NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 30, 2023

Assembly called to order at 12:43 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain Ron McMillin.

Merciful and Sovereign God. By You all things were created, in heaven and on earth, visible and invisible, whether thrones or dominions or rulers or authorities–all things were created through You and for You. To You be the Honor, the Praise, and the Glory.

Lord, we thank You for this day and for all those in this body, whom You have appointed to lead this great state, in a time such as this. Lord, it has been a long session, a session filled with testimonies, debates, and even arguments…all of which has taken an emotional toll. Lord, we ask that as this session nears an end, that You renew the strength and energy of each member here, so that they may finish well the work of the people they represent. Remind them of the purpose for which they have been called as they contemplate the remaining bills. Give them wisdom and discernment to know what is right and the courage to vote accordingly.

Lord, we ask for Your continued protection of each person here and that You return them safely home and reunite them to their loved ones upon the conclusion of this session.

We ask all of this in the name of our Lord and Savior, Jesus Christ.

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. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 36, 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 457, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 50, 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 16, 460, 485, 493, 495, 502, 505, 510, 511, 516, 517, 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 Ways and Means, to which were rereferred Assembly Bills Nos. 77, 135, 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 Ways and Means, to which were rereferred Assembly Bills Nos. 161, 184, 192, 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 Ways and Means, to which was referred Senate Bill No. 273, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 9, 448, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 468, 470, 471, 472, 473, 474, 476, 477, 478, 479, 482, 483, 484, 485, 486, 487, 488, 489, 491, 493, 494, 497, 499, 500.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 24, 166, 222, 232, 242, 279, 301, 305, 380, 390.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 715 to Senate Bill No. 239; Assembly Amendment No. 603 to Senate Bill No. 292.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 9; Senate Bills Nos. 109, 146, 172, 192, 239, 249, 269, 280, 289, 292, 422, 423.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 250.

The following Senate amendment was read:

Amendment No. 644.

AN ACT relating to health care; prohibiting certain actions related to pricing and reimbursement for certain drugs; creating a cause of action for violating such prohibitions; ~~[requiring certain entities to maintain a registered agent and office in this State;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal law requires the United States Secretary of Health and Human Services to negotiate with the manufacturers of certain drugs and to establish the maximum fair price for certain drugs, which is the maximum price at which such drugs may be sold to a recipient of Medicare. (42 U.S.C. §§ 1320f-2, 1320f-3) Existing federal law requires the Secretary of Health and Human Services to publish those maximum fair prices. (42 U.S.C. § 1320f-4) **Section 1** of this bill prohibits a person or entity that: (1) purchases a drug which is subject to a maximum fair price in this State from paying a price that is higher than the maximum fair price; or (2) seeks reimbursement for a drug subject to a maximum fair price which is delivered, dispensed or administered to a person in this State from seeking reimbursement at a rate which is higher than the maximum fair price. ~~[Section 1 also requires any such person or entity to maintain a registered agent and an office or base of operations in this State.]~~

Existing law: (1) prohibits certain trade practices which are deemed to be deceptive trade practices; and (2) provides for the enforcement of the prohibition on engaging in deceptive trade practices, including by prescribing criminal penalties to be imposed against a person who engages in a deceptive trade practice. (NRS 598.0903-598.0999) **Section 1** makes it a deceptive trade practice for any person to violate _~~[: (1)]~~ the prohibition on purchasing or seeking reimbursement for a drug at a price higher than the maximum fair price _~~[; or (2) the requirement to maintain a registered agent and an office or base of operations in this State when engaging in certain activity relating to drugs subject to a maximum fair price.]~~ **Sections 1 and 3** of this bill provide that a person who violates the provisions of **section 1** is not subject to any criminal penalty set forth in existing law for engaging in a deceptive trade practice, meaning such a person is subject only to the various civil enforcement

measures, including civil penalties, set forth in existing law for engaging in a deceptive trade practice. (NRS 598.097-598.0999)

Existing law authorizes any person who is a victim of consumer fraud, including a deceptive trade practice, to bring a civil action. (NRS 41.600) **Section 2** of this bill provides that a violation of **section 1** constitutes consumer fraud, and **sections 1 and 2** authorize a victim of such a violation to bring a civil action.

WHEREAS, In the 2019 Legislative Session, Senate Bill No. 276 directed the Legislative Commission to appoint a committee to conduct an interim study concerning the cost of prescription drugs in this State and the impact of rebates, reductions in price and other remuneration from manufacturers on prescription drug prices; and

WHEREAS, In reporting on the findings of the Committee to Conduct an Interim Study Concerning the Costs of Prescription Drugs, LCB Bulletin No. 21-9, published in January 2021, stated that "[i]n 2018, Americans paid an average of $1,229 for prescription drugs, the highest amount per capita in any developed country in the world"; and

WHEREAS, LCB Bulletin No. 21-9 also stated that "[i]ncreasing drug prices disproportionately affect uninsured and underinsured patients, while insured patients covered by high-deductible, commercial, or government-sponsored health insurance plans tend to pay more through premium and copay increases"; and

WHEREAS, The Nevada Spending and Government Efficiency Commission noted in its final report, "Final Report of the Nevada Spending and Government Efficiency Commission to Governor Jim Gibbons," published January 7, 2010, that the State of Nevada would realize significant savings on Medicaid, mental health, corrections and other programs if the cost of prescription drugs were better controlled; and

WHEREAS, Excessive prices negatively affect the ability of residents of this State to obtain prescription drugs, thereby endangering the health and safety of such residents; and

WHEREAS, Excessive prices of prescription drugs threaten the economic well-being of residents of this State, thereby inhibiting their ability to pay for necessary and essential goods and services including housing, food and utilities; and

WHEREAS, Excessive costs of prescription drugs contribute significantly to increasing costs of health care and health insurance that threaten the ability of residents of this State to obtain affordable health coverage and maintain or achieve good health; and

WHEREAS, Excessive costs of prescription drugs contribute significantly to rising costs for health care provided and paid for through health insurance programs for public employees, including employees of the State, municipalities, counties, school districts, institutions for higher education and retirees whose health costs are funded by taxpayer dollars, thereby threatening

the ability of the State and local governments to fund other programs necessary for the public good and safety, such as public safety, police, fire and education; and

WHEREAS, To protect residents of this State from the negative effects from excessive costs of prescription drugs, and to protect the safety, health and economic well-being of Nevadans, the Legislature finds that legislation regarding affordable access to prescription drugs is necessary for residents of this State to achieve and maintain good health; now therefore,

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

Section 1. Chapter 439B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 8, a]~~ A person or entity that purchases a referenced drug in this State shall not pay a price for the referenced drug that, excluding any fee paid to a pharmacy for dispensing the referenced drug, is higher than the maximum fair price for that referenced drug during the price applicability period.

2. ~~[Except as otherwise provided in subsection 8, a]~~ A person or entity that seeks reimbursement for a referenced drug which is delivered, dispensed or administered to a person in this State shall not seek reimbursement for the referenced drug at a rate which, excluding any fee paid to a pharmacy for dispensing the referenced drug, is higher than the maximum fair price for that referenced drug during the price applicability period.

3. ~~[Except as otherwise provided in subsection 8, a person or entity that sells, offers for sale, distributes or delivers any referenced drug to a person or entity in this State or seeks reimbursement for a referenced drug which is delivered, dispensed or administered to a person in this State shall maintain in this State a registered agent and an office or base of operations.~~

~~—4.]~~ Except as otherwise provided in subsection ~~[5,]~~ 4, a violation of subsection 1 ~~[,]~~ or 2 ~~[or 3]~~ by any person constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. Each such violation of subsection 1 or 2 ~~[or sale, offer for sale or distribution or delivery of a quantity of a referenced drug in violation of subsection 3]~~ constitutes a separate deceptive trade practice.

~~[5.]~~ 4. A person who violates the provisions of subsection 1 ~~[,]~~ or 2 ~~[or 3]~~ is not subject to any criminal penalty set forth in subsection 3 of NRS 598.0999.

~~[6.]~~ 5. A person aggrieved by a violation of subsection 1 ~~[,]~~ or 2 ~~[or 3]~~ may bring an action for consumer fraud pursuant to NRS 41.600.

~~[7.]~~ 6. The Department may adopt any regulations necessary to carry out the provisions of this section.

~~[8. A provider of health coverage for federal employees, a provider of health coverage that is subject to the Employee Retirement Income Security Act of 1974 or a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5).~~

~~*(a) Is not required to comply with the requirements of this section.*~~

~~*(b) May elect to be subject to the provisions of this section by notifying the Director in writing on or before January 1 of each year in which the plan elects to participate.*~~

~~*9.*~~ *7. As used in this section:*

(a) "Manufacturer" has the meaning ascribed to it in NRS 639.009.

(b) "Maximum fair price" means the maximum fair price for a drug published by the United States Secretary of Health and Human Services pursuant to 42 U.S.C. § 1320f-4.

(c) "Price applicability period" has the meaning ascribed to it in 42 U.S.C. § 1320f(b)(2).

(d) "Referenced drug" means a drug subject to a maximum fair price.

(e) "Wholesaler" has the meaning ascribed to it in NRS 639.016.

Sec. 2. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351;

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive; ~~[or]~~

(f) A violation of NRS 417.133 or 417.135 ~~[.]~~ ***; or***

(g) A violation of section 1 of this act.

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained;

(b) Any equitable relief that the court deems appropriate; and

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 3. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the

Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. ~~[A]~~ ***Except as otherwise provided in section 1 of this act, a*** natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(d) For an offense involving a loss of property or services valued at $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 4. The provisions of this act do not apply to any contract for the sale of or reimbursement for a drug entered into before January 1, 2024, but do apply to any renewal or extension of such a contract.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

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

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 644 to Assembly Bill No. 250.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 22.

The following Senate amendment was read:

Amendment No. 706.

AN ACT relating to contractors; revising provisions governing the actions that the State Contractors' Board is authorized or required to take after the issuance of a cease and desist order for unlicensed activity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Contractors' Board to issue a cease and desist order to a person for acting as a contractor or submitting a bid on a job in this State without a license as a contractor and sets forth the actions that the Board is authorized or required to take after the issuance of the order. If the Board determines that the person to whom the cease and desist order was issued has not complied with the order, existing law requires the Board to: (1) for a first violation for which the value of the unlicensed work is $50,000 or less, issue a written administrative citation, conditioned upon the submission by the person of an application for a license as a contractor; and (2) for a second or subsequent violation, or a first violation for which the value of the unlicensed work exceeds $50,000, report the violation for possible criminal prosecution. If the Board determines that the person has complied with the cease and desist order, existing law: (1) requires the Board to issue an administrative citation and impose an administrative fine; and (2) authorizes the Board to require the person to submit an application for a license as a contractor. (NRS 624.212)

This bill replaces the separate procedures in existing law that the Board is required to follow after the issuance of a cease and desist order, depending upon whether the person to whom the order was issued complied with the order. Under the procedures set forth in this bill, the Board, regardless of the person's compliance with the order, is required to issue an administrative citation and impose an administrative fine for a first violation which does not involve theft or fraud. For a second or subsequent violation, or for any first violation involving theft or fraud, this bill requires the Board to **:** ~~[either:]~~ (1) issue an administrative citation and impose an administrative fine; ~~[or]~~ (2) report the violation for possible criminal prosecution ~~[.]~~ **; or (3) take both of those actions.** This bill retains the authority of the Board in existing law to, after the issuance of a cease and desist order: (1) require the person to submit an application for a license as a contractor; and (2) apply for injunctive relief.

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

Section 1. NRS 624.212 is hereby amended to read as follows:

624.212 1. The Executive Officer, on behalf of the Board, shall issue an order to cease and desist to any person:

(a) Acting as a contractor, including, without limitation, commencing work as a contractor; or

(b) Submitting a bid on a job situated in this State,

➥ without a valid license issued pursuant to this chapter. The order must be served personally or by certified mail and is effective upon receipt. For the purposes of this section, a person shall be deemed to have a valid license if the

person has an active license and is performing work in conformity with the requirements of subsection 4 of NRS 624.220.

2. After confirming that the cease and desist order has been received by the person to whom it was issued, the Board shall return to the job site or take any other action required to confirm that the terms of the cease and desist order have been complied with. The person to whom the cease and desist order was issued may, while in the course of stopping work on the job, take any necessary action within 48 hours after receiving the cease and desist order to protect the public, the project, any other contractors, laborers and equipment on the site and to limit the loss of any perishable goods.

3. ~~[If the Board determines that any term of a cease and desist order has not been complied with and no exception applies:~~

~~(a) The person to whom the cease and desist order was issued shall be deemed noncompliant with the cease and desist order and the person may not complete the project, except for taking any necessary action to protect the public, the project, any other contractors, laborers and equipment and to limit the loss of any perishable goods.~~

~~(b) Except as otherwise provided in paragraph (c), for a first violation, the Board shall issue a written administrative citation pursuant to NRS 624.341, which may include any reasonable investigatory fees and costs, conditioned upon the submission by the person of a bona fide application for the issuance of a license pursuant to this chapter within a reasonable period established by the Board.~~

~~(c) For a second or subsequent violation, or for any first violation for which the reasonable value of the unlicensed work exceeds $50,000, the Board shall:~~

~~(1) Report the violation of the cease and desist order to the appropriate district attorney for possible criminal prosecution pursuant to NRS 624.700; and~~

~~(2) Provide any reasonable assistance in the prosecution.~~

~~(d) The Board may apply for injunctive relief pursuant to the Nevada Rules of Civil Procedure to enjoin the person to whom the cease and desist order was issued from continuing to violate the cease and desist order in any county in which the person may be found. If such an action is filed, irreparable injury is presumed and the likelihood of success on the merits may be established by a showing that, on the date the cease and desist order was issued, the person did not hold a valid license issued pursuant to this chapter and had bid for or undertaken work for which such a license is required.~~

~~4. If the Board determines that the person to whom the~~**]** ***After issuing a*** cease and desist order **,** **[**~~was issued has complied with the order,~~**]** the Board **[**~~:~~**]** ***shall:***

(a) **[**~~Shall~~**]** ***For a first violation which does not involve theft or fraud,*** issue an administrative citation pursuant to NRS 624.341 and impose an administrative fine against the person in accordance with NRS 624.710, in addition to any reasonable investigatory fees and costs **.** **[**~~; and~~**]**

(b) ~~[~~May require~~]~~ ***For a second or subsequent violation, or for any first violation involving theft or fraud, ~~[either:]~~ take any or all of the following actions:***

(1) Issue an administrative citation pursuant to NRS 624.341 and impose an administrative fine against the person in accordance with NRS 624.710, in addition to any reasonable investigatory fees and costs . ~~[; or]~~

(2) Report the violation of the provisions of this chapter for possible criminal prosecution pursuant to NRS 624.700. If the violation is prosecuted, the Board shall provide any reasonable assistance in the prosecution.

4. After issuing a cease and desist order, in addition to the actions required by subsection 3, the Board may:

(a) Require the person to submit a bona fide application for the issuance of a license pursuant to this chapter within a reasonable period established by the Board.

(b) If the Board determines that any term of the cease and desist order has not been complied with and no exception applies, apply for injunctive relief pursuant to the Nevada Rules of Civil Procedure to enjoin the person to whom the cease and desist order was issued from continuing to violate the cease and desist order in any county in which the person may be found. If such an action is filed, irreparable injury is presumed and the likelihood of success on the merits may be established by a showing that, on the date the cease and desist order was issued, the person did not hold a valid license issued pursuant to this chapter and had bid for or undertaken work for which such a license is required.

5. When assessing an administrative fine pursuant to this section, the Board may:

(a) Require the person to whom the cease and desist order was issued to remedy any loss or damage caused by the unlicensed activity for which the order was issued, including, without limitation, the disgorgement of any amount of money collected from the owner of the project that was not for material delivered to the job site and that has not been damaged or altered by the person;

(b) Reduce or stay any administrative fine imposed pursuant to subsection ~~[4]~~ ***3*** pending completion by the person of a program of training or an examination required by the Board; or

(c) Reduce or stay any administrative fine imposed pursuant to subsection ~~[4]~~ ***3*** if the person obtains a valid license issued pursuant to this chapter.

6. When imposing an administrative fine pursuant to this section, the Board shall impose the maximum administrative fine established pursuant to this chapter for the unlicensed activity if more than one of the following circumstances exist:

(a) The person has previously committed the same or a similar violation as the violation for which the administrative fine is imposed;

(b) The unlicensed activity involves more than one trade or craft;

(c) The unlicensed activity resulted in harm to any person or property;

(d) The unlicensed activity involved an elderly person or a person with a diagnosed physical or mental disability; or

(e) The unlicensed activity was for a project having a contract value in excess of $50,000.

7. Within 15 business days after receiving a cease and desist order, the person against whom the order was issued may petition the Board in writing to lift or alter the order. The petition may assert:

(a) As an absolute defense:

(1) Licensure of the person pursuant to this chapter;

(2) Any applicable exception to licensure set forth in NRS 624.031; or

(3) Misidentification of the person.

(b) As a partial defense:

(1) Overbreadth of any term of the cease and desist order;

(2) Vagueness or ambiguity of any term of the cease and desist order;

(3) Consideration of any necessary action taken by the person to protect the public, the project, any other contractors, laborers and any equipment on the job site and to limit any loss of perishable goods; or

(4) Any other ~~[defect]~~ ***deficiency*** in the terms of the cease and desist order.

8. After considering any assertion made in a petition pursuant to:

(a) Paragraph (a) of subsection 7, the Board shall, if facts are established to the satisfaction of the Board to support the absolute defense asserted in the petition, vacate the cease and desist order or any portion thereof.

(b) Paragraph (b) of subsection 7, the Board shall, if facts are established to the satisfaction of the Board to support the partial defense asserted in the petition, reasonably clarify any terms of the cease and desist order requested by the petitioner.

9. When considering an application for the issuance of a license pursuant to this chapter, the Board may consider:

(a) Any cease and desist order issued against the applicant;

(b) Compliance by the applicant with any cease and desist order issued against him or her;

(c) Any criminal conviction of the applicant for failure to comply with any cease and desist order; or

(d) The payment by the applicant of any criminal or administrative fine and any administrative fee or cost imposed against the applicant.

10. If the court finds that a person violated an order issued pursuant to subsection 1 without an established absolute defense set forth in paragraph (a) of subsection 7, it shall impose a fine of not less than $250 nor more than $1,000 for each violation of the order.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 706 to Assembly Bill No. 22.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 23.

The following Senate amendment was read:

Amendment No. 540.

AN ACT relating to contractors; authorizing a person who is issued a written administrative citation by the State Contractors' Board to request an informal citation conference before the Executive Officer of the Board; establishing requirements and procedures for such an informal citation conference; revising procedures by which a person is authorized to contest a citation; providing that the failure of a person to comply with the terms of a citation which has been affirmed or modified within a certain period of time constitutes cause for disciplinary action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Section 1 of this bill creates an additional, informal process for the resolution of an administrative citation issued by the Board. **Section 1** authorizes a person who is issued such a citation to submit to the Executive Officer of the Board, within 15 business days after the date on which the citation is served on the person, a written request for an informal citation conference. Under **section 1**, the Executive Officer is required to conduct an informal citation conference within 60 business days after receiving such a request. At the conclusion of the conference, **section 1** requires the Executive Officer to affirm, modify or dismiss the citation and, if the citation is affirmed or modified, serve the affirmed or modified citation on the person or his or her attorney. **Sections 1 and 3** of this bill authorize a person who wishes to contest a citation which has been affirmed or modified following an informal citation conference to contest the citation within 15 business days after the date on which the affirmed or modified citation is served on the person. If the person

submits to the Board written notice of his or her intent to contest the affirmed or modified citation within that period, or if that period is extended by the Board, **section 4** requires the Board to hold a hearing on the matter. If the person fails to contest the affirmed or modified citation within that period and that period is not extended by the Board, **section 3** of this bill deems the affirmed or modified citation a final order of the Board and not subject to review by any court or agency.

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

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

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

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

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

3. Subject to the provisions of subsections 4 and 5, the Executive Officer or his or her designee may enter reasonable orders governing how an informal citation conference is conducted. An informal citation conference may be conducted in an informal manner and is not required to be conducted in accordance with the requirements for the conduct of a hearing set forth in NRS 233B.121 to 233B.150, inclusive.

4. At an informal citation conference, the Executive Officer or his or her designee and the person who submitted the request for the informal citation conference shall present all evidence that is known to them at the time of the conference that substantiates their respective positions.

5. An informal citation conference must not be recorded. Any offer of settlement or other statement made during an informal citation conference must not be used as an admission in any subsequent hearing, and the Executive Officer or his or her designee shall so inform the person who

submitted the request for the informal citation conference at the beginning of the conference.

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

~~[5.]~~ 7. If the Executive Officer or his or her designee affirms or modifies a citation pursuant to subsection ~~[4.]~~ 6:

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

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

~~[6.]~~ 8. A person whose citation was affirmed or modified pursuant to this section:

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

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

~~[7.]~~ 9. For the purposes of this section, a citation shall be deemed to have been served on a person on:

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

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

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

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

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

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

(b) Is inactive.

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

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

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

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

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

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

➥ whichever occurs later.

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

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

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

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

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

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

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

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

2. A person may contest, without limitation:

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

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

(c) The amount of any administrative fine ordered;

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

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

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

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

(b) For a citation that has been affirmed or modified following an informal citation conference conducted pursuant to section 1 of this act,

within 15 business days after the date on which the affirmed or modified citation is served on the person; or ~~[on]~~

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

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

5. For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

Sec. 6. (Deleted by amendment.)

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 540 to Assembly Bill No. 23.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 39.

The following Senate amendment was read:

Amendment No. 539.

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

Legislative Counsel's Digest:

Existing law sets forth certain requirements pertaining to contracts used by a contractor and the owner of a single-family residence for work concerning a residential photovoltaic system used to produce electricity or work concerning a residential pool or spa. (NRS 624.875, 624.940) **Section 1** of this bill imposes similar requirements pertaining to a contract used by a residential contractor and the owner of a completed single-family residence who occupies the single-family residence for any construction, remodeling, repair or improvement performed by a residential contractor to the single-family residence or any activity for the supervision of such work. **Section 1** authorizes the State Contractors' Board to adopt regulations establishing mandatory elements to be included in such a contract. **Section 1** also sets forth certain information that is required to be included in such a contract. **With certain exceptions, such information includes, without limitation, the amount, not to exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, of any initial down payment or deposit paid or promised to be paid to the residential contractor by the owner before the start of the work.** **Section 1** further requires a residential contractor to: (1) furnish to the owner with whom the residential contractor has contracted for work concerning a residential improvement a copy of all documents signed and a receipt for any money paid to the residential contractor; and (2) apply for and obtain all necessary permits. If a contract entered into between a residential contractor and the owner for work concerning a residential improvement does not ~~[comply with]~~ **include the information required by** the provisions of **section 1 , other than the information concerning an initial down payment or deposit,** and any applicable regulations adopted by the Board, section 1 **: (1) authorizes the owner to modify the contract to bring the contract into compliance with those provisions; and (2)** provides that **such a modification is enforceable against the residential contractor if the modification is reasonable. If the contract does not include the information required by the provisions of section 1 concerning an initial down payment or deposit, section 1 provides that** the contract is voidable by the owner.

Existing law sets forth certain acts and omissions that constitute cause for disciplinary action against a contractor by the Board, including, without limitation, failure to comply with requirements for contracts for work concerning residential pools and spas and for work concerning residential photovoltaic systems used to produce electricity. (NRS 624.3016) **Section 2** of this bill makes a contractor's failure to comply with requirements for

contracts for work concerning a residential improvement or regulations adopted by the Board governing such contracts cause for such disciplinary action. **Section 3** of this bill makes a conforming change as a result of this additional cause for disciplinary action.

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

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

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

(a) Subsection 2, other than the provisions of paragraph (g) of subsection 2, and all applicable regulations adopted by the Board may be modified by the owner of the single-family residence to bring the contract into compliance with those provisions and regulations. Any modification of a contract made pursuant to this paragraph is enforceable against the residential contractor if the modification is reasonable.

(b) Paragraph (g) of subsection 2 is voidable by the owner of the single-family residence.

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

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

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

(c) The date of execution of the contract.

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

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

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

(g) The amount, not to exceed $1,000 or 10 percent of the aggregate contract price, whichever is less, of any initial down payment or deposit paid or promised to be paid to the residential contractor by the owner before the start of the work.

The provisions of this paragraph do not apply if the residential contractor has filed with the Board a bond solely for the protection of consumers in the amount of $100,000 ~~[.]~~ or has been granted relief by the Board pursuant to subsection 5 of NRS 624.270.

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

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

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

(k) Except as otherwise provided in this subsection, the dollar amount of any progress payment and the stage of construction at which the residential contractor will be entitled to collect progress payments from the owner during the course of construction under a contract for work concerning a residential improvement. The schedule of payments must show the amount of each payment as a sum in dollars and cents. The schedule of payments must not provide for the residential contractor to receive, nor may the residential contractor actually receive, payments in excess of 100 percent of the value of the work performed on the project at any time, excluding finance charges, except for an initial down payment or deposit. ~~[With respect to a contract executed before October 1, 2023, if any schedule of payments set forth in the contract does not comply with the provisions of this chapter or any regulations adopted pursuant thereto:~~

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

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

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

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

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

3. The contract must contain:

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

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

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

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

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

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

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

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

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

7. As used in this section:

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

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

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

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

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

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

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

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

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

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

5. Failure to comply with ***:***

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

~~[6. Failure to comply with]~~

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

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

6. Failure to comply with NRS 624.600.

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

~~[9.]~~ ***8.*** Failure to pay an assessment required pursuant to NRS 624.470.

~~[10.]~~ ***9.*** Failure to file a certified payroll report that is required for a contract for a public work.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 539 to Assembly Bill No. 39.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 127.

The following Senate amendment was read:

Amendment No. 556.

AN ACT relating to insurance; prohibiting an insurer from treating Medicare supplemental policies differently for certain purposes relating to the payment of commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Medicare program, which is a public health insurance program for persons 65 years of age and older and specified persons with disabilities who are under 65 years of age. (42 U.S.C. §§ 1395 et seq.) Existing federal regulations define the term "Medicare supplemental policy" to mean a policy offered by a private insurer that is primarily designed to pay expenses not reimbursed under Medicare because of certain limitations under Medicare. (42 C.F.R. § 403.205) Existing law requires an insurer offering a Medicare supplemental policy or the Public Employees' Benefits Program or any local government that provides a similar policy for public employees to offer an open enrollment period for persons covered by such policies, during which the insurer or governmental entity is prohibited from placing certain restrictions on the issuance of such a policy. (NRS 287.010, 287.04335, 687B.352, 695B.320) Existing federal law requires the issuance of a Medicare supplemental policy under certain circumstances, under which such a policy is considered to be guaranteed issue. (42 U.S.C. § 1395ss) This bill prohibits an insurer or other person or entity from varying the commission associated with the purchase of Medicare supplemental policies during the open enrollment period, paying differential commissions associated with the purchase of Medicare supplemental policies during the open enrollment period or otherwise treating Medicare supplemental policies purchased during the open enrollment period differently for the purposes of commission for any reason, including: (1) because the Medicare supplemental policy is issued during the open enrollment period or classified as guaranteed issue; or (2) because of the ~~[age,]~~ health status, claims experience, receipt of health care or medical condition of the insured. This bill additionally requires an insurer or other person or entity to treat the purchase of a Medicare supplemental policy during the open enrollment period in the same manner as the renewal of a Medicare supplemental policy for purposes relating to the payment of a commission.

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

Section 1. NRS 687B.352 is hereby amended to read as follows:

687B.352 1. An insurer that issues a Medicare supplemental policy shall offer to a person currently insured under any such policy an annual open enrollment period commencing with the first day of the birthday month of the person and remaining open for at least 60 days thereafter, during which the person may purchase any Medicare supplemental policy made available by the insurer in this State that includes the same or lesser benefits. Innovative benefits, as described in 42 U.S.C. § 1395ss(p)(4)(B), must not be considered when determining whether a Medicare supplemental policy includes the same benefits as or lesser benefits than another such policy.

2. During the open enrollment period offered pursuant to subsection 1, an insurer shall not deny or condition the issuance or effectiveness, or discriminate in the price of coverage, of a Medicare supplemental policy based on the health status, claims experience, receipt of health care or medical condition of a person described in subsection 1.

3. At least 30 days before the beginning of the open enrollment period offered pursuant to subsection 1 but not more than 60 days before the beginning of that period, an insurer that issues a Medicare supplemental policy shall notify each person to whom the open enrollment period applies of:

(a) The dates on which the open enrollment period begins and ends and the rights of the person established by the provisions of this section; and

(b) Any modification to the benefits provided by the policy under which the person is currently insured or adjustment to the premiums charged for that policy.

4. ***An insurer or other person or entity shall not vary the commission associated with the purchase of Medicare supplemental policies during the open enrollment period offered pursuant to subsection 1, pay differential commissions associated with the purchase of Medicare supplemental policies during that open enrollment period or otherwise treat Medicare supplemental policies purchased during that open enrollment period differently for the purposes of commission for any reason, including, without limitation:***

(a) Because the Medicare supplemental policy was purchased during the open enrollment period offered pursuant to subsection 1;

(b) Because the Medicare supplemental policy is classified as guaranteed issue under 42 U.S.C. § 1395ss or any other applicable federal or state law or regulations; or

(c) Because of the ~~***[age,]***~~ ***health status, claims experience, receipt of health care or medical condition of the insured.***

5. An insurer or other person or entity must treat the purchase of a Medicare supplemental policy during the open enrollment period offered pursuant to subsection 1 in the same manner as the renewal of a Medicare supplemental policy for all purposes relating to the payment of a commission.

6. As used in this section, "Medicare supplemental policy" has the meaning ascribed to it in 42 C.F.R. § 403.205 and additionally includes policies offered by public entities that otherwise meet the requirements of that section.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 556 to Assembly Bill No. 127.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 163.

The following Senate amendment was read:

Amendment No. 538.

ASSEMBLYMEN GONZÁLEZ, CONSIDINE, THOMAS; ANDERSON, BROWN-MAY, DICKMAN, DURAN, GRAY, HARDY, LA RUE HATCH, NEWBY, NGUYEN, O'NEILL, ORENTLICHER AND WATTS

JOINT SPONSORS: SENATORS SPEARMAN, NEAL, D.HARRIS; **LANGE,** OHRENSCHALL AND SCHEIBLE

AN ACT relating to employment; providing for hours of leave, under certain circumstances, if an employee or a family or household member of an employee is a victim of an act which constitutes sexual assault; prohibiting the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from denying certain persons unemployment benefits under certain circumstances; requiring employers to provide reasonable accommodations under certain circumstances; prohibiting an employer from taking certain actions against an employee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who commits certain acts is guilty of sexual assault. (NRS 200.366) Existing law requires an employer to provide certain hours of leave to an employee who has been employed by the employer for at least 90 days and who is a victim of an act which constitutes domestic violence, or such an employee whose family or household member is a victim of an act which constitutes domestic violence and the employee is not the alleged perpetrator. Existing law provides that such an employee is entitled to not more than 160 hours of leave during a 12-month period. Such leave: (1) may be paid or unpaid; (2) must be used within the 12 months immediately following the date on which the act which constitutes domestic violence occurred; (3) may be used consecutively or intermittently; and (4) under certain circumstances, must be deducted from leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq. Existing law additionally requires an employer to maintain a record of the use of the hours of leave for each employee for a 2-year period and to make those records available for inspection by the Labor Commissioner. (NRS 608.0198) **Section 1** of this bill: (1) requires an employer to provide such leave to a victim of an

act which constitutes sexual assault; (2) authorizes an employee to use the leave for certain purposes; and (3) requires an employer to maintain a record of the use of the hours of leave for each employee for a 2-year period and to make those records available for inspection by the Labor Commissioner.

Existing law prohibits the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation from denying a person unemployment compensation benefits in certain circumstances. (NRS 612.3755) **Section 2** of this bill prohibits the Administrator from denying a person unemployment compensation benefits if the Administrator finds that the person: (1) left employment to protect himself or herself, or his or her family or household member, from an act which constitutes sexual assault; and (2) actively engaged in an effort to preserve employment. **Section 2** also authorizes the Administrator to request evidence from the person to support a claim for benefits.

Existing law requires an employer to provide reasonable accommodations which will not create an undue hardship for an employee who is a victim of an act which constitutes domestic violence or whose family or household member is a victim of an act which constitutes domestic violence. (NRS 613.222) **Section 3** of this bill similarly requires an employer to provide such accommodations for an employee who is a victim of an act which constitutes sexual assault or whose family or household member is a victim of an act which constitutes sexual assault.

Existing law prohibits an employer from conditioning the employment of an employee or prospective employee or taking certain employment actions because of certain circumstances related to the commission of an act which constitutes domestic violence. (NRS 613.223) **Section 4** of this bill prohibits an employer from conditioning the employment of an employee or prospective employee or taking certain employment actions because: (1) the employee or prospective employee is a victim of an act which constitutes sexual assault; (2) the employee or prospective employee's family or household member is a victim of an act which constitutes sexual assault; or (3) of other circumstances related to being a victim of an act which constitutes sexual assault.

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

Section 1. NRS 608.0198 is hereby amended to read as follows:

608.0198 1. An employee who has been employed by an employer for at least 90 days and who is a victim of an act which constitutes domestic violence ~~[,]~~ ***or sexual assault,*** or whose family or household member is a victim of an act which constitutes domestic violence ~~[,]~~ ***or sexual assault,*** and the employee is not the alleged perpetrator, is entitled to not more than 160 hours of leave in one 12-month period. Hours of leave provided pursuant to this subsection:

(a) May be paid or unpaid by the employer;

(b) Must be used within the 12 months immediately following the date on which the act which constitutes domestic violence ***or sexual assault*** occurred;

(c) May be used consecutively or intermittently; and

(d) If used for a reason for which leave may also be taken pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq., must be deducted from the amount of leave the employee is entitled to take pursuant to this section and from the amount of leave the employee is entitled to take pursuant to the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

2. An employee may use the hours of leave pursuant to subsection 1 as follows:

(a) An employee may use the hours of leave only:

(1) For the diagnosis, care or treatment of a health condition related to an act which constitutes domestic violence ***or sexual assault*** committed against the employee or family or household member of the employee;

(2) To obtain counseling or assistance related to an act which constitutes domestic violence ***or sexual assault*** committed against the employee or family or household member of the employee;

(3) To participate in any court proceedings related to an act which constitutes domestic violence ***or sexual assault*** committed against the employee or family or household member of the employee; or

(4) To establish a safety plan, including, without limitation, any action to increase the safety of the employee or the family or household member of the employee from a future act which constitutes domestic violence ~~[.]~~ ***or sexual assault.***

(b) After taking any hours of leave upon the occurrence of the act which constitutes domestic violence ~~[.]~~ ***or sexual assault,*** an employee shall give not less than 48 hours' advance notice to his or her employer of the need to use additional hours of leave for any purpose listed in paragraph (a).

3. An employer shall not:

(a) Deny an employee the right to use hours of leave in accordance with the conditions of this section;

(b) Require an employee to find a replacement worker as a condition of using hours of leave; or

(c) Retaliate against an employee for using hours of leave.

4. The employer of an employee who takes hours of leave pursuant to this section may require the employee to provide to the employer documentation that confirms or supports the reason the employee provided for requesting leave. Such documentation may include, without limitation, a police report, a copy of an application for an order for protection, an affidavit from an organization which provides services to victims of domestic violence ***or sexual assault*** or documentation from a physician. Any documentation provided to an employer pursuant to this subsection is confidential and must be retained by the employer in a manner consistent with the requirements of the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.

5. The Labor Commissioner shall prepare a bulletin which clearly sets forth the right to the benefits created by this section. The Labor Commissioner shall post the bulletin on the Internet website maintained by the Office of Labor Commissioner, if any, and shall require all employers to post the bulletin in a conspicuous location in each workplace maintained by the employer. The bulletin may be included in any printed abstract posted by the employer pursuant to NRS 608.013.

6. An employer shall maintain a record of the hours of leave taken pursuant to this section for each employee for a 2-year period following the entry of such information in the record and, upon request, shall make those records available for inspection by the Labor Commissioner. The employer shall exclude the names of the employees from the records, unless a request for a record is for the purpose of an investigation.

7. The provisions of this section do not:

(a) Limit or abridge any other rights, remedies or procedures available under the law.

(b) Negate any other rights, remedies or procedures available to an aggrieved party.

(c) Prohibit, preempt or discourage any contract or other agreement that provides a more generous leave benefit or paid leave benefit.

8. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" means a:

(1) Spouse;

(2) Domestic partner;

(3) Minor child; or

(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence ~~[.]~~ ***or sexual assault.***

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 2. NRS 612.3755 is hereby amended to read as follows:

612.3755 1. The Administrator shall not deny any otherwise eligible person benefits if the Administrator finds that:

(a) The person left employment to protect himself or herself, or a family or household member, from an act which constitutes domestic violence ~~[.]~~ ***or sexual assault;*** and

(b) The person actively engaged in an effort to preserve employment.

