request from the State Engineer or any other state, county, city or district agency such technical information, data and advice as it may require to perform its functions, and]~~ ***:***

(a) Must be dissolved 4 years after the date such a board is established by the State Engineer ~~[and such other agencies shall, within the resources available to them, furnish such assistance as may be requested.~~

~~10. The Governor may dissolve the groundwater board by order if the Governor determines that the future activities of the board are likely to be insubstantial.~~] ***pursuant to subsection ~~[2]~~ 3 unless the State Engineer approves a request from the board of county commissioners or boards of county commissioners, as applicable, to continue the groundwater board for any additional 4 year term; and***

(b) May be dissolved by a majority vote of the groundwater board at a meeting of the board.

Sec. 2. NRS 534.040 is hereby amended to read as follows:

534.040 1. Upon the initiation of the administration of this chapter in any particular basin, and where the investigations of the State Engineer have shown the necessity for the supervision over the waters of that basin, the State Engineer may employ a well supervisor and other necessary assistants, who shall execute the duties as provided in this chapter under the direction of the State Engineer. The salaries of the well supervisor and the assistants of the well supervisor must be fixed by the State Engineer. The well supervisor and assistants are exempt from the provisions of chapter 284 of NRS.

2. If the money available from the license fees provided for in NRS 534.140 is not sufficient to pay those salaries, together with necessary expenses, including the compensation and other expenses of the Well Drillers' Advisory Board, the board of county commissioners shall, except as otherwise provided in this subsection, levy a special assessment annually, or at such time as the assessment is needed, upon all taxable property situated within the confines of the area designated by the State Engineer to come under the provisions of this chapter in an amount as is necessary to pay such salaries and expenses. If the board of county commissioners determines that the amount of a special assessment levied upon a property owner pursuant to this section when combined with the amount of all other taxes and assessments levied upon the property owner is less than the cost of collecting the special assessment levied pursuant to this subsection, the board of county commissioners may exempt the property owner from the assessment and appropriate money from the general fund of the county to pay the cost of the assessment.

3. Except as otherwise provided in subsection 2, in designated areas within which the use of groundwater is predominantly for agricultural purposes, any special assessment levied pursuant to this section must be charged against each water user who has a permit to appropriate water or a perfected water right, and the charge against each water user must be based upon the proportion which his or her water right bears to the aggregate water rights in the designated area. The minimum charge is $1.

4. The salaries and expenses may be paid by the State Engineer from the Water Distribution Revolving Account pending the levy and collection of an assessment levied pursuant to this section.

5. Except as otherwise provided in subsection 2, if a special assessment is levied pursuant to this section, the proper officers of the county shall levy and

collect the special assessment as other special assessments are levied and collected, and the assessment is a lien upon the property.

6. Any special assessment collected pursuant to this section must be deposited with the State Treasurer for credit to the Water District Account to be accounted for in basin well accounts.

7. ~~[Upon determination and certification by the State Engineer of the amount to be budgeted for the current or ensuing fiscal year for the purpose of paying the per diem and travel allowances of the groundwater board and employing consultants or other help needed to fulfill its responsibilities, the State Controller shall transfer that amount to a separate operating account for that fiscal year for the groundwater basin. Claims against the account must be approved by the groundwater board and paid as other claims against the State are paid.]~~ The State Engineer may use money in a particular basin well account to support an activity outside the basin in which the money is collected if the activity bears a direct relationship to the responsibilities or activities of the State Engineer regarding the particular groundwater basin.

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

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 239.

Bill read second time.

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

Amendment No. 715.

AN ACT relating to health care; revising provisions concerning medical certificates of death relating to a person who self-administers a medication that is designed to end his or her life; authorizing a physician or advanced practice registered nurse to prescribe a medication that is designed to end the life of a patient under certain circumstances; prohibiting persons other than a patient from administering a medication that is designed to end the life of the patient; imposing requirements on certain providers of health care and health care facilities relating to the records of a patient who requests a medication that is designed to end his or her life; providing immunity to certain providers of health care and health care facilities that take certain actions relating to prescribing or dispensing a medication that is designed to end the life of a patient; authorizing the owner or operator of a health care facility to prohibit certain persons from providing certain services relating to a medication that is designed to end the life of a patient; prohibiting a person from conditioning provisions of a will, contract, agreement or policy of life insurance on the request for or acquisition or administration of a medication that is designed to end the life of the person; prohibiting a person from denying benefits under a policy of life insurance to or imposing additional charges against a policyholder or beneficiary because the insured requested or revoked a request

for a medication that is designed to end the life of the person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a patient who has been diagnosed with a terminal condition to refuse life-resuscitating or life-sustaining treatment in certain circumstances. (NRS 449A.400-449A.581, 450B.400-450B.590) **Sections 10-39** of this bill authorize a patient, under certain circumstances, to self-administer a medication that is designed to end the life of the patient. **Section 20** of this bill defines "practitioner" to mean a physician, osteopathic physician or advanced practice registered nurse. **Sections 11-18, 21 and 22** of this bill define other relevant terms. **Section 23** of this bill authorizes a patient to request that his or her attending practitioner prescribe a medication that is designed to end his or her life if the patient: (1) is at least 18 years of age; (2) has been diagnosed with a terminal condition by at least two practitioners; (3) has made an informed and voluntary decision to end his or her own life; (4) is mentally capable of making such a decision; and (5) is not requesting the medication because of coercion, deception or undue influence. **Section 24** of this bill prescribes certain requirements concerning the manner in which a patient may request a medication that is designed to end the life of the patient, including that the patient make two verbal requests and one written request for the medication, and that the written request for the medication be signed by a witness. **Section 25** of this bill prescribes the form for the written request for the medication. **Section 26** of this bill imposes certain requirements before a practitioner is authorized to prescribe a medication that is designed to end the life of a patient, including that the practitioner: (1) inform the patient of his or her right to revoke a request for the medication at any time; (2) determine and verify that the patient meets the requirements for making such a request; (3) discuss certain relevant factors with the patient, including the diagnosis and prognosis of the patient and alternative options for care; (4) refer the patient to a consulting practitioner who can confirm the diagnosis, prognosis and mental capability of the patient and that the patient has not been coerced or unduly influenced; and (5) instruct the patient against self-administering the medication in public. **Section 27** of this bill requires a practitioner who determines that a patient who has requested a prescription for a medication that is designed to end his or her life may not be mentally capable to refer the patient to a qualified mental health professional and to receive confirmation about the patient's mental capability.

Section 28 of this bill: (1) prescribes procedures for the issuance of a prescription for a medication that is designed to end the life of the patient; and (2) provides that only an attending practitioner or a pharmacist may dispense such a medication. **Section 29** of this bill prohibits an attending practitioner from prescribing a medication that is designed to end the life of a patient based solely on the age or disability of the patient. **Section 30** of this bill requires certain providers of health care to include certain information concerning requests and prescriptions for and the dispensing of a medication that is

designed to end the life of a patient in the medical record of the patient. If a patient who has requested a medication that is designed to end the life of a patient transfers care to another practitioner or health care facility, **sections 30 and 37** of this bill require the practitioner or health care facility that previously provided care to the patient to forward the patient's medical records to the new practitioner or health care facility. **Section 33** of this bill prescribes certain information that must be reported by an attending practitioner to the Division of Public and Behavioral Health of the Department of Health and Human Services relating to a patient who has been prescribed or self-administered such a medication. **Section 34** of this bill requires the Division to compile an annual report concerning the implementation of the provisions of this bill authorizing a patient to request a prescription for a medication that is designed to end the life of the patient. **Sections 33, 46 and 47** of this bill provide that such information is otherwise confidential when reported to the Division.

Section 31 of this bill authorizes a patient, at any time, to revoke a request for a medication that is designed to end his or her life. **Sections 32 and 41** of this bill provide that only the patient to whom a medication that is designed to end his or her life is prescribed may administer the medication. **Section 32** establishes requirements for the disposal of any unused portion of the medication.

Section 39 of this bill makes certain persons exempt from professional discipline and immune from civil and criminal penalties and provides that such persons do not violate any applicable standard of care for taking actions authorized by this bill to assist a patient in acquiring a medication that is designed to end the life of the patient. **Section 35** of this bill provides that a death resulting from the self-administration of a medication that is designed to end the life of a patient is not mercy killing, euthanasia, assisted suicide, suicide or homicide when done in accordance with the provisions of this bill, and **section 4** of this bill requires a death certificate to list the terminal condition of the patient as the cause of death of the patient. **Sections 3 and 7** of this bill provide that a coroner, coroner's deputy or local health officer is not required to certify the cause of such a death. **Section 46.5** of this bill: (1) authorizes a coroner to make an appropriate investigation after discovering that a person has self-administered a medication designed to end the life of the person, to the extent necessary to determine the cause of the terminal condition with which the person was diagnosed; and (2) requires a coroner to cease such an investigation after determining that the terminal condition resulted from a natural cause. **Section 46.2** of this bill makes a conforming change to revise certain internal references.

Sections 36 and 44 of this bill prohibit a person from preventing or requiring a person to make or revoke a request for a medication that is designed to end the life of the person as a condition to receiving health care or as a condition in an agreement, contract or will.

Section 37 of this bill clarifies that a practitioner is not required to prescribe a medication that is designed to end the life of a patient and remains

responsible for treating the patient's pain. However, if a patient who is diagnosed with a terminal condition requests information concerning the prescription and self-administration of a medication that is designed to end the life of the patient, **section 37** requires a practitioner to provide that information or ~~[refer]~~ **facilitate the transfer of** the patient to another provider of health care **.** ~~[who is willing to do so.]~~ **Section 37** also provides that a pharmacist is not required to fill a prescription for or dispense such a medication. **Section 38** of this bill allows the owner or operator of a health care facility to prohibit an employee or independent contractor of the health care facility or any person who provides services on the premises of the health care facility from providing any services relating to prescribing a medication that is designed to end the life of a patient while acting within the scope of his or her employment or contract with the facility or while on the premises of the facility. **Section 39** prohibits a health care facility or provider of health care from taking certain actions against an employee or independent contractor who: (1) provides accurate, scientific information concerning end-of-life care to a patient; or (2) facilitates the prescription or self-administration of a medication that is designed to end the life of the patient. **Sections 40-43** of this bill make conforming changes to clarify that a practitioner or pharmacist is authorized to dispense a medication that is designed to end the life of a patient that is a controlled substance or dangerous drug and a patient may self-administer such a medication in accordance with other provisions governing medications designed to end the life of a patient.

Section 45 of this bill provides that a proposed protected person shall not be deemed to be in need of a general or special guardian solely because the proposed protected person requested a medication that is designed to end his or her life or revoked such a request.

Sections 48 and 49 of this bill prohibit insurers from conditioning life insurance benefits, group life insurance benefits or the payment of claims on whether the insured makes, fails to make or revokes a request for a medication that is designed to end the life of the insured or self-administers such a medication. **Section 50** of this bill makes a conforming change to reflect this prohibition on a policy of group life insurance.

WHEREAS, A mentally capable adult patient should have the right to self-determination concerning his or her health care decisions based on his or her values, beliefs or personal preferences; and

WHEREAS, It is important that patients have the full range of options for their care, especially at the end of their lives; and

WHEREAS, Patients with a terminal illness may undergo unremitting pain, agonizing discomfort and a sudden, continuing and irreversible reduction in their quality of life; and

WHEREAS, The availability of medical aid in dying provides an additional palliative care option for persons with a terminal illness who seek to retain

their autonomy and some level of control over the progression of their disease or ease unnecessary pain and suffering; and

WHEREAS, The integration of medical aid in dying into standard end-of-life care has demonstrably improved such care by contributing to better conversations between providers of health care and patients, earlier and more appropriate enrollment in hospice care and better training concerning palliative care for providers; and

WHEREAS, Patient-directed care respects and responds to the decisions, preferences, needs and values of individual patients, ensures that the values of patients direct all clinical decisions concerning their care and ensures that patients are fully informed of and able to access the options for care that they desire; now, therefore,

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

Section 1. Chapter 440 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. ***1. A coroner, coroner's deputy or local health officer is not required to certify the cause of death of a patient who dies after self-administering a medication that is designed to end the life of the patient in accordance with the provisions of sections 10 to 39, inclusive, of this act.***

2. A coroner, coroner's deputy or local health officer may access any records or information submitted to the Division of Public and Behavioral Health of the Department of Health and Human Services pursuant to section 33 of this act to confirm that a patient died from self-administering a medication that is designed to end the life of the patient in accordance with the provisions of sections 10 to 39, inclusive, of this act.

Sec. 4. NRS 440.380 is hereby amended to read as follows:

440.380 1. The medical certificate of death must be signed by the physician or advanced practice registered nurse, if any, last in attendance on the deceased, or pursuant to regulations adopted by the Board, it may be signed by the attending physician's associate physician, the chief medical officer of the hospital or institution in which the death occurred, or the pathologist who performed an autopsy upon the deceased. The person who signs the medical certificate of death shall specify:

(a) The social security number of the deceased.

(b) The hour and day on which the death occurred.

(c) The cause of death, so as to show the cause of disease or sequence of causes resulting in death, giving first the primary cause of death or the name of the disease causing death, and the contributory or secondary cause, if any, and the duration of each.

2. In deaths in hospitals or institutions, or of nonresidents, the physician or advanced practice registered nurse shall furnish the information required

under this section, and may state where, in his or her opinion, the disease was contracted.

3. The medical certificate of death of a patient who dies after self-administering a medication that is designed to end the life of the patient in accordance with sections 10 to 39, inclusive, of this act:

(a) Must specify the terminal condition with which the patient was diagnosed as the cause of death; and

(b) Must not indicate suicide as the cause of death or mention that the patient self-administered a medication that is designed to end the life of the patient.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 440.420 is hereby amended to read as follows:

440.420 1. In case of any death occurring without medical attendance, the funeral director shall notify the local health officer, coroner or coroner's deputy of such death and refer the case to the local health officer, coroner or coroner's deputy **.** ~~[for immediate investigation and certification.]~~ ***Except as otherwise provided in NRS 259.050 and section 3 of this act, the coroner, coroner's deputy or local health officer shall immediately investigate the death and certify the cause of death.***

2. Where there is no qualified physician or advanced practice registered nurse in attendance, and in such cases only, the local health officer is authorized to make the certificate and return from the statements of relatives or other persons having adequate knowledge of the facts.

3. If the death was caused by unlawful or suspicious means, the local health officer shall then refer the case to the coroner for investigation and certification.

4. In counties which have adopted an ordinance authorizing a coroner's examination in cases of sudden infant death syndrome, the funeral director shall notify the local health officer whenever the cause or suspected cause of death is sudden infant death syndrome. The local health officer shall then refer the case to the coroner for investigation and certification.

5. The coroner or the coroner's deputy may certify the cause of death in any case which is referred to the coroner by the local health officer or pursuant to a local ordinance.

Sec. 8. (Deleted by amendment.)

Sec. 9. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 10 to 39, inclusive, of this act.

Sec. 10. ***As used in sections 10 to 39, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 11 to 22, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 11. ***"Advanced practice registered nurse" means a registered nurse who holds a valid license as an advanced practice registered nurse issued by the State Board of Nursing pursuant to NRS 632.237.***

Sec. 12. ***"Attending practitioner" means the practitioner who has primary responsibility for the treatment of a terminal condition from which a patient suffers.***

Sec. 13. (Deleted by amendment.)

Sec. 14. ***"Consulting practitioner" means a practitioner to whom a patient is referred pursuant to paragraph (d) of subsection 1 of section 26 of this act for confirmation of the diagnosis and prognosis of the patient and that the patient is mentally capable.***

Sec. 15. ***"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.***

Sec. 16. ***"Health care facility" means any facility licensed pursuant to chapter 449 of NRS.***

Sec. 16.5. ***"Mentally capable" means that a patient has the ability to make, communicate and understand the nature of the decision to request and self-administer a medication that is designed to end the life of the patient.***

Sec. 17. ***"Person professionally qualified in the field of psychiatric mental health" has the meaning ascribed to it in NRS 433.209.***

Sec. 18. ***"Physician" means a person who is licensed to practice medicine pursuant to chapter 630 of NRS or osteopathic medicine pursuant to chapter 633 of NRS.***

Sec. 19. (Deleted by amendment.)

Sec. 20. ***"Practitioner" means a physician or advanced practice registered nurse.***

Sec. 21. ***"Self-administer" or "self-administration" means the ingestion by a person of a medication that is designed to end his or her life as an affirmative, conscious and voluntary act. The term does not include the administration of the medication by parenteral injection or infusion.***

Sec. 22. ***"Terminal condition" means an incurable and irreversible condition that will, in accordance with reasonable medical judgment, result in death within 6 months.***

Sec. 23. ***A patient may request that his or her attending practitioner prescribe a medication that is designed to end the life of the patient if the patient:***

1. Is at least 18 years of age;

2. Has been diagnosed with a terminal condition by the attending practitioner and at least one consulting practitioner;

3. Has made an informed and voluntary decision to end his or her own life;

4. Is mentally capable; and

5. Is not requesting the medication because of coercion, deception or undue influence.

Sec. 24. ***1. A patient who wishes to obtain a prescription for a medication that is designed to end his or her life must:***

(a) Make two verbal requests for the medication to his or her attending practitioner. Except as otherwise provided in this paragraph, the second verbal request must be made at least 15 days after the first verbal request. If the attending practitioner determines that the patient is reasonably likely to die within 15 days after the first verbal request, the patient may make the second verbal request at any time.

(b) Make a written request for the medication in the form prescribed by section 25 of this act and submit the written request to the attending practitioner. The written request for the medication must be signed by the patient and one witness, who must not be:

(1) Related to the patient by blood, marriage or adoption;

(2) Entitled to any portion of the estate of the patient upon death under a will or by operation of law;

(3) An owner, operator or employee of a health care facility where the patient is receiving treatment or is a resident;

(4) The attending practitioner; or

(5) An interpreter for the patient.

2. An oral or written request made pursuant to this section may not be made:

(a) By any person acting on behalf of the patient, including, without limitation, a surrogate, supporter, guardian or person designated in a power of attorney to make decisions concerning health care pursuant to NRS 162A.790.

(b) In an advance directive.

3. As used in this section:

(a) "Advance directive" has the meaning ascribed to it in NRS 449A.703.

(b) "Supporter" has the meaning ascribed to it in NRS 162C.090.

Sec. 25. *A written request for a medication that is designed to end the life of a patient must be in substantially the following form:*

REQUEST FOR A MEDICATION
THAT IS DESIGNED TO END MY LIFE

I, ..., am an adult of sound mind.

I have been diagnosed with ..... and given a prognosis of less than 6 months to live.

I have been fully informed of my diagnosis, my prognosis and the feasible alternative, concurrent or additional treatment opportunities, including comfort care, hospice care and pain control. I have been offered resources or referrals to pursue these alternative, concurrent or additional treatment opportunities.

I have been fully informed of the nature of the medication to be prescribed to me and the risks and benefits of self-administering the medication, including that the likely effect of self-administering the

medication is death. I understand that I can rescind this request at any time and that I am under no obligation to fill the prescription once it is written or to self-administer the medication if I obtain it.

I request that my attending practitioner prescribe a medication that I may self-administer to end my life and authorize my attending practitioner to contact a pharmacist to fill the prescription at a time of my choosing.

I make this request voluntarily, free from coercion or undue influence.

Signed: .....

Dated: .....

Witness signature: .....

Date: .....

Sec. 26. ***1. Before prescribing a medication that is designed to end the life of a patient, the attending practitioner of the patient must:***

(a) Inform the patient that he or she may revoke a request for the medication at any time and provide the patient with the opportunity to revoke his or her second verbal request made pursuant to subsection 1 of section 24 of this act;

(b) Determine and verify, after each verbal and written request for the medication made pursuant to subsection 1 of section 24 of this act and immediately before writing the prescription, that the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act;

(c) Discuss with the patient:

(1) The diagnosis and prognosis of the patient;

(2) All available methods of treating or managing the terminal condition of the patient, including, without limitation, comfort care, hospice care and pain control, and the risks and benefits of each method;

(3) The risks and benefits of self-administering the medication, including, without limitation, that death is the probable result of self-administering the medication;

(4) The recommended procedure for self-administering the medication;

(5) The manner in which the medication must be kept and disposed of in accordance with applicable state and federal law;

(6) The importance of having another person present when the patient self-administers the medication; and

(7) The benefits of notifying the patient's next of kin of his or her decision to request a prescription for a medication that is designed to end the life of the patient;

(d) Refer the patient to a consulting practitioner who is qualified by reason of specialty or experience to diagnose the terminal condition of the

patient for examination and receive written confirmation from that practitioner of the diagnosis and prognosis of the patient and that the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act;

(e) Inform the patient that there is no obligation to fill the prescription or to self-administer the medication, if obtained; and

(f) Instruct the patient against self-administering the medication in a public place. As used in this paragraph, "public place" means any location readily accessible to the general public, but does not include a health care facility.

2. The attending practitioner shall refer the patient for comfort care, palliative care, hospice care, pain control or other end-of-life care if requested or as clinically indicated.

Sec. 27. *1. If the attending practitioner to whom a patient makes a request for a medication that is designed to end the life of the patient or the consulting practitioner to whom a patient is referred pursuant to paragraph (d) of subsection 1 of section 26 of this act determines that the patient may not be mentally capable:*

(a) The attending practitioner or consulting practitioner, as applicable, must refer the patient for examination by a person professionally qualified in the field of psychiatric mental health; and

(b) The attending practitioner must not prescribe a medication that is designed to end the life of the patient, unless the person professionally qualified in the field of psychiatric mental health concludes, based on the examination, that the patient is mentally capable.