2. The Administrator may request the person to furnish evidence satisfactory to support the person's claim for benefits.

3. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" means a:

(1) Spouse;

(2) Domestic partner;

(3) Minor child; or

(4) Parent or other adult person who is related within the first degree of consanguinity or affinity to the employee, or other adult person who is or was actually residing with the employee at the time of the act which constitutes domestic violence ~~[.]~~ ***or sexual assault.***

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 3. NRS 613.222 is hereby amended to read as follows:

613.222 1. An employer must make reasonable accommodations which will not create an undue hardship for an employee who is a victim of an act which constitutes domestic violence ***or sexual assault*** or whose family or household member is a victim of an act which constitutes domestic violence ~~[.]~~ ***or sexual assault.*** The employer may provide such accommodations, including, without limitation, as:

(a) A transfer or reassignment;

(b) A modified schedule;

(c) A new telephone number for work; or

(d) Any other reasonable accommodations which will not create an undue hardship deemed necessary to ensure the safety of the employee, the workplace, the employer or other employees.

2. An employer may require an employee to provide to the employer documentation that confirms or supports the reason the employee requires the reasonable accommodations.

3. As used in this section:

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Family or household member" has the meaning ascribed to it in NRS 612.3755.

(c) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 4. NRS 613.223 is hereby amended to read as follows:

613.223 1. It is unlawful for any employer in this State to discharge, discipline, discriminate against in any manner or deny employment or promotion to, or threaten to take any such action against, an employee because:

(a) The employee requested to use hours of leave pursuant to NRS 608.0198;

(b) The employee participated as a witness or interested party in court proceedings related to an act which constitutes domestic violence ***or sexual assault*** which triggered the use of leave pursuant to NRS 608.0198;

(c) The employee requested an accommodation pursuant to NRS 613.222; or

(d) An act which constitutes domestic violence ***or sexual assault*** was committed against the employee in the workplace of the employee.

2. As used in this section ~~[, "domestic]~~ ***:***

(a) "Domestic violence" has the meaning ascribed to it in NRS 33.018.

(b) "Sexual assault" has the meaning ascribed to it in NRS 200.366.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

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

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 538 to Assembly Bill No. 163.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 213.

The following Senate amendment was read:

Amendment No. 690.

AN ACT relating to land use planning; requiring the governing body of a city or county to publish certain information on its Internet website relating to certain applications relating to land use planning; requiring the governing body of certain counties and cities to annually report certain information to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing; revising provisions relating to the procedures for review of certain applications for land use planning; revising provisions relating to the adoption of measures in certain counties relating to affordable housing; providing that certain deadlines relating to land use planning that apply to counties also apply to cities; requiring counties and cities to enact certain ordinances relating to projects for affordable housing on or before July 1, 2024; making certain legislative declarations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the governing body of certain cities or counties to include in its master plan a housing element, which includes certain information relating to housing. (NRS 278.150, 278.160) **Section 1.6** of this bill requires the governing body of such a city or county to annually report this information to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing. The Housing Division is required to compile and post such reports on its Internet website. **Section 12.5** of this bill requires the governing body of such a city or county to submit the first report required pursuant to **section 1.6** on or before July 15, 2024.

Existing law: (1) provides that any application submitted to a governing body or its designee that concerns any matter relating to land use planning may not be accepted if the application is incomplete; and (2) sets forth a timeline and process for the governing body or its designee to review an application for completeness. (NRS 278.02327) **Section 3** of this bill provides that if the governing body or its designee fails to comply with the timeline and process, the application shall be deemed to be complete. **Section 3** also requires the governing body or designee to review and respond to a corrected application within ~~[3]~~ **5** working days and prohibits a governing body or designee from

using any preliminary application to circumvent the timeline or process in **section 3**.

Section 1.3 of this bill requires a governing body to publish on its Internet website a list of applications relating to land use planning in areas zoned for residential housing.

Existing law provides that if the governing body of a city or county is required to include the housing element in its master plan, the governing body is required to adopt certain measures for maintaining and developing affordable housing. (NRS 278.235) **Section 5** of this bill authorizes the governing body to also offer increased residential density for multi-family or multi-story residential development as one such measure. **Section 5** also revises contents of the annual report that the governing body is required to submit to the Housing Division of the Department of Business and Industry relating to affordable housing.

Existing law requires a subdivider to file copies of a tentative map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission. The tentative map is then distributed to all state and local agencies and persons charged with reviewing the proposed subdivision. If there is no planning commission, the clerk of the governing body is required to submit the tentative map to the governing body at its next meeting. If there is a planning commission, the planning commission shall, after accepting as a complete application a tentative map: (1) in a county whose population is 700,000 or more (currently only Clark County), within 45 days, approve, conditionally approve or disapprove the tentative map; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County), approve, conditionally approve or disapprove the tentative map. (NRS 278.330) **Section 7** of this bill provides that a city within such a county is subject to the same deadlines to approve, conditionally approve or disapprove the tentative map.

Existing law provides that the planning commission or governing body, as applicable, shall recommend approval, conditional approval or disapproval of a parcel map: (1) within 45 days after accepting the parcel map as a complete application in a county whose population is 700,000 or more (currently only Clark County); or (2) within 60 days after accepting the parcel map as a complete application in a county whose population is less than 700,000 (currently all counties other than Clark County). (NRS 278.464) **Section 9** of this bill provides that a city within such a county is subject to the same deadlines to recommend approval, conditional approval or disapproval of a parcel map.

Existing law provides that, under certain circumstances, a governing body or planning commission may waive the requirement for a parcel map and that a request for such a waiver must be acted upon: (1) in a county whose population is 700,000 or more (currently only Clark County) within 45 days; or (2) in a county whose population is less than 700,000 (currently all counties

other than Clark County) within 60 days. (NRS 278.464) **Section 9** provides that a city within such a county is subject to the same deadlines.

Existing law provides that a planning commission or governing body must take final action on a final map: (1) in a county whose population is 700,000 or more (currently only Clark County) within 45 days after accepting the final map as a complete application; or (2) in a county whose population is less than 700,000 (currently all counties other than Clark County) within 60 days after accepting the final map as a complete application. (NRS 278.4725) **Section 10** of this bill provides that a city within such a county is subject to the same deadlines.

Section 12 of this bill requires, on or before July 1, 2024, the governing body of each county and city to enact: (1) an expedited process for the consideration and approval of projects for affordable housing in the county or city; and (2) incentives for the development of projects for affordable housing in the county or city.

Sections 13 and 14 of this bill make certain legislative declarations regarding this bill.

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.6 of this act.

Sec. 1.3. ***1. A governing body shall publish on its Internet website a list of all applications relating to land use planning for residential housing pursuant to NRS 278.010 to 278.630, inclusive.***

2. The list must be updated at least monthly and include, without limitation:

(a) The date an application was initially filed;

(b) The number of days an application has been pending;

(c) The number of times an application was issued a notice for incompleteness;

(d) The number of applications rejected for being incomplete; and

(e) Any other information that is relevant to determine whether applications relating to land use planning for residential housing are processed efficiently and expeditiously.

3. As used in this section, "application" means any established ~~[preliminary]~~ application, including, without limitation, the preliminary application established pursuant to subsection 5 of NRS 278.02327. The term does not include an application for a building permit.

Sec. 1.6. ***1. If the governing body of each city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body shall, on or before July 15 of each year, report the following information relating to the county or city, as applicable, to the Housing Division of the Department of Business and Industry and the Advisory Committee on Housing created by NRS 319.174:***

(a) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(b) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(c) An analysis of projected growth and the demographic characteristics of the community.

(d) A determination of the present and prospective need for affordable housing in the community.

(e) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(f) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(1) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(2) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land use planning restrictions that affect such parcels.

(g) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(h) A plan for maintaining and developing affordable housing and market rate housing to meet the housing needs of the community for a period of at least 5 years.

2. On or before September 15 of each year, the Housing Division of the Department of Business and Industry shall compile the reports submitted pursuant to subsection 1 and post the compilation on its Internet website.

3. As used in this section, "market rate housing" means housing for a household which has a total monthly gross income that is more than the total monthly gross income that would allow the household to qualify for affordable housing.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and sections 1.3 and 1.6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.02327 is hereby amended to read as follows:

278.02327 1. Any application submitted to a governing body or its designee that concerns any matter relating to land use planning pursuant to NRS 278.010 to 278.630, inclusive, ***and sections 1.3 and 1.6 of this act,*** or

any ordinance, resolution or regulation adopted pursuant thereto, may not be accepted by the governing body or its designee if the application is incomplete.

2. The governing body or its designee shall, within ~~[3]~~ ***10*** working days after receiving an application of the type described in subsection 1:

(a) Review the application for completeness;

(b) Accept the application if the governing body or its designee finds that the application is complete or return the application if the governing body or its designee finds that the application is incomplete; and

(c) If the governing body or its designee returns the application:

(1) Provide to the applicant a ***specific*** description of the additional information required; and

(2) ~~[If requested by the applicant, provide]~~ ***Provide*** to the applicant a copy of the relevant provision of the ordinance, resolution or regulation which specifically requires the additional information or an explanation of why the additional information is necessary.

3. If a governing body or its designee fails to comply with the provisions of subsection 2, the application shall be deemed to be complete.

4. Once an applicant submits a corrected application in response to a notice of incompleteness provided pursuant to subsection 2, the governing body or its designee shall review and respond to the corrected application within ~~[3]~~ 5 working days.

5. A governing body or its designee may establish a preliminary application process to help an applicant submit a complete application but shall not use any preliminary application process to circumvent the provisions of this section. Any preliminary application process established pursuant to this subsection must require a substantive meeting between an applicant and a governing body or its designee within 15 business days after the applicant's request.

6. As used in this section ~~[, "designee"]~~ :

(a) "Application" does not include an application for a building permit.

(b) "Designee" means any division, department or agency of a governing body with jurisdiction over land use planning, improvement planning, permitting, inspection, zoning, roadways, utilities, public health, water, sewer, drainage, traffic control and public works.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 278.235 is hereby amended to read as follows:

278.235 1. If the governing body of a city or county is required to include the housing element in its master plan pursuant to NRS 278.150, the governing body, in carrying out the plan for maintaining and developing affordable housing to meet the housing needs of the community, which is required to be included in the housing element pursuant to subparagraph (8) of paragraph (c) of subsection 1 of NRS 278.160, shall adopt at least six of the following measures:

(a) Reducing or subsidizing in whole or in part impact fees, fees for the issuance of building permits collected pursuant to NRS 278.580 and fees imposed for the purpose for which an enterprise fund was created.

(b) Selling land owned by the city or county, as applicable, to developers exclusively for the development of affordable housing at not more than 10 percent of the appraised value of the land, and requiring that any such savings, subsidy or reduction in price be passed on to the purchaser of housing in such a development. Nothing in this paragraph authorizes a city or county to obtain land pursuant to the power of eminent domain for the purposes set forth in this paragraph.

(c) Donating land owned by the city or county to a nonprofit organization to be used for affordable housing.

(d) Leasing land by the city or county to be used for affordable housing.

(e) Requesting to purchase land owned by the Federal Government at a discounted price for the creation of affordable housing pursuant to the provisions of section 7(b) of the Southern Nevada Public Land Management Act of 1998, Public Law 105-263.

(f) Establishing a trust fund for affordable housing that must be used for the acquisition, construction or rehabilitation of affordable housing.

(g) Establishing a process that expedites the approval of plans and specifications relating to maintaining and developing affordable housing.

(h) Providing money, support or density bonuses for affordable housing developments that are financed, wholly or in part, with low-income housing tax credits, private activity bonds or money from a governmental entity for affordable housing, including, without limitation, money received pursuant to 12 U.S.C. § 1701q and 42 U.S.C. § 8013.

(i) Providing financial incentives or density bonuses to promote appropriate transit-oriented ***or multi-story*** housing developments that would include an affordable housing component.

(j) Offering density bonuses or other incentives to encourage the development of affordable housing.

(k) Providing direct financial assistance to qualified applicants for the purchase or rental of affordable housing.

(l) Providing money for supportive services necessary to enable persons with supportive housing needs to reside in affordable housing in accordance with a need for supportive housing identified in the 5-year consolidated plan adopted by the United States Department of Housing and Urban Development for the city or county pursuant to 42 U.S.C. § 12705 and described in 24 C.F.R. Part 91.

2. A governing body may reduce or subsidize impact fees, fees for the issuance of building permits or fees imposed for the purpose for which an enterprise fund was created to assist in maintaining or developing a project for affordable housing, pursuant to paragraph (a) of subsection 1, only if:

(a) When the incomes of all the residents of the project for affordable housing are averaged, the housing would be affordable on average for a family

with a total gross income that does not exceed 60 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.

(b) The governing body has adopted an ordinance that establishes the criteria that a project for affordable housing must satisfy to receive assistance in maintaining or developing the project for affordable housing. Such criteria must be designed to put into effect all relevant elements of the master plan adopted by the governing body pursuant to NRS 278.150.

(c) The project for affordable housing satisfies the criteria set forth in the ordinance adopted pursuant to paragraph (b).

(d) The governing body makes a determination that reducing or subsidizing such fees will not impair adversely the ability of the governing body to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from such fees was pledged.

(e) The governing body holds a public hearing concerning the effect of the reduction or subsidization of such fees on the economic viability of the general fund of the city or county, as applicable, and, if applicable, the economic viability of any affected enterprise fund.

3. On or before ~~[January]~~ ***July*** 15 of each year, the governing body shall submit to the Housing Division of the Department of Business and Industry a report, in the form prescribed by the Housing Division, of how the measures adopted pursuant to subsection 1 assisted the city or county in maintaining and developing affordable housing to meet the needs of the community for the preceding year. The report must include an analysis of the need for affordable housing within the city or county that exists at the end of the reporting period **.** The governing body shall cooperate with the Housing Division to ensure that the information contained in the report is appropriate for inclusion in, and can be effectively incorporated into, the statewide low-income housing database created pursuant to NRS 319.143.

4. On or before ~~[February]~~ ***August*** 15 of each year, the Housing Division shall compile the reports submitted pursuant to subsection 3 and post the compilation on the Internet website of the Housing Division.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 278.330 is hereby amended to read as follows:

278.330 1. The initial action in connection with the making of any subdivision is the preparation of a tentative map.

2. The subdivider shall file copies of the map with the planning commission or its designated representative, or with the clerk of the governing body if there is no planning commission, together with a filing fee in an amount determined by the governing body.

3. The commission, its designated representative, the clerk or other designated representative of the governing body or, when authorized by the governing body, the subdivider or any other appropriate agency shall distribute

copies of the map and any accompanying data to all state and local agencies and persons charged with reviewing the proposed subdivision.

4. If there is no planning commission, the clerk of the governing body shall submit the tentative map to the governing body at its next regular meeting.

5. Except as otherwise provided by subsection 6, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting as a complete application a tentative map, recommend approval, conditional approval or disapproval of the map in a written report filed with the governing body.

6. If the governing body has authorized the planning commission to take final action on a tentative map, the planning commission shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting as a complete application a tentative map, approve, conditionally approve or disapprove the tentative map in the manner provided for in NRS 278.349. The planning commission shall file its written decision with the governing body.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 278.464 is hereby amended to read as follows:

278.464 1. Except as otherwise provided in subsection 2, if there is a planning commission, it shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting as a complete application a parcel map, recommend approval, conditional approval or disapproval of the map in a written report. The planning commission shall submit the parcel map and the written report to the governing body.

2. If the governing body has authorized the planning commission to take final action on a parcel map, the planning commission shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting as a complete application the parcel map, approve, conditionally approve or disapprove the map. The planning commission shall file its written decision with the governing body. Unless the time is extended by mutual agreement, if the planning commission is authorized to take final

action and it fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

3. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or, by authorization of the governing body, the director of planning or other authorized person or agency shall:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after acceptance of the parcel map as a complete application by the governing body pursuant to subsection 1 or pursuant to subsection 3 of NRS 278.461, review and approve, conditionally approve or disapprove the parcel map. Unless the time is extended by mutual agreement, if the governing body, the director of planning or other authorized person or agency fails to take action within the period specified in this subsection, the parcel map shall be deemed approved.

4. The planning commission and the governing body or director of planning or other authorized person or agency shall not approve the parcel map unless the person proposing to divide the land has submitted an affidavit stating that the person will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the person proposing to divide the land or any successor in interest.

5. Except as otherwise provided in NRS 278.463, if unusual circumstances exist, a governing body or, if authorized by the governing body, the planning commission may waive the requirement for a parcel map. Before waiving the requirement for a parcel map, a determination must be made by the county surveyor, city surveyor or professional land surveyor appointed by the governing body that a survey is not required. Unless the time is extended by mutual agreement, a request for a waiver must be acted upon:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after the date of the request for the waiver or, in the absence of action, the waiver shall be deemed approved.

6. A governing body may consider or may, by ordinance, authorize the consideration of the criteria set forth in subsection 3 of NRS 278.349 in determining whether to approve, conditionally approve or disapprove a second or subsequent parcel map for land that has been divided by a parcel map which was recorded within the 5 years immediately preceding the acceptance of the second or subsequent parcel map as a complete application.

7. An applicant or other person aggrieved by a decision of the governing body's authorized representative or by a final act of the planning commission

may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

8. If a parcel map and the associated division of land are approved or deemed approved pursuant to this section, the approval must be noted on the map in the form of a certificate attached thereto and executed by the clerk of the governing body, the governing body's designated representative or the chair of the planning commission. A certificate attached to a parcel map pursuant to this subsection must indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925 has been vacated or abandoned in accordance with NRS 278.480.

Sec. 10. NRS 278.4725 is hereby amended to read as follows:

278.4725 1. Except as otherwise provided in this section, if the governing body has authorized the planning commission to take final action on a final map, the planning commission shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after accepting the final map as a complete application. The planning commission shall file its written decision with the governing body. Except as otherwise provided in subsection 5, or unless the time is extended by mutual agreement, if the planning commission is authorized to take final action and it fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

2. If there is no planning commission or if the governing body has not authorized the planning commission to take final action, the governing body or its authorized representative shall approve, conditionally approve or disapprove the final map, basing its action upon the requirements of NRS 278.472:

(a) In a county whose population is 700,000 or more, ***or in any city within such county,*** within 45 days; or

(b) In a county whose population is less than 700,000, ***or in any city within such county,*** within 60 days,

➥ after the final map is accepted as a complete application. Except as otherwise provided in subsection 5 or unless the time is extended by mutual agreement, if the governing body or its authorized representative fails to take action within the period specified in this subsection, the final map shall be deemed approved unconditionally.

3. An applicant or other person aggrieved by a decision of the authorized representative of the governing body or by a final act of the planning

commission may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.3195.

4. If the map is disapproved, the governing body or its authorized representative or the planning commission shall return the map to the person who proposes to divide the land, with the reason for its action and a statement of the changes necessary to render the map acceptable.

5. If the final map divides the land into 16 lots or more, the governing body or its authorized representative or the planning commission shall not approve a map, and a map shall not be deemed approved, unless:

(a) Each lot contains an access road that is suitable for use by emergency vehicles; and

(b) The corners of each lot are set by a professional land surveyor.

6. If the final map divides the land into 15 lots or less, the governing body or its authorized representative or the planning commission may, if reasonably necessary, require the map to comply with the provisions of subsection 5.

7. Upon approval, the map must be filed with the county recorder. Filing with the county recorder operates as a continuing:

(a) Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

(b) Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

8. The map filed with the county recorder must include:

(a) A certificate signed and acknowledged by each owner of land to be divided consenting to the preparation of the map, the dedication of the roads and the granting of the easements.

(b) A certificate signed by the clerk of the governing body or authorized representative of the governing body or the secretary to the planning commission that the map was approved, or the affidavit of the person presenting the map for filing that the time limited by subsection 1 or 2 for action by the governing body or its authorized representative or the planning commission has expired and that the requirements of subsection 5 have been met. A certificate signed pursuant to this paragraph must also indicate, if applicable, that the governing body or planning commission determined that a public street, easement or utility easement which will not remain in effect after a merger and resubdivision of parcels conducted pursuant to NRS 278.4925, has been vacated or abandoned in accordance with NRS 278.480.

(c) A written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

9. A governing body may by local ordinance require a final map to include:

(a) A report from a title company which lists the names of:

(1) Each owner of record of the land to be divided; and

(2) Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.

(b) The signature of each owner of record of the land to be divided.

(c) The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (a), to the preparation and recordation of the final map. A holder of record may consent by signing:

(1) The final map; or

(2) A separate document that is filed with the final map and declares his or her consent to the division of land.

10. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.

11. The county recorder shall charge and collect for recording the map a fee set by the board of county commissioners of not more than $50 for the first sheet of the map plus $10 for each additional sheet.

12. A county recorder who records a final map pursuant to this section shall, within 7 working days after he or she records the final map, provide to the county assessor at no charge:

(a) A duplicate copy of the final map and any supporting documents; or

(b) Access to the digital final map and any digital supporting documents. The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

Sec. 11. (Deleted by amendment.)

Sec. 12. 1. On or before July 1, 2024, the governing body of each county and city shall enact by ordinance:

(a) An expedited process for the consideration and approval of projects for affordable housing in the county or city, as applicable. Such expedited process must prioritize, to the extent practicable, the processing of projects for affordable housing in the county or city, as applicable, over all other projects and allow deviation from the current process for the consideration and approval of projects for affordable housing. Any such deviation includes, without limitation, authorizing the administrative approval for any applications relating to affordable housing projects by a person authorized by the governing body.

(b) Incentives for the development of projects for affordable housing in the county or city, as applicable, that encourage the use of the expedited process required pursuant to paragraph (a).

2. As used in this section, “affordable housing” has the meaning ascribed to it NRS 278.0105.

Sec. 12.5. The governing body of each city or county that is required to submit a report pursuant to section 1.6 of this act shall submit the first report on or before July 15, 2024.

Sec. 13. 1. The Legislature hereby finds and declares that the efficient and expeditious processing of land use applications and improvement plans by a governing body is important to the economic health and housing supply of this State.

2. By considering and adopting the amendments to the provisions of NRS 278.02327 pursuant to section 3 of this act, the Legislature recognizes the importance of an efficient and expeditious process for the review of land use applications and improvement plans.

Sec. 14. 1. The Legislature hereby finds and declares that a consistent and robust supply of housing is an important factor in the overall affordability of housing.

2. By considering and adopting the amendments to the provisions of NRS 278.235 pursuant to section 5 of this act, the Legislature recognizes the need for more affordable housing in this State.

Sec. 15. 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. 16. 1. This section and sections 1 and 1.6 to 15, inclusive, of this act become effective on July 1, 2023.

2. Section 1.3 of this act becomes effective on January 1, 2024.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 690 to Assembly Bill No. 213.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 218.

The following Senate amendment was read:

Amendment No. 638.

AN ACT relating to real property; requiring a landlord or his or her agent to provide a tenant at least one method of paying rent or any other fee or charge that meets certain requirements; **authorizing a tenant to bring a civil action against a landlord who has committed certain violations;** prohibiting a landlord from charging a tenant a fee to make a payment through an Internet website or online portal that exceeds the amount of any fee charged by the operator of the Internet website or online portal for the use of such service; requiring a written rental agreement to separately identify such a fee under certain circumstances; requiring a landlord or his or her agent to provide, upon request, a copy of a written rental agreement to a prospective tenant; requiring certain references to the amount of rent due under a rental agreement to be set forth in a certain manner; ~~[establishing certain practices as deceptive trade practices; providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements relating to a written rental agreement. Existing law requires any written agreement for the use and occupancy of a dwelling unit or premises to contain provisions relating to the amount of rent due and the manner and time of its payment. (NRS 118A.200) **Section 4** of this bill requires that, in each place where a landlord lists the amount of rent due under a rental agreement and in any reference to the amount of rent due in a written rental agreement, the rent must be set forth as a single

figure representing the total amount of periodic rent that includes the amount of any fixed, mandatory fees to be charged to the tenant in addition to the base rent. **Section 4** prohibits a landlord from charging a tenant an amount for periodic rent that exceeds the amount of rent due under the written rental agreement, as set forth in the manner required by **section 4**. **Section 3.5** of this bill requires a landlord or his or her agent, upon request, to provide a prospective tenant with a copy of the written rental agreement, if any, to which the prospective tenant would be subject if he or she were to become a tenant.

Section 2 of this bill requires a landlord to provide a tenant at least one method to pay rent or any other fee or charge which does not require the tenant to: (1) pay any fee or charge to use the method; or (2) provide information concerning a bank account of the tenant. **Section 2** also prohibits a landlord or his or her agent who allows a tenant to pay rent or any other fee or charge through an Internet website or online portal from charging the tenant a fee to make a payment through the Internet website or online portal in an amount that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal. **Section 2** requires the amount of any fee to be charged to the tenant by the landlord or his or her agent for the use of an Internet website or online portal to make a payment to be separately identified in any written rental agreement.

~~[Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS)]~~ **Section 3** of this bill ~~[makes it a deceptive trade practice to: (1) violate]~~ **authorizes a tenant who is aggrieved by a violation of** the requirements of **section 4** concerning the manner in which rent must be listed or referenced in a written rental agreement ~~[; and (2) charge]~~ **or the prohibition set forth in section 4 on charging** a tenant an amount for periodic rent that exceeds the amount of rent due under a written rental agreement ~~[in violation of section 4.]~~ **to bring a civil action for such a violation. Section 3 requires a court to award certain relief to a tenant who prevails in such an action.**

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

Section 1. Chapter 118A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 3.5 of this act.

Sec. 2. ***1. A landlord or his or her agent shall provide a tenant at least one method of paying rent or any other fee or charge which does not require the tenant to:***

(a) Pay any fee or charge for using the method; or

(b) Provide information concerning a bank account of the tenant.

2. If a landlord or his or her agent allows a tenant to pay rent or any other fee or charge through an Internet website or online portal:

(a) The landlord or his or her agent shall not charge the tenant a fee to make a payment through the Internet website or online portal in an amount

that exceeds the amount of any fee charged for the use of the Internet website or online portal by the operator of the Internet website or online portal; and

(b) The amount of any fee charged to the tenant by the landlord or his or her agent for the use of the Internet website or online portal must be separately identified in any written rental agreement.

Sec. 3. ***1. A tenant who is aggrieved by a violation of subsection 6 or 7 of NRS 118A.200 ~~[constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive. A tenant injured by such a violation]~~ may bring a civil action in any court of competent jurisdiction for such violation.***

2. If a tenant prevails in an action brought pursuant to subsection 1, the court shall award the tenant:

(a) Any damages the tenant has sustained;

(b) Any equitable relief that the court deems appropriate; ~~[and]~~

(c) The tenant's costs in the action and reasonable attorney's fees ~~[.]~~ ;

(d) Statutory damages of $1,000 for each violation which involved deception; and

(e) Treble the amount of actual damages sustained by the tenant as a result of each willful violation.

Sec. 3.5. ***A landlord or his or her agent shall, upon request, provide to a prospective tenant a copy of the written rental agreement, if any, to which the tenant would be subject if he or she were to become a tenant.***

Sec. 4. 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 ***, set forth in the manner required by subsection 6,*** and the manner and time of its payment.

(c) Occupancy by children or pets.

(d) Services included with the dwelling rental.

(e) Fees which are required and the purposes for which they are required.

(f) Deposits which are required and the conditions for their refund.

(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) A listing of persons or numbers of persons who are to occupy the dwelling.

(j) Respective responsibilities of the landlord and the tenant as to the payment of utility charges.

(k) A signed record of the inventory and condition of the premises under the exclusive custody and control of the tenant.

(l) A summary of the provisions of NRS 202.470.

(m) 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) 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.

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 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.

(d) Other than normal wear, the premises will be returned in the same condition as when the tenancy began.

6. ***In each place where a landlord lists the amount of rent due under a rental agreement and in any reference in a written rental agreement to the amount of rent due under the agreement, the rent must be set forth as a single figure representing the total amount of periodic rent that includes the***

amount of any fixed, mandatory fees to be charged to the tenant in addition to the base rent.

7. A landlord shall not charge a tenant an amount for periodic rent that exceeds the amount of rent due under a written rental agreement as set forth in the manner required by subsection 6.

8. 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.]~~ ***9.*** 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.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 638 to Assembly Bill No. 218.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 267.

The following Senate amendment was read:

Amendment No. 613.

AN ACT relating to health care; revising provisions relating to the requirement that certain medical facilities conduct training of **certain** agents and employees in cultural competency; requiring the Office of Minority Health and Equity of the Department of Health and Human Services to establish, maintain and distribute a list of courses and programs relating to cultural competency that certain medical facilities are required to use to conduct training of certain agents and employees; increasing the number of hours of instruction relating to cultural competency that certain health care professionals are required to complete; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the State Board of Health shall require, by regulation, a medical facility, facility for the dependent and certain other facilities to conduct training relating specifically to cultural competency for any agent or employee of the facility so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are: (1) from various racial and ethnic backgrounds; (2) from various religious backgrounds; (3) persons with various sexual orientations and gender identities or expressions; (4) children and senior citizens; (5) persons with a mental or physical disability; and (6) part of any other population that such an agent or employee may need to better understand. Such training relating to cultural competency must be provided through a course or program that is approved by the Department of Health and Human Services. (NRS 449.103) **Section 1** of this bill: (1) requires the Board to set forth by regulation the

frequency with which such a facility is required to conduct the training relating to cultural competency; and (2) creates an exception to the requirement to provide such training if an agent or employee of the facility has successfully completed a course or program of cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable. **Section 1 further limits the requirement to receive training relating to cultural competency to agents and employees who: (1) provide clinical, administrative or support services and regularly have direct patient contact as part of their regular job duties; or (2) oversee such agents or employees.** **Section 1** further requires the Office of Minority Health and Equity of the Department of Health and Human Services to: (1) establish and maintain a list of courses and programs on cultural competency that are approved for training relating to cultural competency; (2) make the most current list available on the Internet website of the Office; and (3) ensure that the list is distributed to each facility required to conduct the training on cultural competency. Finally, **section 1**: (1) authorizes a facility to apply to the Department to provide a course or program on cultural competency that is not already approved by the Department; and (2) requires the Department to report annually to certain joint interim committees of the Legislature the average length of time within which the Department approved a course or program of training in the immediately preceding year.

Existing law requires, as a prerequisite for the renewal of a license, a nurse, psychologist, marriage and family therapist, clinical professional counselor, social worker or behavior analyst to complete at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. (NRS 632.343, 641.220, 641A.260, 641B.280, 641D.360) Existing law requires, as a prerequisite for the renewal of a license or certificate, an alcohol and drug counselor or problem gambling counselor to complete at least 1 hour of instruction relating to cultural competency and diversity, equity and inclusion. (NRS 641C.450) **Section 3** of this bill requires a nurse to complete at least 4 hours of such instruction. **Sections 5-7** of this bill require a psychologist, marriage and family therapist, clinical professional counselor or social worker to complete at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion. **Section 8** of this bill requires an alcohol and drug counselor or problem gambling counselor to complete at least 3 hours of instruction relating to cultural competency and diversity, equity and inclusion. **Section 9** of this bill requires a behavior analyst to complete at least 6 hours of instruction relating to cultural competency and diversity, equity and inclusion.

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

Section 1. NRS 449.103 is hereby amended to read as follows:

449.103 1. ~~[To]~~ ***Except as otherwise provided in subsection ~~[2,]~~ 3, to*** enable an agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who ~~[provides care to a patient or resident of the facility]~~ ***is described in subsection 2*** to more effectively treat patients or care for residents, as applicable, the Board shall, by regulation, require such a facility to conduct training relating specifically to cultural competency for any agent or employee of the facility who ~~[provides care to a patient or resident of the facility]~~ ***is described in subsection 2*** so that such an agent or employee may better understand patients or residents who have different cultural backgrounds, including, without limitation, patients or residents who are:

(a) From various racial and ethnic backgrounds;

(b) From various religious backgrounds;

(c) Persons with various sexual orientations and gender identities or expressions;

(d) Children and senior citizens;

(e) Persons with a mental or physical disability; and

(f) Part of any other population that such an agent or employee may need to better understand, as determined by the Board.

➥ ***The Board shall set forth by regulation the frequency with which a medical facility, facility for the dependent or other facility is required to provide such training relating to cultural competency.***

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the requirements of subsection 1 apply to any agent or employee of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed who:***

(a) Provides clinical, administrative or support services and has direct patient contact at least once each week on average as a part of his or her regular job duties; or

(b) Oversees an agent or employee described in paragraph (a).

3. A medical facility, facility for the dependent or other facility is not required to provide training relating specifically to cultural competency to an agent or employee who is described in subsection 2 and who has successfully completed a course or program in cultural competency as part of the continuing education requirements for the agent or employee to renew his or her professional license, registration or certificate, as applicable.

~~[3.]~~ 4. Except as otherwise provided in subsection ~~[5,]~~ 6, the training relating specifically to cultural competency conducted by a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.

~~[4.]~~ 5. The Office of Minority Health and Equity of the Department of Health and Human Services shall:

(a) Establish and maintain a list of the courses and programs that are approved for training relating to cultural competency pursuant to subsection ~~[3.]~~ 4. The Office shall make the most current list available on the Internet website of the Office.

(b) Ensure that the list established and maintained pursuant to paragraph (a) is distributed to each medical facility, facility for the dependent or other facility which is required to conduct training relating specifically to cultural competency pursuant to subsection 1.

~~[5.]~~ 6. A medical facility, facility for the dependent or other facility which is required to conduct training specifically relating to cultural competency may apply to the Department of Health and Human Services to provide a course or program on cultural competency that is not approved by the Department pursuant to subsection ~~[3.]~~ 4. Any such request must be approved or denied by the Department not later than 10 business days after the receipt of the application.

~~[6.]~~ 7. On or before October 1 of each year, the Department of Health and Human Services shall report the average length of time within which the Department approved a course of program or training relating to cultural competency in the immediately preceding year pursuant to subsection ~~[3]~~ 4 or ~~[5.]~~ 6, as applicable, 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 Commerce and Labor.

8. As used in this section:

(a) "Direct patient contact" means direct contact with a patient or resident of a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed which is in person or using telephone, electronic mail, telehealth or other electronic means, except that the term does not include incidental contact.

(b) "Telehealth" has the meaning ascribed to it in NRS 629.515.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 632.343 is hereby amended to read as follows:

632.343 1. The Board shall not renew any license issued under this chapter until the licensee has submitted proof satisfactory to the Board of completion, during the 2-year period before renewal of the license, of 30 hours in a program of continuing education approved by the Board in accordance with regulations adopted by the Board. Except as otherwise provided in subsection 3, the licensee is exempt from this provision for the first biennial period after graduation from:

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

(c) An approved school of professional nursing in the process of obtaining accreditation; or

(d) An approved school of practical nursing in the process of obtaining accreditation.

2. The Board shall review all courses offered to nurses for the completion of the requirement set forth in subsection 1. The Board may approve nursing and other courses which are directly related to the practice of nursing as well as others which bear a reasonable relationship to current developments in the field of nursing or any special area of practice in which a licensee engages. These may include academic studies, workshops, extension studies, home study and other courses.

3. The program of continuing education required by subsection 1 must include:

(a) For a person licensed as an advanced practice registered nurse:

(1) A course of instruction to be completed within 2 years after initial licensure that provides at least 2 hours of instruction on suicide prevention and awareness as described in subsection 6.

(2) The ability to receive credit toward the total amount of continuing education required by subsection 1 for the completion of a course of instruction relating to genetic counseling and genetic testing.

(b) For each person licensed pursuant to this chapter, a course of instruction, to be completed within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

(c) For each person licensed pursuant to this chapter, one or more courses of instruction that provide at least ~~[2]~~ ***4*** hours of instruction relating to cultural competency and diversity, equity and inclusion to be completed biennially. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a person licensed pursuant to this chapter may need to better understand, as determined by the Board.

(d) For a person licensed as an advanced practice registered nurse, at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder to be completed within 2 years after initial licensure.

4. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 3.

5. The Board shall encourage each licensee who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

6. The Board shall require each person licensed as an advanced practice registered nurse to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

7. The Board shall encourage each person licensed as an advanced practice registered nurse to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

(b) Interpreting family history to determine whether such symptoms indicate a normal childhood illness or a condition that requires additional examination.

8. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 641.220 is hereby amended to read as follows:

641.220 1. To renew a license issued pursuant to this chapter, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board; and

(d) Submit all information required to complete the renewal.

2. Upon renewing his or her license, a psychologist shall declare his or her areas of competence, as determined in accordance with NRS 641.112.

3. The Board shall, as a prerequisite for the renewal of a license, require each holder to comply with the requirements for continuing education adopted by the Board.

4. The requirements for continuing education adopted by the Board pursuant to subsection 3 must include, without limitation:

(a) A requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate. The hours of instruction required by this paragraph must be completed within 2 years after initial licensure and at least every 4 years thereafter.

(b) A requirement that the holder of a license must biennially receive at least ~~[2]~~ ***6*** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license may need to better understand, as determined by the Board.

Sec. 6. NRS 641A.260 is hereby amended to read as follows:

641A.260 1. To renew a license to practice as a marriage and family therapist or clinical professional counselor issued pursuant to this chapter, each

person must, on or before 10 business days after the date of expiration of his or her current license:

(a) Apply to the Board for renewal;

(b) Pay the fee for the biennial renewal of a license set by the Board;

(c) Submit evidence to the Board of completion of the requirements for continuing education as set forth in regulations adopted by the Board, unless the Board has granted a waiver pursuant to NRS 641A.265; and

(d) Submit all information required to complete the renewal.

2. Except as otherwise provided in NRS 641A.265, the Board shall, as a prerequisite for the renewal of a license to practice as a marriage and family therapist or clinical professional counselor, require each holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that the holder receive at least ~~[2]~~ ***6*** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a marriage and family therapist or clinical professional counselor may need to better understand, as determined by the Board.

Sec. 7. NRS 641B.280 is hereby amended to read as follows:

641B.280 1. Every holder of a license issued pursuant to this chapter may renew his or her license annually by:

(a) Applying to the Board for renewal;

(b) Paying the annual renewal fee set by the Board;

(c) Except as otherwise provided in NRS 641B.295, submitting evidence to the Board of completion of the required continuing education as set forth in regulations adopted by the Board; and

(d) Submitting all information required to complete the renewal.

2. Except as otherwise provided in NRS 641B.295, the Board shall, as a prerequisite for the renewal of a license, require the holder to comply with the requirements for continuing education adopted by the Board, which must include, without limitation:

(a) A requirement that every 2 years the holder receive at least 2 hours of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate.

(b) A requirement that every 2 years the holder receive at least ~~[2]~~ ***6*** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license issued pursuant to this chapter may need to better understand, as determined by the Board.

Sec. 8. NRS 641C.450 is hereby amended to read as follows:

641C.450 Except as otherwise provided in NRS 641C.310, 641C.320, 641C.440 and 641C.530, a person may renew his or her license or certificate by submitting to the Board:

1. An application for the renewal of the license or certificate.

2. The fee for the renewal of a license or certificate prescribed in NRS 641C.470.

3. Evidence of completion of the continuing education required by the Board, which must include, without limitation:

(a) A requirement that the applicant receive at least 1 hour of instruction on evidence-based suicide prevention and awareness or another course of instruction on suicide prevention and awareness that is approved by the Board which the Board has determined to be effective and appropriate for each year of the term of the applicant's licensure or certification.

(b) A requirement that the applicant receive at least ~~[1 hour]~~ ***3 hours*** of instruction relating to cultural competency and diversity, equity and inclusion for each year of the term of the applicant's licensure or certification. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that the holder of a license or certificate may need to better understand, as determined by the Board.

4. If the applicant is a certified intern, the name of the licensed or certified counselor who supervises the applicant.

5. All information required to complete the renewal.

Sec. 9. NRS 641D.360 is hereby amended to read as follows:

641D.360 1. To renew a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician, each person must, on or before the first day of January of each odd-numbered year:

(a) Apply to the Board for renewal;

(b) Pay the biennial fee for the renewal of a license or registration;

(c) Submit evidence to the Board:

(1) Of completion of the requirements for continuing education as set forth in regulations adopted by the Board, if applicable; and

(2) That the person's certification or registration, as applicable, by the Behavior Analyst Certification Board, Inc., or its successor organization, remains valid and the holder remains in good standing; and

(d) Submit all information required to complete the renewal.

2. In addition to the requirements of subsection 1, to renew registration as a registered behavior technician for the third time and every third renewal thereafter, a person must submit to an investigation of his or her criminal history in the manner prescribed in paragraph (b) of subsection 1 of NRS 641D.300.

3. The Board shall adopt regulations that require, as a prerequisite for the renewal of a license as a behavior analyst or assistant behavior analyst, each holder to complete continuing education, which must:

(a) Be consistent with nationally recognized standards for the continuing education of behavior analysts or assistant behavior analysts, as applicable.

(b) Include, without limitation, a requirement that the holder of a license receive at least 2 hours of instruction on evidence-based suicide prevention and awareness.

(c) Include, without limitation, a requirement that the holder of a license as a behavior analyst receive at least ~~[2]~~ ***6*** hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

(1) May include the training provided pursuant to NRS 449.103, where applicable.

(2) Must be based upon a range of research from diverse sources.

(3) Must address persons of different cultural backgrounds, including, without limitation:

(I) Persons from various gender, racial and ethnic backgrounds;

(II) Persons from various religious backgrounds;

(III) Lesbian, gay, bisexual, transgender and questioning persons;

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

(VII) Persons with an intellectual disability, developmental disability or physical disability; and

(VIII) Persons who are part of any other population that a behavior analyst may need to better understand, as determined by the Board.

4. The Board shall not adopt regulations requiring a registered behavior technician to receive continuing education.

Sec. 9.5. 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. 10. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9.5, 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 Marzola moved that the Assembly concur in the Senate Amendment No. 613 to Assembly Bill No. 267.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 334.

The following Senate amendment was read:

Amendment No. 570.

AN ACT relating to insurance; requiring, under certain circumstances, an insurer that requires the inspection or further inspection of a motor vehicle for repair relating to a claim to conduct the inspection or further inspection within a certain period of time; providing an administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) with certain exceptions, an insurer to approve or deny a claim of its insured relating to a contract of casualty of insurance within

30 days after receiving the claim; and (2) an insurer to notify a policyholder within 20 days after receiving the claim if the insurer requires additional information or time to determine whether to approve or deny the claim. (NRS 690B.012)

Section 1 of this bill provides that if an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[8]~~ **6** business days after receiving the claim and accepting liability: (1) request that the insured ~~[or]~~ **, the** claimant ~~[,]~~ **or a representative of the selected repair shop,** as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required **, within 2 business days after the inspection,** to ~~[furnish a copy of]~~ **transmit** the **completed** estimate which includes, without limitation, an indication of the extent of known damages **related to the claim** and manner of repair at the time of the inspection. **Section 1** further provides that if, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~[8]~~ **6** business days after making such determination: (1) request that the insured ~~[or]~~ **, the** claimant ~~[,]~~ **or a representative of the selected repair shop,** as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required **, within 2 business days after the inspection,** to ~~[furnish a copy of]~~ **transmit** the **completed** estimate which includes, without limitation, an indication of the extent of known damages **related to the claim** and manner of repair at the time of the inspection. If the insurer fails to inspect or further inspect the vehicle during the time in which it is required to do so or fails to provide the required **completed** estimate, the insurer waives its right to inspect or further inspect the vehicle and, with certain exceptions, negotiations for payment of the claim are limited to the cost of labor and price of parts. Finally, **section 1** authorizes the Division of Insurance of the Department of Business and Industry to impose an administrative fine of not more than **the actual damages or** $1,200 **, whichever is less,** for each violation of **section 1**.

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

Section 1. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[8]~~ 6 business days after receiving the claim, accepting liability and confirming coverage:

(a) Request that the insured ~~[or]~~ , the claimant ~~[,]~~ or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and

(b) Except as otherwise provided in subsection 3, inspect the motor vehicle.

➥ ~~*[The]*~~ *Within 2 business days after an inspection, the insurer shall* ~~*[furnish a copy of]*~~ *transmit the completed estimate* ~~*[at the time of the inspection]*~~ *which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair.*

2. If, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~*[8]*~~ *6 business days after making such determination:*

(a) Request that the insured ~~*[or]*~~ *, the claimant* ~~*[,]*~~ *or a representative of the selected repair shop, as applicable, make the motor vehicle available for further inspection; and*

(b) Except as otherwise provided in subsection 3, conduct such further inspection of the motor vehicle.

➥ ~~*[The]*~~ *Within 2 business days after an inspection, the insurer shall* ~~*[furnish a copy of]*~~ *transmit the completed estimate* ~~*[at the time of the inspection]*~~ *which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair.*

3. If the insured or claimant does not make a motor vehicle available for inspection or further inspection within ~~*[8]*~~ *6 business days after receiving a request from the insurer pursuant to subsection 1 or 2, the insurer shall inspect or further inspect the vehicle as soon as practicable after the insured or claimant makes the motor vehicle available.*

4. If an insurer fails to inspect the motor vehicle during the period required pursuant to subsection 1, 2 or 3, as applicable, or fails to ~~*[furnish a copy of]*~~ *transmit the completed estimate required pursuant to subsection 1 or 2, as applicable, the insurer waives its right to inspect or further inspect the motor vehicle before any repairs are made to the vehicle. Unless the repair facility or, as applicable, the insured or claimant allows an inspection or further inspection of the vehicle after the period required pursuant to subsection 1, 2 or 3, negotiations for payment of the claim are limited to the cost of labor and the price of parts unless the insurer provides objective evidence to dispute the existence of damage or the chosen manner of repair.*

5. The insured or claimant, as applicable, ~~*[or a repair facility]*~~ *may file a complaint against the insurer with the Division if the insurer waives its right to inspect or further inspect the vehicle and does not limit negotiations for payment*
of the claim to the cost of labor and the price of parts or provide objective evidence to dispute the existence of the damage or the chosen manner of repair.

6. The Division may impose against an insurer an administrative fine of not more than the actual damages or $1,200 , whichever is less, for a violation of the provisions of this section.

7. As used in this section, "inspection" means:

(a) A physical inspection; or

(b) A digital inspection which includes, without limitation, the provision of digital photographs, videos or any other digital evidence through an

electronic processing system authorized by an insurer that conducts the inspection of a motor vehicle.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 570 to Assembly Bill No. 334.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 740.

AN ACT relating to insurance; requiring, under certain circumstances, an insurer that requires the inspection or further inspection of a motor vehicle for repair relating to a claim to conduct the inspection or further inspection within a certain period of time; providing an administrative penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires: (1) with certain exceptions, an insurer to approve or deny a claim of its insured relating to a contract of casualty of insurance within 30 days after receiving the claim; and (2) an insurer to notify a policyholder within 20 days after receiving the claim if the insurer requires additional information or time to determine whether to approve or deny the claim. (NRS 690B.012)

Section 1 of this bill provides that if an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[6]~~ **8** business days after receiving the claim and accepting liability: (1) request that the insured, the claimant or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required, within 2 business days after the inspection, to transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair at the time of the inspection. **Section 1** further provides that if, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~[6]~~ **8** business days after making such determination: (1) request that the insured, the claimant or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and (2) with certain exceptions, inspect the motor vehicle. The insurer is required, within 2 business days after the inspection, to transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair at the time of the inspection. If the insurer fails to inspect or further inspect the vehicle during the time in which it is required to do so or fails to provide the required completed estimate, the insurer waives its right to inspect or further inspect the vehicle and, with certain exceptions, negotiations for payment of the claim are limited to the cost of labor and price of parts. Finally, **section 1** authorizes the Division of Insurance of the Department of

Business and Industry to impose an administrative fine of not more than the actual damages or $1,200, whichever is less, for each violation of **section 1**.

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

Section 1. Chapter 690B of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an insurer requires the inspection for repair of a motor vehicle relating to a claim by the insured or a claimant, the insurer shall, within ~~[6]~~ 8 business days after receiving the claim, accepting liability and confirming coverage:

(a) Request that the insured, the claimant or a representative of the selected repair shop, as applicable, make the motor vehicle available for inspection; and

(b) Except as otherwise provided in subsection 3, inspect the motor vehicle.

➥ Within 2 business days after an inspection, the insurer shall transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair.

2. If, in response to a request for a supplemental estimate, the insurer determines that a motor vehicle requires further inspection, the insurer shall, within ~~[6]~~ 8 business days after making such determination:

(a) Request that the insured, the claimant or a representative of the selected repair shop, as applicable, make the motor vehicle available for further inspection; and

(b) Except as otherwise provided in subsection 3, conduct such further inspection of the motor vehicle.

➥ Within 2 business days after an inspection, the insurer shall transmit the completed estimate which includes, without limitation, an indication of the extent of known damages related to the claim and manner of repair.

3. If the insured or claimant does not make a motor vehicle available for inspection or further inspection within ~~[6]~~ 8 business days after receiving a request from the insurer pursuant to subsection 1 or 2, the insurer shall inspect or further inspect the vehicle as soon as practicable after the insured or claimant makes the motor vehicle available.

4. If an insurer fails to inspect the motor vehicle during the period required pursuant to subsection 1, 2 or 3, as applicable, or fails to transmit the completed estimate required pursuant to subsection 1 or 2, as applicable, the insurer waives its right to inspect or further inspect the motor vehicle before any repairs are made to the vehicle. Unless the repair facility or, as applicable, the insured or claimant allows an inspection or further inspection of the vehicle after the period required pursuant to subsection 1, 2 or 3, negotiations for payment of the claim are limited to the cost of labor and the price of parts unless the insurer provides objective evidence to dispute the existence of damage or the chosen manner of repair.

5. The insured or claimant, as applicable, may file a complaint against the insurer with the Division if the insurer waives its right to inspect or further inspect the vehicle and does not limit negotiations for payment of the claim to the cost of labor and the price of parts or provide objective evidence to dispute the existence of the damage or the chosen manner of repair.

6. The Division may impose against an insurer an administrative fine of not more than the actual damages or $1,200, whichever is less, for a violation of the provisions of this section.

7. As used in this section, "inspection" means:

(a) A physical inspection; or

(b) A digital inspection which includes, without limitation, the provision of digital photographs, videos or any other digital evidence through an electronic processing system authorized by an insurer that conducts the inspection of a motor vehicle.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 740 to Assembly Bill No. 334.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 364.

The following Senate amendment was read:

Amendment No. 656.

SUMMARY—Revises provisions governing ~~[~~physician assistants.~~]~~ **the Board of Medical Examiners.** (BDR 54-148)

AN ACT relating to ~~[~~physician assistants; prescribing the settings in which a physician assistant is authorized to practice;~~]~~ **medicine;** revising the membership of the Board of Medical Examiners; ~~[~~authorizing physician assistants to perform medical services without the supervision of a physician; authorizing a physician assistant to perform certain medical services under certain circumstances; eliminating provisions governing the testing or examination of applicants for licensure as a physician assistant; prescribing certain authority and duties of a physician assistant and an advanced practice registered nurse; authorizing certain unlicensed persons to use the title "inactive physician assistant"; removing the requirement that a rural clinic be supervised by a physician;~~]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[~~Existing law: (1) provides for the licensure and regulation of physician assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine; and (2) requires a physician assistant to work under the supervision of a physician or osteopathic physician. (NRS 630.271, 630.275, 633.432-633.469) Sections 5, 10-12, 24 and 26-28 of this bill remove the requirement that a physician assistant be supervised by a physician or osteopathic physician. Sections 9, 21, 29, 30, 32, 35, 36, 81-84, 90, 98, 168, 169 and 204 of this bill remove references to supervision of a physician

~~assistant by a physician or osteopathic physician. Sections 4 and 23 of this bill require a physician assistant who has practiced for less than 6,000 hours as a physician assistant or who has changed the field of medicine within which the physician assistant practices to enter into a collaborative agreement with a physician. Sections 4 and 23 also prescribe the settings in which a physician assistant is authorized to practice. Sections 10 and 26 of this bill: (1) require a physician assistant to obtain the informed consent of a patient before providing any medical service; (2) prescribe medical services that a physician assistant is authorized to perform; and (3) require a physician assistant to only perform such services within his or her scope of practice and which he or she has the necessary education, training and experience to competently perform. Sections 12 and 28 of this bill remove a requirement that the Board of Medical Examiners and the State Board of Osteopathic Medicine adopt regulations governing the testing or examination of applicants for licensure as a physician assistant and the services which a physician assistant may perform. Section 30 makes a technical revision concerning the renewal of a license as an osteopathic physician assistant. Sections 1-3, 13-16, 18-20, 22, 25, 31-34, 37-80, 85-89, 91-97, 99-127, 129-167 and 170-201 of this bill make various changes so that physician assistants have similar authority and duties to other providers of health care who provide medical services independently and are otherwise treated in the same manner as other such providers of health care. Sections 54, 56, 70, 126, 142 and 178 of this bill also add advanced practice registered nurses to certain provisions to ensure that physician assistants and advanced practice registered nurses have similar authority.]~~

Existing law provides that the Board of Medical Examiners consists of: (1) six licensed physicians; (2) one representative of the interests of persons or agencies that regularly provide health care to persons who are indigent, uninsured or unable to afford health care; and (3) two residents of this State who are not affiliated with the healing arts. (NRS 631.050) ~~[Existing law also authorizes the Board to select physicians and members of the public to serve as advisory members of the Board. (NRS 630.075)]~~ **Section 1 of this bill increases the size of the Board of Medical Examiners from 9 members to 11 members. Sections** ~~[7 and 202]~~ **2 and 3** of this bill revise the membership of the Board to ~~[eliminate one member who is a licensed physician and instead]~~ require the appointment of one member who is a physician assistant. ~~[. Section 8 of this bill authorizes the Board to select physician assistants to serve as advisory members of the Board.~~

~~Existing law prohibits a person who is not licensed as a physician assistant from holding himself or herself out as a physician assistant. (NRS 630.400, 633.741) Sections 17 and 32 of this bill authorize an unlicensed person who meets the requirements for licensure as a physician assistant to refer to himself or herself as an "inactive physician assistant."~~

~~Existing law requires the State Board of Pharmacy to adopt regulations governing the: (1) administration, possession, dispensing, storage, security, recordkeeping and transportation of controlled substances by a physician~~

~~assistant; and (2) administration, possession, prescription, dispensing, storage, security, recordkeeping and transportation of dangerous drugs, poisons and devices by a physician assistant. (NRS 639.1373) Section 36 removes a requirement that the Board consider the experience and training of the physician assistant when adopting those regulations.~~

~~Existing law establishes a rural clinic as a medical facility in a rural area where medical services are provided by a physician assistant or advanced practice registered nurse under the supervision of a physician. (NRS 449.0175) Section 128 of this bill removes the requirement that a rural clinic be supervised by a physician.]~~ **and one member who is a practitioner of respiratory care.**

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

Delete existing sections 1 through 205 of this bill and replace with the following new sections 1 through 4:

Section 1. **NRS 630.050 is hereby amended to read as follows:**

630.050 1. The Board of Medical Examiners consists of ~~[nine]~~ ***11*** members appointed by the Governor.

2. No person may be appointed as a member of the Board to serve for more than two consecutive full terms, but a person may be reappointed after the lapse of 4 years.

Sec. 2. **NRS 630.060 is hereby amended to read as follows:**

630.060 1. Six members of the Board must be persons who are licensed to practice medicine in this State, are actually engaged in the practice of medicine in this State and have resided and practiced medicine in this State for at least 5 years preceding their respective appointments.

2. ***One member of the Board must be a person who is licensed to practice as a physician assistant in this State, is actually engaged in practice as a physician assistant in this State and has resided and practiced as a physician assistant in this State for at least 5 years preceding his or her appointment.***

3. One member of the Board must be a person who is licensed to engage in the practice of respiratory care in this State, is actually engaged in the practice of respiratory care in this State and has resided and practiced respiratory care in this State for at least 5 years preceding his or her appointment.

4. One member of the Board must be a person who has resided in this State for at least 5 years and who represents the interests of persons or agencies that regularly provide health care to patients who are indigent, uninsured or unable to afford health care. This member must not be licensed under the provisions of this chapter.

~~[3.]~~ ***5.*** The remaining two members of the Board must be persons who have resided in this State for at least 5 years and who:

(a) Are not licensed in any state to practice any healing art;

(b) Are not the spouse or the parent or child, by blood, marriage or adoption, of a person licensed in any state to practice any healing art;

(c) Are not actively engaged in the administration of any facility for the dependent as defined in chapter 449 of NRS, medical facility or medical school; and

(d) Do not have a pecuniary interest in any matter pertaining to the healing arts, except as a patient or potential patient.

~~[4.]~~ ***6.*** The members of the Board must be selected without regard to their individual political beliefs.

Sec. 3. **The amendatory provisions of sections 1 and 2 of this act do not affect the current term of appointment of any person who, before the effective date of this act, is a member of the Board of Medical Examiners, and each member continues to serve until the expiration of his or her term or until the member vacates his or her office, whichever occurs first. On and after the effective date of this act, the Governor shall make appointments to the Board of Medical Examiners in accordance with NRS 630.060, as amended by section 2 of this act.**

Sec. 4. **This act becomes effective upon passage and approval.**

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 656 to Assembly Bill No. 364.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 410.

The following Senate amendment was read:

Amendment No. 555.

ASSEMBLYMEN JAUREGUI, YEAGER, O'NEILL AND MONROE-MORENO

JOINT SPONSORS: SENATORS PAZINA, SPEARMAN AND STONE

AN ACT relating to industrial insurance; revising the circumstances in which certain employees are authorized to receive compensation under industrial insurance for certain stress-related claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, an injury or disease sustained by an employee caused by stress is compensable under industrial insurance only if the employee can prove by clear and convincing medical or psychiatric evidence that: (1) the employee has a mental injury caused by extreme stress in time of danger; (2) the primary cause of the injury was an event that arose out of and during the course of his or her employment; and (3) the stress was not caused by a layoff, termination or disciplinary action. Existing law provides that a first responder may prove by clear and convincing medical or psychiatric evidence that the mental injury was primarily caused by the first responder witnessing an event of a certain specified type during the course of his or her employment. Under existing law, an ailment or disorder caused by

any gradual mental stimulus or any death or disability ensuing therefrom is not compensable under industrial insurance. (NRS 616C.180)

Section 1 of this bill expands the stress-related injuries that may be compensable under industrial insurance under certain circumstances to include a mental injury which afflicts a first responder and which is caused by extreme stress for which the primary cause was witnessing an event or series of events that arose out of and during the course of employment and involved: (1) the death, or aftermath of the death, of a person as a result of a violent event; or (2) an injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience.

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

Section 1. NRS 616C.180 is hereby amended to read as follows:

616C.180 1. Except as otherwise provided in this section, an injury or disease sustained by an employee that is caused by stress is compensable pursuant to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS if it arose out of and in the course of his or her employment.

2. **[**~~Any~~**]** ***Except as otherwise provided in subsection 4, any*** ailment or disorder caused by any gradual mental stimulus, and any death or disability ensuing therefrom, shall be deemed not to be an injury or disease arising out of and in the course of employment.

3. Except as otherwise provided by subsections 4 and 5, an injury or disease caused by stress shall be deemed to arise out of and in the course of employment only if the employee proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress in time of danger;

(b) The primary cause of the injury was an event that arose out of and during the course of his or her employment; and

(c) The stress was not caused by his or her layoff, the termination of his or her employment or any disciplinary action taken against him or her.

4. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment **[**~~, and shall not be deemed the result of gradual mental stimulus,~~**]** if the employee is a first responder and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee directly witnessing:

(1) The death, or the aftermath of the death, of a person as a result of a violent event, including, without limitation, a homicide, suicide or mass casualty incident; or

(2) An injury, or the aftermath of an injury, that involves grievous bodily harm of a nature that shocks the conscience; and

(b) The primary cause of the mental injury was the employee witnessing an event ***or a series of events*** described in paragraph (a) during the course of his or her employment.

5. An injury or disease caused by stress shall be deemed to arise out of and in the course of employment, and shall not be deemed the result of gradual mental stimulus, if the employee is employed by the State or any of its agencies or political subdivisions and proves by clear and convincing medical or psychiatric evidence that:

(a) The employee has a mental injury caused by extreme stress due to the employee responding to a mass casualty incident; and

(b) The primary cause of the injury was the employee responding to the mass casualty incident during the course of his or her employment.

6. An agency which employs a first responder, including, without limitation, a first responder who serves as a volunteer, shall provide educational training to the first responder related to the awareness, prevention, mitigation and treatment of mental health issues.

7. The provisions of this section do not apply to a person who is claiming compensation pursuant to NRS 617.457.

8. As used in this section:

(a) "Directly witness" means to see or hear for oneself.

(b) "First responder" means:

(1) A salaried or volunteer firefighter;

(2) A police officer;

(3) An emergency dispatcher or call taker who is employed by a law enforcement or public safety agency in this State; or

(4) An emergency medical technician or paramedic who is employed by a public safety agency in this State.

(c) "Mass casualty incident" means an event that, for the purposes of emergency response or operations, is designated as a mass casualty incident by one or more governmental agencies that are responsible for public safety or for emergency response.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

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

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 555 to Assembly Bill No. 410.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 415.

The following Senate amendment was read:

Amendment No. 554.

AN ACT relating to dispensing opticians; defining certain terms and revising certain definitions relating to ophthalmic dispensing; authorizing the Board of Dispensing Opticians to employ an Executive Director; providing immunity from civil liability to the Board and any of its members for certain acts; authorizing the Board to take certain actions against a person who commits certain violations; expanding the purposes for which the Board is authorized to accept ~~[gifts,]~~ grants, donations and contributions; revising provisions relating to the issuance, renewal, reinstatement, revocation and suspension of licenses; authorizing the Board to adopt certain regulations; requiring the Board to establish a schedule of fees relating to licensing; ~~[revising provisions relating to the confidentiality of certain information maintained by the Board;]~~ prescribing criteria for eligibility for a license as an apprentice dispensing optician; imposing certain requirements on an optical establishment; revising the criteria for eligibility for a license as a dispensing optician; revising certain provisions relating to a limited license as a dispensing optician; removing the authority of the Board to issue a special license as a dispensing optician; reorganizing various provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Board of Dispensing Opticians to regulate the practice of ophthalmic dispensing and requires the Governor to appoint the members to the Board. (NRS 637.030) **Section 17** of this bill authorizes a member of the Board to continue in office until his or her successor is appointed. **Sections 18, 20, 21 and 33** of this bill revise and reorganize certain provisions governing the powers, duties and operations of the Board. **Section 18** prescribes requirements for determining whether a quorum is present at a meeting of the Board. **Section 20** authorizes the Board to employ an Executive Director. **Sections 21 and 30** of this bill expand the purposes for which the Board is authorized to accept ~~[gifts,]~~ grants, donations and contributions. **Section 19** of this bill clarifies certain language relating to the compensation and travel expenses of members and employees of the Board. **Section 6** of this bill provides that the Board and any of its members, staff and employees are immune from civil liability for any act performed in good faith and without malicious intent or gross negligence in the execution of any duty of the Board. **Section 2** of this bill sets forth certain legislative declarations concerning the regulation of the practice of ophthalmic dispensing.

Existing law authorizes the Board to issue a license as a dispensing optician, a limited license as a dispensing optician and a license as an apprentice dispensing optician. (NRS 637.120, 637.121, 637.123) Existing law

establishes requirements concerning the expiration and renewal of such licenses and, for a license or limited license as a dispensing optician, the placement of such a license on inactive status and the reactivation of such a license. (NRS 637.121, 637.123, 637.140) **Section 33** repeals various requirements relating to the expiration and renewal of a license, the placement of a license on inactive status and the reactivation of a license. **Section 8** of this bill authorizes the Board to adopt regulations prescribing such requirements, as well as various other requirements relating to licensure.

Existing law: (1) authorizes the Board to adopt regulations necessary to carry out the provisions of existing law governing ophthalmic dispensing; and (2) requires the Board to adopt regulations setting forth minimum standards of optical and ophthalmic devices. (NRS 637.070, 637.073) **Sections 22, 28 and 33** of this bill: (1) reorganize certain provisions authorizing the Board to adopt regulations; (2) authorize, rather than require, the Board to adopt standards for optical and ophthalmic devices; and (3) authorize the Board to adopt certain other regulations.

Existing law provides that, in order to be eligible to hold a limited license as a dispensing optician, a person must have held such a license on February 1, 2004. Existing law: (1) authorizes the holder of such a license to practice ophthalmic dispensing; and (2) prohibits the holder of such a license from selling, furnishing or fitting contact lenses. (NRS 637.121) **Section 27** of this bill clarifies that, in order to be eligible for a limited license as a dispensing optician, a person must have held such a license since February 1, 2004. **Section 27** also: (1) requires a limited license to be displayed at the holder's place of practice; and (2) prohibits a limited license from being placed on inactive status on or after January 31, 2023. **Section 32.5** of this bill sets forth the procedure by which a limited license as a dispensing optician that has been transferred to an inactive list on or before January 31, 2023, may be reactivated.

Existing law authorizes the Board to take certain actions and impose certain penalties against an applicant for or the holder of a license or an unlicensed person who commits certain violations of the provisions of existing law governing ophthalmic dispensing. (NRS 637.150, 637.181, 637.183, 637.185) **Section 10** of this bill authorizes a person to file a complaint with the Board if the person reasonably believes a violation is occurring or about to occur. **Section 11** of this bill authorizes the Board to issue or authorize the issuance of an administrative citation against a person who the Board believes, based on a preponderance of the evidence, has committed a violation. **Section 12** of the bill sets forth procedures by which a person may contest a citation. **Sections 29 and 31** revise and reorganize provisions authorizing the Board to take: (1) certain disciplinary actions against the holder of a license under certain circumstances; and (2) certain actions against a person who commits, or employs a person who commits, certain violations. **Section 30** of this bill revises and reorganizes certain provisions relating to subpoenas issued by the Board and certain hearings and investigations conducted by the Board.

Existing law sets forth certain unlawful acts relating to ophthalmic dispensing, including filling a prescription for a contact lens in violation of the expiration date or the number of refills specified by the prescription. (NRS 637.200) **Sections 32 and 33** of this bill: (1) set forth certain additional unlawful acts relating to ophthalmic dispensing; and (2) reorganize certain provisions defining when a prescription expires.

Existing law establishes qualifications for examination and licensing as a dispensing optician. (NRS 637.100) **Section 25** of this bill revises the requirements for an applicant to be eligible for a license as a dispensing optician and authorizes the Board to waive certain requirements for a person who provides proof that he or she: (1) is a graduate of a foreign school and has acquired education and experience that is equivalent to or greater than those required for licensure in this State; (2) is an active member of, or the spouse of an active member of, the Armed Forces of the United States who is on active duty; (3) has at least 5 consecutive years of work experience in the practice of ophthalmic dispensing in the District of Columbia or any other state or territory of the United States that has requirements for licensure which are equal to or greater than the requirements in this State; or (4) holds a valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any other state or territory in the United States.

Existing law requires the Board to issue a special license as a dispensing optician to certain applicants who meet certain requirements and who: (1) have an active license as a dispensing optician issued by the District of Columbia or any state or territory of the United States; or (2) have not less than 5 years of experience as a dispensing optician. (NRS 637.127) **Section 33** of this bill eliminates that type of license.

Existing law requires the Board to maintain records pertaining to applicants to whom licenses have been issued or denied. (NRS 637.115) **Section 26** of this bill revises the type of information concerning applicants the Board is required to maintain. **Section 26** also requires the Board to maintain certain information concerning holders of a license and disclose certain information concerning applicants for and holders of licenses upon request. ~~**[**Section 23 of this bill revises provisions relating to the confidentiality of certain information maintained by the Board.**]**~~

Existing law prohibits a person from managing a business engaged in ophthalmic dispensing without a valid license issued by the Board. (NRS 637.090) **Section 24** of this bill revises that prohibition to instead prohibit a person from managing an optical establishment, as defined in **section 5** of this bill, without a valid license issued by the Board. **Section 24** also requires an optical establishment to post a sign notifying the public when a licensed dispensing optician is not physically present in the optical establishment.

Existing law authorizes an apprentice dispensing optician to perform the services of a dispensing optician under the direct supervision of a dispensing optician, licensed ophthalmologist or licensed optometrist. (NRS 637.125) **Section 7** of this bill prescribes criteria for eligibility for a license as an

apprentice dispensing optician. **Section 3** of this bill defines the term "direct supervision." **Section 28** of this bill revises the circumstances under which an apprentice dispensing optician may engage in ophthalmic dispensing.

Existing law establishes maximum fees relating to licenses issued by the Board, which the Board sets by regulation. (NRS 637.110, 637.120, 637.121, 637.123, 637.140) **Sections 27 and 33** of this bill remove provisions setting forth those maximum fees. Instead, **section 9** of this bill requires the Board to establish a schedule of various fees relating to licensure and sets forth the maximum amount of those fees.

Section 4 of this bill defines "license" to mean a license issued by the Board. **Section 13** of this bill makes a conforming change to make the definitions set forth in **sections 3-5** applicable to the statutes governing ophthalmic dispensing. **Section 14** of this bill revises the definition of "dispensing optician." **Section 15** of this bill revises the definition of "ophthalmic dispensing" to: (1) include the issuing of a final authorization to deliver lenses, frames or other specially fabricated devices to the intended wearer and the making of certain recommendations relating to a prescription; and (2) exclude certain other activities. **Section 16** of this bill makes a conforming change to account for the revised definition of ophthalmic dispensing.

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

Section 1. Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***The Legislature declares that the purpose of this chapter is to protect the public safety and welfare by ensuring that:***

1. Only competent and scrupulous people practice ophthalmic dispensing in this State; and

2. Persons who practice ophthalmic dispensing in this State maintain an appropriate standard of professional conduct.

Sec. 3. ***"Direct supervision" means that a person is physically present in the optical establishment where ophthalmic dispensing is taking place to provide individual direction, control, inspection and evaluation of work to the person he or she is supervising.***

Sec. 4. ***"License" means a license issued by the Board.***

Sec. 5. ***"Optical establishment" means a single physical store, office or department of a business where ophthalmic dispensing takes place. The term includes such a store, office or department that is owned or operated by a business which owns or operates multiple stores, offices or departments where ophthalmic dispensing takes place.***

Sec. 6. ***The Board and any of its members, staff and employees are immune from civil liability for any act performed in good faith and without malicious intent or gross negligence in the execution of any duties pursuant to this chapter.***

Sec. 7. *1. To be eligible for a license as an apprentice dispensing optician, an applicant must:*

(a) Be at least 18 years of age; and

(b) Be a graduate of an accredited high school or its equivalent.

2. A license as an apprentice dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist; and

(b) Must at all times be conspicuously displayed at the holder's place of practice.

Sec. 8. *The Board may adopt regulations:*

1. Establishing requirements for the issuance of licenses and the program of apprenticeship for apprentice dispensing opticians.

2. Prescribing or adopting any examination or certificate required for the issuance of a license as a dispensing optician. Any examination prescribed or adopted by the Board must, without limitation, be designed to test an applicant's knowledge of the theory and practice of ophthalmic dispensing.

3. Prescribing the procedure for:

(a) Submitting an application for licensure and any required documentation to the Board; and

(b) Approving or denying applications and issuing licenses.

4. Prescribing the period for which a license or limited license as a dispensing optician is valid and the terms for the renewal and reinstatement of such a license, which may include, without limitation, requirements for continuing education. Unless otherwise prescribed by regulation pursuant to this subsection, a license or limited license as a dispensing optician:

(a) Expires on January 31 each year;

(b) Is valid until its expiration date;

(c) Becomes delinquent if not renewed by January 31; and

(d) May be reinstated not more than 1 year after the date on which it becomes delinquent.

5. Prescribing the period for which a license as an apprentice dispensing optician is valid and the terms for the renewal and reinstatement of such a license, which may limit the number of times the license may be renewed and restrict the issuance of a new license if the apprentice dispensing optician does not meet requirements adopted pursuant to subsection 1. Unless otherwise prescribed by regulation pursuant to this subsection, a license as an apprentice dispensing optician:

(a) Expires on January 31 each year;

(b) Is valid until its expiration date;

(c) Becomes delinquent if not renewed by January 31; and

(d) May be reinstated not more than 30 days after the date on which it becomes delinquent.

6. Prescribing requirements for the placement of a license as a dispensing optician on inactive status and the reactivation of such a license.

7. Prescribing requirements for the approval of a course of continuing education or a provider of a course of continuing education.

Sec. 9. *The Board shall establish a schedule of fees and charges for the following items, which must not exceed the following amounts:*

An examination established by the Board pursuant to this chapter	*$250*
An application for a license as a dispensing optician	*$250*
An application for a license as an apprentice dispensing optician	*$250*
The renewal of a license as a dispensing optician	*$500*
The renewal of a limited license as a dispensing optician	*$200*
The renewal of a license as an apprentice dispensing optician	*$200*
The delinquency fee for a license as a dispensing optician	*$500*
The delinquency fee for a limited license as a dispensing optician	*$500*
The delinquency fee for a license as an apprentice dispensing optician	*$100*
The placement of a license as a dispensing optician on inactive status	*$300*
The reactivation of a license that has been placed on inactive status	*$300*

Sec. 10. *Any member of the public or a member or employee of the Board may file a complaint with the Board if the person reasonably believes that a provision of this chapter or any regulation adopted pursuant to this chapter has been or is about to be violated. The complaint must:*

1. Be submitted on a form and in the manner prescribed by the Board;

2. Set forth the alleged facts constituting the violation; and

3. Be signed and verified by the person filing the complaint.

Sec. 11. *1. If the Board or its designee has reason to believe, based upon a preponderance of evidence, that a person has violated any provision of this chapter or any regulation of the Board, the Board may issue, or authorize its designee to issue, a written administrative citation to the person. A citation issued pursuant to this section may include, without limitation, an order to:*

(a) Pay an administrative fine for each violation;

(b) Reimburse the Board for the amount of the expenses the Board incurred to investigate each violation, not to exceed $150; and

(c) Correct, at the cost of the person, a condition resulting from the violation. The order to correct the condition must:

(1) State the date by which the person must comply, which must be not less than 15 days after the date on which the person receives the citation.