2. If a patient is examined pursuant to subsection 1, the person professionally qualified in the field of psychiatric mental health must provide to the attending practitioner and, if applicable, the consulting practitioner who made the referral, his or her written determination regarding whether the patient is mentally capable.

Sec. 28. *1. Except as otherwise provided in section 29 of this act, the attending practitioner of a patient may prescribe a medication that is designed to end the life of the patient after the attending practitioner has ensured that the requirements of sections 23 to 27, inclusive, of this act have been met.*

2. After an attending practitioner prescribes a medication that is designed to end the life of a patient, the attending practitioner shall, after obtaining the written consent of the patient, contact a pharmacist and inform the pharmacist of the prescription. After the pharmacist has been notified, the attending practitioner shall transmit the prescription directly to the pharmacist.

3. A medication that is designed to end the life of a patient may only be dispensed by a registered pharmacist or by the attending practitioner of the patient. A pharmacist may only dispense such a medication pursuant to a valid prescription provided by an attending practitioner in accordance with subsection 2 to:

(a) The patient;

(b) The attending practitioner who prescribed the medication; or

(c) An agent of the patient who has been expressly identified to the pharmacist as such by the patient.

Sec. 29. *An attending practitioner shall not prescribe a medication that is designed to end the life of a patient based solely on the age or disability of the patient.*

Sec. 30. *1. The attending practitioner of a patient who requests a medication that is designed to end the life of the patient shall document in the medical record of the patient:*

(a) Each request for such a medication made by the patient, including, without limitation, by including in the record a copy of the written request submitted pursuant to paragraph (b) of subsection 1 of section 24 of this act, and each revocation of such a request;

(b) The diagnosis and the prognosis of the patient provided by the attending practitioner;

(c) Each determination made by the attending practitioner concerning whether the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act;

(d) Confirmation that:

(1) The attending practitioner offered the patient the opportunity to revoke his or her second verbal request for the medication, as required by subsection 1 of section 26 of this act; and

(2) The requirements set forth in sections 10 to 39, inclusive, of this act have been satisfied; and

(e) The name, amount and dosage of any medication that is designed to end the life of the patient and any ancillary medications that the attending practitioner prescribes for the patient.

2. A consulting practitioner shall report to the attending practitioner of the patient and document in the medical record of the patient his or her:

(a) Confirmation that the patient has requested a medication designed to end the life of the patient;

(b) Diagnosis and opinion regarding the prognosis of the patient; and

(c) Determination concerning whether the patient meets the requirements of subsections 3, 4 and 5 of section 23 of this act.

3. A person professionally qualified in the field of psychiatric mental health to whom a patient is referred pursuant to section 27 of this act shall document in the medical record of the patient his or her determination of whether the patient is mentally capable.

4. If a patient who has requested a medication that is designed to end his or her life changes his or her attending practitioner or transfers his or her care to a different health care facility, the prior attending practitioner and health care facility, as applicable, must, upon the request of the patient or the new attending practitioner or health care facility, forward the medical

records of the patient to the new attending practitioner or health care facility, as applicable.

Sec. 31. *1. A patient who requests a medication that is designed to end his or her life may revoke the request at any time, without regard to his or her age or physical or mental condition.*

2. The revocation of a request for such a medication becomes effective immediately upon the patient communicating the revocation to his or her attending practitioner. When the patient revokes such a request, the attending practitioner must document the revocation in the medical record of the patient.

Sec. 32. *1. Only a patient to whom a medication that is designed to end his or her life is prescribed may administer the medication. No other person may administer the medication to the patient, including, without limitation, by parenteral injection or infusion. Any person who is present may assist the patient in preparing the medication for self-administration.*

2. If any amount of a medication that is designed to end the life of a patient is not self-administered, it must be disposed of in accordance with law.

Sec. 33. *1. An attending practitioner who prescribes a medication that is designed to end the life of a patient shall:*

(a) Not more than 30 days after prescribing the medication, provide to the Division in the form prescribed by the Division the name, date of birth, diagnosis and prognosis of the patient and affirmation that the prescription was issued in accordance with the provisions of sections 10 to 39, inclusive, of this act; and

(b) Not more than 60 days after the death of a patient from administering the medication, provide to the Division the name and date of birth of the patient, the date on which the patient died and a statement of whether the patient was receiving hospice care at the time of death.

2. The Division shall prescribe forms for reporting each set of information required by subsection 1.

3. Except as otherwise provided in NRS 239.0115 and sections 3 and 34 of this act, any information or records submitted to the Division pursuant to this section are confidential.

4. The Division shall annually review a sample of the reports submitted pursuant to subsection 1 to ensure compliance with the requirements of that subsection.

5. The provisions of subsection 1 of section 39 of this act do not apply to a practitioner who willfully fails to comply with the requirements of this section.

Sec. 34. *On or before February 1 of each year, the Division shall:*

1. Compile a report concerning the implementation of the provisions of sections 10 to 39, inclusive, of this act. The report:

(a) Must include, for the immediately preceding calendar year:

(1) The number of patients to whom a medication that is designed to end the life of a patient was prescribed;

(2) The number of patients described in subparagraph (1) who died after self-administering the medication and the terminal conditions which were specified as the cause of those deaths; and

(3) The number of practitioners who prescribed a medication that is designed to end the life of a patient.

(b) Must not include the personally identifiable information of any patient or provider of health care.

2. Make the report compiled pursuant to subsection 1 publicly available on the Internet website maintained by the Division.

Sec. 35. *1. A death resulting from a patient self-administering a medication that is designed to end his or her life in accordance with the provisions of sections 10 to 39, inclusive, of this act does not constitute mercy killing, euthanasia, assisted suicide, suicide or homicide.*

2. Any report or other document produced by this State, any political subdivision of this State or any agency, board, commission, department, officer, employee or agent of this State must refer to a request for, acquisition of, prescription of, dispensing of and self-administration of a medication that is designed to end the life of a patient as a request for, acquisition of, prescription of, dispensing of and self-administration, as applicable, of a medication that is designed to end the life of a patient.

Sec. 36. *1. A person shall not prevent a patient from making or revoking or require a patient to make or revoke a request for a medication that is designed to end the life of the patient as a condition of receiving health care.*

2. Any provision in any contract or agreement entered into before, on or after the effective date of this act, whether written or oral, that would affect the right of a patient to take any action in accordance with the provisions of sections 10 to 39, inclusive, of this act is unenforceable and void.

Sec. 37. *1. The provisions of sections 10 to 39, inclusive, of this act do not:*

(a) Require an attending practitioner to prescribe a medication that is designed to end the life of a patient or require a pharmacist to fill a prescription for or dispense such a medication;

(b) Affect the responsibility of a practitioner to provide information and treatment in accordance with the standard of care, including, without limitation, treatment for a patient's comfort or alleviation of pain; or

(c) Condone, authorize or approve mercy killing, euthanasia or assisted suicide.

2. An attending practitioner shall provide a patient who is diagnosed with a terminal condition with complete and accurate information concerning his or her available options for care and the risks and benefits of each option. If an attending practitioner is unwilling or unable to provide information concerning the prescription and self-administration of a

medication that is designed to end the life of the patient in accordance with sections 10 to 39, inclusive, of this act to a patient who requests such information, the attending practitioner must ~~[refer]~~ facilitate the transition of the patient to another provider of health care ~~[who is willing and able to provide this information.]~~ , unless the patient refuses such a transition. An attending practitioner who fails to comply with the requirements of this subsection shall be deemed to have failed to obtain informed consent to any care provided to the patient after the request.

3. If a patient requests pursuant to section 24 of this act that the attending practitioner prescribe a medication that is designed to end the life of the patient and the attending practitioner is unwilling or unable to issue any prescription for such medication, the attending practitioner must:

(a) Document the request and the date of the request in the medical record of the patient; and

(b) Upon request, forward the medical records of the patient as required by subsection 4 of section 30 of this act.

Sec. 38. *1. Except as otherwise required by section 37 of this act, the owner or operator of a health care facility may prohibit:*

(a) Any employee or independent contractor of the health care facility from providing any services described in sections 10 to 39, inclusive, of this act while acting within the scope of his or her employment or contract, as applicable, with the health care facility; or

(b) Any other person, including, without limitation, an employee or independent contractor of the health care facility or another provider of health care who provides services on the premises of the health care facility, from providing any services described in sections 10 to 39, inclusive, of this act on the premises of the health care facility.

2. An owner or operator of a health care facility who prohibits any person from providing services described in sections 10 to 39, inclusive, of this act shall provide notice of the prohibition to:

(a) Each employee and independent contractor of the health care facility at the time of hiring and annually thereafter; and

(b) Each provider of health care not described in paragraph (a) who provides services on the premises of the health care facility, including, without limitation, through telehealth as defined in NRS 629.515, at the time the provider of health care begins providing services on the premises of the health care facility and annually thereafter.

3. The owner or operator of a health care facility may take any action authorized by law or authorized pursuant to any applicable rule, policy, procedure or contract against any person who provides a service prohibited by the owner or operator in compliance with subsection 1 while acting within the scope of his or her employment or contract, as applicable, or on the premises of the health care facility.

Sec. 39. *1. Except as otherwise provided in section 38 of this act:*

(a) A health care facility or provider of health care shall not:

(1) Prohibit an employee or independent contractor from:

(I) Providing services described in sections 10 to 39, inclusive, of this act outside the scope of the employment or contract, as applicable, and off the premises of the health care facility or any premises owned or operated by the provider of health care;

(II) Being present when a patient self-administers a medication that is designed to end the life of the patient outside the scope of his or her employment or contract, as applicable, and off the premises of the health care facility or any premises owned or operated by the provider of health care; or

(III) Providing accurate, scientific information concerning the diagnosis and prognosis of a patient or options for the treatment of a terminal condition, including, without limitation, the administration of a medication that is designed to end the life of a patient, or providing information concerning available health care services and other resources, including, without limitation, information about how to access such services and resources, when discussing the options of the patient for end-of-life care; or

(2) Discharge, demote, censure, suspend, revoke or suspend the privileges of, discipline or otherwise penalize an employee or independent contractor who takes any action described in subparagraph (1).

(b) A practitioner, person professionally qualified in the field of psychiatric mental health, pharmacist or other provider of health care is not subject to professional discipline, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because the provider of health care:

(1) Takes any action authorized by sections 10 to 39, inclusive, of this act, including, without limitation, assisting a patient in preparing a medication that is designed to end the life of the patient in accordance with subsection 1 of section 32 of this act; or

(2) Is present when a patient self-administers a medication that is designed to end the life of the patient or when a patient dies as a result of such self-administration.

(c) A health care facility is not subject to disciplinary action, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because an employee or independent contractor of the health care facility takes any action authorized by sections 10 to 39, inclusive, of this act.

(d) A person other than a provider of health care is not subject to professional discipline, does not violate any applicable standard of care and is not subject to any civil or criminal penalty solely because the person:

(1) Assists a patient in preparing a medication that is designed to end the life of the patient in accordance with subsection 1 of section 32 of this act; or

(2) Is present when a patient self-administers a medication that is designed to end the life of the patient or when a patient dies as a result of such self-administration.

2. If any part of paragraph (a) of subsection 1 conflicts with requirements concerning the receipt of federal money by this State, the conflicting provision does not apply solely to the extent of the conflict with respect to the health care facility or provider of health care directly affected.

3. A local government, coroner, law enforcement agency or an employee of a local government, coroner or law enforcement agency is not subject to any civil or criminal penalty for ceasing or refusing to investigate or take other action in response to a death resulting from the self-administration of a medication designed to end the life of the patient pursuant to sections 10 to 39, inclusive, of this act or refusing to make a finding concerning such a death.

4. The provisions of this section do not limit liability for damages resulting from the negligence or intentional misconduct of any person providing services pursuant to sections 10 to 39, inclusive, of this act.

Sec. 40. NRS 453.256 is hereby amended to read as follows:

453.256 1. A prescription for a controlled substance must be given to a pharmacy in compliance with NRS 639.23535. A prescription for a substance included in schedule II must not be refilled. A prescription for a substance included in schedule III or IV which is a dangerous drug as determined under NRS 454.201 must not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

2. A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.

3. A practitioner may dispense or deliver a controlled substance to or for a person or animal only for medical treatment or authorized research in the ordinary course of his or her profession.

4. No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in good faith in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.

5. An individual practitioner may not dispense a substance included in schedule II, III or IV for the practitioner's own personal use except in a medical emergency.

6. A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

7. As used in this section, "medical treatment" includes ~~[dispensing]~~ ***:***

(a) Dispensing or administering a narcotic drug for pain, whether or not intractable ~~[.]~~ ***; and***

(b) Dispensing a medication that is designed to end the life of a patient pursuant to the provisions of sections 10 to 39, inclusive, of this act.

Sec. 41. NRS 453.375 is hereby amended to read as follows:

453.375 1. ~~[A]~~ ***Except as otherwise provided in sections 10 to 39, inclusive, of this act, a*** controlled substance may be possessed and administered by the following persons:

(a) A practitioner.

(b) A registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a physician, physician assistant, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(c) A paramedic:

(1) As authorized by regulation of:

(I) The State Board of Health in a county whose population is less than 100,000; or

(II) A county or district board of health in a county whose population is 100,000 or more; and

(2) In accordance with any applicable regulations of:

(I) The State Board of Health in a county whose population is less than 100,000;

(II) A county board of health in a county whose population is 100,000 or more; or

(III) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(d) A respiratory therapist, at the direction of a physician or physician assistant.

(e) A medical student, student in training to become a physician assistant or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician or physician assistant and:

(1) In the presence of a physician, physician assistant or a registered nurse; or

(2) Under the supervision of a physician, physician assistant or a registered nurse if the student is authorized by the college or school to administer the substance outside the presence of a physician, physician assistant or nurse.

➥ A medical student or student nurse may administer a controlled substance in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(f) An ultimate user or any person whom the ultimate user designates pursuant to a written agreement.

(g) Any person designated by the head of a correctional institution.

(h) A veterinary technician at the direction of his or her supervising veterinarian.

(i) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(j) In accordance with applicable regulations of the State Board of Pharmacy, an animal control officer, a wildlife biologist or an employee designated by a federal, state or local governmental agency whose duties include the control of domestic, wild and predatory animals.

(k) A person who is enrolled in a training program to become a paramedic, respiratory therapist or veterinary technician if the person possesses and administers the controlled substance in the same manner and under the same conditions that apply, respectively, to a paramedic, respiratory therapist or veterinary technician who may possess and administer the controlled substance, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(l) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

2. As used in this section, "accredited college of medicine" means:

(a) A medical school that is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges or their successor organizations; or

(b) A school of osteopathic medicine, as defined in NRS 633.121.

Sec. 42. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217 ~~[,]~~ ***and sections 10 to 39, inclusive, of this act,*** a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 43. NRS 454.215 is hereby amended to read as follows:

454.215 ~~[A]~~ ***Except as otherwise provided in sections 10 to 39, inclusive, of this act, a*** dangerous drug may be dispensed by:

1. A registered pharmacist upon the legal prescription from a practitioner or to a pharmacy in a correctional institution upon the written order of the prescribing practitioner in charge;

2. A pharmacy in a correctional institution, in case of emergency, upon a written order signed by the chief medical officer;

3. A practitioner, or a physician assistant licensed pursuant to chapter 630 or 633 of NRS if authorized by the Board;

4. A registered nurse, when the nurse is engaged in the performance of any public health program approved by the Board;

5. A medical intern in the course of his or her internship;

6. An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her to dispense dangerous drugs;

7. A registered nurse employed at an institution of the Department of Corrections to an offender in that institution;

8. A registered pharmacist from an institutional pharmacy pursuant to regulations adopted by the Board; or

9. A registered nurse to a patient at a rural clinic that is designated as such pursuant to NRS 433.233 and that is operated by the Division of Public and Behavioral Health of the Department of Health and Human Services if the nurse is providing mental health services at the rural clinic,

➥ except that no person may dispense a dangerous drug in violation of a regulation adopted by the Board.

Sec. 44. NRS 133.065 is hereby amended to read as follows:

133.065 ***1.*** Except ***as otherwise provided in subsection 2 or*** to the extent that it violates public policy, a testator may:

~~[1.]~~ ***(a)*** Make a devise conditional upon a devisee's action or failure to take action or upon the occurrence or nonoccurrence of one or more specified events; and

~~[2.]~~ ***(b)*** Specify the conditions or actions which would disqualify a person from serving or which would constitute cause for removal of a person who is serving in any capacity under the will, including, without limitation, as a personal representative, guardian or trustee.

2. Any provision in a will executed on or after the effective date of this act that conditions a devise on any person requesting or failing to request a medication designed to end his or her life, revoking such a request or self-administering such a medication in accordance with the provision of sections 10 to 39, inclusive, of this act is unenforceable and void.

Sec. 45. NRS 159.054 is hereby amended to read as follows:

159.054 1. If the court finds that the proposed protected person is not incapacitated and is not in need of a guardian, the court shall dismiss the petition.

2. If the court finds that the proposed protected person is of limited capacity and is in need of a special guardian, the court shall enter an order accordingly and specify the powers and duties of the special guardian.

3. If the court finds that appointment of a general guardian is required, the court shall appoint a general guardian of the person, estate, or person and estate of the proposed protected person.

4. A proposed protected person shall not be deemed to be in need of a general or special guardian based solely upon a request by the proposed protected person for a medication that is designed to end his or her life or the revocation of such a request if made in accordance with the provisions of sections 10 to 39, inclusive, of this act.

Sec. 46. 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 33 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. 46.2. NRS 259.010 is hereby amended to read as follows:

259.010 1. Every county in this State constitutes a coroner's district, except a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

2. The provisions of this chapter, except NRS 259.025, 259.045, 259.047, 259.049, subsections ~~[3]~~ ***4*** and ~~[4]~~ ***5*** of NRS 259.050, NRS 259.053 and 259.150 to 259.180, inclusive, do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

Sec. 46.5. NRS 259.050 is hereby amended to read as follows:

259.050 1. When a coroner or the coroner's deputy is informed that a person has been killed, has committed suicide or has suddenly died under such circumstances as to afford reasonable ground to suspect that the death has been occasioned by unnatural means, the coroner shall make an appropriate investigation.

2. ***When a coroner or the coroner's deputy is informed or otherwise discovers that a person has self-administered a medication designed to end his or her life pursuant to sections 10 to 39, inclusive, of this act, the coroner:***

(a) May make an appropriate investigation to the extent necessary to determine that the cause of the terminal condition with which the person was diagnosed; and

(b) Must cease investigating the death after determining that the terminal condition with which the person was diagnosed resulted from a natural cause.

3. In all cases where it is apparent or can be reasonably inferred that the death may have been caused by a criminal act, the coroner or the coroner's deputy shall notify the district attorney of the county where the inquiry is made, and the district attorney shall make an investigation with the assistance of the coroner. If the sheriff is not ex officio the coroner, the coroner shall also notify the sheriff, and the district attorney and sheriff shall make the investigation with the assistance of the coroner.

~~[3.]~~ ***4.*** If it is apparent to or can be reasonably inferred by the coroner that a death may have been caused by drug use or poisoning, the coroner shall cause a postmortem examination to be performed on the decedent by a forensic pathologist unless the death occurred following a hospitalization stay of 24 hours or more.

~~[4.]~~ ***5.*** A coroner may issue a subpoena for the production of any document, record or material that is directly related or believed to contain evidence related to an investigation by the coroner.

~~[5.]~~ ***6.*** The holding of a coroner's inquest is within the sound discretion of the district attorney or district judge of the county. An inquest need not be conducted in any case of death manifestly occasioned by natural cause, suicide, accident, motor vehicle crash or when it is publicly known that the death was caused by a person already in custody, but an inquest must be held unless the district attorney or a district judge certifies that no inquest is required.

~~[6.]~~ ***7.*** If an inquest is to be held, the district attorney shall call upon a justice of the peace of the county to preside over it. The justice of the peace shall summon three persons qualified by law to serve as jurors, to appear before the justice of the peace forthwith at the place where the body is or such other place within the county as may be designated by him or her to inquire into the cause of death.

~~[7.]~~ ***8.*** A single inquest may be held with respect to more than one death, where all the deaths were occasioned by a common cause.

Sec. 47. NRS 639.238 is hereby amended to read as follows:

639.238 1. Prescriptions filled and on file in a pharmacy are not a public record. Except as otherwise provided in NRS 439.538 and 639.2357, ***and section 33 of this act,*** a pharmacist shall not divulge the contents of any prescription or provide a copy of any prescription, except to:

(a) The patient for whom the original prescription was issued;

(b) The practitioner who originally issued the prescription;

(c) A practitioner who is then treating the patient;

(d) A member, inspector or investigator of the Board or an inspector of the Food and Drug Administration or an agent of the Investigation Division of the Department of Public Safety;

(e) An agency of state government charged with the responsibility of providing medical care for the patient;

(f) An insurance carrier, on receipt of written authorization signed by the patient or his or her legal guardian, authorizing the release of such information;

(g) Any person authorized by an order of a district court;

(h) Any member, inspector or investigator of a professional licensing board which licenses a practitioner who orders prescriptions filled at the pharmacy;

(i) Other registered pharmacists for the limited purpose of and to the extent necessary for the exchange of information relating to persons who are suspected of:

(1) Misusing prescriptions to obtain excessive amounts of drugs; or

(2) Failing to use a drug in conformity with the directions for its use or taking a drug in combination with other drugs in a manner that could result in injury to that person;

(j) A peace officer employed by a local government for the limited purpose of and to the extent necessary:

(1) For the investigation of an alleged crime reported by an employee of the pharmacy where the crime was committed; or

(2) To carry out a search warrant or subpoena issued pursuant to a court order; or

(k) A county coroner, medical examiner or investigator employed by an office of a county coroner for the purpose of:

(1) Identifying a deceased person;

(2) Determining a cause of death; or

(3) Performing other duties authorized by law.

2. Any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS that is issued to a county coroner, medical examiner or investigator employed by an office of a county coroner must be limited to a copy of the prescription filled or on file for:

(a) The person whose name is on the container of the controlled substance or dangerous drug that is found on or near the body of a deceased person; or

(b) The deceased person whose cause of death is being determined.

3. Except as otherwise provided in NRS 639.2357, any copy of a prescription for a controlled substance or a dangerous drug as defined in chapter 454 of NRS, issued to a person authorized by this section to receive such a copy, must contain all of the information appearing on the original prescription and be clearly marked on its face "Copy, Not Refillable—For Reference Purposes Only." The copy must bear the name or initials of the registered pharmacist who prepared the copy.

4. If a copy of a prescription for any controlled substance or a dangerous drug as defined in chapter 454 of NRS is furnished to the customer, the original prescription must be voided and notations made thereon showing the date and the name of the person to whom the copy was furnished.

5. As used in this section, "peace officer" does not include:

(a) A member of the Police Department of the Nevada System of Higher Education.

(b) A school police officer who is appointed or employed pursuant to NRS 391.281.

Sec. 48. Chapter 688A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer shall not deny a claim under a policy of life insurance or annuity contract, cancel a policy of life insurance or annuity contract or impose an additional charge on a policyholder or beneficiary solely because the insured has, in accordance with the provisions of sections 10 to 39, inclusive, of this act, requested a medication designed to end the life of the insured, revoked such a request or self-administered such a medication.

2. Any provision of a policy of life insurance or annuity contract that, in conflict with the provisions of this section, allows the denial of a claim or cancellation of the policy or contract and which is included in a policy or contract that has been or is delivered, issued for delivery or renewed before, on or after the effective date of this act is void and unenforceable.

Sec. 49. Chapter 688B of NRS is hereby amended by adding thereto a new section to read as follows:

1. An insurer shall not deny a claim under a policy of group life insurance, cancel a policy of group life insurance or impose an additional charge on a policyholder or beneficiary solely because the insured has, in accordance with the provisions of sections 10 to 39, inclusive, of this act, requested a medication designed to end the life of the insured, revoked such a request or self-administered such a medication.

2. Any provision of a policy of group life insurance that, in conflict with the provisions of this section, allows the denial of a claim or cancellation of the policy and which is included in a policy that has been or is delivered, issued for delivery or renewed before, on or after the effective date of this act is void and unenforceable.

Sec. 50. NRS 688B.040 is hereby amended to read as follows:

688B.040 No policy of group life insurance shall be delivered in this State unless it contains in substance the provisions set forth in NRS 688B.040 to 688B.150, inclusive, ***and section 49 of this act,*** or provisions which in the opinion of the Commissioner are more favorable to the persons insured, or at least as favorable to the persons insured and more favorable to the policyholder; except:

1. NRS 688B.100 to 688B.140, inclusive, do not apply to policies issued to a creditor to insure debtors of such creditor;

2. The standard provisions required for individual life insurance policies do not apply to group life insurance policies; and

3. If the group life insurance policy is on a plan of insurance other than the term plan, it shall contain a nonforfeiture provision or provisions which in the opinion of the Commissioner is or are equitable to the insured persons and to the policyholder; but nothing in this subsection shall be construed to require that group life insurance policies contain the same nonforfeiture provisions as are required for individual life insurance policies.

Sec. 51. Not later than 45 days after the effective date of this act, the Division of Public and Behavioral Health of the Department of Health and Human Services shall prescribe and make available on an Internet website maintained by the Division the forms for making the reports required by section 33 of this act.

Sec. 52. This act becomes effective upon passage and approval.

Assemblywoman Peters moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 249.

Bill read second time.

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

Amendment No. 682.

AN ACT relating to cosmetology; revising provisions governing the scope of practice of certain persons licensed and regulated by the State Board of Cosmetology; establishing procedures to contest certain citations issued by the Board; repealing or removing provisions which provide for the licensure and regulation by the Board of demonstrators of cosmetics and establishments for hair braiding; revising the powers and duties of the Board and the Executive Director of the Board; requiring the Board to adopt certain regulations; revising certain requirements for a person to obtain certain licenses and

certificates of registration issued by the Board; revising certain licensing fees; revising provisions concerning the issuance and renewal of certain licenses and certificates of registration issued by the Board; revising provisions relating to cosmetological establishments and schools of cosmetology; revising certain requirements relating to the supervision of certain apprentices; authorizing the Board to issue certain citations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation by the State Board of Cosmetology of persons engaged in various branches of cosmetology and makeup artistry, cosmetological establishments and schools of cosmetology. (Chapter 644A of NRS)

Existing law exempts, with certain exceptions, persons authorized to practice medicine, commissioned medical officers of the United States Army, Navy or Marine Hospital Service and various other persons from the provisions of existing law governing cosmetology. (NRS 644A.150) **Section 14** of this bill additionally exempts, with certain exceptions, persons authorized to practice nursing and certain additional members of the Armed Forces of the United States.

Existing law authorizes the Board to issue a citation to a: (1) licensee or registrant for certain violations relating to health or sanitation; and (2) person for certain unlicensed activities. (NRS 644A.865, 644A.955) **Section 62** of this bill additionally authorizes the Board to issue a citation to a licensee or registrant for certain additional violations. **Section 4** of this bill sets forth a process by which a person may contest certain citations. **Section 5** of this bill authorizes the Board to take appropriate legal action to recover the amount of a fine imposed by the Board.

Existing law provides for the licensure and regulation by the Board of persons engaged in the practice of: (1) esthetics, which existing law defines, in general, to include certain practices involving the care of the skin, the application of cosmetics and the removal of superfluous hair; and (2) advanced esthetics, which existing law defines to mean the practice of advanced esthetic procedures in addition to the practice of esthetics. (NRS 644A.014, 644A.075) Existing law designates a person engaged in the practice of esthetics as an esthetician and a person engaged in the practice of advanced esthetics as an advanced esthetician. (NRS 644A.013, 644A.065) Existing law also provides for the licensure and regulation by the Board of cosmetologists, which existing law defines, in general, to mean a person engaged in various practices involving the hair, nails and skin of a person. (NRS 644A.030)

Section 7 of this bill revises the list of procedures that constitute advanced esthetic procedures to: (1) include a medium-depth chemical peel, which **section 3** of this bill defines, in general, to mean the removal of certain layers of skin using chemicals; and (2) remove certain procedures. **Section 6** of this bill makes a conforming change to indicate the proper placement of **section 3** in the Nevada Revised Statutes.

Existing law defines "esthetic medical device" to mean, in general, certain devices used to perform an esthetic medical procedure. (NRS 644A.062) **Section 18** of this bill requires the Board to adopt regulations identifying each device that the Board determines to be appropriate for use in the performance of an esthetic medical procedure. **Section 10** of this bill revises the definition of "esthetic medical device" to include only those devices that the Board has identified by regulation. **Sections 8 and 11** of this bill revise the definitions of "cosmetologist" and "esthetics," respectively, for the purpose of: (1) prohibiting an esthetician or cosmetologist from using certain devices, including an esthetic medical device; and (2) authorizing an esthetician and a cosmetologist to perform certain procedures.

Existing law authorizes an advanced esthetician to perform a nonablative esthetic medical procedure under the supervision of a physician, a physician assistant or an advanced practice registered nurse. (NRS 644A.127) **Section 18** requires the Board to adopt regulations identifying each nonablative esthetic medical procedure an advanced esthetician is authorized to perform. **Section 13** of this bill revises the definition of "nonablative esthetic medical procedure" for the purpose of authorizing an advanced esthetician to perform only those nonablative medical procedures that the Board has identified by regulation.

Existing law prohibits a provider of health care from using space leased in a cosmetological establishment to provide health care services at the same time a cosmetologist uses that space to engage in the practice of cosmetology. (NRS 644A.615) **Section 48** of this bill provides an exemption from that prohibition to authorize a physician, a physician assistant or an advanced practice registered nurse to use such a leased space to provide health care services associated with the supervision of an advanced esthetician.

Existing law sets forth certain powers and duties of the Board. (NRS 644A.230) **Section 15** of this bill provides those powers and duties to the Executive Director of the Board. Existing law requires the Board to keep all records and files at the main office of the Board and, with certain exceptions, make the records and files open to public inspection. (NRS 644A.230) **Section 15** removes the requirement to keep the records and files at the main office of the Board.

Existing law provides that certain documents and information of the Board relating to the imposition of disciplinary action against a person are confidential unless the person submits to the Board a request that such documents and information be made public records. (NRS 644A.870) **Section 56** of this bill removes provisions authorizing a person to submit such a request.

Sections 39, 42 and 47 of this bill require a licensee or registrant to have paid to the Board any outstanding fees, fines or other balance owed to the Board as a condition for the renewal of a license or certificate of registration. **Section 35** of this bill provides that certain fees charged by the Board are nonrefundable.

Existing law requires a makeup artist to register with the Board and provides that such a registration expires on January 1 of each year. (NRS 644A.395) **Section 12** of this bill revises the definition of "makeup artistry" to authorize a makeup artist to apply strip eyelashes. (NRS 644A.105) **Section 31** of this bill: (1) revises the information that a person must submit to the Board to register as a makeup artist; and (2) provides that a certificate of registration as a makeup artist is valid for 1 year after the date of issuance.

Existing law requires a person who applies to be admitted to an examination for licensure as a cosmetologist, hair designer, esthetician, advanced esthetician or nail technologist to satisfy certain training or experience requirements. Existing law authorizes such requirements to be satisfied by having practiced the applicable occupation for a certain length of time outside of this State. (NRS 644A.300, 644A.315, 644A.328, 644A.330, 644A.345) **Sections 20, 22 and 24-26** of this bill revise those training and experience requirements to, among other things, specify that practice outside of this State includes practice in any other state, territory or country. **Sections 21 and 23** of this bill provide that an examination for a license as a cosmetologist or hair designer may include practical demonstrations of procedures involving the application of chemicals to the hair. **Section 32** of this bill revises certain training requirements for a person to be admitted to examination for a license as an electrologist. **Sections 29 and 30** of this bill revise requirements for a person to be admitted to examination for registration as a shampoo technologist and for the content of the examination. **Sections 27, 28 and 64** of this bill repeal and revise requirements for a person to be admitted to examination for licensure as a hair braider and for the content of the examination. **Sections 36, 54 and 59** of this bill make conforming changes to remove references to certain requirements concerning hair braiders repealed by **section 64**.

Existing law sets forth separate requirements for a person to be admitted for examination as an instructor depending on whether the person wishes to be licensed as an instructor of cosmetology, hair design, esthetics, advanced esthetics or nail technology. (NRS 644A.420-644A.430) **Sections 34 and 64** of this bill: (1) establish, with certain exceptions, the same requirements for each type of instructor; and (2) authorize an instructor to provide instruction only on subject matter that is within the scope of his or her license in the applicable branch of cosmetology. **Section 33** of this bill revises the materials that an applicant for a provisional license as an instructor is required to submit to the Board.

Sections 37, 39 and 42 of this bill revise the amount of fees charged to an applicant for examination for licensure as a hair braider and for the issuance and renewal of such a license. **Section 41** of this bill **: (1)** authorizes the Board to defer the expiration of certain licenses or certificates of registration for a person who submits a request and pays a fee **~~.~~ ; and (2) requires the Board to provide certain notice to a licensee or holder of a certificate of**

registration before the expiration of his or her license or certificate of registration.

Existing law requires a person who holds a license or certificate of registration to practice any branch of cosmetology to display the license or certificate or a duplicate of the license or certificate at the position where the holder of the license or certificate performs his or her work. (NRS 644A.530) **Section 44** of this bill requires such a person to display the license or certificate or a duplicate of the license or certificate at each workstation where he or she performs his or her work on the public.

Existing law establishes requirements for the licensure and operation of a cosmetological establishment or a school of cosmetology. (NRS 644A.600-644A.630, 644A.700-644A.755) **Section 46** of this bill revises procedures for the issuance of a license for a cosmetological establishment. **Sections 51 and 52** of this bill revise requirements for the: (1) supervision by a licensed instructor of a school of cosmetology; (2) attendance of a student for instruction in theory; and (3) advertisement of student work to the public. **Section 57** of this bill revises the circumstances under which certain apprentices may engage in certain practices at a cosmetological establishment. **Section 50** of this bill requires a cosmetological establishment to display a sign under certain circumstances indicating when no cosmetological services will be provided.

Existing law requires a person who engages in the practice of threading or the owner or operator of certain facilities in which a person engages in the practice of threading to register with the Board. (NRS 644A.550) **Sections 17 and 45** of this bill: (1) require the Board to keep certain records relating to a person who engages in the practice of threading; (2) provide that a certificate of registration to engage in the practice of threading expires 1 year after issuance; and (3) authorize a licensed cosmetologist or esthetician to engage in the practice of threading without registering with the Board.

Existing law provides for the licensure and regulation of establishments for hair braiding, which existing law defines to mean, in general, any premises, mobile unit or building where hair braiding is practiced, other than a cosmetological establishment. (NRS 644A.060) **Sections 16-19, 42, 53-55, 57, 60, 61 and 64** of this bill remove or repeal provisions which provide for the licensure and regulation of establishments for hair braiding, thereby requiring any establishment where hair braiding is practiced to be licensed as a cosmetological establishment. **Section 63** of this bill deems any person who, on October 1, 2023, holds a license for an establishment for hair braiding to hold a license for a cosmetological establishment.

Existing law provides for the licensure and regulation by the Board of demonstrators of cosmetics, which existing law defines to mean, in general, a person who demonstrates cosmetics under certain circumstances. (NRS 644A.045) **Sections 9, 17, 38-43, 48, 49, 54 and 64** of this bill repeal or remove all references to demonstrators of cosmetics in the provisions of

existing law governing cosmetology for the purpose of no longer subjecting a demonstrator of cosmetics to licensure or regulation by the Board.

Existing law prohibits: (1) the use of an x-ray machine to treat the scalp or remove hair; and (2) the local application of corrosive substances for the purpose of peeling skin. (NRS 644A.925) **Section 58** of this bill: (1) eliminates the prohibition on the use of an x-ray machine to treat the scalp or remove hair; and (2) revises the prohibition on the use of corrosive substances to peel skin to allow for the application of certain substances by a cosmetologist, esthetician or advanced esthetician for certain purposes.

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

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 644A of NRS is hereby amended by adding thereto the provisions set forth as sections 3, 4 and 5 of this act.

Sec. 3. ***"Medium-depth chemical peel" means the removal of skin from the epidermis and papillary dermis layers using chemicals applied directly to the skin.***

Sec. 4. ***1. If a person is issued a citation pursuant to NRS 644A.955, the person may request a hearing before the Board to contest the citation by filing a written request with the Board:***

(a) Not later than 30 days after the date on which the citation is received by the person; or

(b) If the Board, for good cause shown, extends the time allowed to file a written request for a hearing to contest the citation, on or before the later date specified by the Board.

2. If the person files a written request for a hearing to contest the citation within the time allowed pursuant to this section, the Board shall provide notice of and conduct the hearing in the same manner as other disciplinary proceedings.

3. If the person does not file a written request for a hearing to contest the citation within the time allowed pursuant to this section, the citation shall be deemed a final order of the Board.

4. For the purposes of this section, a citation shall be deemed to have been received by a person:

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

(b) For a citation issued to a licensee or registrant which is sent by electronic mail, the date on which the citation is sent by electronic mail to the electronic mail address of the licensee or registrant on file with the Board; or

(c) If the citation is mailed, 7 days after the date on which the citation is mailed by certified mail to the last known business or residential address of the person.

Sec. 5. ***The Board may cause appropriate legal action to be taken in any court of competent jurisdiction to recover a fine imposed by the Board pursuant to this chapter.***

Sec. 6. NRS 644A.010 is hereby amended to read as follows:

644A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644A.011 to 644A.140, inclusive, ***and section 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 644A.012 is hereby amended to read as follows:

644A.012 "Advanced esthetic procedure" means any of the following procedures performed for esthetic purposes and not for the treatment of a medical, physical or mental ailment:

1. ~~[Exfoliation;~~
~~2. Microdermabrasion and related services;~~
~~3.]~~ Microneedling;
~~[4. Dermaplaning;~~
~~5. Extraction;~~
~~6. Hydrotherapy;~~
~~7.]~~ ***2. Medium-depth chemical peel;***
3. A nonablative esthetic medical procedure; or
~~[8.]~~ ***4.*** Other similar esthetic preparations or procedures with the use of the hands or a mechanical or electronic apparatus.

Sec. 8. NRS 644A.030 is hereby amended to read as follows:

644A.030 1. "Cosmetologist" means a person who engages in the practices of:

(a) Cleansing, stimulating or massaging the scalp or cleansing or beautifying the hair by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(b) Cutting, trimming or shaping the hair.

(c) Arranging, dressing, curling, waving, cleansing, singeing, bleaching, tinting, coloring or straightening the hair of any person with the hands, mechanical or electrical apparatus or appliances, or by other means, or similar work incident to or necessary for the proper carrying on of the practice or occupation provided by the terms of this chapter.

(d) Removing superfluous hair from the surface of the body of any person by the use of depilatories, waxing, tweezers or sugaring, except for the ***removal of hair with lasers or the*** permanent removal of hair with needles.

(e) Manicuring the nails of any person.

(f) Beautifying, massaging, stimulating or cleansing the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions, creams or any device ~~[, electrical or otherwise,]~~ for the care of the skin ~~[.]~~ ***that is noninvasive and is not an esthetic medical device or otherwise prohibited by the Board.***

(g) Giving facials or skin care or applying cosmetics or eyelashes to any person.

(h) Performing any of the following procedures for esthetic purposes and not for the treatment of a medical, physical or mental ailment:

(1) Extraction;

(2) Hydrotherapy; or

(3) Exfoliation which does not remove any skin below the stratum corneum, including, without limitation, by the use of manual exfoliation, microdermabrasion or dermaplaning.

2. ~~[As used in this section, "depilatories" does not include the practice of threading.]~~ ***The term does not include a person who engages in the practice of advanced esthetics.***

Sec. 9. NRS 644A.040 is hereby amended to read as follows:

644A.040 "Cosmetology" includes the occupations of a cosmetologist, esthetician, advanced esthetician, electrologist, hair designer, shampoo technologist, hair braider ~~[, demonstrator of cosmetics]~~ and nail technologist. The term does not include the occupation of a makeup artist.

Sec. 10. NRS 644A.062 is hereby amended to read as follows:

644A.062 "Esthetic medical device" means a device, as defined in 21 U.S.C. § 321, ~~[used to perform]~~ ***which the Board, by regulation, has determined to be appropriate for use in the performance of*** an esthetic medical procedure ***.*** ~~[, including, without limitation, a laser, a radial shockwave device, a cryotherapy device and a device that emits radio frequencies, plasma, intense pulsed light, ultrasound, microwaves or other similar energies.]~~

Sec. 11. NRS 644A.075 is hereby amended to read as follows:

644A.075 ~~[1.]~~ "Esthetics" means the practices of:

~~[(a)]~~ ***1.*** Beautifying, massaging, cleansing or stimulating the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or any device ~~[, electrical or otherwise,]~~ for the care of the skin ~~[;~~

~~(b)]~~ ***that is noninvasive and is not an esthetic medical device or otherwise prohibited by the Board;***

2. Applying cosmetics, eyelash extensions or eyelashes to any person, tinting eyelashes and eyebrows, eyelash perming and lightening hair on the body; ~~[and~~

~~(c)]~~ ***3.*** Removing superfluous hair from the body of any person by the use of depilatories, waxing, tweezers or sugaring ~~[.]~~ ***; and***

4. Performing any of the following procedures for esthetic purposes and not for the treatment of a medical, physical or mental ailment:

(a) Extraction;

(b) Hydrotherapy; or

(c) Exfoliation which does not remove any skin below the stratum corneum, including, without limitation, by the use of manual exfoliation, microdermabrasion or dermaplaning,

➥ but does not include the branches of cosmetology of a cosmetologist, ***advanced esthetician,*** hair designer, shampoo technologist, hair braider, electrologist or nail technologist.

~~[2. As used in this section, "depilatories" does not include the practice of threading.]~~

Sec. 12. NRS 644A.110 is hereby amended to read as follows:

644A.110 1. "Makeup artistry" means the practice of applying makeup ***, strip eyelashes*** or prosthetics for:

(a) Theatrical, television, film and other similar productions;

(b) All aspects of the modeling and fashion industry, including, without limitation, photography for magazines; and

(c) Weddings.

2. The term includes the practice of applying makeup ***, strip eyelashes*** or prosthetics at:

(a) Licensed cosmetological establishments; and

(b) Retail establishments, unless the practice is limited to the demonstration of cosmetics by a retailer in the manner described in paragraph (d) of subsection 1 of NRS 644A.150.