The Board may, for good cause, extend the date for compliance with the order.

(2) Describe in detail the actions that must be taken.

2. If a citation is issued to the holder of a license pursuant to this section and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine must not exceed the maximum amount authorized by subsection 2 of NRS 637.150 for each violation.

3. Except as otherwise provided in NRS 637.181, if a citation is issued pursuant to this section to a person who is not licensed by the Board and includes an order to pay an administrative fine for one or more violations, the amount of the administrative fine:

(a) For the first violation, must not be less than $100 or more than $1,000;

(b) For the second violation, must not be less than $250 or more than $5,000; and

(c) For the third violation and for each subsequent violation, must not be less than $500 and not more than $10,000.

4. Any sanctions authorized by this section are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

5. If a person does not pay an administrative fine imposed pursuant to this section or make satisfactory payment arrangements with the Board not later than 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 12. ***1. If a person is issued a written administrative citation pursuant to section 11 of this act, the person may request a hearing before the Board to contest the citation by filing a written request with the Board not later than 15 business days after the date on which the citation is received by the person, unless the Board authorizes a later date for good cause.***

2. If a person files a written request for a hearing within the time allowed by subsection 1, the Board shall provide notice of and conduct the hearing in the same manner as other disciplinary hearings.

3. If a person does not file a written request for a hearing to contest a citation within the time allowed by subsection 1, the citation shall be deemed a final order of the Board.

4. For the purposes of this section, a citation issued pursuant to section 11 of this act shall be deemed to be received by the person to whom it was issued:

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

(b) If the citation is mailed, 3 business 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. 13. NRS 637.020 is hereby amended to read as follows:

637.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637.021 to ~~[637.024,]~~ ***637.0235,*** inclusive,

and sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 14. NRS 637.0215 is hereby amended to read as follows:

637.0215 "Dispensing optician" means a person ~~[engaged in the practice of ophthalmic]~~ ***who holds a*** ~~***[:***~~

~~***1. License]***~~ ***license or limited license as a*** dispensing ~~***[. optician issued pursuant to NRS 637.120; or***~~

~~***2. Limited license as a dispensing]***~~ ***optician issued pursuant to*** ~~***[NRS 637.121.]***~~ ***this chapter.***

Sec. 15. NRS 637.022 is hereby amended to read as follows:

637.022 1. "Ophthalmic dispensing" means ~~[the]~~ ***:***

(a) The design ~~[, verification and delivery to the intended wearer]~~ of lenses, frames and other specially fabricated optical devices upon prescription ~~[.]~~ ***;***

(b) The inspection and verification of such lenses, frames and devices; and

(c) The issuing of the final authorization to deliver to the intended wearer such lenses, frames and devices.

2. The term includes:

(a) The taking of measurements to determine the size, shape and specifications of the lenses, frames or contact lenses;

(b) ***The making of recommendations to the intended wearer of the lenses regarding lens material and other design features necessary to fill the prescription;***

(c) The preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear ~~[.~~

~~(c)]~~ ***, including, without limitation, the preparation and delivery of work orders by entering prescription information and related instructions for fabricating eyewear into a paper or electronic form or other system used for work orders.***

(d) The ~~[verification]~~ ***final physical inspection and verification*** of the quality of finished ophthalmic products;

~~[(d)]~~ ***(e)*** The adjustment of lenses or frames to the intended wearer's face or eyes;

~~[(e)]~~ ***(f)*** The adjustment, replacement, repair and reproduction of previously prepared ophthalmic lenses, frames or other specially fabricated ophthalmic devices; and

~~[(f)]~~ ***(g)*** The fitting of contact lenses and the dispensing of prepackaged contact lenses pursuant to a written prescription ~~[, when done]~~ by a ~~[dispensing optician or apprentice dispensing optician who is authorized]~~ ***person licensed*** to do so pursuant to the provisions of this chapter.

3. The term does not include ~~[any]~~ ***:***

(a) The making of recommendations regarding frame designs or other design features that are not necessary to fill a prescription;

(b) The completion of sales transactions;

(c) The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses; or

(d) Any act for which a license is required pursuant to chapter 630 or 636 of NRS, and the provisions of this chapter do not authorize a dispensing optician or apprentice dispensing optician to perform any such act.

Sec. 16. NRS 637.025 is hereby amended to read as follows:

637.025 The provisions of this chapter do not apply to:

1. Ophthalmic dispensing personally by a licensed physician, surgeon or optometrist unless exclusively engaged in the business of filling prescriptions.

2. Ophthalmic dispensing by an employee of a licensed physician, surgeon or optometrist if the employee practices ophthalmic dispensing only under the direct supervision of the licensed physician, surgeon or optometrist and only as an assistant to the licensed physician, surgeon or optometrist.

3. ~~[A licensed pharmacist]~~ ***The*** dispensing ***of*** prepackaged contact lenses ***by a licensed pharmacist*** pursuant to the provisions of NRS 639.2825.

~~[4. The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses.]~~

Sec. 17. NRS 637.030 is hereby amended to read as follows:

637.030 1. The Board of Dispensing Opticians, consisting of five members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) Four members who ***are dispensing opticians and*** have actively engaged in the practice of ophthalmic dispensing for not less than 3 years in the State of Nevada immediately preceding the appointment.

(b) One member who is a representative of the general public. This member must not be:

(1) A dispensing optician; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a dispensing optician.

3. ***A member of the Board may continue in office until his or her successor is appointed.***

4. The Governor, after hearing, may remove any member for cause.

Sec. 18. NRS 637.040 is hereby amended to read as follows:

637.040 1. The Board shall ~~[elect]~~ ***:***

(a) Elect a President, Vice President, Secretary and Treasurer from its membership ~~[.]~~ ***; and***

(b) Meet at least once each year on a date determined by the Board.

2. ~~[Any member]~~ ***A majority*** of the ***members of the*** Board ~~[may:~~

~~(a) Issue subpoenas to compel]~~ ***constitutes a quorum for*** the ~~[attendance]~~ ***transaction*** of ~~[witnesses to testify before]~~ ***business of*** the Board ***.*** ~~[or the production of books, papers and documents. Subpoenas must issue under the seal of the]~~

3. ***The*** Board ~~[and must be served in]~~ ***shall operate on*** the ~~[same manner as subpoenas issued out of the district court.~~

~~(b) Administer oaths in taking testimony in any matter pertaining to the duties of the Board.]~~ ***basis of a fiscal year commencing on July 1 and terminating on June 30.***

Sec. 19. NRS 637.045 is hereby amended to read as follows:

637.045 ***While engaged in the business of the Board:***

1. Each member of the Board is entitled to receive ~~[:~~

~~(a) A]~~ ***a*** salary of not more than $150 per day, as fixed by the ~~[Board, while engaged in the business of the]~~ Board; and

~~[(b) A per diem allowance and travel expenses at a rate fixed by the Board, while engaged in the business of the Board. The rate must not exceed the rate provided for state officers and employees generally.]~~

2. ~~[While engaged in the business of the Board, each]~~ ***Each member and*** employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

Sec. 20. NRS 637.050 is hereby amended to read as follows:

637.050 ***The Board may:***

1. ~~[The principal office of the Board is the place of business or employment of the Secretary of the Board, but it may maintain]~~ ***Maintain*** offices in as many ~~[localities]~~ ***locations*** in the State as it finds necessary to carry out the provisions of this chapter ***;*** ~~[, and may meet or conduct any of its business at any place in the State.]~~

2. ~~[The Board shall meet at least once in]~~ ***Employ and fix*** the ~~[fall]~~ ***compensation*** of ~~[each year on a date determined by the Board, at which time candidates applying for licensing must be examined]~~ ***an Executive Director*** and ~~[their qualifications determined.]~~ ***any other employees, including, without limitation, investigators, lobbyists, attorneys, other professional consultants and clerical personnel the Board deems necessary to carry out the provisions of this chapter;***

3. ~~[In addition to the meeting required by subsection 2, the Board may hold such other meetings as it may deem advisable. The time]~~ ***Contract with professional consultants*** and ~~[place of all such meetings must be determined by the Board.]~~ ***service providers, including, without limitation, investigators, lobbyists and attorneys, as the Board deems necessary to carry out the provisions of this chapter; and***

4. Transact any other business necessary to carry out the provisions of this chapter.

Sec. 21. NRS 637.060 is hereby amended to read as follows:

637.060 1. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** all money received by the Board under the provisions of this chapter must be deposited in banks, credit unions, savings and loan associations or savings banks in the State of Nevada. The money may be drawn on by the Board for payment of all expenses incurred in the administration of the provisions of this chapter.

2. ***The Board may , for the use and benefit of the Board as a whole and not for any individual member of the Board, accept ~~[gifts,]~~ grants, donations and contributions of money from any source to assist the Board in carrying out the provisions of this chapter.***

3. In a manner consistent with the provisions of chapter 622A of NRS, the Board may delegate to a hearing officer or panel its authority to take any disciplinary action pursuant to this chapter, impose and collect administrative fines therefor and deposit the money therefrom in banks, credit unions, savings and loan associations or savings banks in this State.

~~[3.]~~ ***4.*** If a hearing officer or panel is not authorized to take disciplinary action pursuant to subsection ~~[2]~~ ***3*** and the Board deposits the money collected from the imposition of administrative fines with the State Treasurer for credit to the State General Fund, it may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 22. NRS 637.070 is hereby amended to read as follows:

637.070 ~~[1.]~~ The Board may adopt such rules and regulations as it may deem necessary to carry out the provisions of this chapter ~~[.~~

~~2. The Board shall have a common seal of which all courts of this State shall take judicial notice.~~

~~3. The Board may empower any member to conduct any proceeding, hearing or investigation necessary to its purposes.~~

~~4. The Board may employ and fix the compensation of attorneys, investigators and other professional consultants and such other employees and assistants as it may deem necessary to carry out the provisions of this chapter.~~**]** ***, including, without limitation, regulations:***

1. Establishing standards of practice for persons licensed pursuant to this chapter.

2. Setting forth minimum standards for lenses, frames, specially fabricated optical devices and other ophthalmic devices dispensed by a dispensing optician. Such standards must be consistent with the minimum standards of quality approved by the American National Standards Institute.

3. Prescribing the form of an administrative citation issued pursuant to section 11 of this act.

4. Prescribing a schedule of administrative fines that may be imposed in connection with issuance of an administrative citation.

Sec. 23. ~~[NRS 637.085 is hereby amended to read as follows:~~

~~637.085 [1. Except as otherwise provided in this section, all applications for licensure, financial records of the Board and records of hearings and any order or decision of the Board or a panel must be open to the public.~~

~~2.] Except as otherwise provided in [this section and] NRS 239.0115, the following may be kept confidential:~~

~~[(a)] 1. Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application.~~

~~[(b)]~~ ***2.*** ~~Any report concerning the fitness of any person to receive or hold a license to practice ophthalmic dispensing.~~

~~[(c)]~~ ***3.*** ~~Any communication between:~~

~~[(1)]~~ ***(a)*** ~~The Board and any of its committees or panels; and~~

~~[(2)]~~ ***(b)*** ~~The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.~~

~~[(d) Any other information or records in the possession of the Board.~~

~~3.]~~ ***4.*** ~~[Except as otherwise provided in this section and NRS 239.0115, a]~~ ***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.~~

~~4. The charging documents 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.]~~

~~5. [The Board shall, to the extent feasible, communicate or cooperate with or provide any documents or]~~ ***Any*** ~~other information [to any other licensing board] or [any other agency]~~ ***record in possession of the Board*** ~~that is [investigating]~~ ***not*** ~~a [person, including, without limitation, a law enforcement agency.]~~ ***public record subject to the provisions of chapter 239 of NRS.]***

(Deleted by amendment.)

Sec. 24. NRS 637.090 is hereby amended to read as follows:

637.090 ***1.*** A person shall not engage in the practice of ophthalmic dispensing or manage ~~[a business engaged in ophthalmic dispensing]~~ ***an optical establishment*** without holding a valid, active license issued as provided by this chapter.

2. If an optical establishment is open to the public at any time during which no licensed dispensing optician is physically present at the optical establishment, the optical establishment must display a clear and conspicuous sign indicating that a licensed dispensing optician is not present and that no services requiring a licensed dispensing optician may be performed at the optical establishment without a licensed dispensing optician present.

Sec. 25. NRS 637.100 is hereby amended to read as follows:

637.100 1. To ~~[qualify]~~ ***be eligible*** for ~~[examination and licensing]~~ ***a license*** as a dispensing optician, an applicant must ***:*** ~~[furnish proof that the applicant:]~~

(a) ~~[Is]~~ ***Be*** at least 18 years of age.

(b) ~~[Is of good moral character.~~

~~(c) Is]~~ ***Be*** a graduate of an accredited high school or its equivalent.

~~[(d) Has passed the examination of the American Board of Opticianry.~~

~~(e) Has~~]

(c) Have done either of the following:

(1) ~~[Served]~~ ***Successfully completed an educational program on ophthalmic dispensing approved by the Board and served*** as an apprentice dispensing optician for not less than ~~[3]~~ ***2*** years in ~~[an optical establishment where prescriptions for spectacles or contact lenses from given formulae are fitted and filled under the direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist for the purpose of acquiring experience in ophthalmic dispensing and has passed an educational program on the theory of ophthalmic dispensing approved]*** ***accordance with regulations adopted*** by the Board ~~[;]~~ ***pursuant to NRS 637.070;*** or

(2) ~~[Successfully completed a course of study in a school which offers a]~~ ***Been awarded an associate's*** degree ~~[of associate]~~ in applied science for studies in ophthalmic dispensing ***from a school which is*** approved by the Board and ~~[has had 1 year of ophthalmic experience]~~ ***served*** as an apprentice dispensing optician ~~[under]~~ ***for not less than 1 year in accordance with regulations adopted by*** the ~~[direct supervision of a licensed dispensing optician, licensed ophthalmologist or licensed optometrist.~~

~~(f) Has done all~~] ***Board pursuant to NRS 637.070.***

(d) Have passed any examination or obtained any certificate required by regulations adopted by the Board pursuant to NRS 637.070 for the issuance of ~~[the following:~~

~~(1) Successfully completed a course of instruction on the fitting of contact lenses approved by the Board;~~

~~(2) Completed at least 100 hours of training and experience in the fitting of and filling of prescriptions for contact lenses under the direct supervision of a licensed dispensing optician authorized to fit and fill prescriptions for contact lenses, a licensed ophthalmologist or a licensed optometrist;~~

~~(3) Passed the Contact Lens Registry Examination of the National Committee of Contact Lens Examiners; and~~

~~(4) Passed the practical examination on the fitting of and filling of prescriptions for contact lenses adopted by the Board.]~~ ***a license as a dispensing optician.***

2. The Board ~~[shall adopt regulations to carry out]~~ ***may waive*** the ~~[provisions of this section, including, without limitation, regulations that establish requirements for:~~

~~(a) The program of apprenticeship for apprentice dispensing opticians;~~

~~(b) The training and experience of apprentice dispensing opticians; and~~

~~(c) The issuance of licenses to apprentice dispensing opticians.]~~ ***requirements of paragraph (c) of subsection 1 for an applicant who submits proof to the Board which shows to the satisfaction of the Board that the applicant:***

(a) Is a graduate of a foreign school and has acquired education and experience that the Board deems equivalent to or greater than the education

and experience required for the issuance of a license as a dispensing optician in this State;

(b) Is an active member of, or the spouse of an active member of, the Armed Forces of the United States who is on active duty; or

(c) Has at least 5 consecutive years of work experience in the practice of ophthalmic dispensing in the District of Columbia or any state or territory of the United States that does not have requirements for licensure which the Board deems equal to or greater than the requirements for the issuance of a license as a dispensing optician in this State. Some portion of the 5 consecutive years of work experience must have been obtained within the 2 years immediately preceding the date of application for licensure.

3. The Board may waive the requirements of paragraphs (c) and (d) of subsection 1 for an applicant who submits proof to the Board which shows to the satisfaction of the Board that the applicant holds a valid and unrestricted license to engage in ophthalmic dispensing in the District of Columbia or any state or territory of the United States that has requirements for licensure which the Board deems to be equal to or greater than the requirements for the issuance of a license as a dispensing optician in this State.

4. A license as a dispensing optician:

(a) Authorizes the holder to practice ophthalmic dispensing in this State; and

(b) Must be conspicuously displayed at all times at the holder's place of practice.

Sec. 26. NRS 637.115 is hereby amended to read as follows:

637.115 ***1.*** The Board shall maintain records pertaining to applicants to whom licenses have been issued or denied. These records must ~~[be open to the public and must]~~ include:

~~[1.]~~ ***(a)*** The name of each applicant.

~~[2.]~~ ***(b)*** The name of ~~[the school granting the diploma to the applicant.~~

~~3. The date of the diploma.~~

~~4.]~~ ***each person who is issued a license.***

(c) The business address of the applicant ~~[.]~~ ***or holder of a license.***

~~[5.]~~ ***(d)*** The date of issuance or denial of the license.

~~[6.]~~ ***(e)*** The current status of the license.

(f) The name of each holder of a license who has been subject to disciplinary action by the Board.

2. Upon request, the Board shall disclose any information maintained pursuant to subsection 1 and may charge a fee for a copy of the information. The fee must not exceed the actual cost incurred by the Board in producing the copy.

Sec. 27. NRS 637.121 is hereby amended to read as follows:

637.121 1. ~~[Except as otherwise provided in this section, a limited license as a dispensing optician authorizes the licensee to engage in the practice of ophthalmic dispensing pursuant to this chapter.~~

~~2.~~] Only a person who is deemed to [~~hold~~] ***have held*** an active [~~,~~] ***or*** inactive [~~or delinquent~~] limited license as a dispensing optician [~~on~~] ***since*** February 1, 2004, may hold a limited license as a dispensing optician. A limited license as a dispensing optician may not be issued to any other person.

[~~3. A person practicing ophthalmic dispensing pursuant to a limited license:~~

~~(a) Except as otherwise provided in this section, is subject to the provisions of this chapter in the same manner as a person practicing ophthalmic dispensing pursuant to a license issued pursuant to NRS 637.120, including, without limitation, the provisions of this chapter governing the renewal or reactivation of a license; and~~

~~(b) Shall~~]

2. A limited license as a dispensing optician:

(a) Authorizes the holder to engage in the practice of ophthalmic dispensing pursuant to this chapter, except that the holder shall not [~~sell, furnish or fit~~] ***dispense*** contact lenses [~~.~~

~~4. A limited license as a dispensing optician:~~

~~(a) Expires on January 31 of each year.~~] ***or supervise the dispensing of contact lenses by a person licensed as an apprentice dispensing optician pursuant to this chapter.***

(b) Must at all times be conspicuously displayed at the holder's place of practice.

[~~(b)~~] ***(c)*** May ***not*** be [~~renewed before its expiration upon:~~

~~(1) Presentation of proof of completion of the continuing education required by this section; and~~

~~(2) Payment of a renewal fee set by the Board of not more than $200.~~

~~(c) Except as otherwise provided in subsection 5, is delinquent if it is not renewed before January 31 of each year. Not later than 2 years after the expiration of a limited license, a delinquent limited license may be reinstated, at the discretion of the Board, upon payment of each applicable annual renewal fee in addition to the annual delinquency fee set by the Board of not more than $500.~~

~~5. Upon written request to the Board, and payment of a fee not to exceed $300, a licensee in good standing may have his or her name and limited license as a dispensing optician transferred to an inactive list. Such a licensee shall not practice ophthalmic dispensing during the time the limited license is inactive. If an inactive licensee wishes to resume the practice of ophthalmic dispensing as limited by this section, the Board shall reactivate the limited license upon:~~

~~(a) If deemed necessary by the Board, the demonstration by the licensee that the licensee is then qualified and competent to practice;~~

~~(b) The completion of an application; and~~

~~(c) Payment of the renewal fee set by the Board pursuant to subsection 4.~~

~~6. To reactivate a limited license as a dispensing optician pursuant to subsection 5, an inactive licensee is not required to pay the delinquency fee and the renewal fee for any year while the license was inactive.~~

~~7. Except as otherwise provided in subsection 8, each person with a limited license as a dispensing optician must complete courses of continuing education in ophthalmic dispensing each year. Such continuing education must:~~

~~(a) Encompass such subjects as are established by regulations of the Board.~~

~~(b) Consist of a minimum of 12 hours for a period of 12 months.~~

~~8. A person with a limited license as a dispensing optician who is on active military service is exempt from the requirements of subsection 7.~~

~~9. The Board shall adopt any other regulations it determines are necessary to carry out the provisions of this section.~~**]** ***placed on inactive status on or after January 31, 2023.***

Sec. 28. NRS 637.125 is hereby amended to read as follows:

637.125 1. A person may not employ another person to perform the services of a dispensing optician unless the other person:

(a) Is licensed by the Board as a dispensing optician; or

(b) Is licensed by the Board as an apprentice dispensing optician and is directly supervised as required by the provisions of this chapter.

2. A licensed dispensing optician may not allow another person who is under his or her direct supervision to perform the services of a dispensing optician unless the other person is licensed by the Board as a dispensing optician or an apprentice dispensing optician.

3. **[**~~If a person is~~**]** ***A*** licensed **[**~~by the Board as an~~**]** apprentice dispensing optician **[**~~, a~~**]** ***may engage in ophthalmic dispensing only when a*** licensed dispensing optician, **[**~~licensed~~**]** ophthalmologist or **[**~~licensed~~**]** optometrist **[**~~must:~~

~~(a) Directly supervise~~**]** ***is physically present in the optical establishment to provide direct supervision for*** all **[**~~work done by the apprentice~~**]** dispensing **[**~~optician.~~**]** ***activities performed by the apprentice and to verify the quality of the finished products to be dispensed.***

[~~(b) Be in attendance whenever the~~**]**

4. A licensed dispensing optician, ophthalmologist or optometrist who is providing direct supervision to an apprentice dispensing optician shall not supervise more than two apprentice dispensing **[**~~optician is engaged in ophthalmic dispensing.~~**]** ***opticians at any one time.***

[~~(c) Post the license of the apprentice dispensing optician in a conspicuous place where the apprentice dispensing optician works.~~

~~4. A licensed dispensing optician may not have under his or her supervision more than two licensed apprentice dispensing opticians at any one time.~~

~~5. A licensed dispensing optician or a person who employs a licensed dispensing optician may employ other persons to assist in consulting on optical fashions, and a licensed dispensing optician may supervise such other persons. Such other persons:~~

~~(a) Are not required to be licensed pursuant to the provisions of this chapter.~~

~~(b) May not perform the services of a dispensing optician.~~

~~6. The Board may adopt regulations to carry out the provisions of this section.]~~

Sec. 29. NRS 637.150 is hereby amended to read as follows:

637.150 1. If the Board finds, ~~[by a preponderance of the evidence,]~~ ***after notice and a hearing as required by law,*** that an applicant or holder of a license ~~[:~~

~~(a) Has]~~ ***has*** been adjudicated insane ~~[;~~

~~(b) Habitually]~~ ***, habitually*** uses any controlled substance or intoxicant ~~[;~~

~~(c) Has]~~ ***or has*** been ***diagnosed with a medical or mental health condition that is likely to impede the safe practice of ophthalmic dispensing, the Board may:***

(a) For an applicant, refuse to grant the applicant a license; or

(b) For a holder of a license:

(1) Place the holder on probation;

(2) Suspend or revoke the license;

(3) Refuse to renew or reinstate the license; or

(4) Take any combination of the disciplinary actions described in subparagraphs (1), (2) and (3).

2. If the Board finds, after notice and a hearing as required by law, that an applicant or holder of a license has committed unprofessional conduct which has endangered or is likely to endanger public health, safety or welfare, the Board may:

(a) For an applicant, refuse to grant the applicant a license; or

(b) For a holder of a license:

(1) Place the holder on probation;

(2) Suspend or revoke the license;

(3) Refuse to renew or reinstate the license;

(4) Reprimand the holder publicly;

(5) Require the holder to reimburse the Board for the cost of any investigation or hearing related to the disciplinary action;

(6) Require the holder to pay an administrative fine of not more than $10,000 for each act constituting unprofessional conduct; or

(7) Take any combination of the disciplinary actions described in subparagraphs (1) to (6), inclusive.

3. The Board shall not privately reprimand a holder of a license.

4. Pursuant to NRS 622A.410, the Board may reinstate a license that has been revoked if the person who was issued the license applies to the Board for its reinstatement.

5. Notwithstanding the provisions of chapter 622A of NRS, if the Board receives a report pursuant to subsection 5 of NRS 228.420, the Board must commence disciplinary proceedings regarding the report not later than 30 days after receiving the report.

6. [The Board shall, to the extent feasible, communicate and cooperate with or provide any documents or information to any other licensing board

or agency, including, without limitation, a law enforcement agency, that is investigating a person licensed pursuant to this chapter.

7. An order of the Board that imposes discipline and the findings of fact and conclusions of law supporting the order are public records.

8.] ***As used in this section, "unprofessional conduct" includes:***

(a) Being convicted of ***[***a ***any]*** ***:***

(1) Any crime involving moral turpitude ***;***

[(d) Has been convicted of ***or violating]***

(2) A violation of any federal or state law relating to a controlled substance; or

(3) Violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

[(e) Has advertised***]***

(b) Advertising in any manner which would tend to deceive, defraud or mislead the public;

[(f) Has presented to the Board any diploma, license or certificate that has been signed or issued unlawfully or under fraudulent representations, or obtains or has obtained***]***

(c) Obtaining a license to practice in this State through fraud ***or the misrepresentation or concealment*** of ***[***any kind;

(g) Has been convicted of a violation of any federalor state law relating to a controlled substance;

(h) Has,***]*** ***a material fact;***

(d) Dispensing, without proper verification, ***[***dispensed***]*** a lens, frame, specially fabricated optical device or other ophthalmic device that does not satisfy the minimum standards established by the Board pursuant to NRS ***[***637.073;

(i) Has violated any regulation of the Board;

(j) Has violated ***a material fact;***

(d) ***637.070;***

(e) Committing fraud or deceit in the practice of ophthalmic dispensing;

[(e)] ***(f) Violating*** any provision of this chapter ***[***;

(k) Is incompetent;

(l) Is guilty of unethical or unprofessional conduct as determined by***]*** ***or any regulations of*** the Board ***[***;

(m) Is guilty of repeated malpractice, which may be evidenced by claims of malpractice settled against a practitioner;

(n) Is guilty of a fraudulent or deceptive practice as determined by the Board; or

(o) Has operated***]*** ***adopted pursuant to this chapter; [and***

(f) ***(g) Operating*** a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160 ***[.***,

~~➥ the Board may, in the case of an applicant, refuse to grant the applicant a license, or may, in the case of a holder of a license, place the holder on probation, reprimand the holder publicly, require the holder to pay an administrative fine of not more than $10,000, suspend or revoke the holder's license, or take any combination of these disciplinary actions.~~

~~2. The Board shall not privately reprimand a holder of a license.~~

~~3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.~~

~~4. The provisions of paragraph (o) of subsection 1 apply to an owner or other principal responsible for the operation of the medical facility.~~

~~5. As used in this section, "preponderance of the evidence" has the meaning ascribed to it in NRS 233B.0375.~~**]** ***; and***

(h) Engaging in any other conduct which the Board has determined is unethical or unprofessional.

Sec. 30. NRS 637.154 is hereby amended to read as follows:

637.154 1. **[**~~To the extent that money is available for that purpose, the~~**]** ***The*** Board may, **[**~~upon its own motion, investigate the actions of any person who holds a license issued pursuant to this chapter that may constitute grounds for refusal to issue such a license, or the suspension or revocation of the license.~~**]** ***in a manner that is consistent with the provisions of chapter 622A of NRS, conduct investigations, hold hearings and examine witnesses in carrying out its duties pursuant to this chapter.***

2. **[**~~The~~**]** ***For the purposes of this chapter, any member of the*** Board may **[**~~accept gifts, grants~~**]** ***administer oaths*** and **[**~~donations of money from any source~~**]** ***issue subpoenas*** to **[**~~carry out~~**]** ***compel*** the **[**~~provisions~~**]** ***attendance*** of **[**~~this section.~~**]** ***witnesses and the production of books, papers, documents and any other articles related to the practice of ophthalmic dispensing.***

3. If any person fails to comply with a subpoena within 10 days after its issuance, the Board may petition the district court for an order compelling compliance with the subpoena.

4. Upon such a petition, the court shall enter an order directing the person subpoenaed to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why the person has not complied with the subpoena. A certified copy of the order must be served upon the person subpoenaed.

5. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order compelling compliance with the subpoena, and upon failure to obey the order, the person must be dealt with as for contempt of court.

Sec. 31. NRS 637.181 is hereby amended to read as follows:

637.181 Notwithstanding the provisions of chapter 622A of NRS **[**~~:~~

~~1. The Board shall conduct an investigation if it receives a complaint that sets forth reason to believe that a person, without the proper license, is~~

~~engaging in an activity for which a license is required pursuant to this chapter. The complaint must be:~~

~~(a) Made in writing; and~~

~~(b) Signed and verified by the person filing the complaint.~~

~~2. If~~**]** ***, if*** the Board determines that a person ~~**[**, without the proper license, is engaging~~**]** ***who is not licensed pursuant to this chapter has engaged*** in an activity for which a license is required pursuant to this chapter, ~~**[**the Board:~~

~~(a) Shall issue~~**]** ***or has violated, or employed a person who, in the course of his or her employment, has violated any provision of NRS 637.125 or any regulation adopted by the Board to carry out the provisions of that section, the Board may:***

1. Issue and serve on the person an order to cease and desist from engaging in the activity until such time as the person obtains the proper license from the Board.

~~**[**(b) May, after notice and opportunity for a hearing, impose upon~~**]**

2. Issue a citation to the person ***pursuant to section 11 of this act. Such a citation must describe with particularity the nature of the violation and inform the person of the provisions of this section.***

3. Order the person to reimburse the Board the costs of any investigation or hearing related to a violation.

4. Assess against the person an administrative fine of not more than $10,000 ~~**[**.~~**]** ***for each separate violation.*** The imposition of an administrative fine is a final decision for the purposes of judicial review.

~~**[**3. An administrative fine imposed pursuant to this section is in addition to~~**]**

5. Impose any ~~**[**other penalty provided in this chapter.~~

~~4. The Board shall retain all complaints received by~~**]** ***combination of*** the ~~**[**Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.~~**]** ***penalties set forth in subsections 1, 2 and 3.***

Sec. 32. NRS 637.200 is hereby amended to read as follows:

637.200 The following acts constitute misdemeanors, unless a greater penalty is provided pursuant to NRS 200.830 or 200.840:

1. The insertion of a false or misleading statement in any advertising in connection with the business of ophthalmic dispensing.

2. Making use of any advertising statement of a character tending to indicate to the public the superiority of a particular system or type of eyesight examination or treatment.

3. Furnishing or advertising the furnishing of the services of a refractionist, optometrist, physician or surgeon.

4. Changing the prescription of a lens without an order from a person licensed to issue such a prescription.

5. Filling a prescription ~~**[**for a contact lens~~**]** in violation of the expiration date or ***, for a prescription for a contact lens, in violation of the*** number of refills specified by the prescription. ***A prescription shall be deemed to have***

an expiration date of 2 years after the date on which the prescription was issued, unless the practitioner who wrote the prescription includes on the prescription a different period.

6. ***Holding oneself out to the public, either verbally or in writing, to be an optician, a dispensing optician or an apprentice dispensing optician without holding a valid and active license issued pursuant to this chapter.***

7. Failing to comply with a citation or order issued pursuant to this chapter after the citation or order is final.

8. Violating any provision of this chapter.

Sec. 32.5. Notwithstanding the amendatory provisions of this act, a person who, on January 31, 2023, holds a limited license as a dispensing optician which has been transferred to an inactive list pursuant to NRS 637.121, as that section existed before October 1, 2023, may reactivate the limited license as a dispensing optician in accordance with NRS 637.121, as that section existed before October 1, 2023.

Sec. 33. NRS 637.010, 637.024, 637.041, 637.073, 637.075, 637.110, 637.120, 637.123, 637.127, 637.135, 637.140, 637.155, 637.170, 637.175 and 637.183 are hereby repealed.

Sec. 34. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 33, 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.

LEADLINES OF REPEALED SECTIONS

637.010 Short title.

637.024 "Supervision" defined.

637.041 Enforcement of subpoenas issued by Board.

637.073 Regulations setting minimum standards for optical and ophthalmic devices.

637.075 Fiscal year.

637.110 Fees for application for license; requirements for, waiver of and passing score for examination of applicant for license as dispensing optician; prohibition on participation in preparing, conducting and grading examination.

637.120 Issuance of license as dispensing optician; display of license; nontransferability; issuance of duplicate license.

637.123 Apprentice dispensing optician: Expiration, renewal and reinstatement of license; fees; continuing education; limitations on renewal.

637.127 Special license as dispensing optician.

637.135 Dispensing optician: Continuing education.

637.140 Dispensing optician: Expiration, renewal and reinstatement of license; fees; inactive status; reactivation of inactive license.

637.155 Hearing required after receipt of report of certain violations of Industrial Insurance Act.

637.170 Reinstatement of revoked license; fee.

637.175 Expiration of prescriptions.

637.183 Administrative fine for violation of provisions governing employment and supervision of dispensing opticians, apprentice dispensing opticians and other assistants.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 554 to Assembly Bill No. 415.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 437.

The following Senate amendment was read:

Amendment No. 553.

SUMMARY—Limits the amount **and circumstances under which** a provider of health care may charge for filling out certain forms associated with certain leaves of absence. (BDR 54-670)

AN ACT relating to providers of health care; limiting the amount **and circumstances under which** a provider of health care may charge to fill out certain forms necessary to take a leave of absence authorized by the Family and Medical Leave Act of 1993; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the Family and Medical Leave Act of 1993, certain employees have the right to take an unpaid leave of absence from work for certain medical or family reasons, including, without limitation: (1) because of a serious health condition of the employee that makes the employee unable to perform the functions of his or her position; (2) to care for certain family members who have a serious health condition; or (3) to care for certain veterans or members of the Armed Forces who have suffered a serious injury or illness. (29 U.S.C. § 2612) The Act authorizes an employer of an employee who requests leave for one of those reasons to require the employee to provide a certification issued by a health care provider that contains certain information concerning the serious health condition or serious injury or illness. (29 U.S.C. § 2613; 29 C.F.R. §§ 825.305-825.310) This bill prohibits a provider of health care from charging a person ~~[more than $10]~~ **any fee or charge** to fill out a form for such a certification ~~[.]~~ **if the provider of health care has examined, treated or otherwise provided health care services to the person who is the subject of the certification within the immediately preceding 3 years. If the provider of health has not examined, treated or otherwise provided health care services to the person who is the subject of the certification within the immediately preceding 3 years, this bill prohibits the provider of health care from charging more than $25 to fill out such a form.**

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[A]~~ ***If a person requests that a provider of health care fill out a form for a certification required by an employer pursuant to 29 U.S.C. § 2613, the provider of health care shall not charge*** ~~[a]~~ ***the person*** ~~[more]~~ ***:***

1. Any fee or charge to fill out the form if the provider of health care has examined, treated or otherwise provided health care services to the person who is the subject of the certification within the 3 years immediately preceding the date on which the request to fill out the form is made.

2. More than ~~[$10]~~ ***$25 to fill out*** ~~[a]~~ ***the form*** ~~[for a]~~ ***if the provider of health care has not examined, treated or otherwise provided health care services to the person who is the subject of the certification*** ~~[required by an employer pursuant to 29 U.S.C. § 2613.]~~ ***within the 3 years immediately preceding the date on which the request to fill out the form is made.***

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 553 to Assembly Bill No. 437.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 439.

The following Senate amendment was read:

Amendment No. 643.

AN ACT relating to insurance; providing **, with certain exceptions,** that no provision for arbitration in a contract for health insurance is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ **insured** under the contract ~~[,]~~ **who makes a claim;** repealing certain provisions related to provisions for arbitration in a contract for health insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Insurance Code, which governs certain contracts of insurance. (Title 57 of NRS) Existing law provides that no provision for arbitration contained in an automobile liability or motor vehicle liability insurance policy delivered, issued for delivery or renewed in this State is binding upon the named insured or any other person who makes a claim under the policy. (NRS 690B.017) **Sections 4, 6, 7, 15, 16.5, 17, 18.5, 19 and 20** of this bill similarly provide that no provision for arbitration is binding that is contained in any: (1) policy of health insurance by an insurer; (2) policy of group or blanket health insurance; (3) health benefit plan; (4) benefit contract; (5) contract for hospital, medical or dental services; (6) evidence of coverage by a health maintenance organization; (7) plan for dental care; (8) evidence of coverage by a prepaid limited health service organization; or (9) evidence of coverage by a managed care organization. **Sections 4, 6, 7, 15, 16.5, 17, 18.5,**

19 and 20 further provide that a provision for arbitration included in any such contract of insurance must contain a statement that the provision for arbitration is not binding. **Section 16.5 further provides that such provisions do not apply to a contract between: (1) a plan sponsor; and (2) a hospital or a provider of health care. Sections 5 and 8** of this bill make conforming changes to indicate the proper placement of **sections 4 and 7** of this bill, respectively, in the Nevada Revised Statutes.

Section 22 of this bill repeals certain provisions of the Nevada Insurance Code to eliminate requirements related to provisions for arbitration in certain contracts for insurance. **Section 18** of this bill makes a conforming change to eliminate a reference to a repealed section.

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. (Deleted by amendment.)

Sec. 4. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any policy of health insurance delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the policy ~~[.]~~ who makes a claim.

2. If a policy of health insurance contains a provision for arbitration, the policy of health insurance must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the policy of health insurance ~~[.]~~ who makes a claim.

Sec. 5. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 4 of this act.***

Sec. 6. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any policy of group or blanket health insurance delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the policy ~~[.]~~ who makes a claim.

2. If a policy of group or blanket health insurance contains a provision for arbitration, the policy of group or blanket health insurance must include a statement that the arbitration provision is not binding upon ~~[the named~~

~~insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the policy of group or blanket health insurance ~~[.]~~ who makes a claim.

Sec. 7. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any health benefit plan delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the health benefit plan ~~[.]~~ who makes a claim.

2. If a health benefit plan contains a provision for arbitration, the health benefit plan must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the health benefit plan ~~[.]~~ who makes a claim.

Sec. 8. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 7 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any benefit contract delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the contract ~~[.]~~ who makes a claim.

2. If a benefit contract contains a provision for arbitration, the benefit contract must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the benefit contract ~~[.]~~ who makes a claim.

Sec. 16. (Deleted by amendment.)

Sec. 16.5. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in subsection 3:

1. No provision for arbitration contained in any contract for hospital, medical or dental services delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the contract for hospital, medical or dental services.

2. If a contract for hospital, medical or dental services contains a provision for arbitration, the contract must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~

person ~~[who makes a claim]~~ insured under the contract for hospital, medical or dental services.

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

(a) A plan sponsor, as defined in section 3(16)(B) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(16)(B), as that section existed on July 16, 1997; and

(b) A hospital or a provider of health care, as defined in NRS 439.820.

Sec. 17. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon ~~[the named enrollee or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[,]~~ who makes a claim.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon ~~[the named enrollee or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[,]~~ who makes a claim.

Sec. 18. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759 ~~[,]~~ ***and*** 695C.176 to 695C.200, inclusive, ~~[and 695C.265]~~ do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 apply to a

health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 18.5. Chapter 695D of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any plan for dental care delivered, issued for delivery or renewed in this State is binding upon ~~[the member or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the plan for dental care ~~[,]~~ who makes a claim.

2. If a plan for dental care contains a provision for arbitration, the plan for dental care must include a statement that the arbitration provision is not binding upon ~~[the member or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the plan for dental care ~~[.]~~ who makes a claim.

Sec. 19. Chapter 695F of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon ~~[the named enrollee or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[,]~~ who makes a claim.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon ~~[the named enrollee or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[.]~~ who makes a claim.

Sec. 20. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. No provision for arbitration contained in any evidence of coverage delivered, issued for delivery or renewed in this State is binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[,]~~ who makes a claim.

2. If an evidence of coverage contains a provision for arbitration, the evidence of coverage must include a statement that the arbitration provision is not binding upon ~~[the named insured or]~~ any ~~[other]~~ person ~~[who makes a claim]~~ insured under the evidence of coverage ~~[.]~~ who makes a claim.

Sec. 21. The provisions of this act do not apply to any contract for insurance existing on October 1, 2023, but apply to any renewal of such a contract.

Sec. 22. NRS 689A.0403, 689B.067, 689B.270, 695B.181, 695B.182, 695C.265 and 695C.267 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

689A.0403 Procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

689B.067 Provision in policy requiring binding arbitration for disputes with insurer authorized; procedure for arbitration; declaratory relief.

689B.270 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695B.181 Provision in contract requiring binding arbitration authorized; procedures for arbitration; declaratory relief.

695B.182 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695C.265 Required procedure for arbitration of disputes concerning independent medical, dental or chiropractic evaluations.

695C.267 Provision requiring binding arbitration authorized; procedures for arbitration; declaratory relief.

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 643 to Assembly Bill No. 439.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 432.

The following Senate amendment was read:

Amendment No. 572.

AN ACT relating to optometry; prohibiting certain persons from owning or controlling an optometry practice under certain circumstances; requiring a licensee to provide certain notifications to the Nevada State Board of Optometry; authorizing persons enrolled in certain educational or residency programs to practice optometry under certain circumstances; prohibiting a licensee from prescribing ophthalmic lenses under certain circumstances; establishing certain requirements relating to the use of optometric telemedicine; reducing the fee for a veteran to obtain an initial license to practice optometry; revising certain requirements to obtain a license; revising provisions relating to the ownership of an optometry practice under an assumed or fictitious name under certain circumstances; authorizing the Board to issue citations for certain violations; requiring certain regulations adopted by the State Board of Health to authorize a licensed optometrist to serve as the director of a medical laboratory under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada State Board of Optometry to adopt policies and regulations necessary to regulate the practice of optometry in this State and issue licenses to engage in the practice of optometry. (NRS 636.125, 636.215) **Sections 2-12** of this bill define certain terms relating to the practice of optometry. **Section 20** of this bill makes a conforming change to indicate the proper placement of **sections 2-12** in the Nevada Revised Statutes. **Section 28** of this bill authorizes the Board to issue a citation to a person who violates certain provisions of law governing the practice of optometry.

Existing law establishes a schedule of fees which the Board may not exceed when charging for the issuance of a license to practice optometry and for certain other purposes. (NRS 636.143) **Section 21** of this bill revises the fees

associated with the initial issuance of a license. **Section 21** sets forth the maximum fee the Board is authorized to charge for the initial issuance of a license to an applicant who is a veteran, which is one-half of the maximum fee the Board is authorized to charge an applicant who is not a veteran.

Existing law authorizes the Board to issue a license by endorsement to certain persons who hold a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States and who meet certain other requirements. (NRS 636.206) **Section 24** of this bill requires the: (1) corresponding license to be active; and (2) applicant to not have been licensed by the Board to practice optometry in this State in the immediately preceding year.

Existing law requires a licensee to notify the Executive Director of the Board in advance of changing the location where the licensee practices optometry or establishing an additional location to practice optometry. (NRS 636.370) **Section 15** of this bill requires a licensee to notify the Board not later than 30 days after a change of the personal mailing address or primary telephone number of the licensee or the electronic mail address that the licensee most recently provided to the Board. **Section 16** of this bill requires a licensee to report to the Board within 30 days the revocation, suspension or surrender of, or any disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued by any other jurisdiction.

Section 13 of this bill prohibits, with certain exceptions, a person who is not licensed to practice optometry in this State from: (1) owning, being an officer or board member of or having control over the management or operations of an optometry practice located in this State; or (2) being an officer or board member of an entity that operates such an optometry practice or holding a position in such an entity that allows the person to have control over the management or operations of an optometry practice. **Section 13** also prohibits a person who is employed by a management service provider which is providing certain business services to an optometry practice from performing certain roles for the optometry practice or the entity that operates the optometry practice using those services.

Existing law prohibits an optometrist from owning all or any part of an optometry practice under an assumed or fictitious name unless the optometrist has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name at a specified location. (NRS 636.350) **Section 26** of this bill specifies that each person who owns any part of such a practice hold an active license to practice optometry in this State and have been issued such a certificate of registration.

Section 14 of this bill **: (1)** authorizes a surviving family member of a licensed optometrist who has died and who was the sole owner of an optometry practice to own the optometry practice without holding a license to practice optometry in this State for not more than 1 year after the death of the licensed optometrist ~~[.]~~ **; and (2) clarifies that such ownership does not exempt a person from the requirement to obtain a license to engage in the practice**

of optometry. **Section 14** requires such a surviving family member, not later than 1 year after the death of the licensee, to transfer ownership of that optometry practice to another licensed optometrist or to dissolve the practice.

Existing law prohibits a person from engaging in the practice of optometry in this State unless the person is licensed by the Board. (NRS 636.145) **Section 17** of this bill authorizes students who are participating in certain externship programs pursuant to a course of study in optometry or certain persons engaged in a residency program for optometry to perform certain procedures pursuant to those programs which constitute engaging in the practice of optometry. **Section 22** of this bill makes a conforming change to indicate that the performance of such procedures does not constitute the unlawful practice of optometry.

Existing law authorizes a licensed optometrist to prescribe therapeutic or corrective lenses for the correction or relief of or remedy for an abnormal condition or inefficiency of the eye or visual process. (NRS 636.025, 636.215) **Section 18** of this bill prohibits a licensed optometrist from issuing, offering to issue, duplicating or extending a prescription for certain lenses if the optometrist has not performed, or does not have access to records relating to, a comprehensive eye examination performed within the immediately preceding 2 years on the intended recipient of the lenses.

Existing law defines the term "telehealth" to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic mail. (NRS 629.515) **Section 8** of this bill defines the term "optometric telemedicine" to mean, in general, the use of telehealth by a licensed optometrist to deliver health care services within the scope of the practice of optometry to a patient at a different location. **Section 19** of this bill authorizes and sets forth certain requirements for the use of optometric telemedicine by a licensed optometrist for certain purposes. **Section 19** requires, with certain exceptions, a licensed optometrist to have performed a comprehensive examination on a patient within the immediately preceding 2 years to deliver health care services to the patient through optometric telemedicine. **Section 19** additionally authorizes an licensed optometrist to remotely monitor certain health data of a patient.

Existing law authorizes the State Board of Health to prescribe regulations relating to the operation of medical laboratories and the qualifications of the directors of those laboratories. (NRS 652.130) **Section 29** of this bill requires the regulations to include licensed optometrists among the licensed physicians qualified to serve as the laboratory director of certain laboratories under certain circumstances.

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

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. *"Asynchronous optometric telemedicine" means a form of optometric telemedicine in which data that is collected from an examination of a patient that is conducted in person is later transmitted to an optometrist for review.*

Sec. 3. *1. "Comprehensive examination" means an examination of a patient which is conducted in person and during which all of the following tests, procedures or actions are performed:*

(a) The documentation of the primary reason for which the examination is conducted;

(b) A review of the medical history and ocular history of both the patient and his or her immediate family;

(c) A review of any medications used by the patient;

(d) A review of any allergies of the patient;

(e) A review of documentation identifying the patient's primary care physician;

(f) General medical observations, including, without limitation, neurological and psychological orientation;

(g) Eye pressure;

(h) Gross, confrontation or formal visual fields;

(i) A basic sensorimotor examination;

(j) A complete pupillary assessment, including, without limitation, an examination of the presence of an afferent pupillary defect;

(k) Eye alignment;

(l) Visual acuities;

(m) Keratometry or autokeratometry;

(n) Anterior segment examination using a slit beam and magnification, as through a biomicroscope slit lamp, to include ocular adnexa, eyelid, eyelashes, conjunctiva, pupil, cornea, anterior chamber and lens;

(o) Posterior segment examination that includes the examination of the optic nerve, macula, retina and vessels; and

(p) A review and assessment of all data collected pursuant to paragraphs (a) to (o), inclusive, and the development of a plan to provide necessary treatment.

2. The term includes an examination in which a test, procedure or action specified in paragraphs (a) to (p), inclusive, of subsection 1 was not performed if the person conducting the examination was unable to perform the test, procedure or action and used an alternative method to obtain comparable data to that which would have been obtained by the proper performance of the test, procedure or action.

Sec. 4. *"Distant site" has the meaning ascribed to it in NRS 629.515.*

Sec. 5. *"Health care services" means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease that are within the scope of the practice of optometry.*

Sec. 6. *"Licensee" means a person who is licensed to practice optometry pursuant to this chapter.*

Sec. 7. *"Non-comprehensive examination" means an examination that includes some but not all of the elements of a comprehensive examination.*

Sec. 8. *"Optometric telemedicine" means the use of telehealth, as defined in NRS 629.515, by a licensee who is located at a distant site to deliver health care services to a patient who is located at an originating site. The term includes, without limitation, synchronous optometric telemedicine and asynchronous optometric telemedicine.*

Sec. 9. *"Optometry practice" or "optometric practice" means a business through which one or more optometrists practice optometry.*

Sec. 10. *"Originating site" has the meaning ascribed to it in NRS 629.515.*

Sec. 11. *"Remote patient monitoring" means the monitoring by a licensee of data:*

1. Collected from a patient of the licensee at one location and transmitted to the licensee at another location; and

2. That is necessary to make informed decisions about providing health care services to the patient.

Sec. 12. *"Synchronous optometric telemedicine" means a form of optometric telemedicine in which information is exchanged via electronic communication in real time and includes, without limitation, communication via telephone, video, a mobile application or an online platform on an Internet website.*

Sec. 13. *1. Except as otherwise provided in section 14 of this act, a person who is not licensed to practice optometry pursuant to this chapter shall not:*

(a) Hold an ownership interest in an optometry practice;

(b) Be an officer or board member of an optometry practice or occupy any other position of authority at an optometry practice that allows the person to exert control over the management or operation of the optometry practice; or

(c) Be an officer or board member of an entity that operates one or more optometry practices or occupy any other position of authority at such an entity that allows the person to exert control over the management or operations of an optometry practice that the entity operates.

2. A person shall not accept compensation to perform any services for a management service provider that is providing services to an optometry practice if the person is:

(a) An officer or board member of the optometry practice or occupies any other position of authority at an optometry practice that allows the person to exert control over the management or operation of the optometry practice receiving those services; or

(b) An officer or board member of an entity that operates the optometry practice or occupies any other position of authority at such an entity that allows the person to exert control over the management or operations of the optometry practice receiving those services.

3. As used in this section:

(a) "Management service provider" means a person that contracts to provide management or administrative support services to an optometry practice. The term does not include a provider of insurance, a provider of health care as defined in NRS 41A.017 or a person that offers optometric care at an optometry practice or that offers comprehensive examinations.

(b) "Management or administrative support services" includes, without limitation, legal services and services relating to management, billing, credentialing, accounting, marketing, the storage of electronic medical records, the management of human resources, the provision of malpractice insurance, information technology, the financing of equipment, recruitment, transactions involving real estate and technical support for optometric telemedicine.

Sec. 14. *1. For not more than 1 year after the death of a licensee who is the sole owner of an optometry practice, a surviving member of the licensee's family may own the optometry practice without being licensed pursuant to this chapter. Not later than 1 year after the death of the licensee, the surviving member of the licensee's family shall transfer ownership of the optometry practice to a licensee or dissolve the optometry practice.*

2. The provisions of this section do not ~~[abrogate,]~~ :

(a) Exempt a person from the requirement to obtain a license pursuant to this chapter to engage in the practice of optometry; and

(b) Abrogate, alter or otherwise affect any obligation to comply with the requirements of chapters 629 and 636 of NRS relating to the custody of health care records.

3. As used in this section, "member of the licensee's family" means any person related to the licensee by blood, adoption or marriage within the third degree of consanguinity.

Sec. 15. *A licensee shall notify the Board of any change in the personal mailing address or primary telephone number of the licensee or any change of the electronic mail address most recently provided by the licensee to the Board not later than 30 calendar days after the change.*

Sec. 16. *A licensee shall report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued to the licensee by another state or territory of the United States, the District of Columbia or a foreign country.*

Sec. 17. *1. A student who is enrolled in a graduate course of study in optometry at an accredited school or college of optometry and who is participating in an externship authorized by the school or college, as applicable, as part of that course of study may perform procedures within the scope of a license to practice optometry issued pursuant to this chapter if an optometrist or ophthalmologist licensed in this State:*

(a) Is physically present at the clinic where the student is performing the procedures at all times while those procedures are being performed; and

(b) Examines the person on whom the student performed any procedure before the person is discharged.

2. Except as otherwise provided in subsection 3, a person who has received a degree of doctor of optometry and who is engaged in a residency program for optometry in this State may, without a license, engage in the practice of optometry within the scope of a license to practice optometry issued pursuant to this chapter and examine and manage patients without supervision if an optometrist or ophthalmologist licensed in this State is physically present at the clinic at all times when the person is practicing optometry.

3. A person described in subsection 2 may, in an emergency, provide care to a patient without an optometrist or ophthalmologist licensed in this State being physically present at the clinic if the person consults with an appropriate optometrist or ophthalmologist associated with the clinic to determine the proper care and management of the treatment of the patient.

4. As used in this section, "clinic" means a facility at which a licensed optometrist or ophthalmologist provides services to patients.

Sec. 18. *It is unlawful for a licensee to issue, offer to issue, duplicate or extend a prescription for an ophthalmic lens for a person if the licensee has not performed a comprehensive examination, or does not have access to the complete results of a comprehensive examination that was performed, on the person within the immediately preceding 2 years.*

Sec. 19. *1. Except as otherwise provided in subsection 5, a person shall not engage in optometric telemedicine to provide health care services to a patient located at an originating site in this State unless the person is licensed to practice optometry pursuant to this chapter.*

2. Except as otherwise provided in subsection 3, a licensee may engage in synchronous or asynchronous optometric telemedicine to provide health care services to a patient only if the licensee has completed a comprehensive examination on the patient within the immediately preceding 2 years.

3. A licensee may engage in synchronous optometric telemedicine to perform a non-comprehensive examination of a new patient if the licensee has access to all the information obtained from a comprehensive examination of the patient that was conducted by an optometrist or ophthalmologist within the immediately preceding 2 years.

4. A licensee may engage in asynchronous optometric telemedicine to conduct a consultation regarding a patient on whom the licensee has not completed a comprehensive examination within the immediately preceding 2 years if:

(a) An optometrist, ophthalmologist or primary care physician providing care to the patient requests that the licensee conduct the consultation and provides the licensee with all the information about the patient that is necessary to determine whether the patient requires a comprehensive examination; and

(b) The consultation performed by the licensee is limited to a determination of whether the patient requires a comprehensive examination and does not involve any diagnosis, recommendation for or treatment of the patient or a prescription for the patient.

5. A person who holds a valid, active and unrestricted license issued by the District of Columbia or any state or territory of the United States to practice optometry may conduct a consultation through asynchronous optometric telemedicine described in subsection 4 in the same manner as a licensee pursuant to that subsection without holding a license to practice optometry in this State.

6. A licensee may engage in remote patient monitoring of a patient on whom the licensee has completed a comprehensive examination within the immediately preceding 2 years for the purposes of:

(a) Acquiring data about the health of the patient;

(b) Assessing changes in previously diagnosed chronic health conditions;

(c) Confirming the stability of the health of the patient; or

(d) Confirming expected therapeutic results.

7. A licensee may engage in optometric telemedicine to provide health care services to a patient who is located at an originating site outside this State if the licensee has completed a comprehensive examination of the patient within the immediately preceding 2 years and such action is permitted by the laws of the state in which the patient is located.

8. A licensee shall not engage in optometric telemedicine to provide any health care service to the patient that the licensee has determined should be provided in person.

9. A licensee engaging in optometric telemedicine or remote patient monitoring shall not:

(a) Conduct himself or herself in a manner that violates the standard of care required of an optometrist who is treating a patient in person, including, without limitation, by issuing a prescription for ophthalmic lenses based solely upon one or more of the following:

(1) Answers provided by a patient in an online questionnaire;

(2) The application of lensometry; or

(3) The application of auto-refraction; or

(b) Condition the provision of optometric telemedicine or remote patient monitoring on the patient consenting to receiving a standard of care below that which is required by paragraph (a).

Sec. 20. NRS 636.015 is hereby amended to read as follows:

636.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 636.016 to 636.023, inclusive, ***and sections 2 to 12, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 636.143 is hereby amended to read as follows:

636.143 ***1.*** At least once every 2 years, the Board shall review and, if the Board deems it necessary, establish or revise, within the limits prescribed a schedule of fees for the following purposes:

	Not more than
~~[1.]~~ ***(a)*** Examinations	$250
~~[2.]~~ ***(b)*** ~~[Applications for the issuance of a 1 year license~~	~~$600~~
~~3. Renewal]~~ ***Initial issuance or renewal*** of a license	$1,200
~~[4.]~~ ***(c)*** Granting certification or issuing certificates	$1,000
~~[5.]~~ ***(d)*** Licensing of extended clinical facilities and other practice locations	$500
~~[6.]~~ ***(e)*** Individually verifying licensure or disciplinary status	$100
~~[7.]~~ ***(f)*** Late fee	$1,000
~~[8.]~~ ***(g) Initial issuance of a license to an applicant who is a veteran***	***$600***
(h) Any other service provided by the Board pursuant to this chapter	$1,000

2. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 22. NRS 636.145 is hereby amended to read as follows:

636.145 1. ~~[A]~~ ***Except as otherwise provided in section 17 of this act, a*** person shall not engage in the practice of optometry in this State unless:

(a) The person has obtained a license pursuant to the provisions of this chapter; and

(b) Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. The Board shall conduct an investigation pursuant to subsection 3 if the Board receives a complaint which sets forth any reason to believe that a person has engaged in the practice of optometry in this State without a license issued pursuant to this chapter.

3. In addition to any other penalty prescribed by law, if the Board, after conducting an investigation and hearing in accordance with chapters 233B, 622 and 622A of NRS, determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist from the practice of optometry until the person obtains a license from the Board.

(b) Issue a citation to the person ~~[.]~~ ***pursuant to NRS 636.420.***

(c) Impose any combination of the penalties set forth in paragraphs (a) and (b).

4. Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any

substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to this chapter.

5. Each instance of unlicensed activity constitutes a separate offense for which a separate citation may be issued.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 636.206 is hereby amended to read as follows:

636.206 1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid ***, active*** and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of optometry for the past 5 years;

(4) ***Has not held a license to practice optometry in this State in the immediately preceding year;***

(5) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and

~~[(5)]~~ ***(6)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 636.350 is hereby amended to read as follows:

636.350 1. ~~[An optometrist]~~ ***A person*** shall not own all or any portion of an optometry practice under an assumed or fictitious name unless the ~~[optometrist has]~~ ***person:***

(a) Holds an active license to practice optometry in this State; and

(b) Has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name and at a specific location.

2. ~~[An optometrist]~~ ***A person*** who applies for a certificate of registration to own all or any portion of an optometry practice under an assumed or fictitious name must submit to the Board an application on a form provided by the Board. The application must be accompanied by proof satisfactory to the Board that the assumed or fictitious name has been registered or otherwise approved by any appropriate governmental entity, including, without limitation, any incorporated city or unincorporated town in which the optometrist practices, if the registration or other approval is required by the governmental entity.

3. Each ~~[optometrist]~~ ***person*** who is issued a certificate of registration pursuant to this section shall:

(a) Comply with the provisions of chapter 602 of NRS;

(b) Display or cause to be displayed near the entrance of his or her business the full name of the optometrist and the words or letters that designate him or her as an optometrist; and

(c) Display or cause to be displayed near the entrance of his or her business the full name of any optometrist who regularly provides optometric services at the business and the words or letters that designate him or her as an optometrist.

4. The Board shall adopt regulations that prescribe the requirements for the issuance of a certificate of registration to practice optometry under an assumed or fictitious name.

5. As used in this section, "assumed or fictitious name" means a name other than the name of the optometrist printed on his or her license to practice optometry.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 636.420 is hereby amended to read as follows:

636.420 ***1.*** After providing notice and a hearing pursuant to chapter 622A of NRS, the Board may impose an administrative fine of not more than $5,000 for each violation against a person licensed under this chapter who engages in any conduct constituting grounds for disciplinary action set forth in NRS 636.295.

2. ~~[In addition to any other penalty prescribed by law, if]~~ If the Board determines that a person has violated any provision of this chapter, the Board may issue a citation to the person. The citation may contain an order to pay an administrative fine of not more than $1,000 for each violation or, for a violation described in subsection 1, $5,000 for each such violation. A citation issued pursuant to this subsection must be in writing, describe with

particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit to the Board a written request for a hearing not later than 30 days after the date of issuance of the citation. The Board shall provide notice of and conduct a hearing requested pursuant to this subsection in accordance with the provisions of chapter 622A of NRS.

Sec. 29. NRS 652.130 is hereby amended to read as follows:

652.130 1. Except as otherwise provided in NRS 652.127, the Board, with the advice of the Medical Laboratory Advisory Committee, may prescribe and publish rules and regulations relating to:

(a) The education, training and experience qualifications of laboratory directors and technical personnel.

(b) The location and construction of laboratories, including plumbing, heating, lighting, ventilation, electrical services and similar conditions, to ensure the conduct and operation of the laboratory in a manner which will protect the public health.

(c) Sanitary conditions within the laboratory and its surroundings, including the water supply, sewage, the handling of specimens and matters of general hygiene, to ensure the protection of the public health.

(d) The equipment essential to the proper conduct and operation of a laboratory.

(e) The determination of the accuracy of test results produced by a laboratory and the establishment of minimum qualifications therefor.

2. Any regulations adopted by the Board pursuant to this section must not require that the laboratory director of a laboratory in which the only test performed is a test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations:

(a) Be a licensed physician; or

(b) Perform duties other than those prescribed in NRS 652.180.

3. Any regulations adopted by the Board pursuant to this section that require the laboratory director of a laboratory in which the only tests performed are tests that are classified as waived tests pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations to be a licensed physician must include a licensed optometrist among the types of licensed physicians who are qualified to serve as a laboratory director of such a laboratory.

Sec. 30. (Deleted by amendment.)

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 572 to Assembly Bill No. 432.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 779.

AN ACT relating to optometry; ~~[prohibiting certain persons from owning or controlling an optometry practice under certain circumstances;]~~ requiring a licensee to provide certain notifications to the Nevada State Board of Optometry; authorizing persons enrolled in certain educational or residency programs to practice optometry under certain circumstances; prohibiting a licensee from prescribing ophthalmic lenses under certain circumstances; establishing certain requirements relating to the use of optometric telemedicine; reducing the fee for a veteran to obtain an initial license to practice optometry; revising certain requirements to obtain a license; revising provisions relating to the ownership of an optometry practice under an assumed or fictitious name under certain circumstances; authorizing the Board to issue citations for certain violations; requiring certain regulations adopted by the State Board of Health to authorize a licensed optometrist to serve as the director of a medical laboratory under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada State Board of Optometry to adopt policies and regulations necessary to regulate the practice of optometry in this State and issue licenses to engage in the practice of optometry. (NRS 636.125, 636.215) **Sections 2-12** of this bill define certain terms relating to the practice of optometry. **Section 20** of this bill makes a conforming change to indicate the proper placement of **sections 2-12** in the Nevada Revised Statutes. **Section 28** of this bill authorizes the Board to issue a citation to a person who violates certain provisions of law governing the practice of optometry.

Existing law establishes a schedule of fees which the Board may not exceed when charging for the issuance of a license to practice optometry and for certain other purposes. (NRS 636.143) **Section 21** of this bill revises the fees associated with the initial issuance of a license. **Section 21** sets forth the maximum fee the Board is authorized to charge for the initial issuance of a license to an applicant who is a veteran, which is one-half of the maximum fee the Board is authorized to charge an applicant who is not a veteran.

Existing law authorizes the Board to issue a license by endorsement to certain persons who hold a corresponding valid and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States and who meet certain other requirements. (NRS 636.206) **Section 24** of this bill requires the: (1) corresponding license to be active; and (2) applicant to not have been licensed by the Board to practice optometry in this State in the immediately preceding year.

Existing law requires a licensee to notify the Executive Director of the Board in advance of changing the location where the licensee practices optometry or establishing an additional location to practice optometry. (NRS 636.370) **Section 15** of this bill requires a licensee to notify the Board not later than 30 days after a change of the personal mailing address or primary telephone number of the licensee or the electronic mail address that the licensee most recently provided to the Board. **Section 16** of this bill requires a licensee to

report to the Board within 30 days the revocation, suspension or surrender of, or any disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued by any other jurisdiction.

~~[Section 13 of this bill prohibits, with certain exceptions, a person who is not licensed to practice optometry in this State from: (1) owning, being an officer or board member of or having control over the management or operations of an optometry practice located in this State; or (2) being an officer or board member of an entity that operates such an optometry practice or holding a position in such an entity that allows the person to have control over the management or operations of an optometry practice. Section 13 also prohibits a person who is employed by a management service provider which is providing certain business services to an optometry practice from performing certain roles for the optometry practice or the entity that operates the optometry practice using those services.]~~

Existing law prohibits an optometrist from owning all or any part of an optometry practice under an assumed or fictitious name unless the optometrist has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name at a specified location. (NRS 636.350) **Section 26** of this bill specifies that each person who owns any part of such a practice hold an active license to practice optometry in this State and have been issued such a certificate of registration.

Section 14 of this bill: (1) authorizes a surviving family member of a licensed optometrist who has died and who was the sole owner of an optometry practice to own the optometry practice without holding a license to practice optometry in this State for not more than 1 year after the death of the licensed optometrist; and (2) clarifies that such ownership does not exempt a person from the requirement to obtain a license to engage in the practice of optometry. **Section 14** requires such a surviving family member, not later than 1 year after the death of the licensee, to transfer ownership of that optometry practice to another licensed optometrist or to dissolve the practice.

Existing law prohibits a person from engaging in the practice of optometry in this State unless the person is licensed by the Board. (NRS 636.145) **Section 17** of this bill authorizes students who are participating in certain externship programs pursuant to a course of study in optometry or certain persons engaged in a residency program for optometry to perform certain procedures pursuant to those programs which constitute engaging in the practice of optometry. **Section 22** of this bill makes a conforming change to indicate that the performance of such procedures does not constitute the unlawful practice of optometry.

Existing law authorizes a licensed optometrist to prescribe therapeutic or corrective lenses for the correction or relief of or remedy for an abnormal condition or inefficiency of the eye or visual process. (NRS 636.025, 636.215) **Section 18** of this bill prohibits a licensed optometrist from issuing, offering to issue, duplicating or extending a prescription for certain lenses if the optometrist has not performed, or does not have access to records relating to,

a comprehensive eye examination performed within the immediately preceding 2 years on the intended recipient of the lenses.

Existing law defines the term "telehealth" to mean the delivery of services from a provider of health care to a patient at a different location through the use of information and audio-visual communication technology, not including facsimile or electronic mail. (NRS 629.515) **Section 8** of this bill defines the term "optometric telemedicine" to mean, in general, the use of telehealth by a licensed optometrist to deliver health care services within the scope of the practice of optometry to a patient at a different location. **Section 19** of this bill authorizes and sets forth certain requirements for the use of optometric telemedicine by a licensed optometrist for certain purposes. **Section 19** requires, with certain exceptions, a licensed optometrist to have performed a comprehensive examination on a patient within the immediately preceding 2 years to deliver health care services to the patient through optometric telemedicine. **Section 19** additionally authorizes an licensed optometrist to remotely monitor certain health data of a patient.

Existing law authorizes the State Board of Health to prescribe regulations relating to the operation of medical laboratories and the qualifications of the directors of those laboratories. (NRS 652.130) **Section 29** of this bill requires the regulations to include licensed optometrists among the licensed physicians qualified to serve as the laboratory director of certain laboratories under certain circumstances.

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

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this act.

Sec. 2. ***"Asynchronous optometric telemedicine" means a form of optometric telemedicine in which data that is collected from an examination of a patient that is conducted in person is later transmitted to an optometrist for review.***

Sec. 3. ***1. "Comprehensive examination" means an examination of a patient which is conducted in person and during which all of the following tests, procedures or actions are performed:***

(a) The documentation of the primary reason for which the examination is conducted;

(b) A review of the medical history and ocular history of both the patient and his or her immediate family;

(c) A review of any medications used by the patient;

(d) A review of any allergies of the patient;

(e) A review of documentation identifying the patient's primary care physician;

(f) General medical observations, including, without limitation, neurological and psychological orientation;

(g) Eye pressure;

(h) Gross, confrontation or formal visual fields;

(i) A basic sensorimotor examination;

(j) A complete pupillary assessment, including, without limitation, an examination of the presence of an afferent pupillary defect;

(k) Eye alignment;

(l) Visual acuities;

(m) Keratometry or autokeratometry;

(n) Anterior segment examination using a slit beam and magnification, as through a biomicroscope slit lamp, to include ocular adnexa, eyelid, eyelashes, conjunctiva, pupil, cornea, anterior chamber and lens;

(o) Posterior segment examination that includes the examination of the optic nerve, macula, retina and vessels; and

(p) A review and assessment of all data collected pursuant to paragraphs (a) to (o), inclusive, and the development of a plan to provide necessary treatment.

2. The term includes an examination in which a test, procedure or action specified in paragraphs (a) to (p), inclusive, of subsection 1 was not performed if the person conducting the examination was unable to perform the test, procedure or action and used an alternative method to obtain comparable data to that which would have been obtained by the proper performance of the test, procedure or action.

Sec. 4. *"Distant site" has the meaning ascribed to it in NRS 629.515.*

Sec. 5. *"Health care services" means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease that are within the scope of the practice of optometry.*

Sec. 6. *"Licensee" means a person who is licensed to practice optometry pursuant to this chapter.*

Sec. 7. *"Non-comprehensive examination" means an examination that includes some but not all of the elements of a comprehensive examination.*

Sec. 8. *"Optometric telemedicine" means the use of telehealth, as defined in NRS 629.515, by a licensee who is located at a distant site to deliver health care services to a patient who is located at an originating site. The term includes, without limitation, synchronous optometric telemedicine and asynchronous optometric telemedicine.*

Sec. 9. *"Optometry practice" or "optometric practice" means a business through which one or more optometrists practice optometry.*

Sec. 10. *"Originating site" has the meaning ascribed to it in NRS 629.515.*

Sec. 11. *"Remote patient monitoring" means the monitoring by a licensee of data:*

1. Collected from a patient of the licensee at one location and transmitted to the licensee at another location; and

2. That is necessary to make informed decisions about providing health care services to the patient.

Sec. 12. *"Synchronous optometric telemedicine" means a form of optometric telemedicine in which information is exchanged via electronic communication in real time and includes, without limitation, communication via telephone, video, a mobile application or an online platform on an Internet website.*

Sec. 13. ~~*[1. Except as otherwise provided in section 14 of this act, a person who is not licensed to practice optometry pursuant to this chapter shall not:*~~

~~*(a) Hold an ownership interest in an optometry practice;*~~

~~*(b) Be an officer or board member of an optometry practice or occupy any other position of authority at an optometry practice that allows the person to exert control over the management or operation of the optometry practice; or*~~

~~*(c) Be an officer or board member of an entity that operates one or more optometry practices or occupy any other position of authority at such an entity that allows the person to exert control over the management or operations of an optometry practice that the entity operates.*~~

~~*2. A person shall not accept compensation to perform any services for a management service provider that is providing services to an optometry practice if the person is:*~~

~~*(a) An officer or board member of the optometry practice or occupies any other position of authority at an optometry practice that allows the person to exert control over the management or operation of the optometry practice receiving those services; or*~~

~~*(b) An officer or board member of an entity that operates the optometry practice or occupies any other position of authority at such an entity that allows the person to exert control over the management or operations of the optometry practice receiving those services.*~~

~~*3. As used in this section:*~~

~~*(a) "Management service provider" means a person that contracts to provide management or administrative support services to an optometry practice. The term does not include a provider of insurance, a provider of health care as defined in NRS 41A.017 or a person that offers optometric care at an optometry practice or that offers comprehensive examinations.*~~

~~*(b) "Management or administrative support services" includes, without limitation, legal services and services relating to management, billing, credentialing, accounting, marketing, the storage of electronic medical records, the management of human resources, the provision of malpractice insurance, information technology, the financing of equipment, recruitment, transactions involving real estate and technical support for optometric telemedicine.]*~~ **(Deleted by amendment.)**

Sec. 14. *1. For not more than 1 year after the death of a licensee who is the sole owner of an optometry practice, a surviving member of the licensee's family may own the optometry practice without being licensed pursuant to this chapter. Not later than 1 year after the death of the licensee,*

the surviving member of the licensee's family shall transfer ownership of the optometry practice to a licensee or dissolve the optometry practice.

2. The provisions of this section do not:

(a) Exempt a person from the requirement to obtain a license pursuant to this chapter to engage in the practice of optometry; and

(b) Abrogate, alter or otherwise affect any obligation to comply with the requirements of chapters 629 and 636 of NRS relating to the custody of health care records.

3. As used in this section, "member of the licensee's family" means any person related to the licensee by blood, adoption or marriage within the third degree of consanguinity.