Sec. 13. NRS 644A.127 is hereby amended to read as follows:

644A.127 "Nonablative esthetic medical procedure" means an esthetic medical procedure that is not expected to excise, vaporize, disintegrate or remove living tissue ~~[.]~~ ***, and which the Board has, by regulation, authorized to be performed by an advanced esthetician.***

Sec. 14. NRS 644A.150 is hereby amended to read as follows:

644A.150 1. The following persons are exempt from the provisions of this chapter:

(a) Except for those provisions relating to advanced estheticians, all persons authorized by the laws of this State to practice ***nursing,*** medicine, dentistry, osteopathic medicine, chiropractic or podiatry.

(b) Commissioned medical officers of the ***Armed Forces of the*** United States ~~[Army, Navy, or Marine Hospital Service]~~ when engaged in the actual performance of their official duties, and attendants attached to ~~[those services.]~~ ***a unit in a branch of the Armed Forces of the United States that provides medical services.***

(c) Barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices:

(1) Cleansing or singeing the hair of any person.

(2) Massaging, cleansing, stimulating, exercising or similar work upon the scalp, face or neck of any person, with the hands or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions or creams.

(d) Retailers, at a retail establishment, insofar as their usual and ordinary vocation and profession is concerned, when engaged in the demonstration of cosmetics if:

(1) The demonstration is without charge to the person to whom the demonstration is given; and

(2) The retailer does not advertise or provide a service relating to the practice of cosmetology except cosmetics and fragrances.

(e) Photographers or their employees, insofar as their usual and ordinary vocation and profession is concerned, if the photographer or his or her employee does not advertise cosmetological services or the practice of makeup artistry and provides cosmetics without charge to the customer.

2. Any school of cosmetology conducted as part of the vocational rehabilitation training program of the Department of Corrections or the Caliente Youth Center:

(a) Is exempt from the requirements of paragraph (c) of subsection 2 of NRS 644A.740.

(b) Notwithstanding the provisions of NRS 644A.735, shall maintain a staff of at least one licensed instructor.

3. Any health care professional, as defined in NRS 453C.030, is exempt from the provisions of this chapter relating to advanced estheticians.

Sec. 15. NRS 644A.230 is hereby amended to read as follows:

644A.230 The ***Executive Director of the*** Board:

1. Shall prescribe the duties of ~~[its]~~ ***the*** officers, examiners and employees ~~[,]~~ ***of the Board,*** and fix the compensation of those employees.

2. May ***, with the approval of the Board,*** establish offices in as many ~~[localities]~~ ***locations*** in the State as ~~[it]~~ ***the Executive Director*** finds necessary to carry out the provisions of this chapter. ~~[All records and files of the Board must be kept at the main office of the Board and, except as otherwise provided in NRS 644A.870, be open to public inspection at all reasonable hours.]~~

3. May adopt a seal.

4. May issue subpoenas to compel the attendance of witnesses and the production of books and papers.

Sec. 16. NRS 644A.250 is hereby amended to read as follows:

644A.250 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license or certificate of registration, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. Issue certificates of registration to such applicants as may be entitled thereto.

4. License ~~[establishments for hair braiding,]~~ cosmetological establishments and schools of cosmetology.

5. Report to the proper prosecuting officer or law enforcement agency each violation of this chapter coming within its knowledge.

6. Inspect schools of cosmetology, ~~[establishments for hair braiding,]~~ cosmetological establishments and any facility in this State in which threading is conducted to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 17. NRS 644A.260 is hereby amended to read as follows:

644A.260 1. The Board shall keep a record containing the name, known place or places of business, electronic mail address, personal mailing address,

telephone number and the date and number of the license or certificate of registration, as applicable, of every nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, ~~[demonstrator of cosmetics,]~~ ***person engaged in the practice of threading registered pursuant to NRS 644A.550,*** makeup artist registered pursuant to NRS 644A.395 and cosmetologist, together with the names and addresses of all ~~[establishments for hair braiding,]~~ cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure or registration.

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee or registrant.

(b) A member of the general public, except information concerning the personal mailing address, work address, electronic mail address and telephone number of a licensee or registrant.

Sec. 18. NRS 644A.275 is hereby amended to read as follows:

644A.275 The Board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.

2. For conducting examinations of applicants for licenses and certificates of registration.

3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of cosmetology licensed pursuant to the laws of another state or territory of the United States or the District of Columbia.

4. For governing the conduct of schools of cosmetology. The regulations must include but need not be limited to, provisions:

(a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;

(b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;

(c) Providing for lunch and coffee recesses for students during school hours; and

(d) Allowing a member or an authorized employee of the Board to review the records of a student's training and attendance.

5. Governing the courses of study and practical training required of persons for treating the skin of the human body.

6. For governing the conduct of cosmetological establishments.

7. ~~[As the Board determines are necessary for governing the conduct of establishments for hair braiding.]~~ ***Identifying each nonablative esthetic medical procedure that an advanced esthetician is authorized to perform pursuant to this chapter.***

8. Identifying each device that the Board determines to be appropriate for use in the performance of an esthetic medical procedure. Such devices may include, without limitation, a laser, a radial shockwave device, a cryotherapy device and a device that emits radio frequencies, plasma, intense pulsed light, ultrasound, microwaves or other similar energies.

Sec. 19. NRS 644A.280 is hereby amended to read as follows:

644A.280 1. The Board may adopt such regulations governing sanitary conditions as it deems necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases in the practice of hair braiding, ~~[in establishments for hair braiding,]~~ in the practice of a cosmetologist, in cosmetological establishments or schools of cosmetology, in the practice of threading and in any facility in this State in which threading is conducted.

2. No regulation governing sanitary conditions thus adopted has any effect until it has been approved by the State Board of Health.

3. A copy of all regulations governing sanitary conditions which are adopted must be furnished to each person to whom a license is issued for the conduct of a cosmetological establishment, ~~[establishment for hair braiding,]~~ school of cosmetology, practice of cosmetology or facility in this State in which threading is conducted.

Sec. 20. NRS 644A.300 is hereby amended to read as follows:

644A.300 The Board shall admit to examination for a license as a cosmetologist any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.

4. Has had any one of the following:

(a) Training of at least 1,600 hours ~~[, extending over a school term of 10 months,]~~ in a school of cosmetology approved by the Board.

(b) Practice of the occupation of a cosmetologist for a period of ***at least*** 4 years outside this State ~~[.]~~ ***, including, without limitation, in any other state, territory or country, which has been documented and which the Board or its designee deems acceptable.***

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 600 hours of specialized training approved by the Board.

(d) At least 3,200 hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644A.310.

Sec. 21. NRS 644A.305 is hereby amended to read as follows:

644A.305 Examinations for licensure as a cosmetologist may include:

1. Practical demonstrations in shampooing the hair, hairdressing, styling of hair, finger waving, coloring of hair, nail technology, cosmetics, thermal curling, marcelling, facial massage, massage of the scalp with the hands, ***procedures involving the application of chemicals to hair,*** and cutting, trimming or shaping hair;

2. Written or oral tests on:

(a) Antisepsis, sterilization and sanitation;

(b) The use of mechanical apparatus and electricity as applicable to the practice of a cosmetologist; and

(c) The laws of Nevada and the regulations of the Board relating to the practice of cosmetology; and

3. Such other demonstrations and tests as the Board may require.

Sec. 22. NRS 644A.315 is hereby amended to read as follows:

644A.315 The Board shall admit to examination for a license as a hair designer each person who has applied to the Board in proper form and paid the fee, and who:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

4. Satisfies at least one of the following:

(a) Is a barber registered pursuant to chapter 643 of NRS.

(b) Has had training of at least 1,000 hours ~~[, extending over a period of 7 consecutive months,]~~ in a school of cosmetology approved by the Board.

(c) Has had practice of the occupation of hair designing for at least 4 years outside this State ~~[.]~~ ***, including, without limitation, in any other state, territory or country, which has been documented and which the Board or its designee deems acceptable.***

(d) Has had at least 2,000 hours of service as a hair designer's apprentice in a licensed cosmetological establishment in which hair design is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a hair designer's apprentice issued to the person pursuant to NRS 644A.325.

Sec. 23. NRS 644A.320 is hereby amended to read as follows:

644A.320 The examination for licensure as a hair designer may include:

1. Practical demonstrations in shampooing the hair, hairdressing, styling of hair, finger waving, coloring of hair, thermal curling, marcelling, massage of the scalp with the hands, ***procedures involving the application of chemicals to hair,*** and cutting, trimming or shaping the hair;

2. Written or oral tests, or both written and oral tests, on:

(a) Antisepsis, sterilization and sanitation;

(b) The use of mechanical apparatus and electricity as applicable to the practice of a hair designer; and

(c) The laws of this State and the regulations of the Board relating to the practice of cosmetology; and

3. Such other demonstrations and tests as the Board may require.

Sec. 24. NRS 644A.328 is hereby amended to read as follows:

644A.328 The Board shall admit to examination for a license as an advanced esthetician any person who has made the application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;
2. Is of good moral character;
3. Has successfully completed the 10th grade in school or its equivalent; and
4. Satisfies at least one of the following:

(a) The person has completed at least 900 hours of training in a licensed school of cosmetology in a curriculum prescribed by the Board pursuant to NRS 644A.277;

(b) The person is a licensed esthetician and has additionally completed at least 300 hours of training in a licensed school of cosmetology in a curriculum prescribed by the Board pursuant to NRS 644A.277; or

(c) The person has ~~[practiced]~~ ***practice*** as ~~[a full-time licensed]~~ ***an*** advanced esthetician for at least ~~[1 year.]~~ ***4 years outside this State, including, without limitation, in any other state, territory or country, which has been documented and which the Board or its designee deems acceptable.***

Sec. 25. NRS 644A.330 is hereby amended to read as follows:

644A.330 The Board shall admit to examination for a license as an esthetician any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;
2. Is of good moral character;
3. Has successfully completed the 10th grade in school or its equivalent; and
4. Has had any one of the following:

(a) A minimum of 600 hours of training, which includes theory ~~[, modeling]~~ and practice, in a licensed school of cosmetology.

(b) Practice as ~~[a full-time licensed]~~ ***an*** esthetician for at least ~~[1 year.]~~ ***4 years outside this State, including, without limitation, in another state, territory or country, which has been documented and which the Board or its designee deems acceptable.***

(c) At least 1,200 hours of service as an esthetician's apprentice in a licensed cosmetological establishment in which esthetics is practiced. The required hours must have been completed during the period of validity of the certificate of registration as an esthetician's apprentice issued to the person pursuant to NRS 644A.340.

Sec. 26. NRS 644A.345 is hereby amended to read as follows:

644A.345 The Board shall admit to examination for a license as a nail technologist any person who has made application to the Board in proper form, paid the fee and who, before or on the date of the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Has successfully completed the 10th grade in school or its equivalent.

4. Has had any one of the following:

(a) Practical training of at least 600 hours under the immediate supervision of a licensed instructor in a licensed school of cosmetology in which the practice is taught.

(b) Practice as a ~~[full-time licensed]~~ nail technologist for ~~[1 year]~~ ***at least 4 years*** outside ~~[the State of Nevada.]~~ ***this State, including, without limitation, in another state, territory or country, which has been documented and which the Board or its designee deems acceptable.***

(c) At least 1,200 hours of service as a nail technologist's apprentice in a licensed cosmetological establishment in which nail technology is practiced. The required hours must have been completed during the period of validity of the certificate of registration as a nail technologist's apprentice issued to the person pursuant to NRS 644A.355.

Sec. 27. NRS 644A.360 is hereby amended to read as follows:

644A.360 ~~[1. Except as otherwise provided in NRS 644A.365, the]~~ ***The*** Board shall admit to examination as a hair braider each person who has applied to the Board in proper form and paid the fee, and who:

~~[(a)]~~ ***1.*** Is not less than 18 years of age.

~~[(b)]~~ ***2.*** Is of good moral character.

~~[(c)]~~ ***3.*** Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

~~[(d) If the person has not practiced hair braiding previously:~~

~~(1) Has completed a minimum of 250 hours of training and education as follows:~~

~~(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;~~

~~(II) Seventy-five hours concerning infection control and prevention and sanitation;~~

~~(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and~~

~~(IV) Fifty hours of clinical practice; and~~

~~(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.~~

~~(e) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:~~

~~(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and~~

~~(2) Has passed the practical demonstration in hair braiding and written tests described in NRS 644A.370.~~

~~2. The application submitted pursuant to subsection 1 must be accompanied by:~~

~~(a) Two current photographs of the applicant which are 2 by 2 inches. The name and address of the applicant must be written on the back of each photograph.~~

~~(b) A copy of one of the following documents as proof of the age of the applicant:~~

~~(1) A driver's license, identification card or permanent resident card issued to the applicant by this State or another state, the District of Columbia, the United States or any territory of the United States or a tribal identification card issued by a tribal government which satisfies the requirements of subsection 3 of NRS 232.006;~~

~~(2) The birth certificate of the applicant; or~~

~~(3) The current passport issued to the applicant.~~**]**

Sec. 28. NRS 644A.370 is hereby amended to read as follows:

644A.370 **[**~~1.~~**]** The examination for licensure as a hair braider pursuant to **[**~~paragraph (d) of subsection 1 of~~**]** NRS **[**~~644A.365 must~~**]** ***644A.360 may*** include:

[~~(a)~~**]** ***1.*** A written test on antisepsis, sterilization and sanitation;

[~~(b)~~**]** ***2.*** A written test on the laws of Nevada and the regulations of the Board relating to cosmetology; **[**~~and~~

~~(c)~~**]** ***3. A practical demonstration in hair braiding; and***

4. Such other tests or examinations as the Board deems necessary.

[~~2. The examination for licensure as a hair braider pursuant to NRS 644A.360 or paragraph (e) of subsection 1 of NRS 644A.365 must include:~~

~~(a) The written tests and such other tests or examinations described in subsection 1; and~~

~~(b) A practical demonstration in hair braiding.~~**]**

Sec. 29. NRS 644A.375 is hereby amended to read as follows:

644A.375 1. The Board shall admit to examination for a certificate of registration as a shampoo technologist, any person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 16 years of age.

(b) Is of good moral character.

(c) Has successfully completed the 10th grade in school or its equivalent.

(d) Satisfies at least one of the following:

(1) Training of at least 50 hours in a licensed school of cosmetology as a student of the occupation of a cosmetologist or hair designer;

(2) Training of at least 50 hours in a licensed school of cosmetology in a curriculum prescribed by the Board by regulation; ***or***

(3) Training of at least 50 hours which is administered online by the Board in a curriculum prescribed by the Board by regulation **. [**~~; or~~

~~(4) Has had practice as a full time licensed shampoo technologist for 1 year outside this State.~~**]**

2. The Board may charge a fee of not more than $50 to administer the training described in subparagraph (3) of paragraph (d) of subsection 1.

~~[3. A certificate of registration as a shampoo technologist is valid for 2 years after the date on which it is issued and may be renewed by the Board upon good cause shown.]~~

Sec. 30. NRS 644A.380 is hereby amended to read as follows:

644A.380 The examination for a certificate of registration as a shampoo technologist must include:

1. ~~[Practical demonstrations in shampooing and rinsing the hair which are approved and conducted by the Board or a licensed school of cosmetology;~~

~~2.]~~ A written test on the laws of Nevada and the regulations of the Board relating to cosmetology; and

~~[3.]~~ ***2.*** Such ~~[other]~~ demonstrations and ***other*** tests as the Board requires.

Sec. 31. NRS 644A.395 is hereby amended to read as follows:

644A.395 1. Each makeup artist who engages in the practice of makeup artistry in a licensed cosmetological establishment shall ~~[, on or before January 1 of each year,]~~ register with the Board on a form prescribed by the Board. The registration must:

(a) Include:

(1) The name, address, electronic mail address and telephone number of the makeup artist; and

(2) The name and license number of each cosmetological establishment in which the makeup artist will be practicing makeup artistry.

(b) Be accompanied by ~~[:~~

~~(1) A]~~ ***a*** notarized statement indicating that the makeup artist:

~~[(I)]~~ ***(1)*** Is 18 years of age or older;

~~[(II)]~~ ***(2)*** Is of good moral character; and

~~[(III)]~~ ***(3)*** Has completed at least 2 years of high school ~~[; and~~ **.**

~~(2) Two current photographs of the makeup artist which are 2 by 2 inches.]~~

2. The Board shall charge a fee of not more than $25 for registering a makeup artist pursuant to this section.

3. A makeup artist shall not practice makeup artistry in a licensed cosmetological establishment without first obtaining a certificate of registration.

4. A makeup artist, other than a makeup artist required to be registered pursuant to subsection 1, shall not engage in the practice of makeup artistry in this State unless he or she:

(a) Is 18 years of age or older;

(b) Is of good moral character; and

(c) Has completed at least 2 years of high school.

5. A certificate of registration as a makeup artist is valid for 1 year after the date on which it is issued.

Sec. 32. NRS 644A.400 is hereby amended to read as follows:

644A.400 The Board shall admit to examination for a license as an electrologist any person who has made application to the Board in the proper form and paid the fee, and who before or on the date set for the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Has successfully completed the 12th grade in school or its equivalent.

4. Has or has completed any one of the following:

(a) A minimum training of 500 hours under the immediate supervision of an approved electrologist in an approved school in which the practice is taught.

(b) Study of the practice for at least 1,000 hours extending over a period of ~~[5]~~ ***8*** consecutive months, under an electrologist licensed pursuant to this chapter, in an approved program for electrologist's apprentices.

(c) A valid electrologist's license issued by a state whose licensing requirements are equal to or greater than those of this State.

(d) Either training or practice, or a combination of training and practice, in electrology outside this State for a period specified by regulations of the Board.

Sec. 33. NRS 644A.415 is hereby amended to read as follows:

644A.415 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent;

(b) Has practiced as a full-time licensed cosmetologist, hair designer, ~~[~~hair braider,~~]~~ esthetician, advanced esthetician or nail technologist for 1 year and submits written verification of his or her experience;

(c) Is licensed pursuant to this chapter;

(d) Applies for a provisional license on a form supplied by the Board;

(e) Submits ~~[~~two~~]~~ ***a*** current ~~[~~photographs~~]~~ ***photograph*** of himself or herself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than $40 and not more than $75 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or 1 year after the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 34. NRS 644A.420 is hereby amended to read as follows:

644A.420 1. The Board shall admit to examination for a license as an instructor of cosmetology ***, hair design, esthetics, advanced esthetics or nail technology*** any person who has applied to the Board in proper form, paid the fee and:

(a) Is at least 18 years of age;

(b) Is of good moral character;

(c) Has successfully completed the 12th grade in school or its equivalent;

(d) Has received a minimum of 700 hours of training as a student instructor or 500 hours of training as an instructor or as a licensed provisional instructor in a licensed school of cosmetology; ~~[and]~~

(e) Is licensed as a cosmetologist ***, hair designer, esthetician, advanced esthetician or nail technologist*** pursuant to this chapter ~~[.]~~ ***; and***

(f) If the applicant is licensed as a hair designer, esthetician, advanced esthetician or nail technologist, has practiced as a full-time licensed hair designer, esthetician, advanced esthetician or nail designer, as applicable, or as a licensed student instructor.

2. Each instructor shall pay an initial fee for a license of not less than $60 and not more than $90.

3. An instructor of cosmetology ***, hair design, esthetics, advanced esthetics or nail technology*** shall complete at least the number of hours of continuing education required, at the time the hours of continuing education are completed, for instructors of schools of cosmetology accredited by the National Accrediting Commission of Career Arts & Sciences or its successor organization. The hours of continuing education must be obtained in courses approved by the Board during each 2-year period of his or her license.

4. An instructor of cosmetology, hair design, esthetics, advanced esthetics or nail technology may only provide instruction on subject matter that is within the scope of his or her license as a cosmetologist, hair designer, esthetician, advanced esthetician or nail technologist.

Sec. 35. NRS 644A.450 is hereby amended to read as follows:

644A.450 1. An application for admission to examination or for a license in any branch of cosmetology, or for a certificate of registration as a shampoo technologist, esthetician's apprentice, cosmetologist's apprentice, hair designer's apprentice or nail technologist's apprentice must be made in writing on forms furnished by the Board and must be submitted within the period designated by the Board. The Board shall charge a ***nonrefundable*** fee of $15 for furnishing the forms.

2. An application must contain proof of the qualifications of the applicant for examination, licensure or registration. The applicant must certify that all the information contained in the application is truthful and accurate.

Sec. 36. NRS 644A.460 is hereby amended to read as follows:

644A.460 ~~[Except as otherwise provided in NRS 644A.365, upon]~~ ***Upon*** application to the Board, accompanied by a fee of $200, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a license to practice the occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. Is currently licensed in another state or territory or the District of Columbia.

Sec. 37. NRS 644A.470 is hereby amended to read as follows:

644A.470 1. In addition to the fee for an application, the fees for examination are:

(a) For examination as a cosmetologist, not less than $75 and not more than $200.

(b) For examination as an electrologist, not less than $75 and not more than $200.

(c) For examination as a hair designer, not less than $75 and not more than $200.

(d) For examination as a shampoo technologist, not less than $50 and not more than $100.

(e) For examination as a hair braider, ~~[$110.]~~ ***not less than $75 and not more than $200.***

(f) For examination as a nail technologist, not less than $75 and not more than $200.

(g) For examination as an esthetician, not less than $75 and not more than $200.

(h) For examination as an advanced esthetician, not less than $75 and not more than $200.

(i) For examination as an instructor of estheticians, advanced estheticians, hair designers, cosmetology or nail technology, not less than $75 and not more than $200.

2. ~~[Except as otherwise provided in this subsection, the]~~ ***The*** fee for each reexamination is not less than $75 and not more than $200. ~~[The fee for reexamination as a hair braider is $110.]~~

3. ~~[In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is $75.~~

~~4.]~~ Each applicant referred to in ~~[subsections]~~ ***subsection*** 1 ~~[and 3]~~ shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.

Sec. 38. NRS 644A.480 is hereby amended to read as follows:

644A.480 1. The Board:

(a) Shall provide examinations for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist ~~[or demonstrator of cosmetics]~~ in English and, upon the request of an applicant for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist **,** ~~[or demonstrator of cosmetics,]~~ in Spanish; and

(b) May provide examinations for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist **,** ~~[or demonstrator of cosmetics,]~~ in any other language upon the request of an applicant, if the Board determines that providing the examination in that language is in the best interests of the public.

2. A request for an examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist ~~[or demonstrator of cosmetics]~~ to be translated into a language other than English or Spanish must be filed with the Board by the applicant making the request at least 90 days before the scheduled examination. The Board shall keep all such requests on file.

3. The Board shall impose a fee upon the applicants who file requests for an examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist ~~[or demonstrator of cosmetics]~~ to be translated into a language other than English or Spanish. The fee must be sufficient to ensure that the applicants bear the full cost for the development, preparation, administration, grading and evaluation of the translated examination. The fee is in addition to all other fees that must be paid by applicants for the examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist **.** ~~[or demonstrator of cosmetics.]~~

4. In determining whether it is in the best interests of the public to translate an examination for licensure or registration as a cosmetologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[,]~~ ***or*** nail technologist ~~[or demonstrator of cosmetics]~~ into a language other than English or Spanish, the Board shall consider the percentage of the population within this State whose native language is the language for which the translated examination is sought.

Sec. 39. NRS 644A.490 is hereby amended to read as follows:

644A.490 1. The Board shall issue a license or certificate of registration, as applicable, as a cosmetologist, esthetician, advanced esthetician, electrologist, hair designer, shampoo technologist, hair braider, nail technologist ~~[, demonstrator of cosmetics]~~ or instructor to each applicant who:

(a) Except as otherwise provided in NRS ~~[644A.380 and]~~ 644A.455, passes a satisfactory examination, conducted by the Board to determine his or her fitness to practice that occupation of cosmetology; ~~[and]~~

(b) Complies with such other requirements as are prescribed in this chapter for the issuance of the license or certificate of registration ~~[.]~~ ***; and***

(c) Has paid any required fees, fines or outstanding balances as required by the Board.

2. The fees for issuance of an initial license or certificate of registration, as applicable, are:

(a) For nail technologists, electrologists, estheticians, advanced estheticians, hair designers, ***hair braiders,*** shampoo technologists ~~[, demonstrators of cosmetics]~~ and cosmetologists:

(1) For 2 years, not less than $50 and not more than $100.

(2) For 4 years, not less than $100 and not more than $200.

(b) ~~[For hair braiders:~~

~~(1) For 2 years, $70.~~
~~(2) For 4 years, $140.~~
~~(c)~~] For instructors:

(1) For 2 years, not less than $60 and not more than $100.

(2) For 4 years, not less than $120 and not more than $200.

Sec. 40. NRS 644A.510 is hereby amended to read as follows:

644A.510 Every licensed or registered nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider [~~, demonstrator of cosmetics~~] or cosmetologist shall, within 30 days after changing his or her place of business or personal mailing address, as designated in the records of the Board, notify the Board of the new place of business or personal mailing address. Upon receipt of the notification, the Board shall make the necessary change in the records.

Sec. 41. NRS 644A.515 is hereby amended to read as follows:

644A.515 1. The license or certificate of registration, as applicable, of every cosmetologist, esthetician, advanced esthetician, electrologist, hair designer, shampoo technologist, hair braider, nail technologist [~~, demonstrator of cosmetics~~] and instructor expires on either:

(a) The second anniversary of the birthday of the licensee or holder of the certificate of registration measured, in the case of an original license or certificate of registration, restored license or certificate of registration, renewal of a license or certificate of registration or renewal of an expired license or certificate of registration, from the birthday of the licensee or holder nearest the date of issuance, restoration or renewal; or

(b) The fourth anniversary of the birthday of the licensee or holder of the certificate of registration measured, in the case of an original license or certificate of registration, restored license or certificate of registration, renewal of a license or certificate of registration or renewal of an expired license or certificate of registration from the birthday of the licensee or holder nearest the date of issuance, restoration or renewal.

2. The Board may, by regulation, defer the expiration of a license or certificate of registration, as applicable, of a person who is on active duty in ***any branch of*** the Armed Forces of the United States upon such terms and conditions as it may prescribe. The Board may similarly defer the expiration of the license or certificate of registration, as applicable, of the spouse or dependent child of that person if the spouse or child is residing with the person.

3. ***The Board may, by regulation, defer the expiration of a license or certificate of registration, as applicable, of a person who:***

(a) Submits to the Board, on a form prescribed by the Board, a request for his or her license or certificate of registration to be placed on inactive or retirement status; and

(b) Pays a fee in an amount established by the Board by regulation.

4. For the purposes of this section, any licensee or holder of a certificate of registration whose date of birth occurs on February 29 in a leap year shall be deemed to have a birthdate of February 28.

5. The Board shall send written notice to a licensee or holder of a certificate of registration identifying the date of the expiration of his or her license or certificate of registration, as applicable, at least:

(a) Ninety days before the license or certificate of registration expires; and

(b) Once each month following the month in which notice is sent pursuant to paragraph (a) until the month in which the license or certificate of registration expires.

Sec. 42. NRS 644A.520 is hereby amended to read as follows:

644A.520 1. An application for renewal of any license or certificate of registration issued pursuant to this chapter must be:

(a) Made on a form prescribed and furnished by the Board;

(b) Made on or before the date for renewal specified by the Board;

(c) Accompanied by the applicable fee for renewal; and

(d) Accompanied by all information required to complete the renewal.

2. The fees for renewal of a license or a certificate of registration, as applicable, are:

(a) For nail technologists, electrologists, estheticians, advanced estheticians, hair designers, ***hair braiders,*** shampoo technologists ~~[,~~ ~~demonstrators of cosmetics]~~ and cosmetologists:

(1) For 2 years, not less than $50 and not more than $100.

(2) For 4 years, not less than $100 and not more than $200.

(b) ~~[For hair braiders:~~

~~(1) For 2 years, $70.~~

~~(2) For 4 years, $140.~~

~~(c)]~~ For instructors:

(1) For 2 years, not less than $60 and not more than $100.

(2) For 4 years, not less than $120 and not more than $200.

~~[(d)]~~ ***(c)*** For cosmetological establishments:

(1) For 2 years, not less than $100 and not more than $200.

(2) For 4 years, not less than $200 and not more than $400.

~~[(c) For establishments for hair braiding:~~

~~(1) For 2 years, $70.~~

~~(2) For 4 years, $140.~~

~~(f)]~~ ***(d)*** For schools of cosmetology:

(1) For 2 years, not less than $500 and not more than $800.

(2) For 4 years, not less than $1,000 and not more than $1,600.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license or a certificate of registration as a shampoo technologist is not renewed, there must be assessed and collected at the time of renewal a penalty of $50 for a school of cosmetology and $20 for ~~[an establishment for hair braiding,]~~ a cosmetological establishment, all persons licensed pursuant to this chapter and persons registered as a shampoo technologist.

4. An application for the renewal of a license or a certificate of registration, as applicable, as a cosmetologist, hair designer, shampoo technologist, hair braider, esthetician, advanced esthetician, electrologist, nail technologist ~~[, demonstrator of cosmetics]~~ or instructor must be:

(a) Accompanied by ~~[two]~~ ***a*** current ~~[photographs]~~ ***photograph*** of the applicant ***;*** ~~[which are 2 by 2 inches and have the name of the applicant written on the back of each photograph;]~~ or

(b) If the application for the renewal of the license or certificate of registration, as applicable, is made online, accompanied by a current photograph of the applicant which is ~~[2 by 2 inches and is]~~ electronically attached to the application for renewal.

5. Before a person applies for the renewal of a license or certificate of registration, as applicable, as a cosmetologist, hair designer, shampoo technologist, hair braider, esthetician, advanced esthetician, electrologist ~~[,]~~ ***or*** nail technologist ***,*** ~~[or demonstrator of cosmetics,]~~ the person must ~~[complete]~~ ***:***

(a) Complete at least 4 hours of instruction relating to infection control and prevention in a professional course or seminar approved by the Board ~~[.]~~ ***; and***

(b) Pay any outstanding fee, fine or other balance owed to the Board.

Sec. 43. NRS 644A.525 is hereby amended to read as follows:

644A.525 1. A nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, cosmetologist ~~[, demonstrator of cosmetics]~~ or instructor whose license or certificate of registration, as applicable, has expired may have his or her license or certificate of registration renewed only upon payment of all applicable required fees and submission of all information required to complete the renewal.

2. Any nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, cosmetologist ~~[, demonstrator of cosmetics]~~ or instructor who retires from practice for more than 1 year may have his or her license or certificate of registration, as applicable, restored only upon payment of all required fees and submission of all information required to complete the restoration.

3. No nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider, cosmetologist ~~[, demonstrator of cosmetics]~~ or instructor who has retired from practice for more than 4 years may have his or her license or certificate of registration, as applicable, restored without examination and must comply with any additional requirements established in regulations adopted by the Board.

Sec. 44. NRS 644A.530 is hereby amended to read as follows:

644A.530 1. The holder of a license or certificate of registration issued by the Board to practice any branch of cosmetology must display his or her current license or certificate or a duplicate of the license or certificate in plain view of the public at the ~~[position]~~ ***workstation*** where the holder of the license or certificate performs his or her work ~~[.]~~ ***on the public.***

2. If a person practices cosmetology in more than one place, the person shall display the license or certificate or a duplicate of the license or certificate wherever he or she is actually working ~~[.]~~ ***on the public.***

Sec. 45. NRS 644A.550 is hereby amended to read as follows:

644A.550 1. Each natural person who engages in the practice of threading and each owner or operator of a kiosk or other stand-alone facility in which a natural person engages in the practice of threading shall ~~[, on or before January 1 of each year,]~~ register with the Board on a form prescribed by the Board. The registration must be accompanied by a fee of not more than $25 and must include:

(a) The name, address, electronic mail address and telephone number of the person, owner or operator; and

(b) Any other information relating to the practice of the person or the operation of the kiosk or other facility required by the Board.

2. The Board shall, during regular business hours, inspect each facility in this State in which threading is conducted **.** ~~[not later than 90 days after the date on which the registration is activated.]~~

3. The fee required by subsection 1 must be established by regulation of the Board.

4. A certificate of registration to engage in the practice of threading is valid for 1 year after the date on which it is issued.

5. A person who is registered with the Board pursuant to subsection 1 is not required to obtain any other license or certificate of registration pursuant to this chapter to engage in the practice of threading.

6. A licensed cosmetologist or esthetician is not required to register with the Board pursuant to subsection 1 to engage in the practice of threading.

Sec. 46. NRS 644A.600 is hereby amended to read as follows:

644A.600 1. Any person wishing to operate a cosmetological establishment in which any one or a combination of the occupations of cosmetology are practiced must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed cosmetological establishment and proof of the particular requisites for a license provided for in this chapter. The applicant must certify that all the information contained in the application is truthful and accurate.

2. The applicant must submit the application accompanied by the applicable required fees for inspection and licensing. ~~[Upon receipt of the application, the]~~ ***Before issuing a license for a cosmetological establishment, the*** Board shall ~~[contact the applicant to arrange a date and time to]~~ conduct ~~[the on-site]~~ ***an opening*** inspection ~~[and]~~ ***of the proposed cosmetological establishment*** to ***ensure that the minimum requirements for operating a cosmetological establishment pursuant to this chapter are met. After the Board has conducted an inspection pursuant to this subsection and determined that such minimum requirements are met, the Board or its***

designee shall issue ~~[and activate]~~ the license. ~~[A license issued pursuant to this subsection is not valid until it is activated.]~~

3. The fee for issuance of a license for a cosmetological establishment is:

(a) For 2 years, $200.

(b) For 4 years, $400.

4. The fee for the initial inspection is $15. If an additional inspection is necessary, the fee is $25.

Sec. 47. NRS 644A.610 is hereby amended to read as follows:

644A.610 1. The license of every cosmetological establishment:

(a) Expires 2 years after the date of issuance or renewal of a license that was issued or renewed for a 2-year period.

(b) Expires 4 years after the date of issuance or renewal of a license that was issued or renewed for a 4-year period.

2. If a cosmetological establishment fails to pay the applicable required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

3. Before the license of a cosmetological establishment may be renewed, the holder of the license must pay any outstanding fee, fine or other balance owed to the Board.

Sec. 48. NRS 644A.615 is hereby amended to read as follows:

644A.615 1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display in plain view of members of the general public:

(a) In the principal office or place of business of the holder, the license or a duplicate of the license; and

(b) At each cosmetological establishment operated by the holder, a sign of sufficient size to be legible to members of the general public stating that the establishment is not a medical facility.

2. Except as otherwise provided in this section, the operator of a cosmetological establishment may lease space to or employ only licensed or registered, as applicable, nail technologists, electrologists, estheticians, advanced estheticians, hair designers, shampoo technologists, hair braiders ~~[, demonstrators of cosmetics]~~ and cosmetologists at the establishment to provide services relating to the practice of cosmetology. This subsection does not prohibit an operator of a cosmetological establishment from:

(a) Leasing space to or employing a barber. Such a barber remains under the jurisdiction of the State Barbers' Health and Sanitation Board and remains subject to the laws and regulations of this State applicable to his or her business or profession.

(b) Leasing space to any other professional, including, without limitation, a provider of health care pursuant to subsection 3. Each such professional remains under the jurisdiction of the regulatory body which governs his or her business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.

3. The operator of a cosmetological establishment may lease space at the cosmetological establishment to a provider of health care for the purpose of providing health care within the scope of his or her practice. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** provider of health care shall not use the leased space to provide such health care at the same time a cosmetologist uses that space to engage in the practice of cosmetology. A provider of health care who leases space at a cosmetological establishment pursuant to this subsection remains under the jurisdiction of the regulatory body which governs his or her business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.

4. ***A provider of health care who is a health care professional may use leased space at a cosmetological establishment to provide health care associated with the supervision of an advanced esthetician pursuant to NRS 644A.545 at the same time as a cosmetologist uses that space to engage in the practice of cosmetology.***

5. As used in this section:

(a) ***"Health care professional" has the meaning ascribed to it in NRS 453C.030.***

(b) "Provider of health care" means a person who is licensed, certified or otherwise authorized by the law of this State to administer health care in the ordinary course of business or practice of a profession.

~~[(b)]~~ ***(c)*** "Space" includes, without limitation, a separate room in the cosmetological establishment.

Sec. 49. NRS 644A.620 is hereby amended to read as follows:

644A.620 Cosmetology and threading may be practiced in a cosmetological establishment by licensed or registered, as applicable, cosmetologists, estheticians, advanced estheticians, electrologists, hair designers, shampoo technologists, hair braiders, ~~[demonstrators of cosmetics,]~~ nail technologists and natural persons who engage in the practice of threading, as appropriate, who are:

1. Employees of the owner of the enterprise; or
2. Lessees of space from the owner of the enterprise.

Sec. 50. NRS 644A.625 is hereby amended to read as follows:

644A.625 1. A cosmetological establishment must, at all times, be under the immediate supervision of a person who is licensed in the branch of cosmetology or a combination of branches of cosmetology of any service relating to the practice of cosmetology provided at the cosmetological establishment at the time the service is provided.

2. If the operator of a cosmetological establishment leases space to a licensed or registered, as applicable, nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider ~~[, demonstrator of cosmetics]~~ or cosmetologist pursuant to NRS 644A.615, the lessee must provide supervision for that branch of cosmetology in the manner required by subsection 1.

3. If a cosmetological establishment is open to the public at any time during which no licensed or registered, as applicable, nail technologist, electrologist, esthetician, advanced esthetician, hair designer, shampoo technologist, hair braider or cosmetologist is physically present in the establishment, the cosmetological establishment must display conspicuously a sign indicating that no cosmetological services are being offered at that time.

Sec. 51. NRS 644A.740 is hereby amended to read as follows:

644A.740 1. A school of cosmetology must at all times be under the immediate supervision of a licensed instructor **.** ~~[who has had practical experience in an established place of business for at least 1 year in the practice of a majority of the branches of cosmetology taught at the school of cosmetology.]~~

2. A school of cosmetology shall:

(a) Except as otherwise provided in subsection 6, maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in each branch of cosmetology taught at the school of cosmetology.

(b) Maintain apparatus and equipment sufficient to teach all the subjects of its curriculum.

(c) Keep a daily record of the attendance of each student, a record devoted to the different practices, establish grades and hold examinations before issuing diplomas. These records must be submitted to the Board pursuant to its regulations.

(d) Include in its curriculum a course of deportment consisting of instruction in courtesy, neatness and professional attitude in meeting the public.

(e) Arrange the courses devoted to each branch or practice of cosmetology as the Board may from time to time adopt as the course to be followed by the schools.

(f) Not allow any student to perform services on the public for more than 7 hours in any day.

(g) ***Not allow any student to attend school for more than:***

(1) Forty regularly scheduled school hours in each week; ~~***[or]***~~

(2) Ten regularly scheduled school hours in any day ~~***[.]***~~ ***; or***

(3) Ten hours in a week to make up for regularly scheduled school hours that the student missed.

(h) Conduct at least 5 hours of instruction in theory in each 40-hour week **,** ~~[or 6 hours of instruction in theory in each 48-hour week,]~~ which must be ~~[attended]~~ ***completed*** by all registered students ~~[.~~

~~(h)]~~ ***either through in-person instruction or, subject to paragraph (i), through an alternative form of instruction that has been approved by the Board, including, without limitation, instruction that is provided through distance education.***

(i) Not allow any student to complete more than 10 percent of his or her required hours of instruction in theory in a manner other than through in-person instruction.

(j) Require that all work by students be done on the basis of rotation.

3. Except as otherwise provided in subsection 4, the Board may, upon request, authorize a school of cosmetology to offer, in addition to courses which are included in any curriculum required for licensure or registration in each branch of cosmetology taught at the school of cosmetology, any other course.

4. The Board shall, upon request, authorize a school of cosmetology to offer a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy, reflexology or structural integration if:

(a) The school of cosmetology has obtained all licenses, authorizations and approvals required by state and local law to offer such a course or program; and

(b) With regard to that portion of the premises where the school of cosmetology offers courses included in the cosmetological curriculum, the school of cosmetology continues to comply with the provisions of this chapter and any regulations adopted pursuant thereto.

5. Notwithstanding any other provision of law, if a school of cosmetology offers a course or program that is designed, intended or used to prepare or qualify another person for licensure in the field of massage therapy, reflexology or structural integration:

(a) The Board has exclusive jurisdiction over the authorization and regulation of the course or program offered by the school of cosmetology; and

(b) The school of cosmetology is not required to obtain any other license, authorization or approval to offer the course or program.

6. A school of cosmetology is not required to maintain courses of practical training and technical instruction equal to the requirements for examination for a license or certificate of registration in any branch of cosmetology if the school of cosmetology provides its students with a disclaimer, in at least 14-point bold type, indicating that completion of the instruction provided at the school of cosmetology does not:

(a) Qualify the student for a license or certificate of registration in any branch of cosmetology; or

(b) Prepare the student for an examination in any branch of cosmetology.

7. As used in this section, "distance education" means instruction delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated geographically.

Sec. 52. NRS 644A.750 is hereby amended to read as follows:

644A.750 No school of cosmetology ***or student of cosmetology*** may advertise student work to the public for pay through any medium, including radio, unless the work advertised is ~~[expressly]~~ ***:***

1. Expressly designated as student's work ~~[.]~~ ***;***

2. Performed within the school of cosmetology; and

3. Performed under the supervision of a licensed instructor of the school of cosmetology.

Sec. 53. NRS 644A.800 is hereby amended to read as follows:

644A.800 1. Except as otherwise provided in subsection 2, an advertisement for services relating to the practice of cosmetology must list:

(a) The name, as it appears on the license, and license number of the cosmetological establishment ~~[or establishment for hair braiding]~~ where the services will be provided; and

(b) The name and number of the license or certificate of registration of any licensee or registrant mentioned in the advertisement.

2. An advertisement for services relating to the practice of cosmetology to be provided at a school of cosmetology must list the name, as it appears on the license, and license number of the school of cosmetology where the services will be provided.

Sec. 54. NRS 644A.850 is hereby amended to read as follows:

644A.850 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of ~~[an establishment for hair braiding,]~~ a cosmetological establishment, a licensed or registered, as applicable, esthetician, advanced esthetician, cosmetologist, hair designer, shampoo technologist, hair braider, electrologist, instructor, nail technologist, ~~[demonstrator of cosmetics,]~~ makeup artist or school of cosmetology to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Failure of a cosmetologist's apprentice, electrologist's apprentice, esthetician's apprentice, hair designer's apprentice or nail technologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(c) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(d) Gross malpractice.