Sec. 15. *A licensee shall notify the Board of any change in the personal mailing address or primary telephone number of the licensee or any change of the electronic mail address most recently provided by the licensee to the Board not later than 30 calendar days after the change.*

Sec. 16. *A licensee shall report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license, certificate or registration to practice any occupation or profession issued to the licensee by another state or territory of the United States, the District of Columbia or a foreign country.*

Sec. 17. *1. A student who is enrolled in a graduate course of study in optometry at an accredited school or college of optometry and who is participating in an externship authorized by the school or college, as applicable, as part of that course of study may perform procedures within the scope of a license to practice optometry issued pursuant to this chapter if an optometrist or ophthalmologist licensed in this State:*

(a) Is physically present at the clinic where the student is performing the procedures at all times while those procedures are being performed; and

(b) Examines the person on whom the student performed any procedure before the person is discharged.

2. Except as otherwise provided in subsection 3, a person who has received a degree of doctor of optometry and who is engaged in a residency program for optometry in this State may, without a license, engage in the practice of optometry within the scope of a license to practice optometry issued pursuant to this chapter and examine and manage patients without supervision if an optometrist or ophthalmologist licensed in this State is physically present at the clinic at all times when the person is practicing optometry.

3. A person described in subsection 2 may, in an emergency, provide care to a patient without an optometrist or ophthalmologist licensed in this State being physically present at the clinic if the person consults with an appropriate optometrist or ophthalmologist associated with the clinic to determine the proper care and management of the treatment of the patient.

4. As used in this section, "clinic" means a facility at which a licensed optometrist or ophthalmologist provides services to patients.

Sec. 18. ***It is unlawful for a licensee to issue, offer to issue, duplicate or extend a prescription for an ophthalmic lens for a person if the licensee has not performed a comprehensive examination, or does not have access to the complete results of a comprehensive examination that was performed, on the person within the immediately preceding 2 years.***

Sec. 19. ***1. Except as otherwise provided in subsection 5, a person shall not engage in optometric telemedicine to provide health care services to a patient located at an originating site in this State unless the person is licensed to practice optometry pursuant to this chapter.***

2. Except as otherwise provided in subsection 3, a licensee may engage in synchronous or asynchronous optometric telemedicine to provide health care services to a patient only if the licensee has completed a comprehensive examination on the patient within the immediately preceding 2 years.

3. A licensee may engage in synchronous optometric telemedicine to perform a non-comprehensive examination of a new patient if the licensee has access to all the information obtained from a comprehensive examination of the patient that was conducted by an optometrist or ophthalmologist within the immediately preceding 2 years.

4. A licensee may engage in asynchronous optometric telemedicine to conduct a consultation regarding a patient on whom the licensee has not completed a comprehensive examination within the immediately preceding 2 years if:

(a) An optometrist, ophthalmologist or primary care physician providing care to the patient requests that the licensee conduct the consultation and provides the licensee with all the information about the patient that is necessary to determine whether the patient requires a comprehensive examination; and

(b) The consultation performed by the licensee is limited to a determination of whether the patient requires a comprehensive examination and does not involve any diagnosis, recommendation for or treatment of the patient or a prescription for the patient.

5. A person who holds a valid, active and unrestricted license issued by the District of Columbia or any state or territory of the United States to practice optometry may conduct a consultation through asynchronous optometric telemedicine described in subsection 4 in the same manner as a licensee pursuant to that subsection without holding a license to practice optometry in this State.

6. A licensee may engage in remote patient monitoring of a patient on whom the licensee has completed a comprehensive examination within the immediately preceding 2 years for the purposes of:

(a) Acquiring data about the health of the patient;

(b) Assessing changes in previously diagnosed chronic health conditions;

(c) Confirming the stability of the health of the patient; or

(d) Confirming expected therapeutic results.

7. A licensee may engage in optometric telemedicine to provide health care services to a patient who is located at an originating site outside this State if the licensee has completed a comprehensive examination of the patient within the immediately preceding 2 years and such action is permitted by the laws of the state in which the patient is located.

8. A licensee shall not engage in optometric telemedicine to provide any health care service to the patient that the licensee has determined should be provided in person.

9. A licensee engaging in optometric telemedicine or remote patient monitoring shall not:

(a) Conduct himself or herself in a manner that violates the standard of care required of an optometrist who is treating a patient in person, including, without limitation, by issuing a prescription for ophthalmic lenses based solely upon one or more of the following:

(1) Answers provided by a patient in an online questionnaire;

(2) The application of lensometry; or

(3) The application of auto-refraction; or

(b) Condition the provision of optometric telemedicine or remote patient monitoring on the patient consenting to receiving a standard of care below that which is required by paragraph (a).

Sec. 20. NRS 636.015 is hereby amended to read as follows:

636.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 636.016 to 636.023, inclusive, ***and sections 2 to 12, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 21. NRS 636.143 is hereby amended to read as follows:

636.143 ***1.*** At least once every 2 years, the Board shall review and, if the Board deems it necessary, establish or revise, within the limits prescribed a schedule of fees for the following purposes:

	Not more than
~~[1.]~~ ***(a)*** Examinations	$250
~~[2.]~~ ***(b)*** ~~[Applications for the issuance of a 1-year license~~	~~$600~~
~~3. Renewal]~~ ***Initial issuance or renewal*** of a license	$1,200
~~[4.]~~ ***(c)*** Granting certification or issuing certificates	$1,000
~~[5.]~~ ***(d)*** Licensing of extended clinical facilities and other practice locations	$500
~~[6.]~~ ***(e)*** Individually verifying licensure or disciplinary status	$100
~~[7.]~~ ***(f)*** Late fee	$1,000
~~[8.]~~ ***(g) Initial issuance of a license to an applicant who is a veteran***	***$600***
(h) Any other service provided by the Board pursuant to this chapter	$1,000

2. As used in this section, "veteran" has the meaning ascribed to it in NRS 417.005.

Sec. 22. NRS 636.145 is hereby amended to read as follows:

636.145 1. ~~[A]~~ ***Except as otherwise provided in section 17 of this act, a*** person shall not engage in the practice of optometry in this State unless:

(a) The person has obtained a license pursuant to the provisions of this chapter; and

(b) Except for the year in which such license was issued, the person holds a current renewal card for the license.

2. The Board shall conduct an investigation pursuant to subsection 3 if the Board receives a complaint which sets forth any reason to believe that a person has engaged in the practice of optometry in this State without a license issued pursuant to this chapter.

3. In addition to any other penalty prescribed by law, if the Board, after conducting an investigation and hearing in accordance with chapters 233B, 622 and 622A of NRS, determines that a person has committed any act described in subsection 1, the Board may:

(a) Issue and serve on the person an order to cease and desist from the practice of optometry until the person obtains a license from the Board.

(b) Issue a citation to the person ~~[.]~~ ***pursuant to NRS 636.420.***

(c) Impose any combination of the penalties set forth in paragraphs (a) and (b).

4. Unless the Board determines that extenuating circumstances exist, the Board shall forward to the appropriate law enforcement agency any substantiated information submitted to the Board concerning a person who practices or offers to practice optometry without a license issued pursuant to this chapter.

5. Each instance of unlicensed activity constitutes a separate offense for which a separate citation may be issued.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 636.206 is hereby amended to read as follows:

636.206 1. The Board may issue a license by endorsement to engage in the practice of optometry to an applicant who meets the requirements set forth in this section. An applicant may submit to the Board an application for such a license if the applicant holds a corresponding valid ***, active*** and unrestricted license to engage in the practice of optometry in the District of Columbia or any state or territory of the United States.

2. An applicant for a license by endorsement pursuant to this section must submit to the Board with his or her application:

(a) Proof satisfactory to the Board that the applicant:

(1) Satisfies the requirements of subsection 1;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of optometry for the past 5 years;

(4) ***Has not held a license to practice optometry in this State in the immediately preceding year;***

(5) Has not been disciplined and is not currently under investigation by the corresponding regulatory authority of the District of Columbia or any state or territory in which the applicant currently holds or has held a license to engage in the practice of optometry; and

~~[(5)]~~ ***(6)*** Has not been held civilly or criminally liable for malpractice in the District of Columbia or any state or territory of the United States;

(b) An affidavit stating that the information contained in the application and any accompanying material is true and correct; and

(c) Any other information required by the Board.

3. Not later than 15 business days after receiving an application for a license by endorsement to engage in the practice of optometry pursuant to this section, the Board shall provide written notice to the applicant of any additional information required by the Board to consider the application. Unless the Board denies the application for good cause, the Board shall approve the application and issue a license by endorsement to engage in the practice of optometry to the applicant not later than 45 days after receiving the application.

4. A license by endorsement to engage in the practice of optometry may be issued at a meeting of the Board or between its meetings by the President of the Board. Such an action shall be deemed to be an action of the Board.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 636.350 is hereby amended to read as follows:

636.350 1. ~~[An optometrist]~~ ***A person*** shall not own all or any portion of an optometry practice under an assumed or fictitious name unless the ~~[optometrist has]~~ ***person:***

(a) Holds an active license to practice optometry in this State; and

(b) Has been issued a certificate of registration by the Board to practice optometry under the assumed or fictitious name and at a specific location.

2. ~~[An optometrist]~~ ***A person*** who applies for a certificate of registration to own all or any portion of an optometry practice under an assumed or fictitious name must submit to the Board an application on a form provided by the Board. The application must be accompanied by proof satisfactory to the Board that the assumed or fictitious name has been registered or otherwise approved by any appropriate governmental entity, including, without limitation, any incorporated city or unincorporated town in which the optometrist practices, if the registration or other approval is required by the governmental entity.

3. Each ~~[optometrist]~~ ***person*** who is issued a certificate of registration pursuant to this section shall:

(a) Comply with the provisions of chapter 602 of NRS;

(b) Display or cause to be displayed near the entrance of his or her business the full name of the optometrist and the words or letters that designate him or her as an optometrist; and

(c) Display or cause to be displayed near the entrance of his or her business the full name of any optometrist who regularly provides optometric services at the business and the words or letters that designate him or her as an optometrist.

4. The Board shall adopt regulations that prescribe the requirements for the issuance of a certificate of registration to practice optometry under an assumed or fictitious name.

5. As used in this section, "assumed or fictitious name" means a name other than the name of the optometrist printed on his or her license to practice optometry.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 636.420 is hereby amended to read as follows:

636.420 ***1.*** After providing notice and a hearing pursuant to chapter 622A of NRS, the Board may impose an administrative fine of not more than $5,000 for each violation against a person licensed under this chapter who engages in any conduct constituting grounds for disciplinary action set forth in NRS 636.295.

2. If the Board determines that a person has violated any provision of this chapter, the Board may issue a citation to the person. The citation may contain an order to pay an administrative fine of not more than $1,000 for each violation or, for a violation described in subsection 1, $5,000 for each such violation. A citation issued pursuant to this subsection must be in writing, describe with particularity the nature of the violation and inform the person of the provisions of this subsection. Each activity in which the person is engaged constitutes a separate offense for which a separate citation may be issued. To appeal a citation, the person must submit to the Board a written request for a hearing not later than 30 days after the date of issuance of the citation. The Board shall provide notice of and conduct a hearing requested pursuant to this subsection in accordance with the provisions of chapter 622A of NRS.

Sec. 29. NRS 652.130 is hereby amended to read as follows:

652.130 1. Except as otherwise provided in NRS 652.127, the Board, with the advice of the Medical Laboratory Advisory Committee, may prescribe and publish rules and regulations relating to:

(a) The education, training and experience qualifications of laboratory directors and technical personnel.

(b) The location and construction of laboratories, including plumbing, heating, lighting, ventilation, electrical services and similar conditions, to ensure the conduct and operation of the laboratory in a manner which will protect the public health.

(c) Sanitary conditions within the laboratory and its surroundings, including the water supply, sewage, the handling of specimens and matters of general hygiene, to ensure the protection of the public health.

(d) The equipment essential to the proper conduct and operation of a laboratory.

(e) The determination of the accuracy of test results produced by a laboratory and the establishment of minimum qualifications therefor.

2. Any regulations adopted by the Board pursuant to this section must not require that the laboratory director of a laboratory in which the only test performed is a test for the detection of the human immunodeficiency virus that is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations:

(a) Be a licensed physician; or

(b) Perform duties other than those prescribed in NRS 652.180.

3. Any regulations adopted by the Board pursuant to this section that require the laboratory director of a laboratory in which the only tests performed are tests that are classified as waived tests pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations to be a licensed physician must include a licensed optometrist among the types of licensed physicians who are qualified to serve as a laboratory director of such a laboratory.

Sec. 30. (Deleted by amendment.)

Assemblywoman Marzola moved that the Assembly concur in the Senate Amendment No. 779 to Assembly Bill No. 432.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 54.

The following Senate amendment was read:

Amendment No. 584.

AN ACT relating to education; revising provisions governing the compulsory school attendance of certain children; revising the contents required in certain annual reports of accountability of schools and school districts; revising provisions governing the reimbursement of certain hospitals and other facilities for providing educational services to children in their care; revising provisions governing the counting of pupils for purposes of calculating apportionment; requiring a child who has taken a high school equivalency assessment to attend school until receipt of notice of successful completion of the assessment; requiring a county advisory board to review school attendance to reflect the ethnic and geographic diversity of the county; revising provisions governing the absences of pupils; revising provisions governing habitual truancy; authorizing certain written notices and other documents to be made electronically; requiring a school to take certain actions relating to a truant pupil; imposing certain duties relating to chronic absenteeism on the board of trustees of a school district and the Department of Education; repealing certain provisions excusing attendance for certain children; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each school district, each school in the school district and each charter school sponsored by the school district to prepare an annual

report of accountability which includes information concerning pupils who are eligible for and receive free or reduced-price breakfasts and lunches. (NRS 385A.270) **Section 2** of this bill eliminates the requirement to include in such a report information concerning pupils who receive free or reduced-price breakfasts and lunches.

Under existing law, certain hospitals and other facilities that provide residential treatment to children and also operate a licensed private school or an accredited educational program approved by the Department of Education are authorized to request reimbursement from the Department for the cost of providing educational services to a child who is verified to be a patient or resident of the hospital or facility, attends the private school or educational program for more than 7 school days and meets certain other requirements. Upon receiving such a request, the Department is required to determine the amount of reimbursement as a percentage of the adjusted base per pupil funding for the school district which the child would otherwise attend if the child were not in the hospital or facility or the statewide base per pupil funding amount for the charter school which the pupil would otherwise attend. (NRS 387.1225) **Section 4** of this bill authorizes the hospital or facility to request reimbursement from the school district or charter school in which the child is enrolled and revises the requirements to request such reimbursement. **Section 4** also revises the method of calculating the amount of reimbursement to base the reimbursement upon a daily rate of the adjusted base per pupil funding for the school district or a daily rate of the statewide base per pupil funding amount or adjusted base per pupil funding for the charter school, as applicable.

Existing law requires the State Board of Education to adopt regulations for counting enrollment and calculating the average daily attendance of pupils for apportionment purposes. (NRS 387.123) **Section 5** of this bill requires, instead, the use of the average daily enrollment of pupils for such purposes.

Existing law requires, with certain exceptions, each parent, custodial parent, guardian or other person in this State having control or charge of any child between the ages of 7 and 18 years to send the child to a public school during all the time the school is in session. (NRS 392.040) **Section 13** of this bill: (1) clarifies that such a child must also be enrolled in a public school; (2) requires that the child be sent to school for the full school day during all the time the school is in session; (3) requires the parent or legal guardian of the child to sign a statement or acknowledge via registration on an Internet website maintained by the school district that the parent or legal guardian and the child understand the district's policy concerning attendance; and (4) provides that a pupil who receives certain services outside of a public school shall be deemed to be in attendance at the public school and in compliance with the requirements for attendance during the time the pupil is receiving the services and is being transported to and from the school to receive those services. **Sections 1, 3, 6-10, 12, 15, 16, 22, 27, 29-31 and 34-45** of this bill revise various provisions as they relate to compulsory school attendance to conform

with the additional requirements of school enrollment established in **section 13**.

Existing law provides that compulsory attendance at public school must be excused if a child has obtained permission to take the high school equivalency assessment. (NRS 392.075) **Section 17** of this bill provides that after the child has taken the assessment, school attendance is required until the child receives notification of the successful completion of the assessment.

Existing law requires the board of trustees of a school district to prescribe a minimum number of days that a pupil must be in attendance to obtain credit or be promoted to the next higher grade. (NRS 392.122) **Section 18** of this bill authorizes a board of trustees of a school district to adopt a policy prescribing the circumstances under which a pupil will be considered chronically absent. **Section 18** also: (1) eliminates provisions requiring, under certain circumstances, days on which a pupil's absence is approved by a teacher or principal to be credited towards the required days of attendance; (2) revises the process by which, upon request by the pupil and the parent or legal guardian of a pupil, a principal or principal's designee is required to review and recalculate the number of the pupil's absences for the purposes of determining whether the pupil may obtain credit or be promoted to the next higher grade; and (3) eliminates provisions authorizing the board of trustees of a school district to adopt a policy to exempt pupils who are physically or mentally unable to attend school from certain limitations on absences and certain conditions required in such a policy.

Existing law creates in each county at least one advisory board to review school attendance. (NRS 392.126) **Section 19** of this bill requires the membership of each such board to reflect, to the greatest extent possible, the ethnic and geographic diversity of the county.

Existing law requires a teacher or principal to give written approval for a pupil to be absent if an emergency exists or upon the request of a parent or legal guardian of the pupil. (NRS 392.130) **Section 20** of this bill: (1) revises this provision to authorize a teacher or principal to give such approval upon the request of a parent or legal guardian, made during the absence or within the 3 days immediately preceding or the 3 days immediately following the requested absence for an emergency; (2) prohibits the approval of absences for more than 10 percent of the number of school days in the school year; (3) requires all approved and unapproved absences to be counted for the purposes of determining whether a pupil is chronically absent; and (4) requires the board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils to communicate its policy on truancy and the Department's definition of chronic absenteeism to parents and legal guardians in a language they can understand and provide a parent or legal guardian notice when a pupil is approaching the 10 percent limit in the number of absences that may be approved.

Sections 20, 23-26 and 29 of this bill authorize certain notices, consents, referrals, agreements, reports and other documentation which must be in writing to be made electronically.

Section 21 of this bill revises the circumstances under which a child may be declared a habitual truant and provides an exception for a child who is physically or mentally unable to attend school.

Existing law requires a school in which a pupil is enrolled to take reasonable actions designed to encourage, enable or convince the pupil to attend school if the pupil has one or more unapproved absences. (NRS 392.144) **Section 23** of this bill requires the school to take such actions if the pupil has been truant from school.

Section 28 of this bill requires the board of trustees of each school district to: (1) establish procedures to monitor and report chronic absenteeism of pupils; and (2) determine chronic absenteeism of pupils at each school within the district. **Section 28** also requires: (1) the Department to adopt by regulation a definition of the term "chronic absenteeism"; and (2) the board of trustees of each school district to ensure that the actions taken pursuant to that section are consistent with the definition adopted by the Department.

Section 46 of this bill repeals provisions excusing attendance for children: (1) who reside a certain distance from the nearest public school; and (2) between 15 and 18 years of age who have completed the first eight grades to enter employment or apprenticeship.

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

Section 1. NRS 385.007 is hereby amended to read as follows:

385.007 As used in this title, unless the context otherwise requires:

1. "Challenge school" has the meaning ascribed to it in NRS 388D.305.
2. "Charter school" means a public school that is formed pursuant to the provisions of chapter 388A of NRS.
3. "Department" means the Department of Education.
4. "English learner" has the meaning ascribed to it in 20 U.S.C. § 7801(20).
5. "Homeschooled child" means a child who receives instruction at home and who is exempt from compulsory ***enrollment and*** attendance pursuant to NRS 392.070.
6. "Local school precinct" has the meaning ascribed to it in NRS 388G.535.
7. "Public schools" means all kindergartens and elementary schools, junior high schools and middle schools, high schools, charter schools and any other schools, classes and educational programs which receive their support through public taxation and, except for charter schools, whose textbooks and courses of study are under the control of the State Board.
8. "School bus" has the meaning ascribed to it in NRS 484A.230.

9. "School counselor" or "counselor" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school counselor issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school counselor.

10. "School psychologist" or "psychologist" means a person who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school psychologist issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school psychologist.

11. "School social worker" or "social worker" means a social worker licensed pursuant to chapter 641B of NRS who holds a license issued pursuant to chapter 391 of NRS and an endorsement to serve as a school social worker issued pursuant to regulations adopted by the Commission on Professional Standards in Education or who is otherwise authorized by the Superintendent of Public Instruction to serve as a school social worker.

12. "State Board" means the State Board of Education.

13. "University school for profoundly gifted pupils" has the meaning ascribed to it in NRS 388C.040.

Sec. 2. NRS 385A.270 is hereby amended to read as follows:

385A.270 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district, information concerning pupils who are eligible for free or reduced-price breakfasts pursuant to 42 U.S.C. §§ 1771 et seq. and pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq., including, without limitation:

(a) The number and percentage of pupils who are eligible for free or reduced-price breakfasts; ***and***

(b) ~~[~~The percentage of pupils who receive free and reduced price breakfasts;

~~(c)~~**]** The number and percentage of pupils who are eligible for free or reduced-price ~~[~~lunches;

~~(d) The percentage of pupils who receive free and reduced price~~**]** lunches **.** ~~[~~;

~~(e) A comparison of the achievement and proficiency of pupils, reported separately by race and ethnicity, who are eligible for free or reduced price breakfasts, pupils who receive free and reduced price breakfasts, pupils who are eligible for free or reduced price lunches, pupils who receive free and reduced price lunches and pupils who are not eligible for free or reduced price breakfasts or lunches;~~

~~(f) A comparison of pupils, reported separately by race and ethnicity, who are eligible for free or reduced-price breakfasts, pupils who receive free and reduced price breakfasts, pupils who are eligible for free or reduced price~~

~~lunches and pupils who receive free and reduced-price lunches for which data is required to be collected in the following areas:~~

~~(1) Retention rates;~~

~~(2) Graduation rates;~~

~~(3) Dropout rates;~~

~~(4) Grade point averages; and~~

~~(5) Except as otherwise provided in subsection 6 of NRS 390.105, scores on the examinations administered pursuant to NRS 390.105 and the college and career readiness assessment administered pursuant to NRS 390.610.~~**]**

2. The State Board may adopt any regulations necessary to carry out the provisions of this section.

Sec. 3. NRS 385B.020 is hereby amended to read as follows:

385B.020 "Pupil" means a student of a school or a child that receives instruction at home and is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070.

Sec. 4. NRS 387.1225 is hereby amended to read as follows:

387.1225 1. A hospital or other facility which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services that provides residential treatment to children and which operates a private school licensed pursuant to chapter 394 of NRS may request reimbursement from the **[**~~Department~~**]** ***school district or charter school in which a child is enrolled*** for the cost of providing educational services to **[**~~a~~**]** ***the*** child **[**~~who:~~**]** ***if:***

(a) The **[**~~Department~~**]** ***school district or charter school*** verifies ***that the child*** is a patient or resident of the hospital or facility; and

(b) **[**~~Attends~~**]** ***The child attends*** the private school for more than 7 school days.

2. A hospital or other facility licensed in the District of Columbia or any state or territory of the United States that provides residential treatment and which operates an educational program accredited by a national organization and approved by the Department of Education may request reimbursement from the **[**~~Department~~**]** ***school district or charter school in which a child is enrolled*** for the cost of providing educational services to **[**~~a~~**]** ***the*** child **[**~~who:~~**]** ***if:***

(a) The Department **[**~~verifies:~~**]** ***and the school district or charter school, as applicable, verify that the child:***

(1) Is a patient or resident of the hospital or facility; and

(2) Is a resident of this State; ***and***

(b) ***The child:***

(1) Is admitted to the hospital or facility on an order from a physician because the necessary treatment required for the child is not available in this State;

[~~(c)~~**]** ***(2)*** Attends the accredited educational program for more than 7 school days;

[~~(d)~~**]** ***(3)*** Is not homeschooled or enrolled in a private school; and

~~[(c)]~~ ***(4)*** Has been admitted to the medical facility under the order of a physician to receive medically necessary treatment for a medical or mental health condition with which the child has been diagnosed.

3. A hospital or other facility that wishes to receive reimbursement pursuant to subsection 2 shall:

(a) Notify the ***Department and the*** school district or charter school in which the child is enrolled upon admitting the child to the accredited educational program; and

(b) Transfer any educational records of the child to the school district or charter school in which the child is enrolled in accordance with any applicable regulations adopted pursuant to subsection 9.

4. Upon receiving a request for reimbursement pursuant to subsection 1 or 2, the ~~[~~Department~~]~~ ***school district or charter school in which the child is enrolled*** shall determine the amount of reimbursement to which the hospital or facility is entitled ~~[~~as a percentage~~]~~ ***by multiplying the number of days determined pursuant to subsection 6 by the following, as applicable:***

(a) The daily rate of the adjusted base per pupil funding for the school district which the child would otherwise attend ***.*** ~~[~~or~~]~~ ***The daily rate of the adjusted base per pupil funding for the school district which the child would otherwise attend must be calculated by dividing the adjusted base per pupil funding provided to the school district in which the child is enrolled pursuant to NRS 387.1214 by 180.***

(b) The daily rate of the statewide base per pupil funding amount ***or adjusted base per pupil funding, as applicable,*** for the charter school which the child would otherwise attend ***.*** ~~[~~, as applicable.~~]~~ ***The daily rate of the statewide base per pupil funding amount or adjusted base per pupil funding, as applicable, for the charter school which the child would otherwise attend must be calculated by dividing the statewide base per pupil funding amount or adjusted base per pupil funding, as applicable, provided to the charter school in which the child is enrolled pursuant to NRS 387.1214 by 180.***

5. If the request for reimbursement is made pursuant to subsection 1, the child is a pupil with a disability and the hospital or facility is in compliance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto, the hospital or facility is also entitled to ~~[~~a corresponding percentage of~~]~~ ***an amount determined by increasing the daily rate determined pursuant to subsection 4 by*** the statewide multiplier for the pupil established pursuant to NRS 387.122, which is ~~[~~withheld from~~]~~ ***received by*** the school district or charter school where the child was enrolled before being placed in the hospital or facility ~~[~~.~~]~~ ***for the number of days determined pursuant to subsection 6.*** The Department shall distribute the money withheld from the school district or charter school to the hospital or facility.

6. For the purposes of subsections 4 and 5, the amount of reimbursement to which the hospital or facility is entitled must be calculated on the basis of the number of school days the child is a patient or resident of the hospital or

facility and attends the private school or accredited educational program, as applicable, excluding the 7 school days prescribed in paragraph (b) of subsection 1 or ***subparagraph (2) of*** paragraph ~~[~~(c)~~]~~ ***(b)*** of subsection 2, as applicable **.** ~~[, in proportion to the number of days of instruction scheduled for that school year by the board of trustees of the school district or the charter school, as applicable.]~~

7. A hospital or other facility is not entitled to reimbursement for days of instruction provided to a child in a year in excess of the minimum number of days of free school required by NRS 388.090.

8. If a hospital or other facility requests reimbursement from ~~[~~the Department~~]~~ ***a school district or charter school*** for the cost of providing educational services to a pupil with a disability pursuant to subsection 1 or 2, the school district or charter school in which the child is enrolled shall be deemed to be the local educational agency for the child for the purposes of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., NRS 388.417 to 388.5243, inclusive, and any regulations adopted pursuant thereto.

9. The Department shall adopt any regulations necessary to carry out the provisions of this section, which may include, without limitation, regulations to:

(a) Prescribe a procedure for the transfer of educational records pursuant to subsection 3;

(b) Carry out or ensure compliance with the requirements of subsections 4 and 5 concerning reimbursement for educational services provided to a pupil with a disability; and

(c) Require the auditing of ~~[~~a~~]~~ ***:***

(1) A hospital or other facility that requests reimbursement ***; and***

(2) A school district or charter school from which reimbursement is requested,

↪ pursuant to this section to ensure compliance with any applicable provisions of federal or state law.

10. The provisions of this section must not be construed to authorize reimbursement pursuant to this section of a hospital or facility for the cost of health care services provided to a child.

11. As used in this section:

(a) "Hospital" has the meaning ascribed to it in NRS 449.012.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 5. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, pupils who are enrolled in a university school for profoundly gifted pupils located in the

county and pupils who are enrolled in a challenge school located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.471 and pupils who are enrolled in classes pursuant to subsection 1 of NRS 388A.474.

(g) Pupils who are enrolled in classes pursuant to subsection 1 of NRS 392.074.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

(i) Pupils who are enrolled in a challenge school.

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily ~~[attendance]~~ ***enrollment*** of pupils. Except as otherwise provided in this subsection, in establishing such regulations for the public schools, the State Board:

(a) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(b) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

(c) Except as otherwise provided in this paragraph, shall prohibit the counting of a pupil enrolled in grade 12 as a full-time pupil if the pupil is not prepared for college and career success, as defined by the Department. Such a pupil may be counted as a full-time pupil if he or she is enrolled in a minimum of six courses or the equivalent of six periods per day or the superintendent of the school district has approved enrollment in fewer courses for good cause.

Sec. 6. NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education if:

(a) Pursuant to this section or other specific statute, the pupil is eligible for enrollment or the pupil's enrollment is not otherwise prohibited;

(b) The program of distance education in which the pupil wishes to enroll is offered by the school district in which the pupil resides or a charter school or, if the program of distance education in which the pupil wishes to enroll is a full-time program of distance education offered by a school district other than the school district in which the pupil resides, the program is not the same

or substantially similar to a program of distance education offered by the school district in which the pupil resides;

(c) The pupil satisfies the qualifications and conditions for enrollment adopted by the State Board pursuant to NRS 388.874; and

(d) The pupil satisfies the requirements of the program of distance education.

2. A child who is exempt from compulsory ***enrollment and*** attendance and is enrolled in a private school pursuant to chapter 394 of NRS or is being homeschooled is not eligible to enroll in or ~~[otherwise]~~ attend a program of distance education, regardless of whether the child is otherwise eligible for enrollment pursuant to subsection 1.

3. If a pupil who is prohibited from ***enrolling in and*** attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62F.100 to 62F.150, inclusive, and 392.251 to 392.271, inclusive.

4. A pupil who is enrolled in grade 12 in a program of distance education and who moves out of this State is eligible to maintain enrollment in the program of distance education until the pupil graduates from high school.

Sec. 7. NRS 388A.366 is hereby amended to read as follows:

388A.366 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, except for tuition or fees that the board of trustees of a school district is authorized to charge, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. The Superintendent of Public Instruction may grant such a request if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program consisting of 180 days.

(g) Cooperate with the board of trustees of the school district in the administration of the examinations administered pursuant to NRS 390.105 and, if the charter school enrolls pupils at a high school grade level, the college

and career readiness assessment administered pursuant to NRS 390.610 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Northwest Accreditation Commission.

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory ***enrollment and*** attendance pursuant to NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 8. NRS 388A.411 is hereby amended to read as follows:

388A.411 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the charter school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive, unless the pupil is

exempt from compulsory ***enrollment and*** attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

2. The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for the public schools provided through the Department.

3. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

4. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Public Charter School Authority may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

Sec. 9. NRS 388C.260 is hereby amended to read as follows:

388C.260 1. Each pupil who is enrolled in a university school for profoundly gifted pupils, including, without limitation, a pupil who is enrolled in a program of special education in a university school for profoundly gifted pupils, must be included in the count of pupils in the university school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive, unless the pupil is exempt from compulsory school ***enrollment and*** attendance pursuant to NRS 392.070.

2. A university school for profoundly gifted pupils is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.

3. All money received by a university school for profoundly gifted pupils from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State.

4. The governing body of a university school for profoundly gifted pupils may negotiate with the board of trustees of the school district in which the school is located or the State Board for additional money to pay for services that the governing body wishes to offer.

5. To determine the amount of money for distribution to a university school for profoundly gifted pupils in its first year of operation in which state

funding is provided, the count of pupils who are enrolled in the university school must initially be determined 30 days before the beginning of the school year of the school district in which the university school is located, based upon the number of pupils whose applications for enrollment have been approved by the university school. The count of pupils who are enrolled in a university school for profoundly gifted pupils must be revised each quarter based upon the average daily enrollment of pupils in the university school reported for the preceding quarter pursuant to subsection 1 of NRS 387.1223.

6. Pursuant to NRS 387.1242, the governing body of a university school for profoundly gifted pupils may request that the apportionments made to the university school in its first year of operation be paid to the university school 30 days before the apportionments are otherwise required to be made.

7. If a university school for profoundly gifted pupils ceases to operate pursuant to this chapter during a school year, the remaining apportionments that would have been made to the university school pursuant to NRS 387.124 and 387.1242 for that school year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the university school reside.

8. If the governing body of a university school for profoundly gifted pupils uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the university school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

Sec. 10. NRS 388D.020 is hereby amended to read as follows:

388D.020 1. If the parent of a child who is subject to compulsory ***enrollment and*** attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory ***enrollment and*** attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to NRS 388D.050;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

> I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school ***enrollment and*** attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

Sec. 11. NRS 388D.200 is hereby amended to read as follows:

388D.200 ~~[1.]~~ Except as otherwise provided in this ~~[subsection,]~~ ***section,*** if a child is exempt from compulsory ***enrollment and*** attendance pursuant to NRS 392.070 ~~[or 392.110,]~~ and the child is employed to work in the entertainment industry pursuant to a written contract for a period of more than 91 school days, or its equivalent if the child resides in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, including, without limitation, employment with a motion picture company or employment with a production company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this ~~[subsection]~~ ***section*** apply during the period of a child's employment with an

entity, regardless of whether the child has obtained the appropriate exemption from compulsory ***enrollment and*** attendance at the time his or her contract with the entity is under negotiation.

~~[2. If such a child is exempt from compulsory attendance pursuant to NRS 392.110, the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.]~~

Sec. 12. NRS 392.016 is hereby amended to read as follows:

392.016 1. If a 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, the pupil may attend a public school that is located in a school district other than the school district in which the pupil resides.

2. If a pupil described in subsection 1 attends a public school that is located in a school district other than the school district in which the pupil resides:

(a) The pupil must be included in the count of pupils of the school district in which the pupil attends school for the purposes of apportionments and allowances from the State Education Fund pursuant to NRS 387.121 to 387.12468, inclusive.

(b) Neither the board of trustees of the school district in which the pupil attends school nor the board of trustees of the school district in which the pupil resides is required to provide transportation for the pupil to attend the public school.

3. The provisions of this section do not apply to a pupil who is ineligible to ***enroll in or*** attend a public school pursuant to NRS 392.264 or 392.4675.

Sec. 13. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall ***enroll the child in a public school and*** send the child to ~~[a]~~ ***the*** public school ***for the full school day*** during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before the first day of a school year may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before the first day of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before the first day of a school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before the first day of a school year, the

child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before the first day of a school year may elect for the child not to ***enroll in and*** attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school ***for the full school day*** during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging ***or acknowledge via registration on an Internet website maintained by the school district*** that he or she has read and understands the policy concerning attendance ***, the child understands the policy concerning attendance*** and ***the parent or legal guardian, as applicable, has read and understands*** the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. ***A pupil who receives services outside of a public school*** ~~***[, including, without limitation, services]***~~ ***pursuant to an individualized education program*** ~~***[,]***~~ ***or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794,*** ~~***[or some other similar agreement with the public school,]***~~ ***shall be deemed to be in attendance at the public school and in compliance with the requirements for attendance set forth in this section during the time the pupil is receiving the services and is being transported to and from the public school to receive those services.***

7. A child who is 7 years of age on or before the first day of a school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's ***enrollment and*** attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection ~~[7]~~ ***8*** to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

~~[7.]~~ ***8.*** Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before the first day of the next school year; and

(b) Whose parents waived the child's ***enrollment and*** attendance from kindergarten pursuant to subsection 4,

➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

~~[8.]~~ ***9.*** Except as otherwise provided in subsection ~~[9,]~~ ***10,*** a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~[9.]~~ ***10.*** Pursuant to the provisions of NRS 388F.010, a child who transfers 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 child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

~~[10.]~~ ***11.*** As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 14. (Deleted by amendment.)

Sec. 15. NRS 392.060 is hereby amended to read as follows:

392.060 ~~[Attendance]~~ ***Enrollment and attendance*** required by the provisions of NRS 392.040 shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child has already completed the 12 grades of the elementary and high school courses.

Sec. 16. NRS 392.070 is hereby amended to read as follows:

392.070 ~~[Attendance]~~ ***Enrollment and attendance*** of a child required by the provisions of NRS 392.040 must be excused when:

1. The child is enrolled in a private school pursuant to chapter 394 of NRS; or

2. A parent of the child chooses to provide education to the child and files a notice of intent to homeschool the child with the superintendent of schools of the school district in which the child resides in accordance with NRS 388D.020.

Sec. 17. NRS 392.075 is hereby amended to read as follows:

392.075 ~~[Attendance]~~

1. Except as otherwise provided in subsection 2, enrollment and attendance required by the provisions of NRS 392.040 must be excused if a child has obtained permission to take the high school equivalency assessment pursuant to NRS 390.055.

2. After a child has taken the high school equivalency assessment, the child shall enroll in and attend school pursuant to the provisions of NRS 392.040 until the child receives notification that the child has successfully completed the assessment.

Sec. 18. NRS 392.122 is hereby amended to read as follows:

392.122 1. Except as otherwise provided in NRS 389.320, the board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory ***enrollment and*** attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. The board of trustees of a school district may adopt a policy prescribing ~~[a]~~ ***:***

(a) A minimum number of days that a pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.

(b) The circumstances under which a pupil will be considered chronically absent by the Department.

2. ~~[For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130, must be credited towards the required days of attendance if the pupil has completed course work requirements. The teacher or principal of the school may approve the absence of a pupil for deployment activities of the parent or legal guardian of the pupil, as defined in NRS 388F.010. If the board of trustees of a school district has adopted a policy pursuant to subsection 5,~~

~~the 10-day limitation on absences does not apply to absences that are excused pursuant to that policy.~~

~~3. Except as otherwise provided in subsection 5, before~~**]** ***Before*** a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or the principal's designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and the pupil's parent or legal guardian may request a review of the absences of the pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and the pupil's parent or legal guardian, ***the parent or legal guardian may present*** the principal or the principal's designee **[**~~shall review the reason for each absence of the pupil upon which the intended denial of credit or promotion is based. After the review, the principal or the principal's designee shall credit towards the required days of attendance each day of absence for which:~~

~~(a) There is evidence or a written affirmation by the parent or legal guardian of the pupil that the pupil was physically or mentally unable to attend school on the day of the absence; and~~

~~(b) The pupil has completed course work requirements.~~

~~4.~~**]** ***with documentation that the pupil has complied with the attendance requirements prescribed pursuant to subsection 1 by attending school, either in person or through an alternative program of education or a program of distance education approved by the Department. If the documentation is accurate and the principal or principal's designee finds that any absence of the pupil was entered in error, the error must be corrected and the absences of the pupil must be recalculated for the purposes of determining whether the pupil may obtain credit or be promoted to the next higher grade.***

3. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection **[**~~3~~**]** ***2*** to the board of trustees of the school district in which the pupil is enrolled.

[~~5. The board of trustees of a school district may adopt a policy to exempt pupils who are physically or mentally unable to attend school from the limitations on absences set forth in subsection 1. If a board of trustees adopts a policy pursuant to this subsection:~~

~~(a) A pupil who receives an exemption pursuant to this subsection is not exempt from the minimum number of days of attendance prescribed pursuant to subsection 1.~~

~~(b) The days on which a pupil is physically or mentally unable to attend school must be credited towards the required days of attendance if the pupil has completed course work requirements.~~

~~(c) The procedure for review of absences set forth in subsection 3 does not apply to days on which the pupil is absent because the pupil is physically or mentally unable to attend school.~~

~~—6.]~~ ***4.*** A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the ***enrollment,*** attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.

Sec. 19. NRS 392.126 is hereby amended to read as follows:

392.126 1. There is hereby created in each county at least one advisory board to review school attendance. The membership of each such board ***must, to the greatest extent possible, reflect the ethnic and geographic diversity of the county and*** may consist of:

(a) One probation officer in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(b) One representative of a law enforcement agency in the county who works on cases relating to juveniles, appointed by the judge or judges of the juvenile court of the county;

(c) One representative of the district attorney for the county, appointed by the district attorney;

(d) One parent or legal guardian of a pupil who is enrolled in a public school in the county, or his or her designee or alternate who is also a parent or legal guardian, appointed by the president of the board of trustees of the school district;

(e) One member of the board of trustees of the school district, appointed by the president of the board of trustees;

(f) One school counselor or school teacher employed by the school district, appointed by an organization or association that represents licensed educational personnel in the school district;

(g) One deputy sheriff in the county, appointed by the sheriff of the county; and

(h) One representative of the agency which provides child welfare services, as defined in NRS 432B.030.

2. The members of each such board shall elect a chair from among their membership.

3. Each member of such a board must be appointed for a term of 2 years. A vacancy in the membership of the board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

4. Each member of such a board serves without compensation, except that, for each day or portion of a day during which a member of the board attends a meeting of the board or is otherwise engaged in the business of the board, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The board of trustees of the school district shall pay the per diem allowance and travel expenses from the general fund of the school district.

Sec. 20. NRS 392.130 is hereby amended to read as follows:

392.130 1. Within the meaning of this chapter, a pupil shall be deemed a truant who is absent from school without the written approval of the pupil's teacher or the principal of the school, unless the pupil is physically or mentally unable to attend school. ~~[The]~~

2. Upon the request of a parent or legal guardian of a pupil, made during the absence or within the 3 days immediately preceding or the 3 days immediately following the requested absence, a teacher or principal ~~[shall]~~ ***may*** give his or her written approval for ~~[a]~~ ***the*** pupil to be absent if an emergency exists ~~[or upon the request of a parent or legal guardian of the pupil.]~~ ***, including, without limitation, a medical emergency concerning a member of his or her family, compliance with a court order, a funeral or similar event of grieving, a family emergency, temporary homelessness and a religious observance. A teacher or principal may not approve absences pursuant to this subsection in excess of 10 percent of the number of school days in the school year.***

3. Before a pupil may attend or otherwise participate in school activities outside the classroom during regular classroom hours, the pupil must receive the approval of the teacher or principal.

~~[2.]~~ ***4.*** An unapproved absence for at least one period, or the equivalent of one period for the school, of a school day may be deemed a truancy for the purposes of this section.

~~[3.]~~ ***5.*** If a pupil is physically or mentally unable to attend school, the parent or legal guardian or other person having control or charge of the pupil shall notify the teacher or principal of the school orally or in writing, in accordance with the policy established by the board of trustees of the school district, within 3 days after the pupil returns to school.

~~[4.]~~ ***6.*** An absence which has not been approved pursuant to ~~[subsection 1 or 3]~~ ***this section*** shall be deemed an unapproved absence. In the event of an unapproved absence, the teacher, attendance officer or other school official shall deliver or cause to be delivered a written ***or electronic*** notice of truancy to the parent, legal guardian or other person having control or charge of the child. The written ***or electronic*** notice must be delivered to the parent, legal guardian or other person who has control of the child. The written ***or electronic*** notice must inform the parents or legal guardian of such absences in a form specified by the Department.

~~[5.]~~ ***7. Except as otherwise provided in subsection 2 of NRS 392.122, all approved and unapproved absences must be counted for the purpose of determining whether a pupil is chronically absent.***

8. The board of trustees of each school district and the governing body of each charter school and university school for profoundly gifted pupils shall:

(a) Communicate through various means, in a format and, to the extent practicable, in a language that parents and legal guardians can understand,

the truancy policy and the definition of chronic absenteeism adopted by the Department pursuant to NRS 392.150; and

(b) Provide a parent or legal guardian of a pupil notice when the pupil is approaching the limit of 10 percent in the number of absences that may be approved pursuant to subsection 2.

9. The provisions of this section apply to all pupils who are required to ***enroll in and*** attend school pursuant to NRS 392.040.

~~[6.]~~ ***10.*** As used in this section, "physically or mentally unable to attend" does not include a physical or mental condition for which a pupil is excused pursuant to NRS 392.050.

Sec. 21. NRS 392.140 is hereby amended to read as follows:

392.140 1. Any child who has been declared a truant three or more times within one school year must be declared a habitual truant.

2. Any child who has once been declared a habitual truant and who in an immediately succeeding year is absent from school without the written ~~[:~~

~~(a) Approval]~~ ***approval*** of the child's teacher or the principal of the school pursuant to subsection 1 ***or 2*** of NRS 392.130 ~~[, or~~

~~(b) Notice of his or her parent or legal guardian or other person who has control or charge over the pupil pursuant to subsection 3 of NRS 392.130,~~

~~➥]~~ may again be declared a habitual truant ~~[.]~~ ***, unless the child is physically or mentally unable to attend school as provided in NRS 392.130.***

3. The provisions of this section apply to all pupils who are required to ***enroll in and*** attend school pursuant to NRS 392.040.

Sec. 22. NRS 392.141 is hereby amended to read as follows:

392.141 The provisions of NRS 392.144 to 392.148, inclusive, apply to all pupils who are required to ***enroll in and*** attend school pursuant to NRS 392.040.

Sec. 23. NRS 392.144 is hereby amended to read as follows:

392.144 1. If a pupil has ~~[one or more unapproved absences]~~ ***been truant*** from school, the school in which the pupil is enrolled shall take reasonable actions designed, as applicable, to encourage, enable or convince the pupil to attend school.

2. If a pupil is a habitual truant pursuant to NRS 392.140, or if a pupil who is a habitual truant pursuant to NRS 392.140 is again declared truant pursuant to NRS 392.130 in the same school year after being declared a habitual truant, the principal of the school shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency for investigation and issuance of a citation, if warranted, in accordance with NRS 392.149;

(b) If the parent or legal guardian of a pupil has signed a written ***or electronic*** consent pursuant to subsection 4, submit a written ***or electronic*** referral of the pupil to the advisory board to review school attendance in the county in accordance with NRS 392.146; or

(c) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. The board of trustees of each school district shall adopt criteria to determine whether the principal of a school shall:

(a) Report a pupil to an attendance officer, a school police officer or the law enforcement agency pursuant to paragraph (a) of subsection 2;

(b) Refer a pupil to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2; or

(c) Refer a pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

4. If the principal of a school makes an initial determination to submit a written ***or electronic*** referral of a pupil to the advisory board to review school attendance, the principal shall notify the parent or legal guardian of the pupil and request the parent or legal guardian to sign a written ***or electronic*** consent that authorizes the school and, if applicable, the school district to release the records of the pupil to the advisory board to the extent that such release is necessary for the advisory board to carry out its duties pursuant to NRS 392.146 and 392.147. The written consent must comply with the applicable requirements of 20 U.S.C. § 1232g(b) and 34 C.F.R. Part 99. If the parent or legal guardian refuses to sign the consent, the principal shall:

(a) Report the pupil to an attendance officer, a school police officer or the local law enforcement agency pursuant to paragraph (a) of subsection 2; or

(b) Refer the pupil for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2.

Sec. 24. NRS 392.146 is hereby amended to read as follows:

392.146 A written ***or electronic*** referral of a pupil to an advisory board to review school attendance must include the dates on which the pupil was truant from school and all action taken by the school to assist the pupil to attend school. The advisory board may request clarification of any information contained in the written ***or electronic*** referral or any additional information that the advisory board considers necessary. The school shall provide written ***or electronic*** notice of the referral to the parents or legal guardian of the pupil. The written ***or electronic*** notice must include, without limitation:

1. The name and address of the pupil referred;

2. A written ***or electronic*** explanation of the reason for the referral;

3. A summary of the provisions of NRS 392.147; and

4. The address and telephone number of the advisory board to review school attendance.

Sec. 25. NRS 392.147 is hereby amended to read as follows:

392.147 1. If an advisory board to review school attendance receives a written ***or electronic*** referral of a pupil pursuant to NRS 392.146, the advisory board shall set a date, time and place for a hearing. The pupil and the pupil's parents or legal guardian shall attend the hearing held by the advisory board. The hearing must be closed to the public. The chair of an advisory board to review school attendance may request that subpoenas for a hearing conducted pursuant to this section be issued to:

(a) The parent or legal guardian of a pupil who has been referred to the advisory board or any other person that the advisory board considers necessary to the hearing.

(b) A pupil who has been referred to the advisory board.

2. If a pupil and the pupil's parents or legal guardian do not attend the hearing, the chair of the advisory board shall:

(a) Report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149; or

(b) Refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

3. If an advisory board to review school attendance determines that the status of a pupil as a habitual truant can be adequately addressed through participation by the pupil in programs and services available in the community, the advisory board shall order the pupil to participate in such programs and services. If the pupil does not agree to participate in such programs and services, the chair of the advisory board shall report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148. If the pupil agrees to participate in such programs and services, the advisory board, the pupil and the parents or legal guardian of the pupil shall enter into a written ***or electronic*** agreement that:

(a) Sets forth the findings of the advisory board;

(b) Sets forth the terms and conditions of the pupil's participation in the programs and services designated by the advisory board; and

(c) Adequately informs the pupil and the pupil's parents or legal guardian that if the pupil or his or her parents or legal guardian do not comply with the terms of the written ***or electronic*** agreement, the chair of the advisory board is legally obligated to report the pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency for investigation and issuance of a citation, if warranted in accordance with NRS 392.149, or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148.

➥ The parents or legal guardian of the pupil shall, upon the request of the advisory board, provide proof satisfactory to the advisory board that the pupil is participating in the programs and services set forth in the written ***or electronic*** agreement.

4. The chair of an advisory board to review school attendance shall report a pupil to an attendance officer, a school police officer or the appropriate local law enforcement agency or refer the pupil for the imposition of administrative sanctions in accordance with NRS 392.148 if:

(a) The pupil and the pupil's parents or legal guardian fail to attend a hearing set by the advisory board pursuant to subsection 1;

(b) The advisory board determines that the status of a pupil as a habitual truant cannot be adequately addressed by requiring the pupil to participate in programs and services available in the community;

(c) The pupil does not consent to participation in programs and services pursuant to subsection 3; or

(d) The pupil or the pupil's parents or legal guardian violates the terms of the written ***or electronic*** agreement entered into pursuant to subsection 3.

5. If the chair of an advisory board makes a report to an attendance officer, a school police officer or the local law enforcement agency pursuant to subsection 4, the chair shall:

(a) Submit to the attendance officer, school police officer or law enforcement agency, as applicable, written ***or electronic*** documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations to the attendance officer, school police officer or law enforcement agency, as applicable, regarding the appropriate disposition of the case.

6. If the chair of an advisory board refers a pupil for the imposition of administrative sanctions pursuant to subsection 4, the chair shall:

(a) Provide written ***or electronic*** documentation of all efforts made by the advisory board to address the status of the pupil as a habitual truant; and

(b) Make recommendations regarding the appropriate disposition of the case.

7. If the parents or legal guardian of a pupil enter into a written ***or electronic*** agreement pursuant to this section, the parents or legal guardian may appeal to the board of trustees of the school district a determination made by the advisory board concerning the contents of the written ***or electronic*** agreement. Upon receipt of such a request, the board of trustees of the school district shall review the determination in accordance with the procedure established by the board of trustees for such matters.

8. The board of trustees of each school district shall adopt policies and rules to protect the confidentiality of the deliberations, findings and determinations made by an advisory board and information concerning a pupil and the family of a pupil. An advisory board shall not disclose information concerning the records of a pupil or services provided to a pupil or the pupil's family unless the disclosure is specifically authorized by statute or by the policies and rules of the board of trustees and is necessary for the advisory board to carry out its duties.

Sec. 26. NRS 392.148 is hereby amended to read as follows:

392.148 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, a school police officer or a person designated pursuant to subsection 6 shall conduct an investigation, set a date for a hearing and provide a written ***or electronic*** notice of the hearing to the parent or legal guardian of the pupil. If it appears after investigation and a hearing that a pupil is a habitual truant, a

school police officer or a person designated pursuant to subsection 6 may issue an order imposing the following administrative sanctions against a pupil:

(a) If it is the first time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 30 days but not more than 6 months. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 30 days:

(1) Immediately following the date of the order if the pupil is eligible to apply for a driver's license; or

(2) After the date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

(b) If it is the second time or any subsequent time that administrative sanctions have been issued pursuant to this section because the pupil is a habitual truant, and the pupil is 14 years of age or older, order the suspension of the driver's license of the pupil for at least 60 days but not more than 1 year. If the pupil does not possess a driver's license, the order must provide that the pupil is prohibited from applying for a driver's license for 60 days immediately following:

(1) The date of the order if the pupil is eligible to apply for a driver's license; or

(2) The date the pupil becomes eligible to apply for a driver's license if the pupil is not eligible to apply for a driver's license.

2. If a pupil applies for a driver's license, the Department of Motor Vehicles shall:

(a) Notify the pupil of the provisions of this section that authorize the suspension of the driver's license of the pupil; and

(b) Require the pupil to sign an affidavit acknowledging that the pupil is aware that his or her driver's license may be suspended pursuant to this section.

3. If an order is issued pursuant to this section delaying the ability of the pupil to receive a driver's license, a copy of the order must be forwarded to the Department of Motor Vehicles not later than 5 days after the order is issued.

4. If an order is issued pursuant to this section suspending the driver's license of a pupil:

(a) The pupil shall surrender his or her driver's license to the school police officer or the person designated pursuant to subsection 6.

(b) Not later than 5 days after issuing the order, the school police officer or the designated person shall forward to the Department of Motor Vehicles a copy of the order and the driver's license of the pupil.

(c) The Department of Motor Vehicles:

(1) Shall report the suspension of the driver's license of the pupil to an insurance company or its agent inquiring about the pupil's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(2) Shall not treat the suspension in the manner statutorily required for moving traffic violations.

(3) Shall not require the pupil 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 reinstatement or reissuance after the suspension of a driver's license.

5. The parent or legal guardian of a pupil may request a hearing before a person designated by the board of trustees of the school district in which the pupil is enrolled to appeal the imposition of any administrative sanctions pursuant to this section. The person designated by the board of trustees shall, not later than 30 days after receipt of the request, hold a hearing to review the reason for the imposition of any administrative sanctions. Not later than 30 days after the hearing, the person designated by the board of trustees shall issue a written decision affirming, denying or modifying the decision to impose administrative sanctions and mail a copy of the decision to the parent or legal guardian of the pupil.

6. If a public school does not have a school police officer assigned to it, the principal of the school may designate a qualified person to carry out the requirements of this section.

Sec. 27. NRS 392.149 is hereby amended to read as follows:

392.149 1. Upon receipt of a report pursuant to NRS 392.144 or 392.147, if it appears after investigation that a pupil is a habitual truant, the attendance officer, school police officer or law enforcement agency to whom the report is made shall prepare manually or electronically a citation directing the pupil to appear in the proper juvenile court.

2. A copy of the citation must be delivered to the pupil and to the parent, guardian or any other person who has control or charge of the pupil by:

(a) The local law enforcement agency;

(b) A school police officer employed by the board of trustees of the school district; or

(c) An attendance officer appointed by the board of trustees of the school district.

3. The citation must be in the form prescribed for misdemeanor citations in NRS 171.1773.

4. The provisions of this section apply to all pupils who are required to ***enroll in and*** attend school pursuant to NRS 392.040.

Sec. 28. NRS 392.150 is hereby amended to read as follows:

392.150 1. The board of trustees of a school district may appoint an attendance officer for the school district, who need not be a licensed employee of the school district, except that in any school district where a system of classified employment is in effect, attendance officers must be classified employees of the school district. If the board of trustees appoints an attendance officer for the school district, the board of trustees may:

(a) Fix the compensation of the attendance officer;

(b) Prescribe the duties of the attendance officer; and

(c) Adopt regulations not inconsistent with law for the performance of the duties of the attendance officer.

2. The board of trustees of each school district shall:

(a) Establish procedures to monitor the attendance ***, chronic absenteeism*** and truancy of pupils, including, without limitation, a standard method for reporting the ***chronic absenteeism and*** truancy of pupils and a standard method for reporting excessive absences of pupils throughout the school district;

(b) Coordinate efforts to refer pupils who are truant to appropriate providers of community services; and

(c) Determine, based on the attendance ***, chronic absenteeism*** and truancy of pupils at each school within the school district, whether to employ an attendance clerk for a particular school or group of schools whose primary responsibility is to monitor the attendance and truancy of pupils.

3. The Department shall adopt by regulation a definition of the term "chronic absenteeism." The board of trustees of each school district shall ensure that the actions taken pursuant to subsection 2 are consistent with such a definition.

Sec. 29. NRS 392.170 is hereby amended to read as follows:

392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:

1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is under 18 years of age and required to ***enroll in and*** attend school pursuant to NRS 392.040 for violation of any of the provisions of NRS 392.040 to ~~[392.110,]~~ ***392.075,*** inclusive, or 392.130 to 392.160, inclusive.

2. Make and file a written ***or electronic*** report of the investigation and the findings thereof in the records of the board.

Sec. 30. NRS 392.180 is hereby amended to read as follows:

392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to ***enroll in and*** attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to ~~[392.110,]~~ ***392.075,*** inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.

Sec. 31. NRS 392.200 is hereby amended to read as follows:

392.200 Any taxpayer, school administrator, school officer or deputy school officer in the State of Nevada may make and file in the proper court a criminal complaint against a parent, guardian or other person who has control or charge of any child who is under 18 years of age and required to ***enroll in and*** attend school pursuant to NRS 392.040 and who violates any of the

provisions of law requiring the ***enrollment and*** attendance of children in the public schools of this State.

Sec. 32. NRS 392.210 is hereby amended to read as follows:

392.210 1. Except as otherwise provided in subsection 2, a parent, guardian or other person who has control or charge of any child and to whom notice has been given of the child's truancy as provided in NRS 392.130 **,** ~~[and 392.140,]~~ and who fails to prevent the child's subsequent truancy within that school year, is guilty of a misdemeanor.

2. A person who is licensed pursuant to NRS 424.030 to conduct a foster home is liable pursuant to subsection 1 for a child in his or her foster care only if the person has received notice of the truancy of the child as provided in NRS 392.130 **,** ~~[and 392.140,]~~ and negligently fails to prevent the subsequent truancy of the child within that school year.

Sec. 33. NRS 392.215 is hereby amended to read as follows:

392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to ~~[392.110,]~~ ***392.075,*** inclusive, or 392.130 to 392.165, inclusive:

1. Makes a false statement concerning the age or attendance at school;
2. Presents a false birth certificate or record of attendance at school; or
3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,

➥ of a child under 18 years of age who is under his or her control or charge, is guilty of a misdemeanor.

Sec. 34. NRS 392.264 is hereby amended to read as follows:

392.264 1. If a superintendent of a school district receives notification and a victim identified in the notification is a pupil in the school district, the superintendent shall not permit an offender who is subject to the provisions of NRS 62F.100 to 62F.150, inclusive, to ***enroll in or*** attend a public school that a victim is ***enrolled in or*** attending unless:

(a) An alternative plan of supervision is approved by the court pursuant to NRS 62F.130; or

(b) An alternative plan of attendance is approved by the court pursuant to NRS 62F.140.

2. If the court does not approve an alternative plan of supervision or an alternative plan of attendance for the offender and the school district in which the offender resides does not have another public school in the district for the offender to ***enroll in and*** attend, the superintendent of the school district shall negotiate an agreement with:

(a) The superintendent of an adjoining school district within this state for the offender to ***enroll in and*** attend a public school in that adjoining school district; or

(b) The superintendent, or another appropriate administrator, of an adjoining school district in an adjoining state for the offender to ***enroll in and*** attend a public school in that adjoining school district.

3. The superintendent of the school district in which the offender resides shall inform the person with whom the superintendent is negotiating that the offender has been adjudicated delinquent for a sexual offense or a sexually motivated act, but the superintendent shall not disclose the name of a victim.

4. An agreement which is made pursuant to this section and which is presented to a board of trustees for approval:

(a) Must not contain the name of a victim;

(b) Must comply with the provisions of subsections 2 and 3 of NRS 392.010; and

(c) Must be approved by the Superintendent of Public Instruction.

5. A board of trustees may terminate an agreement entered into pursuant to this section if, because of a change in circumstances, the offender is able to ***enroll in and*** attend a public school in the school district in which the offender resides without violating subsection 1.

Sec. 35. NRS 392.268 is hereby amended to read as follows:

392.268 If a school district incurs additional costs for transporting an offender because the offender is prohibited from ***enrolling in or*** attending a public school that a victim is ***enrolled in or*** attending, the school district is entitled to reimbursement of all or part of those costs from the parents or guardians of the offender to the extent ordered by the court pursuant to NRS 62F.110. The superintendent of the school district or the parents or guardians of the offender may petition the court to reconsider the amount of reimbursement ordered by the court.

Sec. 36. NRS 394.098 is hereby amended to read as follows:

394.098 "Postsecondary education" is limited to education or educational services offered by an institution which is privately owned to persons who have completed or terminated their elementary and secondary education or who are beyond the age of compulsory school ***enrollment and*** attendance for the attainment of academic, professional or vocational objectives.

Sec. 37. NRS 394.103 is hereby amended to read as follows:

394.103 "Private schools" means private elementary and secondary educational institutions. The term does not include a home in which instruction is provided to a child who is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070.

Sec. 38. NRS 62A.240 is hereby amended to read as follows:

62A.240 "Private school" includes private elementary and secondary educational institutions. The term does not include a home in which instruction is provided to a child who is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070 or a school or educational program that is conducted exclusively for children who have been adjudicated delinquent.

Sec. 39. NRS 62B.320 is hereby amended to read as follows:

62B.320 1. Except as otherwise provided in this title, the juvenile court has exclusive original jurisdiction in proceedings concerning any child living or found within the county who is alleged or adjudicated to be in need of supervision because the child:

(a) Is subject to compulsory school ***enrollment and*** attendance and is a habitual truant from school;

(b) Habitually disobeys the reasonable and lawful demands of the parent or guardian of the child and is unmanageable;

(c) Deserts, abandons or runs away from the home or usual place of abode of the child and is in need of care or rehabilitation;

(d) Uses an electronic communication device to transmit or distribute a sexual image of himself or herself to another person or to possess a sexual image in violation of NRS 200.737;

(e) Transmits or distributes an image of bullying committed against a minor in violation of NRS 200.900;

(f) Violates a county or municipal ordinance imposing a curfew on a child;

(g) Violates a county or municipal ordinance restricting loitering by a child;

(h) Commits an offense related to tobacco; or

(i) Commits an alcohol or marijuana offense that is punishable pursuant to paragraph (a) of subsection 1 of NRS 62E.173.

2. A child who is subject to the jurisdiction of the juvenile court pursuant to this section must not be considered a delinquent child.

3. The provisions of subsection 1 do not prohibit the imposition of administrative sanctions pursuant to NRS 392.148 against a child who is subject to compulsory school ***enrollment and*** attendance and is a habitual truant from school.

4. As used in this section:

(a) "Alcohol or marijuana offense" has the meaning ascribed to it in NRS 62E.173.

(b) "Bullying" means a willful act which is written, verbal or physical, or a course of conduct on the part of one or more persons which is not otherwise authorized by law and which exposes a person one time or repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and:

(1) Is intended to cause or actually causes the person to suffer harm or serious emotional distress;

(2) Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person;

(3) Places the person in reasonable fear of harm or serious emotional distress; or

(4) Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

(c) "Electronic communication device" has the meaning ascribed to it in NRS 200.737.

(d) "Sexual image" has the meaning ascribed to it in NRS 200.737.

Sec. 40. NRS 129.090 is hereby amended to read as follows:

129.090 1. A petition filed pursuant to NRS 129.080 must be in writing, verified by the petitioner and set forth:

(a) The name, age and address of the minor;

(b) The names and addresses of the parents of the minor;

(c) The name and address of any legal guardian of the minor;

(d) If no parent or guardian can be found, the name and address of the child's nearest known relative residing within this state;

(e) Facts relating to the minor's education, employment, and length of residence apart from his or her parents or guardian;

(f) That the minor willingly lives apart from his or her parents or legal guardian with the consent or acquiescence of his or her parents or legal guardian;

(g) That the minor is managing his or her own financial affairs;

(h) That the source of the minor's income is not derived from any activity declared to be a crime by the laws of this state or the United States; and

(i) That the minor is attending school or has been excused from ***enrolling in and*** attending school pursuant to NRS 392.040 to 392.125, inclusive.

2. If any of the facts required by subsection 1 are not known, the petition must so state.

3. For filing the petition, the clerk of the district court shall charge the fees prescribed by law for the commencement of civil actions or proceedings generally.

Sec. 41. NRS 361.068 is hereby amended to read as follows:

361.068 1. The following personal property is exempt from taxation:

(a) Personal property held for sale by a merchant;

(b) Personal property held for sale by a manufacturer;

(c) Raw materials and components held by a manufacturer for manufacture into products, and supplies to be consumed in the process of manufacture;

(d) Tangible personal property purchased by a business which will be consumed during the operation of the business;

(e) Livestock;

(f) Colonies of bees;

(g) Pipe and other agricultural equipment used to convey water for the irrigation of legal crops;

(h) All boats;

(i) Slide-in campers and camper shells;

(j) Except as otherwise provided in NRS 361.186, fine art for public display; and

(k) All personal property that is:

(1) Owned by a person who is not a resident of this state; and

(2) Located in this state solely for the purposes of:

(I) An exhibit that is used in a convention or tradeshow that is located in this State; or

(II) A display, exhibition, carnival, fair or circus that is transient in nature and is located in this State for not more than 30 days.

2. The Nevada Tax Commission may exempt from taxation that personal property for which the annual taxes would be less than the cost of collecting those taxes. If such an exemption is provided, the Nevada Tax Commission shall annually determine the average cost of collecting property taxes in this state which must be used in determining the applicability of the exemption.

3. A person claiming the exemption provided for in paragraph (j) of subsection 1 shall:

(a) On or before June 15 for the next ensuing fiscal year, file with the county assessor an affidavit declaring that the fine art will, during that ensuing fiscal year, meet all the criteria set forth in paragraph (b) of subsection 4; and

(b) During any fiscal year in which the person claims the exemption, make available for educational purposes and not for resale, upon written request and without charge to any public school as defined in NRS 385.007, private school as defined in NRS 394.103 and parent of a child who receives instruction in a home pursuant to NRS 392.070, one copy of a poster depicting the fine art that the facility has on public display if such a poster is available for purchase by the public at the time of the request.

4. As used in this section:

(a) "Boat" includes any vessel or other watercraft, other than a seaplane, used or capable of being used as a means of transportation on the water.

(b) "Fine art for public display":

(1) Except as otherwise provided in subparagraph (2), means a work of art which:

(I) Is an original painting in oil, mineral, water colors, vitreous enamel, pastel or other medium, an original mosaic, drawing or sketch, an original sculpture of clay, textiles, fiber, wood, metal, plastic, glass or a similar material, an original work of mixed media or a lithograph;

(II) Was purchased in an arm's length transaction for $25,000 or more, or has an appraised value of $25,000 or more;

(III) Is on public display in a public or private art gallery, museum or other building or area in this state for at least 20 hours per week during at least 35 weeks of each year for which the exemption is claimed or, if the facility displaying the fine art disposes of it before the end of that year, during at least two-thirds of the full weeks during which the facility had possession of it, or if the gallery, museum or other building or area in which the fine art will be displayed will not be opened until after the beginning of the fiscal year for which the exemption is claimed, these display requirements must be met for the first full fiscal year after the date of opening, and the date of opening must not be later than 2 years after the purchase of the fine art being displayed; and

(IV) Is on display in a facility that is available for group tours by pupils or students for at least 5 hours on at least 60 days of each full year for which the exemption is claimed, during which the facility in which it is displayed is open, by prior appointment and at reasonable times, without charge; and

(2) Does not include:

(I) A work of fine art that is a fixture or an improvement to real property;

(II) A work of fine art that constitutes a copy of an original work of fine art, unless the work is a lithograph that is a limited edition and that is signed and numbered by the artist;

(III) Products of filmmaking or photography, including, without limitation, motion pictures;

(IV) Literary works;

(V) Property used in the performing arts, including, without limitation, scenery or props for a stage; or

(VI) Property that was created for a functional use other than, or in addition to, its aesthetic qualities, including, without limitation, a classic or custom-built automobile or boat, a sign that advertises a business, and custom or antique furniture, lamps, chandeliers, jewelry, mirrors, doors or windows.

(c) "Personal property held for sale by a merchant" includes property that:

(1) Meets the requirements of sub-subparagraphs (I) and (II) of subparagraph (1) of paragraph (b);

(2) Is made available for sale within 2 years after it is acquired; and

(3) Is made available for viewing by the public or prospective purchasers, or both, within 2 years after it is acquired, whether or not a fee is charged for viewing it and whether or not it is also used for purposes other than viewing.

(d) "Public display" means the display of a work of fine art where members of the public have access to the work of fine art for viewing during publicly advertised hours. The term does not include the display of a work of fine art in an area where the public does not generally have access, including, without limitation, a private office, hallway or meeting room of a business, a room of a business used for private lodging and a private residence.

(e) "Pupil" means a person who:

(1) Is enrolled for the current academic year in a public school as defined in NRS 385.007 or a private school as defined in NRS 394.103; or

(2) Receives instruction in a home and is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070.

(f) "Student" means a person who is enrolled for the current academic year in:

(1) A community college or university; or

(2) A licensed postsecondary educational institution as defined in NRS 394.099 and a course concerning fine art.

Sec. 42. NRS 483.2521 is hereby amended to read as follows:

483.2521 1. Except as otherwise provided in subsection 4, the Department may issue a driver's license to a person who is 16 or 17 years of age if the person:

(a) Except as otherwise provided in subsection 2, has completed:

(1) A course in automobile driver education pursuant to NRS 389.090; or

(2) A course provided by a school for training drivers which is licensed pursuant to NRS 483.700 to 483.780, inclusive, and which complies with the applicable regulations governing the establishment, conduct and scope of automobile driver education adopted by the State Board of Education pursuant to NRS 389.090;

(b) Except as otherwise provided in subsection 3, has at least 50 hours of supervised experience in driving a motor vehicle with a restricted license, instruction permit or restricted instruction permit issued pursuant to NRS 483.267, 483.270 or 483.280, including, without limitation, at least 10 hours of experience in driving a motor vehicle during darkness;

(c) Except as otherwise provided in subsection 3, submits to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of supervised experience required pursuant to this section and which is signed:

(1) By his or her parent or legal guardian; or

(2) If the person applying for the driver's license is an emancipated minor, by a licensed driver who is at least 21 years of age or by a licensed driving instructor,

➥ who attests that the person applying for the driver's license has completed the training and experience required pursuant to paragraphs (a) and (b);

(d) Submits to the Department:

(1) A written statement signed by the principal of the public school in which the person is enrolled or by a designee of the principal and which is provided to the person pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the person which states that the person is excused from compulsory ***enrollment and*** attendance pursuant to NRS 392.070;

(3) A copy of the person's high school diploma or certificate of attendance; or

(4) A copy of the person's certificate of general educational development or an equivalent document;

(e) Has not been found to be responsible for a motor vehicle crash during the 6 months before applying for the driver's license;

(f) Has not been convicted of or found by a court to have committed a moving traffic violation or convicted of a crime involving alcohol or a controlled substance during the 6 months before applying for the driver's license; and

(g) Has held an instruction permit for not less than 6 months before applying for the driver's license.

2. If a course described in paragraph (a) of subsection 1 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing such a course as required by that paragraph, complete an additional 50 hours of supervised experience in driving a motor vehicle in accordance with paragraph (b) of subsection 1.

3. In lieu of the supervised experience required pursuant to paragraph (b) of subsection 1, a person applying for a Class C noncommercial driver's license may provide to the Department proof that the person has successfully completed:

(a) The training required pursuant to paragraph (a) of subsection 1; and

(b) A hands-on course in defensive driving that has been approved by the Department pursuant to NRS 483.727.

4. A person who is 16 or 17 years of age, who has held an instruction permit issued pursuant to subsection 4 of NRS 483.280 authorizing the holder of the permit to operate a motorcycle and who applies for a driver's license pursuant to this section that authorizes him or her to operate a motorcycle must comply with the provisions of paragraphs (d) to (g), inclusive, of subsection 1 and must:

(a) Except as otherwise provided in subsection 5, complete a course of motorcycle safety approved by the Department;

(b) Have at least 50 hours of experience in driving a motorcycle with an instruction permit issued pursuant to subsection 4 of NRS 483.280; and

(c) Submit to the Department, on a form provided by the Department, a log which contains the dates and times of the hours of experience required pursuant to paragraph (b) and which is signed by his or her parent or legal guardian who attests that the person applying for the motorcycle driver's license has completed the training and experience required pursuant to paragraphs (a) and (b).

5. If a course described in paragraph (a) of subsection 4 is not offered within a 30-mile radius of a person's residence, the person may, in lieu of completing the course, complete an additional 50 hours of experience in driving a motorcycle in accordance with paragraph (b) of subsection 4.

Sec. 43. NRS 483.267 is hereby amended to read as follows:

483.267 1. The Department may issue a restricted license to any applicant between the ages of 14 and 18 years which entitles the applicant to drive a motor vehicle upon a highway if a member of his or her household has a medical condition which renders that member unable to operate a motor vehicle, and a hardship exists which requires the applicant to drive.

2. An application for a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Contain a statement that a person living in the same household with the applicant suffers from a medical condition which renders that person unable to operate a motor vehicle and explaining the need for the applicant to drive.

(c) Be signed and verified as provided in NRS 483.300.

(d) Include:

(1) A written statement signed by the principal of the public school in which the applicant is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123;

(2) A written statement signed by the parent or legal guardian of the applicant which states that the applicant is excused from compulsory school ***enrollment and*** attendance pursuant to NRS 392.070;

(3) A copy of the applicant's high school diploma or certificate of attendance; or

(4) A copy of the applicant's certificate of general educational development or an equivalent document.

(e) Contain such other information as may be required by the Department.