(e) Continued practice by a person knowingly having an infectious or contagious disease.

(f) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(g) Advertising in violation of any of the provisions of NRS 644A.800 or 644A.935.

(h) Permitting a license or certificate of registration to be used where the holder thereof is not personally, actively and continuously engaged in business.

(i) Failure to display the license or certificate of registration or a duplicate of the license or certificate of registration as provided in NRS 644A.530, 644A.535, 644A.615 ~~[, 644A.665]~~ and 644A.710.

(j) Failure to display the sign as provided in paragraph (b) of subsection 1 of NRS 644A.615.

(k) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(l) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(m) Engaging in prostitution or solicitation for prostitution in violation of NRS 201.353 or 201.354 by the owner of a cosmetological establishment ~~[, an establishment for hair braiding]~~ or a facility in which threading is conducted, a licensee or a holder of a certificate of registration.

(n) Failure to comply with the provisions of NRS 454.217 or 629.086.

(o) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license or certificate of registration;

(b) Revoke or suspend a license or certificate of registration;

(c) Place the licensee or holder of a certificate of registration on probation for a specified period;

(d) Impose a fine not to exceed $2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 55. NRS 644A.855 is hereby amended to read as follows:

644A.855 1. If the holder of a license or certificate of registration to operate a cosmetological establishment ~~[, an establishment for hair braiding]~~ or a facility in which threading is conducted or any other licensee or a holder of a certificate of registration issued pursuant to this chapter is charged with or cited for prostitution in violation of NRS 201.353 or 201.354 or any other sexual offense, the appropriate law enforcement agency shall report the charge or citation to the Executive Director of the Board. Upon receiving such a report, the Executive Director shall immediately forward the report to the Board or the Chair of the Board. The Board must meet as soon as practicable to consider the report. If the Board finds that the health, safety or welfare of the public imperatively require emergency action and issues a cease and desist order, the Executive Director shall immediately send the cease and desist order by certified mail to the licensee or holder of the certificate of registration. The temporary suspension of the license or certificate of registration is effective

immediately after the licensee or holder of the certificate of registration receives notice of the cease and desist order and must not exceed 15 business days. The licensee or holder of the certificate of registration may file a written request for a hearing to challenge the necessity of the temporary suspension. The written request must be filed not later than 10 business days after the date on which the Executive Director mails the cease and desist order. If the licensee or holder of the certificate of registration:

(a) Files a timely written request for a hearing, the Board shall extend the temporary suspension until a hearing is held. The Board shall hold a hearing and render a final decision regarding the necessity of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Board receives the written request. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

(b) Does not file a timely written request for a hearing and the Board wants to consider extending the period of the temporary suspension, the Board shall schedule a hearing and notify the licensee or holder of the certificate of registration immediately by certified mail of the date of the hearing. The hearing must be held and a final decision rendered regarding whether to extend the period of the temporary suspension as promptly as is practicable but not later than 15 business days after the date on which the Executive Director mails the cease and desist order. After holding such a hearing, the Board may extend the period of the temporary suspension if the Board finds, for good cause shown, that such action is necessary to protect the health, safety or welfare of the public pending proceedings for disciplinary action.

2. For purposes of this section, a person is deemed to have notice of a temporary suspension of his or her license or certificate of registration:

(a) On the date on which the notice is personally delivered to the person; or

(b) If the notice is mailed, 3 days after the date on which the notice is mailed by certified mail to the last known business or residential address of the person.

Sec. 56. NRS 644A.870 is hereby amended to read as follows:

644A.870 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential **. [**~~, unless the person submits a written statement to the Board requesting that such documents and information be made public records.~~**]**

2. The charging document filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or other information to any other licensing board or

any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 57. NRS 644A.900 is hereby amended to read as follows:

644A.900 1. It is unlawful for any person to conduct or operate a cosmetological establishment, ~~[an establishment for hair braiding,]~~ a school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in subsections 4 and 5, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless the person is licensed or registered in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644A.415 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of services relating to the practice of cosmetology by a person who is licensed or registered in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist ~~[.]~~ ***who is approved to supervise the apprentice.***

(f) A registered shampoo technologist from engaging in the practice of shampoo technology under the immediate supervision of a licensed cosmetologist or hair designer.

(g) A registered esthetician's apprentice from engaging in the practice of esthetics under the immediate supervision of a licensed esthetician or licensed cosmetologist ~~[.]~~ ***who is approved to supervise the apprentice.***

(h) A registered hair designer's apprentice from engaging in the practice of hair design under the immediate supervision of a licensed hair designer or licensed cosmetologist ~~[.]~~ ***who is approved to supervise the apprentice.***

(i) A registered nail technologist's apprentice from engaging in the practice of nail technology under the immediate supervision of a licensed nail technologist or licensed cosmetologist ~~[.]~~ ***who is approved to supervise the apprentice.***

(j) A makeup artist registered pursuant to NRS 644A.395 from engaging in the practice of makeup artistry for compensation or otherwise in a licensed cosmetological establishment.

4. A person employed to render services relating to the practice of cosmetology in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing or registration requirements of this chapter if he or she renders those services only to persons who will appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 58. NRS 644A.925 is hereby amended to read as follows:

644A.925 Nothing in this chapter **[**~~.~~**]** ***permits:***

1. **[**~~Authorizes the use of any X-ray machine in the treatment of the scalp or in the removal of superfluous hair; or~~

~~2. Permits the~~**]** ***The*** local application of **[**~~carbolic acid or corrosive sublimates or their derivatives or compounds, salicylic acid, resorcinol, or~~**]** any **[**~~other corrosive~~**]** substance for the purpose of peeling skin **[**~~. Any~~**]** ***that is not intended for use by:***

(a) A cosmetologist or esthetician for the purposes of peeling skin at or above the stratum corneum; or

(b) An advanced esthetician for the purposes of performing a medium-depth chemical peel; or

2. The implantation of permanent pigment into the skin **.** **[**~~is prohibited.~~**]**

➥ A violation of the provisions of this section constitutes a misdemeanor.

Sec. 59. NRS 644A.930 is hereby amended to read as follows:

644A.930 1. It is unlawful for a person to alter a license or certificate of registration issued pursuant to this chapter.

2. It is unlawful for a person to reproduce mechanically or otherwise duplicate a license or certificate of registration issued pursuant to this chapter for purposes of fraud, deception, misrepresentation or other illegal purposes. A person may duplicate a license or certificate of registration issued pursuant to this chapter for a lawful purpose, including, without limitation, for purposes of displaying a duplicate license or certificate of registration pursuant to NRS 644A.530, 644A.535, 644A.615 **[**~~, 644A.665~~**]** or 644A.710.

Sec. 60. NRS 644A.935 is hereby amended to read as follows:

644A.935 With regard to advertising relating to the education, licensing, registration or practice of cosmetology or threading:

1. It is unlawful to advertise in any manner that is misleading or inaccurate with respect to any services relating to the practice of cosmetology offered by a licensee, registrant or other natural person.

2. An advertisement must not state or imply favorable consideration by the Board except that an advertisement may state that a cosmetological

establishment, ~~[establishment for hair braiding,]~~ school of cosmetology, licensee or registrant is licensed or registered by the Board.

Sec. 61. NRS 644A.940 is hereby amended to read as follows:

644A.940 1. Except as otherwise provided in subsection 2, it is unlawful for any animal to be on the premises of a licensed ~~[establishment for hair braiding or]~~ cosmetological establishment.

2. The provisions of subsection 1 do not apply to:

(a) An aquarium maintained on the premises of a licensed ~~[establishment for hair braiding or]~~ cosmetological establishment; or

(b) A service animal or service animal in training.

3. As used in this section:

(a) "Service animal" includes only a dog that has been trained and meets the qualifications set forth in 28 C.F.R. § 36.104, and a miniature horse that has been trained and meets the qualifications set forth in 28 C.F.R. § 36.302.

(b) "Service animal in training" includes only a dog or miniature horse that is being trained for the purposes of 28 C.F.R. § 36.104 or 36.302, as applicable.

Sec. 62. NRS 644A.955 is hereby amended to read as follows:

644A.955 1. In addition to any other penalty ~~[:~~

~~(a) The]~~ ***, the*** Board may issue a citation to ~~[a]~~ ***:***

(a) A person who violates the provisions of NRS 644A.900.

(b) A licensee or registrant who violates the provisions of NRS 644A.850.

2. A citation issued pursuant to ~~[this paragraph]~~ ***subsection 1*** must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of ~~[subsection 2.]~~ ***section 4 of this act.*** A separate citation must be issued for each violation. ~~[If appropriate, the]~~ ***The*** citation may ~~[contain an]~~ ***include, without limitation:***

(a) An order to cease and desist ~~[.]~~ ***, if appropriate; and***

(b) ~~[Upon finding that a person has violated]~~ ***An order to pay an administrative fine for each violation.***

3. If the citation is issued to a licensee or registrant and includes an order to pay an administrative fine for one or more violations of the provisions of NRS 644A.850, the amount of the administrative fine must not exceed the maximum amount authorized by NRS 644A.850.

4. If the citation is issued to a person and includes an order to pay an administrative fine for one or more violations of the provisions of NRS 644A.900, the ~~[Board shall assess an administrative fine of:]~~ ***amount of the administrative fine must be:***

(1) For ~~[the]~~ ***a*** first violation, $1,000.

(2) For ~~[the]~~ ***a*** second violation, $1,500.

(3) For ~~[the]~~ ***a*** third or subsequent violation, $2,000.

~~[2. To appeal a finding of a violation of NRS 644A.900, the person must request a hearing by written notice of appeal to]~~

5. The provisions of this section and section 4 of this act do not apply to the issuance of a citation by any inspector of the Board ~~[within 30 days after the date on which the]~~ ***pursuant to subsection 3 of NRS 644A.865 and do not***

limit the authority of an inspector of the Board to issue such a citation **.** ~~[is issued.]~~

Sec. 63. A person who, on October 1, 2023, is the holder of a valid license to operate an establishment for hair braiding issued pursuant to NRS 644A.650 and who is otherwise qualified to hold such a license on that date shall be deemed to hold a license to operate a cosmetological establishment issued pursuant to NRS 644A.600, as amended by section 46 of this act.

Sec. 64. NRS 644A.045, 644A.060, 644A.365, 644A.385, 644A.390, 644A.423, 644A.425, 644A.430, 644A.650, 644A.655, 644A.660, 644A.665, 644A.670, 644A.675, 644A.680 and 644A.720 are hereby repealed.

Sec. 65. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 64, inclusive, of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

LEADLINES OF REPEALED SECTIONS

644A.045 "Demonstrator of cosmetics" defined.

644A.060 "Establishment for hair braiding" defined.

644A.365 Qualifications for examination for person who has practiced hair braiding in another state.

644A.385 Qualifications for examination.

644A.390 Scope of examination.

644A.423 Instructors of advanced estheticians: Qualifications for examination for license; continuing education.

644A.425 Instructors of estheticians: Qualifications for examination for license; continuing education.

644A.430 Instructors in nail technology: Qualifications for examination for license; continuing education.

644A.650 Application for license; verbal review; issuance and activation of license; on-site inspection; fees.

644A.655 Notice of change of ownership, name, services offered or location; new license required for operation after change; approval of changes in physical structure of establishment by Board.

644A.660 Expiration of license; effect of failure to timely pay renewal fee.

644A.665 Display of license.

644A.670 Practice of hair braiding by certain licensees.

644A.675 Supervision by licensed person.

644A.680 Food and beverage sales.

644A.720 Surety bonds; payment plans; regulations.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 251, 302, 384, 391, and 429 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 5.

Bill read third time.

Roll call on Senate Bill No. 5:

YEAS—42.

NAYS—None.

Senate Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 29.

Bill read third time.

Roll call on Senate Bill No. 29:

YEAS—42.

NAYS—None.

Senate Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 39.

Bill read third time.

Roll call on Senate Bill No. 39:

YEAS—42.

NAYS—None.

Senate Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 43.

Bill read third time.

Roll call on Senate Bill No. 43:

YEAS—42.

NAYS—None.

Senate Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 59.

Bill read third time.

Roll call on Senate Bill No. 59:

YEAS—42.

NAYS—None.

Senate Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 105.

Bill read third time.

Roll call on Senate Bill No. 105:

YEAS—42.

NAYS—None.

Senate Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Roll call on Senate Bill No. 110:

YEAS—42.

NAYS—None.

Senate Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 113.

Bill read third time.

Roll call on Senate Bill No. 113:

YEAS—42.

NAYS—None.

Senate Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 129.

Bill read third time.

Roll call on Senate Bill No. 129:

YEAS—42.

NAYS—None.

Senate Bill No. 129 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 247.

Bill read third time.

Roll call on Senate Bill No. 247:

YEAS—35.

NAYS—Dickman, Gallant, Gray, Hafen, Hansen, O'Neill, Peters—7.

Senate Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 298.
Bill read third time.
Roll call on Senate Bill No. 298:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Senate Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 323.
Bill read third time.
Roll call on Senate Bill No. 323:
YEAS—40.
NAYS—Brittney Miller, Summers-Armstrong—2.
Senate Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 382.
Bill read third time.
Roll call on Senate Bill No. 382:
YEAS—42.
NAYS—None.
Senate Bill No. 382 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 8:49 p.m.

ASSEMBLY IN SESSION

At 8:51 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 251, 302, 384, 391, 393, 404, 415, 424, and 429 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 164.
The following Senate amendment was read:

Amendment No. 544.

SUMMARY—Revises provisions related to outdoor recreation. (BDR ~~[S-487]~~ **35-487)**

AN ACT relating to outdoor recreation; **revising the duties of the Advisory Board on Outdoor Recreation; eliminating the advisory committee established to assist and advise the Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources on the development and administration of the Outdoor Education and Recreation Grant Program;** requiring the Division of Outdoor Recreation ~~[in the State Department of Conservation and Natural Resources]~~ to establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system in this State; prescribing the membership and duties of the Outdoor Education Advisory Working Group; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Existing law creates the Outdoor Education and Recreation Grant Program and requires the Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to adopt regulations to establish an advisory committee to assist and advise the Administrator in the development and administration of the Grant Program. (NRS 407A.605, 407A.610) Existing law also creates the Advisory Board on Outdoor Recreation, which is required to advise the Administrator on any matter concerning outdoor recreation in this State. (NRS 407A.575) Section 1.3 of this bill eliminates the advisory committee and instead requires the Advisory Board on Outdoor Recreation to serve as a technical advisory committee to assist and advise the Administrator in the development and administration of the Grant Program. Section 1 of this bill makes a conforming change to require the Advisory Board to assist and advise the Administrator in the development and administration of the Grant Program.**

Section 1.7 of this bill requires the Division of Outdoor Recreation ~~[in the State Department of Conservation and Natural Resources]~~ to establish an Outdoor Education Advisory Working Group in the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system in this State. ~~[This bill]~~ **Section 1.7** also: (1) prescribes the membership and duties of the Outdoor Education Advisory Working Group; (2) requires the Division to submit a written report describing the activities, findings, conclusions and recommendations of the Advisory Working Group for transmittal to the 83rd Session of the Legislature; and (3) authorizes the Outdoor Education Advisory Working Group to request the drafting of not more than 1 legislative measure for prefiling on or before the first day of the regular session of the Legislature in 2025.

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

Section 1. **NRS 407A.575 is hereby amended to read as follows:**

407A.575 1. There is hereby created the Advisory Board on Outdoor Recreation composed of:

(a) The following 12 voting members:

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

(2) The Director or his or her designee;

(3) The Director of the Department of Tourism and Cultural Affairs or his or her designee;

(4) The Executive Director of the Office of Economic Development or his or her designee;

(5) The Director of the Department of Wildlife or his or her designee;

(6) The Administrator of the Division of State Parks of the Department;

(7) The Chair of the Nevada Indian Commission;

(8) One member appointed by the Governor from a list of nominees submitted by the Board of Directors of the Nevada Association of Counties, or its successor organization, who:

(I) Resides in a county whose population is less than 100,000; and

(II) Has professional expertise or possesses demonstrated knowledge in outdoor recreation, natural resources management and economic development in this State; and

(9) Four members appointed by the Governor from a list of nominees submitted by the Lieutenant Governor and the Director as follows:

(I) A representative of the outdoor recreation industry;

(II) A representative of conservation interests;

(III) A person with experience in and knowledge of education; and

(IV) A person with experience in and knowledge of public health.

(b) The following two nonvoting members, who must be appointed by the Administrator of the Division of Outdoor Recreation or his or her designee, subject to the approval of the Director:

(1) A representative of the United States Department of the Interior from the Bureau of Land Management, National Park Service or United States Fish and Wildlife Service; and

(2) A representative of the United States Department of Agriculture from the United States Forest Service or Rural Development.

2. The Lieutenant Governor or his or her designee shall:

(a) Serve as Chair of the Advisory Board; and

(b) Appoint a member of the Advisory Board to serve as Vice Chair of the Advisory Board.

3. The Advisory Board shall meet at such times and places as are specified by a call of the Chair but not less than once a year. A majority of the voting members of the Advisory Board constitutes a quorum. If a quorum is present,

the affirmative vote of a majority of the voting members of the Advisory Board present is sufficient for any official action taken by the Advisory Board.

4. The Advisory Board shall ~~[advise]~~ ***:***

(a) Advise the Administrator on any matter concerning outdoor recreation in this State ~~[.]~~ ***; and***

(b) Assist and advise the Administrator in the development and administration of the Outdoor Education and Recreation Grant Program pursuant to NRS 407A.610.

Sec. 1.3. **NRS 407A.610 is hereby amended to read as follows:**

407A.610 1. The ~~[Administrator]~~ ***Advisory Board on Outdoor Recreation created by NRS 407A.575*** shall ~~[, by regulation, establish an]~~ ***serve as a technical*** advisory committee to assist and advise the Administrator in the development and administration of the Grant Program.

2. The ***Administrator may adopt*** regulations ~~[must specify:~~

~~(a) The membership of the committee;~~

~~(b) The]~~ ***setting forth the*** duties of the ~~[committee;~~

~~(c) The terms of members of the committee; and~~

~~(d) The rules for the governance of the committee.~~

~~2. The Administrator shall appoint members to the advisory committee who have knowledge and experience in outdoor education and recreation and matters concerning the environment, agriculture, natural resources or other related matters relevant to the purposes of the Grant Program. The advisory committee must include, without limitation, members from:~~

~~(a) Agencies of state and local government;~~

~~(b) Public schools, private schools, charter schools and school districts;~~

~~(c) Private nonprofit organizations and community-based programs; and~~

~~(d) The business community.~~

~~3. In addition to the membership prescribed by subsection 2, the Administrator shall appoint to the advisory committee a person who was or is a pupil in this State and participated in an outdoor education and recreation program that was funded by a grant awarded pursuant to NRS 407A.605 or, if no such person is available to serve, a person who represents pupils in this State and has knowledge and experience in outdoor education and recreation programs.~~

~~4. To the extent that money is available for that purpose, each member of the advisory committee who is not an officer or employee of the State of Nevada is entitled to receive a salary of not more than $80 per day, fixed by the Administrator, for each day or portion of a day spent on the business of the advisory committee. Each member of the advisory committee who is an officer or employee of the State of Nevada serves without additional compensation. To the extent that money is available for that purpose, each member of the advisory committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~5. Each member of the advisory committee who is an officer or employee of the State of Nevada or a local government must be relieved from his or her~~

~~duties without loss of regular compensation so that he or she may prepare for and attend meetings of the advisory committee and perform any work necessary to carry out the duties of the advisory committee in the most timely manner practicable. A state agency or local governmental entity may not require an employee who is a member of the advisory committee to make up time or take annual vacation or compensatory time for the time that he or she is absent from work to carry out his or her duties as a member of the advisory committee.]~~ ***Advisory Board on Outdoor Recreation for the purposes of this section.***

~~[Section 1.]~~ ***Sec. 1.7.*** 1. The Division of Outdoor Recreation in the State Department of Conservation and Natural Resources shall establish an Outdoor Education Advisory Working Group during the 2023-2024 interim to study approaches to incorporate outdoor recreation into the curriculum of the public education system in this State. The Advisory Working Group consists of the following members:

(a) A representative of the Division of Outdoor Recreation, appointed by the Administrator of the Division;

(b) A representative of the Office of Early Learning and Development in the Department of Education, the Office of Standards and Instructional Support in the Department of Education or the Office for a Safe and Respectful Learning Environment in the Department of Education, appointed by the Superintendent of Public Instruction of the Department of Education;

(c) A representative of the ~~[Office of Minority Health and Equity in the]~~ Department of ~~[Health and Human Services,]~~ **Wildlife,** appointed by the Director of the Department of ~~[Health and Human Services;]~~ **Wildlife;**

(d) One teacher from an urban area, appointed by the Speaker of the Assembly;

(e) One teacher from an urban area, appointed by the Majority Leader of the Senate;

(f) One teacher from a rural area, appointed by the Governor;

(g) One superintendent of a school district, appointed by the Nevada Association of School Superintendents;

(h) One ~~[parent or legal guardian of a]~~ pupil enrolled in a public school, appointed by the Speaker of the Assembly ~~[,]~~ **, with the permission of a parent or legal guardian of the pupil;**

(i) ~~[A provider]~~ **Two providers** of nature-based education, **one of whom must primarily serve a minority or historically underserved community,** appointed by the Speaker of the Assembly;

(j) A member of the Senate, appointed by the Majority Leader of the Senate;

(k) A member of the Senate, appointed by the Minority Leader of the Senate;

(l) A member of the Assembly, appointed by the Speaker of the Assembly;

(m) A member of the Assembly, appointed by the Minority Leader of the Assembly;

(n) An early education specialist, appointed by the Majority Leader of the Senate; and

(o) A provider of health care to children and adolescents, appointed by the Governor.