3. A restricted license issued pursuant to this section:

(a) Is effective for the period specified by the Department;

(b) Authorizes the licensee to operate a motor vehicle on a street or highway only under conditions specified by the Department; and

(c) May contain other restrictions which the Department deems necessary.

4. No license may be issued under this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

Sec. 44. NRS 483.270 is hereby amended to read as follows:

483.270 1. The Department may issue a restricted license to any pupil between the ages of 14 and 18 years who is attending:

(a) A public school in a school district in this State in a county whose population is less than 55,000 or in a city or town whose population is less than 25,000 when transportation to and from school is not provided by the board of trustees of the school district, if the pupil meets the requirements for eligibility adopted by the Department pursuant to subsection 5; or

(b) A private school meeting the requirements for approval under NRS 392.070 when transportation to and from school is not provided by the private school,

➥ and it is impossible or impracticable to furnish such pupil with private transportation to and from school.

2. An application for the issuance of a restricted license under this section must:

(a) Be made upon a form provided by the Department.

(b) Be signed and verified as provided in NRS 483.300.

(c) Include a written statement signed by the:

(1) Principal of the public school in which the pupil is enrolled or by a designee of the principal and which is provided to the applicant pursuant to NRS 392.123; or

(2) Parent or legal guardian of the pupil which states that the pupil is excused from compulsory school ***enrollment and*** attendance pursuant to NRS 392.070.

(d) Contain such other information as may be required by the Department.

3. Any restricted license issued pursuant to this section:

(a) Is effective only for the school year during which it is issued or for a more restricted period.

(b) Authorizes the licensee to drive a motor vehicle on a street or highway only while going to and from school, and at a speed not in excess of 55 miles per hour.

(c) May contain such other restrictions as the Department may deem necessary and proper.

(d) May authorize the licensee to transport as passengers in a motor vehicle driven by the licensee, only while the licensee is going to and from school, members of his or her immediate family, or other minor persons upon written consent of the parents or guardians of such minors, but in no event may the number of passengers so transported at any time exceed the number of passengers for which the vehicle was designed.

4. No restricted license may be issued under the provisions of this section until the Department is satisfied fully as to the applicant's competency and fitness to drive a motor vehicle.

5. The Department shall adopt regulations that set forth the requirements for eligibility of a pupil to receive a restricted license pursuant to paragraph (a) of subsection 1.

Sec. 45. NRS 644A.700 is hereby amended to read as follows:

644A.700 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught 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 proof of the particular requisites for a license provided for in this chapter, and the applicant must certify that all the information contained in the application is truthful and accurate. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of a number of students acceptable to the Board;

(e) The applicable fee for a license;

(f) A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains adequate floor space and adequate equipment.

(c) Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.

(d) Admits as regular students only persons who have received a certificate of graduation from high school, or the recognized equivalent of such a certificate, or who are beyond the age of compulsory school ***enrollment and*** attendance.

(e) Meets all requirements established by regulations of the Board.

3. The fee for issuance of a license for a school of cosmetology is:

(a) For 2 years, not less than $500 and not more than $800.

(b) For 4 years, not less than $1,000 and not more than $1,600.

4. If the proposed school meets all requirements established by this chapter and the regulations adopted pursuant thereto, the Board shall issue a license to the proposed school. The license must contain:

(a) The name of the proposed school;

(b) A statement that the proposed school is authorized to operate educational programs beyond secondary education; and

(c) Such other information as the Board considers necessary.

5. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

6. The Board shall, by regulation, prescribe:

(a) The minimum enrollment of students required by paragraph (d) of subsection 1; and

(b) The amount of floor space required by paragraph (b) of subsection 2.

7. After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 46. NRS 392.080 and 392.110 are hereby repealed.

Sec. 47. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

392.080 Attendance excused for distant residence from nearest school. Attendance required by the provisions of NRS 392.040 shall be excused when the Superintendent of Public Instruction has determined that the child's residence is located at such distance from the nearest public school as to render attendance unsafe or impractical, and the child's parent or guardian has notified the board of trustees to that effect in writing.

392.110 Attendance excused for child between 15 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.

1. Any child between the ages of 15 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 584 to Assembly Bill No. 54.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 65.

The following Senate amendment was read:

Amendment No. 732.

AN ACT relating to education; revising provisions relating to reports regarding and investigations into incidents of discrimination based on race, bullying and cyber-bullying; revising provisions governing the approval of work-based learning programs; revising the requirement for children of a certain age to attend a public school; revising provisions governing the placement of children in certain early grades; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office for a Safe and Respectful Learning Environment in the Department of Education and requires the Director of the Office to investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-bullying. (NRS 388.1323) Existing law also requires the Director to establish the SafeVoice Program within the Office, which allows a person to make an anonymous report to a support center regarding dangerous, violent or unlawful activity that is conducted, or is threatened to be conducted, on the property of a public school or in certain other circumstances related to public schools. (NRS 388.1455) Any anonymous tip made through the SafeVoice Program is then forwarded to the appropriate public safety agencies and certain trained personnel at the public school for appropriate action to be taken. (NRS 388.14553) **Section 3** of this bill provides that the Director is not required to investigate a complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-bullying if the complaint is made through the SafeVoice Program and investigated by certain trained personnel at the public school, unless the complaint alleges that a previous investigation of the same matter by the personnel at the public school failed to resolve the issue or was otherwise deficient.

Section 2 of this bill revises the definition of "bullying" to exclude acts, gestures and expressions which are engaged in as part of a mutual disagreement or conflict.

Upon receiving a report of discrimination based on race, bullying or cyber-bullying, existing law requires the administrator of a school or his or her designee to immediately begin an investigation into the report. With certain exceptions, existing law requires the investigation to be completed not later than 2 school days after receipt of the report. (NRS 388.1351) **Section 6** of this bill requires the investigation to be completed, to the greatest extent practicable, within 5 school days after the administrator or designee receives the report, or within 7 school days if extenuating circumstances prevent the investigation from being completed within 5 school days. **Section 6** also removes the requirement for a direct supervisor of a principal to submit to the Office a quarterly report regarding incidents of discrimination based on race, bullying or cyber-bullying.

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon the approval of the State Board of Education. (NRS 389.167) **Section 9** of this bill requires a work-based learning program to be approved instead by the Superintendent of Public Instruction.

Existing law requires a child to be a certain age on or before the first day of the school year to be admitted to certain early grades of school. (NRS 392.040) **Section 12** of this bill changes the date by which a child must attain a certain age to start certain early grades from the first day of the school year to August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding a school year.

Existing law, in general, requires a child between 7 and 18 years of age to attend public school. (NRS 392.040) **Section 12.5** of this bill revises this provision to require each child to begin attending public school once the child is 6 years of age, rather than 7 years of age. **Section 15.5** of this bill requires a child who is 6 years of age or older on or before August 1, 2024, and enrolls in public school for the first time to be admitted to kindergarten or first grade.

Section 15.7 of this bill authorizes a public school to: (1) admit a child who was enrolled in a prekindergarten program during the 2022-2023 school year in kindergarten for the following school year if the child is 5 years of age on or before the first day of the school year; and (2) promote a pupil who is enrolled in and who successfully completes kindergarten or first grade in a public school during the 2022-2023 or 2023-2024 school years to the next grade level for the following school year, regardless of his or her age during the 2023-2024 and 2024-2025 school years, as applicable.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 388.122 is hereby amended to read as follows:

388.122 1. "Bullying" 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:

(a) Have the effect of:

(1) Physically harming a person or damaging the property of a person; or

(2) Placing a person in reasonable fear of physical harm to the person or damage to the property of the person;

(b) Interfere with the rights of a person by:

(1) Creating an intimidating or hostile educational environment for the person; or

(2) Substantially interfering with the academic performance of a pupil or the ability of the person to participate in or benefit from services, activities or privileges provided by a school; or

(c) Are acts or conduct described in paragraph (a) or (b) and are based upon the:

(1) 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; or

(2) Association of a person with another person having one or more of those actual or perceived characteristics.

2. The term includes, without limitation:

(a) 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;

(b) 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;

(c) Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;

(d) Threats of harm to a person, to his or her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing;

(e) Blackmail, extortion or demands for protection money or involuntary loans or donations;

(f) Blocking access to any property or facility of a school;

(g) Stalking; and

(h) Physically harmful contact with or injury to another person or his or her property.

3. The term does not include expressions, acts or gestures which are engaged in as part of a mutual disagreement or conflict.

Sec. 3. NRS 388.1323 is hereby amended to read as follows:

388.1323 1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

(a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, and obtain information about antidiscrimination and anti-bullying efforts and organizations; and

(b) Provides outreach and antidiscrimination and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, coaches and other staff members and the members of a governing body. The outreach and training must include, without limitation:

(1) Training regarding methods, procedures and practice for recognizing discrimination based on race, bullying and cyber-bullying behaviors;

(2) Training regarding effective intervention and remediation strategies regarding discrimination based on race, bullying and cyber-bullying;

(3) Training regarding methods for reporting violations of NRS 388.135; and

(4) Information on and referral to available resources regarding suicide prevention and the relationship between discrimination based on race, bullying or cyber-bullying and suicide, including, without limitation, resources for pupils who are members of groups at a high risk of suicide. Such groups include, without limitation, the groups described in subsection 3 of NRS 388.256.

4. The Director of the Office shall establish procedures by which the Office may receive reports of discrimination based on race, bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive.

5. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated a provision of NRS 388.121 to 388.1395, inclusive. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety. ***The Director of the Office or his or her designee is not required to investigate a complaint pursuant to this subsection if the complaint is made through the SafeVoice Program established pursuant to NRS 388.1455 and investigated by the team appointed pursuant to paragraph (a) of subsection 1 of NRS 388.14553, unless the complaint alleges that a previous investigation conducted by the team appointed pursuant to paragraph (a) of subsection 1 of NRS 388.14553 regarding the same matter failed to resolve the issue or was otherwise deficient.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the discrimination based on race, bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the discrimination based on race, bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported discrimination based on race, bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the discrimination based on race, bullying or cyber-bullying. The notification must be provided:

(1) If the discrimination based on race, bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the discrimination based on race, bullying or cyber-bullying is reported; or

(2) If the discrimination based on race, bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school day, before the school's administrative office closes on the school day following the day on which the discrimination based on race, bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed ~~[not later than 2]~~ ***, to the greatest extent practicable, within 5*** school days after the administrator or designee

receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within ~~[~~2~~]~~ ***5*** school days after making a good faith effort, ~~[~~1~~]~~ ***2*** additional school ~~[~~day~~]~~ ***days*** may be used to complete the investigation. ~~[The time for completing an investigation into a report of cyber-bullying may also be extended to not more than 5 school days after the report is received with the consent of each reported victim of the cyber-bullying or, if a reported victim is under 18 years of age and is not emancipated, the parent or guardian of the reported victim.]~~

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred:

(a) The report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation; and

(b) Any action taken after the completion of the investigation to address the discrimination based on race, bullying or cyber-bullying must be based on restorative disciplinary practices and carried out in a manner that causes the least possible disruption for the victim or victims. When necessary, the administrator or ~~[~~his or her~~]~~ designee shall give priority to ensuring the safety and well-being of the victim or victims over any interest of the perpetrator or perpetrators when determining the actions to take.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the discrimination based on race, bullying or cyber-bullying to inquire about the well-being of the reported victim and to ensure that the reported discrimination based on race, bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or ~~[~~his or her~~]~~ designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator ~~[~~, his~~]~~ or ~~[~~her~~]~~ designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or ~~[his or her]~~ designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of discrimination based on race, bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1 concerning incidents of bullying or cyber-bullying;

(b) Reports received pursuant to subsection 1 concerning incidents of discrimination based on race;

(c) Times in which a violation of NRS 388.135 is found to have occurred; and

(d) Times in which no violation of NRS 388.135 is found to have occurred.

13. ~~[A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235, the:~~

~~(a) Total number of reports received pursuant to subsection 1 concerning bullying or cyber-bullying;~~

~~(b) Total number of reports received pursuant to subsection 1 concerning incidents of discrimination based on race;~~

~~(c) Number of times in which a violation of NRS 388.135 is found to have occurred; and~~

~~(d) Number of times in which no violation of NRS 388.135 is found to have occurred.~~

~~14. The Office for a Safe and Respectful Learning Environment, in consultation with the direct supervisor of a principal, shall, after reviewing a report submitted pursuant to subsection 12 or 13, as applicable, make any recommendations based on identified trends and patterns the Office determines to be appropriate regarding interventions or training to address discrimination based on race, bullying and cyber-bullying at the school.~~

~~15.~~] School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

~~[16.]~~ ***14.*** The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 389.167 is hereby amended to read as follows:

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes the number of hours in a work-based learning program required by regulation of the State Board to earn such credits. Any credits earned for successful completion of a work-based learning program must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to and with the approval of the ~~[State Board.]~~ ***Superintendent of Public Instruction.*** An application to offer a work-based learning program must include, without limitation:

(a) The fields, trades or occupations in which a work-based learning program will be offered.

(b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.

(c) A description of the process that will be used by pupils to apply to participate in a work-based learning program.

(d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.

(e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the ~~[State Board]~~ ***Superintendent of Public Instruction*** of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body shall:

(a) Designate an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ensure that each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program is suitable for participation in a work-based learning program.

(b) Establish and maintain a list of businesses, agencies and organizations that have been found suitable by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the ~~[State Board]~~ ***Superintendent of Public Instruction*** to offer a work-based learning program, the work-based learning program must include, without limitation, requirements that:

(a) A detailed training agreement and training plan be completed for each pupil participating in the work-based learning program for credit that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;

(b) A pupil participating in the work-based learning program be allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program; and

(c) Participation by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway.

5. A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. The report must include, without limitation:

(a) The number of pupils participating in the work-based learning program; and

(b) The types of work-based learning offered through the work-based learning program.

7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:

(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;

(b) Gender of pupils;

(c) Pupils who are migrants; and

(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to

a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before ~~[~~the first day~~]~~ ***August 1*** of ~~[~~a~~]~~ ***the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the*** school year ***,*** may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before ~~[~~the first day~~]~~ ***August 1*** of ~~[~~a~~]~~ ***the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before ~~[~~the first day~~]~~ ***August 1*** of ~~[~~a~~]~~ ***the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before ~~[~~the first day of a~~]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before ~~[~~the first day of a~~]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district

acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before ~~[the first day of a]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before ~~[the first day]~~ ***August 1*** of the ~~[next]~~ ***school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year; and

(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,

➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. Except as otherwise provided in subsection 9, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. Pursuant to the provisions of NRS 388F.010, a child who transfers 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 child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

10. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 12.3. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of ~~[7]~~ ***6*** and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is ~~[6]~~ ***5*** years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year may elect for the child not to attend kindergarten ~~[or the first grade]~~ during that year. The parents, custodial parent, guardian or other person who makes such an election

shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of ~~[7]~~ ***6*** years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. ~~[A child who is 7 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year must:~~

~~(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.~~

~~(b) If the child has completed kindergarten, be admitted to the first grade.~~

~~(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.~~

~~➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.~~

~~7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:~~

~~(a) Who is 7 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year; and~~

~~(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,~~

~~➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents,~~

~~custodial parent, guardian or other person within the State of Nevada having control or charge of the child.~~

~~8.~~ Except as otherwise provided in subsection ~~9,~~ ***7,*** a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~9.~~ ***7.*** Pursuant to the provisions of NRS 388F.010, a child who transfers 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 child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

~~10.~~ ***8.*** As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 12.5. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of ~~7~~ ***6*** and 18 years; and

(b) Any child who has arrived at the age of ~~6~~ ***5*** years but not at the age of ~~7~~ ***6*** years and is enrolled in a public school,

➥ who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.

2. Except as otherwise provided in subsection 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.3. NRS 422A.333 is hereby amended to read as follows:

422A.333 1. A recipient who has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

➥ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

Sec. 15.5. A child who is 6 years of age or older on or before August 1, 2024, and enrolls in public school for the first time must:

1. If the child has not completed kindergarten, be admitted to kindergarten at the beginning of the 2024-2025 school year; or

2. If the child has completed kindergarten, be admitted to the first grade at the beginning of the 2024-2025 school year.

Sec. 15.7. **Notwithstanding the provisions of NRS 392.040, as amended by sections 12 and 12.3 of this act:**

1. A child who is enrolled in a prekindergarten program during the 2022-2023 school year may be admitted to kindergarten at the beginning of the 2023-2024 school year if the child is 5 years of age on or before the first day of the school year.

2. A pupil who is enrolled in and successfully completes kindergarten or first grade in a public school during the 2022-2023 or 2023-2024 school years may be promoted to the next grade level regardless of his or her age during the 2023-2024 and 2024-2025 school years, as applicable.

Sec. 16. 1. This section and sections 1 to 12, inclusive, 13, 14 **,** ~~[and]~~ 15 **and 15.7** of this act become effective on July 1, 2023.

2. Sections 12.3, 12.5, 15.3 and 15.5 of this act become effective on July 1, 2024.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 732 to Assembly Bill No. 65.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 733.

AN ACT relating to education; **restricting the time of day during which the board of trustees of a school district may take action or corrective action at a regular or special meeting;** revising provisions relating to reports regarding and investigations into incidents of discrimination based on race, bullying and cyber-bullying; revising provisions governing the approval of work-based learning programs; revising the requirement for children of a certain age to attend a public school; revising provisions governing the placement of children in certain early grades; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that a public body such as the board of trustees of a school district give notice of its meetings by: (1) posting an agenda consisting of a list describing the items on which action may be taken by the public body; and (2) clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, under certain circumstances, by placing the term "for possible corrective action" next to the appropriate item. (NRS 241.015, 241.020) Existing law sets forth certain requirements and procedures for meetings of the board of trustees of a school district, including, without limitation: (1) a requirement that the board of trustees hold a regular meeting at least once each month; and (2) the authority for the president of the board of trustees to call special meetings under certain circumstances. (NRS 386.330) Section 1.5 of this bill prohibits, except in an emergency that impacts the school district, the board of trustees of a school district from taking any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to the Open Meeting Law after 11:59 p.m. on the day of the meeting. Section 1.5 further provides that if the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees: (1) schedules the delayed agenda item at a future meeting; or (2) waits at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

Existing law establishes the Office for a Safe and Respectful Learning Environment in the Department of Education and requires the Director of the Office to investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-bullying. (NRS 388.1323) Existing law also requires the Director to establish the SafeVoice Program within the Office, which allows a person to make an anonymous report to a support center regarding dangerous, violent or unlawful activity that is conducted, or is threatened to be conducted, on the property of a public school or in certain other circumstances related to public schools. (NRS 388.1455) Any anonymous tip made through the SafeVoice Program is then forwarded to the appropriate public safety agencies and certain trained personnel at the public school for appropriate action to be taken. (NRS 388.14553) **Section 3** of this bill provides that the Director is not required to investigate a complaint that a teacher, administrator, coach or other staff member or member of a governing body has violated applicable provisions of law regarding discrimination based on race, bullying or cyber-bullying if the complaint is made through the SafeVoice Program and investigated by certain trained personnel at the public school, unless the complaint alleges that a previous investigation of the same matter by the personnel at the public school failed to resolve the issue or was otherwise deficient.

Section 2 of this bill revises the definition of "bullying" to exclude acts, gestures and expressions which are engaged in as part of a mutual disagreement or conflict.

Upon receiving a report of discrimination based on race, bullying or cyber-bullying, existing law requires the administrator of a school or his or her designee to immediately begin an investigation into the report. With certain exceptions, existing law requires the investigation to be completed not later than 2 school days after receipt of the report. (NRS 388.1351) **Section 6** of this bill requires the investigation to be completed, to the greatest extent practicable, within 5 school days after the administrator or designee receives the report, or within 7 school days if extenuating circumstances prevent the investigation from being completed within 5 school days. **Section 6** also removes the requirement for a direct supervisor of a principal to submit to the Office a quarterly report regarding incidents of discrimination based on race, bullying or cyber-bullying.

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon the approval of the State Board of Education. (NRS 389.167) **Section 9** of this bill requires a work-based learning program to be approved instead by the Superintendent of Public Instruction.

Existing law requires a child to be a certain age on or before the first day of the school year to be admitted to certain early grades of school. (NRS 392.040) **Section 12** of this bill changes the date by which a child must attain a certain age to start certain early grades from the first day of the school year to August

1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding a school year.

Existing law, in general, requires a child between 7 and 18 years of age to attend public school. (NRS 392.040) **Section 12.5** of this bill revises this provision to require each child to begin attending public school once the child is 6 years of age, rather than 7 years of age. **Section 15.5** of this bill requires a child who is 6 years of age or older on or before August 1, 2024, and enrolls in public school for the first time to be admitted to kindergarten or first grade.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. **NRS 386.330 is hereby amended to read as follows:**

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

6. Except in an emergency that impacts the school district, the board of trustees shall not take any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to chapter 241 of NRS after 11:59 p.m. on the day of the meeting. If the

board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees:

(a) Schedules the delayed agenda item at a future meeting by placing the item on its agenda for the future meeting pursuant to chapter 241 of NRS; or

(b) Waits until at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

7. As used in this section, "emergency" has the meaning ascribed to it in NRS 241.020.

Sec. 2. NRS 388.122 is hereby amended to read as follows:

388.122 1. "Bullying" 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:

(a) Have the effect of:

(1) Physically harming a person or damaging the property of a person; or

(2) Placing a person in reasonable fear of physical harm to the person or damage to the property of the person;

(b) Interfere with the rights of a person by:

(1) Creating an intimidating or hostile educational environment for the person; or

(2) Substantially interfering with the academic performance of a pupil or the ability of the person to participate in or benefit from services, activities or privileges provided by a school; or

(c) Are acts or conduct described in paragraph (a) or (b) and are based upon the:

(1) 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; or

(2) Association of a person with another person having one or more of those actual or perceived characteristics.

2. The term includes, without limitation:

(a) 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;

(b) 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;

(c) Repeated or pervasive nonverbal threats or intimidation such as the use of aggressive, menacing or disrespectful gestures;

(d) Threats of harm to a person, to his or her possessions or to other persons, whether such threats are transmitted verbally, electronically or in writing;

(e) Blackmail, extortion or demands for protection money or involuntary loans or donations;

(f) Blocking access to any property or facility of a school;

(g) Stalking; and

(h) Physically harmful contact with or injury to another person or his or her property.

3. The term does not include expressions, acts or gestures which are engaged in as part of a mutual disagreement or conflict.

Sec. 3. NRS 388.1323 is hereby amended to read as follows:

388.1323 1. The Office for a Safe and Respectful Learning Environment is hereby created within the Department.

2. The Superintendent of Public Instruction shall appoint a Director of the Office, who shall serve at the pleasure of the Superintendent.

3. The Director of the Office shall ensure that the Office:

(a) Maintains a 24-hour, toll-free statewide hotline and Internet website by which any person can report a violation of the provisions of NRS 388.121 to 388.1395, inclusive, and obtain information about antidiscrimination and anti-bullying efforts and organizations; and

(b) Provides outreach and antidiscrimination and anti-bullying education and training for pupils, parents and guardians, teachers, administrators, coaches and other staff members and the members of a governing body. The outreach and training must include, without limitation:

(1) Training regarding methods, procedures and practice for recognizing discrimination based on race, bullying and cyber-bullying behaviors;

(2) Training regarding effective intervention and remediation strategies regarding discrimination based on race, bullying and cyber-bullying;

(3) Training regarding methods for reporting violations of NRS 388.135; and

(4) Information on and referral to available resources regarding suicide prevention and the relationship between discrimination based on race, bullying or cyber-bullying and suicide, including, without limitation, resources for pupils who are members of groups at a high risk of suicide. Such groups include, without limitation, the groups described in subsection 3 of NRS 388.256.

4. The Director of the Office shall establish procedures by which the Office may receive reports of discrimination based on race, bullying and cyber-bullying and complaints regarding violations of the provisions of NRS 388.121 to 388.1395, inclusive.

5. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Director of the Office or his or her designee shall investigate any complaint that a teacher, administrator, coach or other staff member or member of a governing body has

violated a provision of NRS 388.121 to 388.1395, inclusive. If a complaint alleges criminal conduct or an investigation leads the Director of the Office or his or her designee to suspect criminal conduct, the Director of the Office may request assistance from the Investigation Division of the Department of Public Safety. ***The Director of the Office or his or her designee is not required to investigate a complaint pursuant to this subsection if the complaint is made through the SafeVoice Program established pursuant to NRS 388.1455 and investigated by the team appointed pursuant to paragraph (a) of subsection 1 of NRS 388.14553, unless the complaint alleges that a previous investigation conducted by the team appointed pursuant to paragraph (a) of subsection 1 of NRS 388.14553 regarding the same matter failed to resolve the issue or was otherwise deficient.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 388.1351 is hereby amended to read as follows:

388.1351 1. Except as otherwise provided in NRS 388.13535, a teacher, administrator, coach or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall report the violation to the administrator or his or her designee as soon as practicable, but not later than a time during the same day on which the teacher, administrator, coach or other staff member witnessed the violation or received information regarding the occurrence of a violation.

2. Except as otherwise provided in this subsection, upon receiving a report required by subsection 1, the administrator or designee shall immediately take any necessary action to stop the discrimination based on race, bullying or cyber-bullying and ensure the safety and well-being of the reported victim or victims of the discrimination based on race, bullying or cyber-bullying and shall begin an investigation into the report. If the administrator or designee does not have access to the reported victim of the alleged violation of NRS 388.135, the administrator or designee may wait until the next school day when he or she has such access to take the action required by this subsection.

3. The investigation conducted pursuant to subsection 2 must include, without limitation:

(a) Except as otherwise provided in subsection 4, notification provided by telephone, electronic mail or other electronic means or provided in person, of the parents or guardians of all pupils directly involved in the reported discrimination based on race, bullying or cyber-bullying, as applicable, either as a reported aggressor or a reported victim of the discrimination based on race, bullying or cyber-bullying. The notification must be provided:

(1) If the discrimination based on race, bullying or cyber-bullying is reported before the end of school hours on a school day, before the school's administrative office closes on the day on which the discrimination based on race, bullying or cyber-bullying is reported; or

(2) If the discrimination based on race, bullying or cyber-bullying was reported on a day that is not a school day, or after school hours on a school

day, before the school's administrative office closes on the school day following the day on which the discrimination based on race, bullying or cyber-bullying is reported.

(b) Interviews with all pupils whose parents or guardians must be notified pursuant to paragraph (a) and with all such parents and guardians.

4. If the contact information for the parent or guardian of a pupil in the records of the school is not correct, a good faith effort to notify the parent or guardian shall be deemed sufficient to meet the requirement for notification pursuant to paragraph (a) of subsection 3.

5. Except as otherwise provided in this subsection, an investigation required by this section must be completed ~~[not later than 2]~~ ***, to the greatest extent practicable, within 5*** school days after the administrator or designee receives a report required by subsection 1. If extenuating circumstances prevent the administrator or designee from completing the investigation required by this section within ~~[2]~~ ***5*** school days after making a good faith effort, ~~[1]~~ ***2*** additional school ~~[day]~~ ***days*** may be used to complete the investigation. ~~[The time for completing an investigation into a report of cyber-bullying may also be extended to not more than 5 school days after the report is received with the consent of each reported victim of the cyber-bullying or, if a reported victim is under 18 years of age and is not emancipated, the parent or guardian of the reported victim.]~~

6. An administrator or designee who conducts an investigation required by this section shall complete a written report of the findings and conclusions of the investigation. If a violation is found to have occurred:

(a) The report must include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, the report must be made available, not later than 24 hours after the completion of the written report, to all parents or guardians who must be notified pursuant to paragraph (a) of subsection 3 as part of the investigation; and

(b) Any action taken after the completion of the investigation to address the discrimination based on race, bullying or cyber-bullying must be based on restorative disciplinary practices and carried out in a manner that causes the least possible disruption for the victim or victims. When necessary, the administrator or ~~[his or her]~~ designee shall give priority to ensuring the safety and well-being of the victim or victims over any interest of the perpetrator or perpetrators when determining the actions to take.

7. If a violation is found not to have occurred, information concerning the incident must not be included in the record of the reported aggressor.

8. Not later than 10 school days after receiving a report required by subsection 1, the administrator or designee shall meet with each reported victim of the discrimination based on race, bullying or cyber-bullying to

inquire about the well-being of the reported victim and to ensure that the reported discrimination based on race, bullying or cyber-bullying, as applicable, is not continuing.

9. To the extent that information is available, the administrator or ~~[his or her]~~ designee shall provide a list of any resources that may be available in the community to assist a pupil to each parent or guardian of a pupil to whom notice was provided pursuant to this section as soon as practicable. Such a list may include, without limitation, resources available at no charge or at a reduced cost and may be provided in person or by electronic or regular mail. If such a list is provided, the administrator ~~[, his]~~ or ~~[her]~~ designee, or any employee of the school or the school district is not responsible for providing such resources to the pupil or ensuring the pupil receives such resources.

10. The parent or guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the administrator or ~~[his or her]~~ designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the governing body. Not later than 30 days after receiving a response provided in accordance with such a policy, the parent or guardian may submit a complaint to the Department. The Department shall consider and respond to the complaint pursuant to procedures and standards prescribed in regulations adopted by the Department.

11. If a violation of NRS 388.135 is found to have occurred, the parent or guardian of a pupil who is a victim of discrimination based on race, bullying or cyber-bullying may request that the board of trustees of the school district in which the pupil is enrolled to assign the pupil to a different school in the school district. Upon receiving such a request, the board of trustees shall, in consultation with the parent or guardian of the pupil, assign the pupil to a different school.

12. A principal or his or her designee shall submit a monthly report to the direct supervisor of the principal that includes for the school the number of:

(a) Reports received pursuant to subsection 1 concerning incidents of bullying or cyber-bullying;

(b) Reports received pursuant to subsection 1 concerning incidents of discrimination based on race;

(c) Times in which a violation of NRS 388.135 is found to have occurred; and

(d) Times in which no violation of NRS 388.135 is found to have occurred.

13. ~~[A direct supervisor who receives a monthly report pursuant to subsection 12 shall, each calendar quarter, submit a report to the Office for a Safe and Respectful Learning Environment that includes, for the schools for which the direct supervisor has received a monthly report in the calendar quarter and categorized by types of incidents and the demographics identified in subsection 1 of NRS 388.1235, the:~~

~~(a) Total number of reports received pursuant to subsection 1 concerning bullying or cyber-bullying;~~

~~(b) Total number of reports received pursuant to subsection 1 concerning incidents of discrimination based on race;~~

~~(c) Number of times in which a violation of NRS 388.135 is found to have occurred; and~~

~~(d) Number of times in which no violation of NRS 388.135 is found to have occurred.~~

~~14. The Office for a Safe and Respectful Learning Environment, in consultation with the direct supervisor of a principal, shall, after reviewing a report submitted pursuant to subsection 12 or 13, as applicable, make any recommendations based on identified trends and patterns the Office determines to be appropriate regarding interventions or training to address discrimination based on race, bullying and cyber-bullying at the school.~~

~~15.~~**]** School hours and school days are determined for the purposes of this section by the schedule established by the governing body for the school.

[~~16.~~**]** ***14.*** The provisions of this section must not be construed to place any limit on the time within which an investigation concerning any alleged act that constitutes sexual assault must be completed.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 389.167 is hereby amended to read as follows:

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes the number of hours in a work-based learning program required by regulation of the State Board to earn such credits. Any credits earned for successful completion of a work-based learning program must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to and with the approval of the **[**~~State Board.~~**]** ***Superintendent of Public Instruction.*** An application to offer a work-based learning program must include, without limitation:

(a) The fields, trades or occupations in which a work-based learning program will be offered.

(b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.

(c) A description of the process that will be used by pupils to apply to participate in a work-based learning program.

(d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.

(e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must

include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the ~~[State Board]~~ ***Superintendent of Public Instruction*** of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body shall:

(a) Designate an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ensure that each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program is suitable for participation in a work-based learning program.

(b) Establish and maintain a list of businesses, agencies and organizations that have been found suitable by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the ~~[State Board]~~ ***Superintendent of Public Instruction*** to offer a work-based learning program, the work-based learning program must include, without limitation, requirements that:

(a) A detailed training agreement and training plan be completed for each pupil participating in the work-based training program for credit that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;

(b) A pupil participating in the work-based learning program be allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program; and

(c) Participation by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway.

5. A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. The report must include, without limitation:

(a) The number of pupils participating in the work-based learning program; and

(b) The types of work-based learning offered through the work-based learning program.

7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:

(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;

(b) Gender of pupils;

(c) Pupils who are migrants; and

(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before ~~[the first day]~~ ***August 1*** of ***the school year, or if August 1 does not occur during the school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year ***,*** may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before ~~[the first day]~~ ***August 1*** of ***the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before ~~[the first day]~~ ***August 1*** of ***the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year ~~[.]~~ ; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before ~~[the first day of]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before ~~[the first day of]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such

an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before ~~[the first day of]~~ ***August 1 of the school year, or if August 1 does not occur during a school year, on or before August 1 preceding*** ~~[a]~~ ***the*** school year must:

(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.

(b) If the child has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.

➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

(a) Who is 7 years of age on or before ~~[the first day]~~ ***August 1*** of the ~~[next]~~ ***school year, or if August 1 does not occur during a school year, on or before August 1 preceding the*** school year; and

(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,

➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents,

custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. Except as otherwise provided in subsection 9, a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. Pursuant to the provisions of NRS 388F.010, a child who transfers 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 child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

10. As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 12.3. NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of ~~[7]~~ ***6*** and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.

2. A child who is 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, may be admitted to kindergarten at the beginning of that school year, and the child's enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year must:

(a) If the child has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If the child has completed kindergarten, be admitted to the first grade at the beginning of that school year,

➥ and the child's enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year, the child must not be admitted to the first grade until the beginning of the school year following the child's sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is ~~[6]~~ ***5*** years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year may elect for the child not to attend kindergarten ~~[or the first grade]~~ during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.

5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send the child to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his or her child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he or she has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of ~~[7]~~ ***6*** years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. ~~[A child who is 7 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year must:~~

~~(a) If the child has completed kindergarten and the first grade, be admitted to the second grade.~~

~~(b) If the child has completed kindergarten, be admitted to the first grade.~~

~~(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, the child must be admitted to the first~~

~~grade. If the district determines that the child is not so prepared, he or she must be admitted to kindergarten.~~

~~➥ The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.~~

~~7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:~~

~~(a) Who is 7 years of age on or before August 1 of the school year, or if August 1 does not occur during the school year, on or before August 1 preceding the school year; and~~

~~(b) Whose parents waived the child's attendance from kindergarten pursuant to subsection 4,~~

~~➥ to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.~~

~~8.~~ Except as otherwise provided in subsection ~~[9,]~~ ***7,*** a child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade the child was attending or would be attending had he or she remained a resident of the other state regardless of his or her age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~[9.]~~ ***7.*** Pursuant to the provisions of NRS 388F.010, a child who transfers 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 child must be admitted to:

(a) The grade, other than kindergarten, the child was attending or would be attending had he or she remained a resident of the other state, regardless of the child's age.

(b) Kindergarten, if the child was enrolled in kindergarten in another state in accordance with the laws of that state, regardless of the child's age.

~~[10.]~~ ***8.*** As used in this section, "kindergarten" includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

Sec. 12.5. NRS 392.160 is hereby amended to read as follows:

392.160 1. Any peace officer, the attendance officer or any other school officer shall, during school hours, take into custody without warrant:

(a) Any child between the ages of ~~[7]~~ ***6*** and 18 years; and

(b) Any child who has arrived at the age of ~~[6]~~ ***5*** years but not at the age of ~~[7]~~ ***6*** years and is enrolled in a public school,

➥ who has been reported to the officer by the teacher, superintendent of schools or other school officer as an absentee from instruction upon which the child is lawfully required to attend.

2. Except as otherwise provided in subsection 3:

(a) During school hours, the officer having custody shall forthwith deliver the child to the superintendent of schools, principal or other school officer at the child's school of attendance.

(b) After school hours, the officer having custody shall deliver the child to the parent, guardian or other person having control or charge of the child.

3. The board of trustees of a school district or the governing body of a charter school may enter into an agreement with a counseling agency to permit delivery of the child to the agency. For the purposes of this subsection, "counseling agency" means an agency designated by the school district in which the child is enrolled to provide counseling for the child and the parent, guardian or other person having control or charge of the child.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.3. NRS 422A.333 is hereby amended to read as follows:

422A.333 1. A recipient who has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age, must comply with the provisions of NRS 392.040 with respect to that child.

2. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age, the head of the household shall take every reasonable action to ensure that the child is not at risk of failing to advance to the next grade level in school.

3. If the head of a household that is receiving benefits pursuant to the program to provide Temporary Assistance for Needy Families has control or charge of a child who is not less than ~~[7]~~ ***6*** years of age, but is less than 12 years of age and:

(a) The head of the household does not comply with the provisions of NRS 392.040 with respect to that child; or

(b) That child is at risk of failing to advance to the next grade level in