2. The Outdoor Education Advisory Working Group shall study approaches to incorporate outdoor recreation into the curriculum for preschool, kindergarten and grades 1 to 12, inclusive, which include, without limitation, opportunities to integrate outdoor recreation with:

(a) Physical education;

(b) Scientific inquiry;

(c) Technology;

(d) Environmental science;

(e) Physical sciences;

(f) Language arts;

(g) Art;

(h) Humanities;

(i) Social and emotional learning; and

(j) Public service.

3. The Outdoor Education Advisory Working Group shall, at its first meeting, elect a Chair and Vice Chair from among its members.

4. A majority of the members of the Outdoor Education Advisory Working Group 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 Outdoor Education Advisory Working Group.

5. The Division shall provide the Advisory Working Group with such administrative support as is necessary to assist the Outdoor Recreation Working Group in carrying out its duties pursuant to this section.

6. The members of the Outdoor Education Advisory Working Group serve without compensation generally.

7. Each member of the Outdoor Education Advisory Working Group who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of regular compensation so that the member may prepare for and attend meetings of the Outdoor Education Advisory Working Group and perform any work necessary to carry out the duties of the Outdoor Education Advisory Working Group 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 Outdoor Education Advisory Working Group 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.

8. The Division may accept gifts, grants and donations from any source to support the work of the Outdoor Education Advisory Working Group.

9. The Division shall, on or before December 31, 2024, prepare and submit a written report describing the activities, findings, conclusions and recommendations of the Outdoor Education Advisory Working Group to the

Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

10. The Outdoor Education Advisory Working Group may request the drafting of not more than 1 legislative measure which relates to matters within the scope of the Outdoor Education Advisory Working Group. The request must be submitted to the Legislative Counsel on or before December 31, 2024, and must be on a form prescribed by the Legislative Counsel. A legislative measure requested pursuant to this subsection must be prefiled on or before the first day of the regular session of the Legislature in 2025. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

11. As used in this section, "historically underserved community" has the meaning ascribed to it in NRS 445B.834.

Sec. 1.9. **Notwithstanding the provisions of NRS 407A.610, as amended by section 1.3 of this act, the terms of all of the members serving on the advisory committee established by regulation pursuant to NRS 407A.610 who are serving on June 30, 2023, expire on that date.**

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

2. Section ~~[1]~~ **1.7** of this act becomes effective:

(a) Upon passage and approval for the purpose of appointing members to the Outdoor Education Advisory Working Group established pursuant to section ~~[1]~~ **1.7** of this act 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 and 1.3 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 July 1, 2023, for all other purposes.

4. Section 1.9 of this act becomes effective upon passage and approval.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 544 to Assembly Bill No. 164.

Remarks by Assemblywoman Bilbray-Axelrod

ASSEMBLYWOMAN BILBRAY-AXELROD:

The amendment requires the existing Advisory Board of Outdoor Recreation to also serve as the technical advisory committee to assist and advise the Administrator of the Division of Outdoor Recreation in certain duties. It also makes certain changes to the membership of the Outdoor Education Advisory Working Group.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 366.

The following Senate amendment was read:

Amendment No. 577.

AN ACT relating to governmental administration; moving the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State; revising the membership of the Task Force; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Keep Nevada Working Act and creates the Keep Nevada Working Task Force within the Office of the Lieutenant Governor. (NRS 224.320) Existing law further prescribes the duties of the Task Force, which include, without limitation: (1) developing strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State; (2) conducting research on methods to strengthen career pathways for immigrants and create enhanced partnerships with projected growth industries; (3) supporting the efforts of certain groups and entities to provide predictability and stability to the workforce in this State; (4) recommending approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities; and (5) entering into a contract with a consultant to perform research necessary to carry out the duties of the Task Force. (NRS 224.340)

Sections 2-6 and 11 of this bill: (1) move the Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State; (2) set forth the membership of the Task Force, with certain changes from the current Task Force; and (3) set forth the duties of the Task Force, which are the same duties of the current Task Force. **Sections 7 and 8** of this bill make technical changes to internal references to provisions of the Nevada Revised Statutes related to moving the Task Force into the Office of the Secretary of State.

Section 9 of this bill provides that membership of the existing Task Force continue to serve as members until the membership is appointed pursuant to **section 4** of this bill.

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

Section 1. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***Sections 2 to 6, inclusive, of this act may be cited as the Keep Nevada Working Act.***

Sec. 3. ***As used in sections 2 to 6, inclusive, of this act, "Task Force" means the Keep Nevada Working Task Force created by section 4 of this act.***

Sec. 4. ***1. The Keep Nevada Working Task Force is hereby created within the Office of the Secretary of State.***

2. The Task Force consists of:

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

(b) Eight members appointed by the Secretary of State; and

(c) One member appointed by the Lieutenant Governor.

3. The Secretary of State shall appoint the following persons to serve on the Task Force:

(a) One person who represents an immigrant advocacy group.

(b) One person who represents a chamber of commerce in this State.

(c) One person who represents a labor organization . ~~[with a statewide presence.]~~

(d) One person who represents a local workforce board in this State.

(e) One person who represents a bar association or like association of lawyers which is involved in the advocacy of immigrants.

(f) One person who represents a small business that employs 50 or fewer full-time or part-time employees.

(g) One person who represents a state agency that works on immigrant workforce development.

(h) One person who represents an institution of higher education.

4. The members of the Task Force shall serve terms of 3 years. A member may be reappointed to the Task Force and any vacancy must be filled in the same manner as the original appointment.

5. The members of the Task Force serve without compensation.

Sec. 5. *1. At the first meeting of each fiscal year, the Task Force shall elect from its members a Chair and a Vice Chair.*

2. The Task Force shall meet at least once each quarter.

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

Sec. 6. *1. The Task Force may:*

(a) Develop strategies with private sector businesses, labor organizations and immigrant advocacy groups to support current and future industries across this State.

(b) Conduct research on methods to strengthen career pathways for immigrants and create enhanced partnerships with projected growth industries.

(c) Support the efforts of business leadership, civic groups, government and immigrant advocacy groups to provide predictability and stability to the workforce in this State.

(d) Recommend approaches to improve the ability of this State to attract and retain immigrant business owners that provide new business and trade opportunities.

(e) Enter into a contract with a consultant to perform research necessary to carry out the duties of the Task Force.

2. The Task Force may create subcommittees to the Task Force for any purpose that is consistent with the duties of the Task Force. If a subcommittee is created:

(a) The Task Force shall appoint the members of the subcommittee and designate one of the members of the subcommittee as chair of the

subcommittee. The chair of the subcommittee must be a member of the Task Force.

(b) The subcommittee shall meet at the times and places specified by a call of the chair of the subcommittee. A majority of the members of the subcommittee constitutes a quorum, and a quorum may exercise any power or authority conferred on the subcommittee.

3. On or before July 1, 2024, and on or before July 1 of each subsequent year, the Task Force shall submit a written report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission. The report must include, without limitation, a summary of the work of the Task Force and any recommendations for legislation.

4. The Secretary of State may accept gifts, grants and donations from any source for the purpose of carrying out the provisions of sections 2 to 6, inclusive, of this act.

5. The Office of the Secretary of State shall provide personnel, facilities, equipment, funding and supplies as required by the Task Force to carry out its duties.

6. Each agency, board, commission, department, officer, employee or agent of this State, or a political subdivision thereof, shall provide the Task Force with such assistance as the Task Force may reasonably require in discharging its duties.

Sec. 7. NRS 228.206 is hereby amended to read as follows:

228.206 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by ~~[~~NRS ~~224.320,]~~ ***section 4 of this act,*** publish model policies which provide guidance and training recommendations to state or local law enforcement agencies. The model policies must prioritize guidance and training recommendations which:

(a) Foster trust between the community and state or local law enforcement agencies; and

(b) Limit, to the fullest extent practicable and consistent with any applicable law, the engagement of state or local law enforcement agencies with federal immigration authorities for the purpose of immigration enforcement.

2. Each state or local law enforcement agency shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General.

3. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the state or local law enforcement agency is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the state or local law enforcement agency.

4. As used in this section, "state or local law enforcement agency" means:

(a) The sheriff's office of a county;

(b) A metropolitan police department;

(c) A police department of an incorporated city;

(d) Any entity authorized to operate a prison, jail or detention facility, including, without limitation, any facility for the detention of juveniles;

(e) The Division of Parole and Probation of the Department of Public Safety;

(f) Any department of alternative sentencing; and

(g) Any other state or local agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(1) Has a duty to enforce the law; and

(2) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

Sec. 8. NRS 228.208 is hereby amended to read as follows:

228.208 1. The Attorney General shall, in consultation with relevant stakeholders and the Keep Nevada Working Task Force created by ~~[~~NRS 224.320,~~]~~ ***section 4 of this act,*** publish model policies for limiting, to the fullest extent possible and consistent with any applicable law, immigration enforcement at public schools, institutions of higher education, health care facilities and courthouses to ensure that such places remain safe and accessible to residents of this State regardless of the immigration status or citizenship of such persons.

2. Each public school, institution of higher education, health care facility and courthouse in this State shall:

(a) Adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1; or

(b) Notify the Attorney General that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General.

3. Any organization that provides services relating to physical or mental health and wellness, education or access to justice is encouraged to adopt policies consistent with the model policies of the Attorney General published pursuant to subsection 1.

4. The notification described in paragraph (b) of subsection 2 must include, without limitation:

(a) The reason that the public school, institution of higher education, health care facility or courthouse, as applicable, is not adopting policies consistent with the model policies of the Attorney General; and

(b) A copy of the policies of the public school, institution of higher education, health care facility or courthouse, as applicable.

5. A policy adopted pursuant to this section must comply with:

(a) Any applicable law;

(b) Any policy, grant, waiver or other requirement necessary to maintain the funding of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable; and

(c) Any agreement related to the operation and functions of the public school, institution of higher education, health care facility, courthouse or other organization, as applicable.

6. As used in this section:

(a) "Health care facility" means a facility licensed pursuant to chapter 449 of NRS and which is operated by this State or a political subdivision thereof.

(b) "Institution of higher education" has the meaning ascribed to it in NRS 179D.045.

(c) "Public school" means any school described in NRS 388.020.

Sec. 9. 1. The persons who are members of the Keep Nevada Working Task Force on July 1, 2023, continue to serve as members until the Secretary of State appoints members to the Task Force pursuant to section 4 of this act.

2. Nothing in this act prohibits the Secretary of State from appointing a person to the Keep Nevada Working Task Force who was appointed to the Task Force by the Lieutenant Governor pursuant to NRS 224.320, as that section existed on June 30, 2023, if the person meets the qualifications for appointment pursuant to section 4 of this act.

Sec. 10. 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. 11. NRS 224.300, 224.310, 224.320, 224.330 and 224.340 are hereby repealed.

Sec. 12. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 11, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of appointing members to the Keep Nevada Working Task Force created by section 4 of this act 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.

LEADLINES OF REPEALED SECTIONS

224.300 Short title.

224.310 "Task Force" defined.

224.320 Creation; membership; terms and reappointment of members; vacancies; service without compensation.

224.330 Election of Chair and Vice Chair; frequency and location of meetings; quorum.

224.340 Powers; annual report to Legislative Commission; acceptance of gifts, grants and donations; operational support; assistance from public agencies.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 577 to Assembly Bill No. 366.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 210.

The following Senate amendment was read:

Amendment No. 575.

AN ACT relating to public works; requiring a contractor on a public work to provide a worker with written or electronic notice of certain information; requiring a person found by the Labor Commissioner to have willfully and repeatedly failed to pay prevailing wages to a worker to pay certain damages to the affected worker; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every contract to which a public body of this State is a party that requires the employment of certain skilled, semiskilled and unskilled workers to contain in express terms the hourly and daily rate of wages to be paid to each class of applicable workers. The hourly and daily rate must not be less than the prevailing wage in the region in which the public work is located, as determined by the Labor Commissioner. (NRS 338.020, 338.030) **Section 5.5** of this bill requires each contractor engaged on a public work to provide his or her workers ~~[assigned to the public work with]~~ **at the time of hire** a written or electronic notice that sets forth: (1) the Internet website of the Labor Commissioner where the prevailing wage rates for the public work project are posted; (2) the name of the contractor; and (3) the physical address of the principal place of business of the contractor. **Section 5.5** further requires the contractor to obtain ~~[from each worker]~~ a written or electronic acknowledgment of receipt of ~~[the]~~ **any** notice, to be maintained by the contractor for a period of at least 2 years and made available to the Labor Commissioner upon request.

Existing law requires, with certain exception, the Labor Commissioner, after an opportunity for a hearing, to assess a person found to have failed to pay the required prevailing wage an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or

subcontractor actually paid. (NRS 338.090) **Section 6** of this bill requires, without exception, a person found to have willfully and repeatedly failed to pay the prevailing wage to pay an affected worker damages in an amount that is equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid to the affected worker.

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

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5.5, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.5. ***1. A contractor engaged on a public work shall provide to his or her workers ~~[assigned to the public work]~~ at the time of hire a written or electronic notice that includes, without limitation:***

(a) The Internet website of the Labor Commissioner where the prevailing wage rates for the public work are posted;

(b) The name of the contractor; and

(c) The physical address of the principal place of business of the contractor.

2. A contractor shall obtain a written or electronic acknowledgement of receipt of ~~[the]~~ any notice pursuant to this section . ~~[from each worker assigned to the public work. Each]~~ The acknowledgement of notice must be maintained by the contractor for at least 2 years, made available to the Labor Commissioner upon request and include, without limitation:

(a) The worker's name, contact information and signature; and

(b) The date on which the worker received the notice.

Sec. 6. NRS 338.090 is hereby amended to read as follows:

338.090 1. Except as otherwise provided in subsection 5, any person, including the officers, agents or employees of a public body, who violates any provision of NRS 338.010 to 338.090, inclusive, or any regulation adopted pursuant thereto, is guilty of a misdemeanor.

2. The Labor Commissioner, in addition to any other remedy or penalty provided in this chapter:

(a) Shall, except as otherwise provided in subsection 4, assess a person who, after an opportunity for a hearing, is found to have failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid; ~~[and]~~

(b) ***Shall require a person found to have willfully and repeatedly failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, to pay damages to each affected worker in an amount equal to the***

difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid to the worker; and

(c) May, in addition to any other administrative penalty, impose an administrative penalty not to exceed the costs incurred by the Labor Commissioner to investigate and prosecute the matter.

3. If the Labor Commissioner finds that a person has failed to pay the prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive, the public body may, in addition to any other remedy or penalty provided in this chapter, require the person to pay the actual costs incurred by the public body to investigate the matter.

4. The Labor Commissioner is not required to assess a person an amount equal to the difference between the prevailing wages required to be paid and the wages that the contractor or subcontractor actually paid if the contractor or subcontractor has already paid that amount to a worker pursuant to paragraph (c) of subsection 4 of NRS 338.035.

5. The provisions of subsection 1 do not apply to a subcontractor specified in NRS 338.072.

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 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 that the Assembly concur in the Senate Amendment No. 575 to Assembly Bill No. 210.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 214.

The following Senate amendment was read:

Amendment No. 691.

ASSEMBLYWOMAN ANDERSON

JOINT ~~[SPONSOR: SENATOR]~~ **SPONSORS: SENATORS** DALY **; AND GOICOECHEA**

CONTAINS UNFUNDED MANDATE ~~[(§ 2)]~~ **(§§ 2, 3)**

(Not Requested by Affected Local Government)

AN ACT relating to regional transportation commissions; requiring a regional transportation commission in certain counties to establish an advisory committee; revising certain requirements relating to the security in operations of a regional transportation commission; revising certain requirements relating to the establishment of an advisory committee by a regional transportation commission in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a board of county commissioners may by ordinance create a regional transportation commission if a streets and highways plan has been adopted as part of the master plan by the county or regional planning commission. (NRS 277A.170) Existing law authorizes a regional transportation commission to provide for and maintain such security in operations as is necessary for the protection of persons and property. (NRS 277A.260) **Section 2** of this bill authorizes a regional transportation commission to establish a fine for a passenger who refuses to comply with a regional or statewide health and safety standard or mandate. **Section 2** further requires a regional transportation commission or any person who contracts with a regional transportation commission to operate a public transit system to: (1) 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; and (2) upon the request of an employee organization that is the exclusive bargaining agent of the employees of a person who contracts with the regional transportation commission, to provide such audio or video recordings to the employee organization.

Existing law requires the regional transportation commission in a county whose population is 700,000 or more (currently only Clark County) to establish an advisory committee to provide certain information and advice to the commission relating to public mass transportation in the county. The advisory committee consists of: (1) two members of the general public from each city within the county who are appointed by the governing body of that city; and (2) six members of the general public appointed by the regional transportation commission. (NRS 277A.340) **Section 3** of this bill instead requires the regional transportation commission **in a county whose population is 100,000 or more (currently Clark and Washoe Counties)** to ~~[appoint members to the]~~ **establish an** advisory committee. **Section 3** further provides that the membership of the committee must include: (1) at least two members who are ~~[representatives of the]~~ employees ~~[who work on a]~~ **of the person who contracts with the commission to operate the** public transit system in the county, are not in a supervisory position and are recommended by the principal officers of the employee organization that represents such employees; (2) at least one member of the general public; and (3) any other additional members appointed at the discretion of the regional transportation commission. **Section 3** also authorizes a regional transportation commission to assign certain duties of the advisory committee to another committee established by the regional transportation commission, provided that the membership of the other committee meets the membership requirements for an advisory committee.

~~[Section 1.5 of this bill requires a regional transportation commission in a county whose population is 100,000 or more but less than 700,000 (currently only Washoe County) to establish an advisory committee to provide certain information and advice to the regional transportation commission relating to~~

~~public mass transportation in the county. Section 1.5 provides that the advisory committee consist of: (1) one member of the general public from each city within the county who is appointed by the governing body of that city; and (2) three members of the general public appointed by the regional transportation commission. Section 1.5 also requires the appointing authorities to coordinate to ensure that at least two of the members on the advisory committee are representatives of the employees who work for the public transit system in the county, are not in a supervisory position and are recommended by the principal officers of the employee organization that represents such employees.]~~

Section 6 of this bill revises a reference to federal law.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. ~~[Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. In a county whose population is 100,000 or more but less than 700,000, the commission shall establish an advisory committee to provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county and any other related subject as requested by the commission. The membership of the advisory committee must consist of:*~~

~~*(a) One member of the general public from each city within the county who is appointed by the governing body of that city; and*~~

~~*(b) Three members of the general public appointed by the commission.*~~

~~*2. The appointing authorities shall coordinate to ensure that at least two of the members appointed pursuant to paragraphs (a) and (b) of subsection 1:*~~

~~*(a) Are representatives of the employees who work for the public transit system in the county;*~~

~~*(b) Are not in a supervisory position; and*~~

~~*(c) Are recommended by the principal officers of the employee organization that represents such employees.*~~

~~*3. Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.*~~

~~*4. A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.*~~

~~*5. The advisory committee shall meet at least four times annually.*~~

~~*6. At its first meeting and annually thereafter, the advisory committee shall elect a chair and vice chair from among its members.*~~

~~*7. Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.]~~~~ (Deleted by amendment.)**

Sec. 2. NRS 277A.260 is hereby amended to read as follows:

277A.260 ***1.*** A commission may:

~~[1.]~~ ***(a)*** Provide for and maintain such security in operations as is necessary for the protection of persons and property under its jurisdiction and control.

~~[2.]~~ ***(b)*** Employ professional, technical, clerical and other personnel necessary to carry out the provisions of this chapter.

~~[3.]~~ ***(c)*** Establish ~~[a fine]~~ ***fines*** for a passenger who refuses to ~~[pay]~~ ***:***

(1) Pay or otherwise fails to pay the proper fare to ride on the public transit system established and operated by the commission ~~[.]~~ ***; or***

(2) Comply with a regional or statewide health and safety standard or mandate.

➥ If the commission establishes such ~~[a fine,]~~ ***fines,*** the commission may establish procedures that provide for the issuance and collection of the ~~[fine.]~~ ***fines.***

2. The commission or any person who contracts with the commission to operate the public transit system shall:

(a) Maintain, in accordance with all applicable provisions of state and federal law, any audio or video recording that:

(1) Is used as evidence in a disciplinary action involving an employee of any person who contracts with the commission to operate the public transit system; or

(2) Contains an incident on the public transit system that results in an injury to an employee of a person who contracts with the commission to operate the public transit system.

(b) Upon the request of an employee organization that is the exclusive bargaining agent of the employees of a person who contracts with the commission to operate the public transit system, provide the employee organization with any audio or video recording that:

(1) Is used as evidence in a disciplinary action involving an employee of any person who contracts with the commission to operate the public transit system; or

(2) Contains an incident on the public transit system that results in an injury to an employee of a person who contracts with the commission to operate the public transit system, provided that the commission and the person who contracts with the commission to operate the public transit system receive a written request by the employee organization for the audio or video recording within 10 calendar days of the incident.

Sec. 3. NRS 277A.340 is hereby amended to read as follows:

277A.340 1. ~~[In]~~ ***Except as otherwise provided in subsection 8, in*** a county whose population is ~~[700,000]~~ ***100,000*** or more, the commission shall establish an advisory committee to ~~[provide]~~ ***:***

(a) Provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county ~~[.]~~ ***; and***

(b) Perform, at the discretion of the commission, any other duties.

2. The commission shall appoint members to the advisory committee. The membership of the advisory committee must consist of:

(a) ~~[Two]~~ ***At least two*** members ~~[of the general public from each city within the county who are appointed by the governing body of that city; and]~~ ***who:***

(1) Are ~~[representatives of the]~~ employees ~~[who work on]~~ of the person who contracts with the commission to operate the public transit system in the county;

(2) Are not in a supervisory position; and

(3) Are recommended by the principal officers of the employee organization that represents such employees.

(b) ~~[Six members]~~ ***At least one member*** of the general public ***.*** ~~[appointed by the commission.~~

~~2.]~~ ***(c) Any other additional members appointed at the discretion of the commission.***

3. Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.

~~[3.]~~ ***4.*** A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.

~~[4.]~~ ***5.*** The advisory committee shall meet at least ~~[six]~~ ***four*** times annually.

~~[5.]~~ ***6.*** At its first meeting and annually thereafter, the advisory committee shall elect a chair and vice chair from among its members.

~~[6.]~~ ***7.*** Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

8. If a commission has established other committees, the commission may assign the duty of an advisory committee to provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county to another committee, provided that the membership of the other committee meets the requirements of paragraphs (a) and (b) of subsection 2.

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 277A.450 is hereby amended to read as follows:

277A.450 1. Notwithstanding the provisions of chapter 332 of NRS or NRS 625.530, a commission may utilize a turnkey procurement process to select a person to design, build, finance, operate and maintain, or any combination thereof, a high-capacity transit system, including, without limitation, any minimum operable segment thereof. The commission shall determine whether to utilize turnkey procurement for a high-capacity transit project before the completion of the preliminary engineering phase of the project. In making that determination, the commission shall evaluate whether

turnkey procurement is the most cost-effective method of constructing the project on schedule and in satisfaction of its transportation objectives.

2. Notwithstanding the provisions of chapter 332 of NRS, a commission may utilize a competitive negotiation procurement process to procure rolling stock for a high-capacity transit project and any other equipment that is related to the project. The award of a contract under such a process must be made to the person whose proposal is determined to be the most advantageous to the commission, based on price and other factors specified in the procurement documents.

3. If a commission develops a high-capacity transit project, the Department of Transportation is hereby designated to serve as the oversight agency to ensure compliance with the federal safety regulations for rail fixed guideway ***public transportation*** systems set forth in 49 C.F.R. Part ~~[659.]~~ ***674.***

4. As used in this section:

(a) "Minimum operable segment" means the shortest portion of a high-capacity transit system that is technically capable of providing viable public transportation between two end points.

(b) "Turnkey procurement" means a competitive procurement process by which a person is selected by a commission, based on evaluation criteria established by the commission, to design, build, operate and maintain, or any combination thereof, a high-capacity transit system, or a portion thereof, in accordance with performance criteria and technical specifications established by the commission.

Sec. 7. (Deleted by amendment.)

Sec. 8. 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 Torres moved that the Assembly concur in the Senate Amendment No. 691 to Assembly Bill No. 214.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 56.

The following Senate amendment was read:

Amendment No. 542.

AN ACT relating to vehicles; authorizing certain vehicles to drive on the paved shoulder of a highway under certain circumstances; revising provisions governing the acts required of a driver of a vehicle upon the immediate approach of certain emergency or official vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the limited conditions under which the driver of a vehicle may overtake and pass upon the right of another vehicle. (NRS 484B.210) **Section 1** of this bill allows authorized emergency vehicles, vehicles which have been issued permits as authorized emergency vehicles, traffic incident management vehicles of the Department of Transportation, tow

cars, coroner vehicles and buses of public transit systems to drive on the paved shoulder of a highway where lawfully placed signage allows such vehicles to use the shoulder in that manner.

Existing law requires a driver of a vehicle, upon the approach of an authorized emergency vehicle or official vehicle of a regulatory agency making use of certain flashing lights, to yield the right-of-way, drive to a position parallel to, and as close as possible to, the right-hand edge or curb of a highway and stop. (NRS 484B.267) **Section 2** of this bill prohibits a driver from driving to and stopping in a position on a paved shoulder of a highway where lawfully placed signage allows certain vehicles described in **section 1** to drive on the shoulder.

Existing law prohibits, except if required by an emergency, a person from driving a vehicle on a controlled-access highway outside of a marked traffic lane or marked entrance or exit lane. (NRS 484B.587) **Section 3** of this bill authorizes certain vehicles described in **section 1** to drive on the paved shoulder of a controlled-access highway where lawfully placed signage allows such vehicles to use the shoulder in that manner.

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

Section 1. NRS 484B.210 is hereby amended to read as follows:

484B.210 1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.

(b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.

(c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:

(1) ~~[~~Does~~]~~ ***Except as otherwise provided in subsection 4, does*** not travel more than 200 feet in the section of pavement not marked as a traffic lane; or

(2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.

(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.

4. ***The provisions of subparagraph (1) of paragraph (c) of subsection 1 do not apply to:***

(a) An authorized emergency vehicle described in NRS 484A.480;

(b) A vehicle which has been issued a permit to operate as an authorized emergency vehicle pursuant to NRS 484A.490;

(c) A traffic incident management vehicle;

(d) A tow car;

(e) A coroner vehicle; or

(f) A public transit motor bus,

➥ that is being driven on the paved shoulder of a highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.

5. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.

6. As used in this section:

(a) "Coroner vehicle" means an authorized vehicle used by a county coroner, medical examiner [,] or medicolegal death investigator : [or mortuary personnel.]

(1) Responding to the scene of a death; or

(2) Transporting a dead human body.

(b) "Hazardous material vehicle" means a vehicle used by the Department of Transportation for the cleanup of a spill of hazardous or illicit material, solid waste or other environmental hazards on or adjacent to a highway or within the rights-of-way of the Department of Transportation.

(c) "Public transit motor bus" means a vehicle used by a public transit system, designed for carrying more than 10 passengers and used for the transportation of persons for compensation.

(d) "Public transit system" has the meaning ascribed to it in NRS 277A.120.

(e) "Traffic incident" means any vehicle, person, condition or other traffic hazard which is located on or near a roadway and which poses a danger to the flow of traffic or to a person involved in, responding to or assisting with the traffic hazard.

(f) "Traffic incident management vehicle" means an authorized vehicle used by the Department of Transportation to provide aid to motorists or to mitigate traffic incidents and which makes use of flashing amber warning lights that meet the requirements of subsection 1 of NRS 484D.185 and any standards approved by the Department of Public Safety. The term includes:

(1) Vehicles operating as part of the Freeway Service Patrol of the Department of Transportation; and

(2) Vehicles, including, without limitation, hazardous material vehicles, which respond to traffic incidents, motor vehicle crashes or other emergencies for purposes other than providing police, fire and emergency medical services.

Sec. 2. NRS 484B.267 is hereby amended to read as follows:

484B.267 1. Upon the immediate approach of an authorized emergency vehicle or an official vehicle of a regulatory agency, making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of every other vehicle shall ~~[yield]~~ ***, except when otherwise directed by a law enforcement officer:***

(a) Yield the right-of-way **.** ~~[and shall]~~

(b) Except as otherwise provided in this paragraph, immediately drive to a position parallel to, and as close as possible to, the right-hand edge or ***, if applicable,*** curb of a highway ***and*** clear of any intersection **.** ~~[and shall stop]~~ ***The driver shall not drive to and stop in a position on a paved shoulder of a highway where lawfully placed signage allows a vehicle described in paragraphs (a) to (f), inclusive, of subsection 4 of NRS 484B.210 to drive on the shoulder.***

(c) Stop and remain in such position until the authorized emergency vehicle or official vehicle has passed **.** ~~[, except when otherwise directed by a law enforcement officer.]~~

2. Upon approaching an authorized emergency vehicle or an official vehicle of a regulatory agency which is moving or preparing to move in any direction, including, without limitation, arriving at or leaving the scene of a crash or other incident, and making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480, the driver of any other vehicle shall, except when otherwise directed by a law enforcement officer:

(a) Decrease the speed of his or her vehicle to a speed that is reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600;

(b) Proceed with caution;

(c) Be prepared to stop;

(d) If the authorized emergency vehicle or official vehicle of a regulatory agency is moving in the same direction of travel as the driver, not drive abreast of or overtake the authorized emergency vehicle or official vehicle of a regulatory agency;

(e) If possible, drive in a lane that is not adjacent to the lane in which the authorized emergency vehicle or official vehicle of a regulatory agency is moving, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible; and

(f) If the authorized emergency vehicle or official vehicle of a regulatory agency:

(1) Approaches the driver's vehicle, proceed as required pursuant to subsection 1; or

(2) Stops, proceed as required pursuant to NRS 484B.607.

3. A person who violates this section is guilty of a misdemeanor.

4. As used in this section, "preparing to move" means any indication that is visible to an approaching driver that an authorized emergency vehicle or an official vehicle of a regulatory agency is about to move, including, without limitation:

(a) A movement of the vehicle; or

(b) The use of hand signals by the driver of the vehicle.

Sec. 3. NRS 484B.587 is hereby amended to read as follows:

484B.587 1. When official traffic-control devices are erected giving notice thereof, a person shall not drive a vehicle onto or from any controlled-access highway except at those entrances and exits which are indicated by such devices.

2. Except if required by an emergency ~~[,]~~ ***or as otherwise authorized by subsection 3,*** a person shall not drive a vehicle on a controlled-access highway:

(a) Upon any portion of the highway that lies outside of a marked traffic lane or marked entrance or exit lane; or

(b) Across any solid white line that separates an entrance or exit lane from a marked traffic lane.

3. ***A person driving a vehicle described in paragraphs (a) to (f), inclusive, of subsection 4 of NRS 484B.210 may drive that vehicle on a paved shoulder of a controlled-access highway where lawfully placed signage allows that vehicle to use the shoulder in that manner.***

4. A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

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

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

Assemblyman Watts moved that the Assembly concur in the Senate Amendment No. 542 to Assembly Bill No. 56.

Remarks by Assemblyman Watts.

ASSEMBLYMAN WATTS:

The amendment removes vehicles used by mortuary personnel from the definition of "coroner vehicle" in subsection 6(a) of section 1 of the bill.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 185.

The following Senate amendment was read:

Amendment No. 545.

ASSEMBLYWOMAN MOSCA

JOINT SPONSOR: SENATOR BUCK

CONTAINS UNFUNDED MANDATE (§ ~~[1)]~~ **1.5)**

Not Requested by Affected Local Government)

AN ACT relating to education; **revising provisions relating to the enrollment of pupils in charter schools;** requiring school districts, charter schools and university schools for profoundly gifted pupils to take certain

measures to accommodate a pupil who plans to transfer to the school district or school or leave the school district or school because of the documented pending military transfer of a parent or guardian; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a charter school to give preference in enrollment to certain children before enrolling children who are otherwise eligible for enrollment. (NRS 388A.456) Section 1 of this bill authorizes a charter school to give the same preference to a child who has a parent or legal guardian who is a member of the military.

The Interstate Compact on Educational Opportunity for Military Children requires member states, including Nevada, to take certain measures to facilitate the enrollment and continued education of pupils who are children of military families and who transfer into this State. (NRS 388F.010) Existing law also requires the superintendent of a school district or his or her designee to make reasonable efforts to accommodate a pupil who transfers to a public school in the district due to the military transfer of the parent or legal guardian of the pupil. (NRS 388F.070) ~~[This]~~ **Section 1.5 of this** bill additionally requires the governing body of a charter school or university school for profoundly gifted pupils to make such reasonable efforts. ~~[This bill]~~ **Section 1.5** requires those reasonable efforts to include authorizing such a pupil to enroll in the school and participate in any application or lottery process necessary to be eligible for such enrollment: (1) at the same time as pupils who reside in the school district or near the charter school or university school, as applicable; and (2) in the same manner as pupils who reside in the school district or near the charter school or university school, as applicable, or remotely using electronic means, regardless of whether such means are generally authorized for other pupils. ~~[This bill]~~ **Section 1.5** authorizes such a pupil to: (1) use the address of a military installation to which a parent or legal guardian of the pupil has a documented pending military transfer as the address of the pupil for all purposes relating to enrollment until the pupil notifies the public school of the actual address at which the pupil will reside in the appropriate attendance area; and (2) specify an additional address solely for the purpose of receiving correspondence. ~~[This bill]~~ **Section 1.5** also requires the superintendent of a school district or the superintendent's designee or the governing body of a charter school or university school for profoundly gifted pupils to make reasonable efforts to accommodate a pupil who plans to leave the school during the school year because of the documented pending military transfer of the parent or legal guardian of the pupil. ~~[This bill]~~ **Section 1.5** requires those efforts to include: (1) authorizing and assisting the pupil to complete the requirements for the current school year through a program of distance education, if such a program is available; and (2) cooperating with any school or school district to which the pupil plans to transfer. ~~[This bill]~~ **Section 1.5** requires a pupil who enrolls in a public school, charter school or university school for profoundly gifted pupils for all or part of a school year pursuant to

the provisions of this bill to provide proof of residency before the beginning of the next school year if the pupil plans to enroll in the school for the next school year.

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

Section 1. **NRS 388A.456 is hereby amended to read as follows:**

388A.456 1. Before a charter school enrolls pupils who are eligible for enrollment pursuant to NRS 388A.453, a charter school may enroll a child who:

(a) Is a sibling of a pupil who is currently enrolled in the charter school.

(b) Was enrolled, free of charge and on the basis of a lottery system, in a prekindergarten program at the charter school or any other early childhood educational program affiliated with the charter school.

(c) Is a child of a person:

(1) Who is employed by the charter school;

(2) Who is a member of the committee to form the charter school;

(3) Who is a member of the governing body of the charter school; or

(4) Who resides on or is employed on the federal military installation, if the charter school is located on a federal military installation;

(d) Is enrolled at a charter school with which the charter school has an articulation agreement, approved by the sponsor, providing for priority enrollment.

(e) Is in a particular category of at-risk pupils and the child meets the eligibility for enrollment prescribed by the charter school for that particular category.

(f) At the time his or her application is submitted, is enrolled in a public school of a school district with an enrollment that is more than 25 percent over the public school's intended capacity, as reported on the list maintained by the school district pursuant to subsection 4. If a charter school enrolls pupils who are enrolled in such a public school before enrolling other pupils who are eligible for enrollment, the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

(g) At the time his or her application is submitted, is enrolled in a public school that received an annual rating established as one of the two lowest ratings possible indicating underperformance of a public school, as determined by the Department pursuant to the statewide system of accountability for public schools for the most recent school year for which the public school received an annual rating. If a charter school enrolls pupils who are enrolled in such a public school before

enrolling other pupils who are eligible for enrollment, the charter school must enroll such pupils who reside within 2 miles of the charter school before enrolling other such pupils.

(h) Resides within the school district and within 2 miles of the charter school if the charter school is located in an area that the sponsor of the charter

school determines includes a high percentage of children who are at risk. If space is available after the charter school enrolls pupils pursuant to this paragraph, the charter school may enroll children who reside outside the school district but within 2 miles of the charter school if the charter school is located within an area that the sponsor determines includes a high percentage of children who are at risk.

(i) Has a parent or legal guardian who is a member of the military.

2. If more pupils described in this section who are eligible apply for enrollment than the number of spaces available, the charter school shall determine which applicants to enroll pursuant to this section on the basis of a lottery system.

3. A lottery held pursuant to subsection 2 must be held not sooner than 45 days after the date on which a charter school begins accepting applications for enrollment unless the sponsor of the charter school determines there is good cause to hold it sooner.

4. Each school district shall create and maintain a list which specifies for each public school of the school district, the maximum enrollment capacity for each school, the actual number of pupils enrolled at each school and the percentage by which enrollment at each school exceeds the intended enrollment capacity, if applicable. Each school district shall post the list on the Internet website maintained by the school district as soon as practicable after the count of pupils is completed pursuant to NRS 387.1223 but not later than November 1 of each year.

5. As used in this section, "member of the military" has the meaning ascribed to it in NRS 176A.043.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 388F.070 is hereby amended to read as follows:

388F.070 1. The superintendent of a school district or the superintendent's designee ***or the governing body of a charter school or a university school for profoundly gifted pupils*** shall ~~[, in]~~ ***:***

(a) Authorize a pupil who plans to transfer to a public school in the school district or to a charter school or university school, as applicable, from a school inside or outside this State because of the documented pending military transfer of the parent or legal guardian of the pupil to enroll in the public school, charter school or university school and participate in any application or lottery process necessary to be eligible for such enrollment:

(1) At the same time as pupils who reside in the school district or near the charter school or university school, as applicable; and

(2) In the same manner as pupils in the school district or near the charter school or university school, as applicable, or remotely using electronic means, regardless of whether such means are generally authorized for other pupils.

(b) Deem the address of a military installation to which a parent or legal guardian of the pupil has a documented pending military transfer to be the address of the pupil for all purposes relating to enrollment for which an

address is required until the pupil notifies the public school of the actual address at which the pupil will reside in the appropriate attendance area.

(c) Authorize the pupil and the parent or legal guardian of the pupil to specify an additional, current address solely for the purpose of receiving correspondence.

(d) In accordance with NRS 388F.010, make ***other*** reasonable efforts to accommodate a pupil who transfers to a public school in the school district ***or to the charter school or university school, as applicable,*** from a school inside or outside this State because of the military transfer of the parent or legal guardian of the pupil.

2. If the superintendent of a school district or the superintendent's designee is not able to grant a standard high school diploma to a pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil, the superintendent or the superintendent's designee shall work cooperatively with the local education agency in the state in which the pupil was previously enrolled to determine if the pupil is eligible to receive a diploma from that local education agency and, if the pupil is eligible, to facilitate receiving a high school diploma from that local education agency.

3. If a pupil at a public school in a school district, a charter school or a university school for profoundly gifted pupils plans to leave the school during the school year because of the documented pending military transfer of the parent or legal guardian of the pupil, the superintendent of the school district or the superintendent's designee or the governing body of the charter school or university school, as applicable, shall make reasonable efforts to accommodate the pupil, including, without limitation, by:

(a) Authorizing and assisting the pupil to complete the requirements for the current school year through a program of distance education, if such a program is available; and

(b) Cooperating with any school or school district to which the pupil plans to transfer.

4. A pupil who enrolls in a public school, charter school or university school for profoundly gifted pupils pursuant to subsection 1 for all or part of a school year and plans to enroll in the school for the next school year shall, before the beginning of the next school year, provide proof of residency in this State and, as applicable, in:

(a) The school district;

(b) The zone of attendance of the school established pursuant to NRS 388.040; or

(c) The geographic area served by the charter school or university school.

5. As used in this section, "program of distance education" means a program comprised of one or more courses of study for which instruction is delivered by means of video, computer, television or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the

pupil receiving the instruction are separated geographically for a majority of the time during which instruction is delivered.

Sec. 2. 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.

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 January 1, 2024, for all other purposes.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 545 to Assembly Bill No. 185.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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 the following students, teachers, and chaperones from Jerry Whitehead Elementary School: Aaidyn Roberts, Antonio Moreno-Padilla , Brooke Mudd, Bryan Barrera, Caitlynn Nowicki, Corbin Brannan, Daniel Ahyo, Eli Behrooz, Emera Leitner, Emerson Cardona-Argueta, Emeryce Mar, Emily Rodriguez Velazquez, Emma Perez, Eva Ward, Gunner Rodeman, Hailey McKee, Ilana Braze, Isaac Hodges, Jameson Morgan, Javohnny Pine, Javonni Deleon, Jaxon Sullivan, Jonah Gutierrez, Jones Bailey, Joseph Gaffney-Neil, Kellen Waskiewicz, Kistin Morton, Kynlee Dalmann, Logan White King, Malachi Lagorio, Moralee Segoviano, Mya Newman, Oak Drake, Rene Alonso-Hernandez, Savanna Tobin, Solomona Spuhler, Taegan Andrews, Toren Freitas, Victoria Mena Munoz, and Zoe Mendoza Osorio.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Travis Brewer LaChappelle.

On request of Assemblywoman La Rue Hatch, the privilege of the floor of the Assembly Chamber for this day was extended to the following students, teachers, and chaperones from Roy Gomm Elementary School: Aaliyah Mendoza, Alec Cieutat, Aria Fong, Bella Ryan, Cameron Moore, Canyon Jones, Chase Bolenbaker, Chieko Giordano, Connor Seevers, Ella Dominguez, Eric Xu, Francesca Martinez-Flores, Hailey Hagen, Hudson Hambright, Hudson Shepphird, Izzy Foti, Jack Medeiros, Jeremiah Ferguson, Julissa Rodriguez, Juniper Taylor, Kanoa Newell, Kate Melerine, Kayson Haugen, Kellen Marquez, Logan Dilts, Lousi Waclo, Matix Mackenzie, Miles Guilbe, Nolan Planeta, Ryan Dickens, Shaun Wiltshire, and Tyler Johnson.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Roderic Newton.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, May 24, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 9:01 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly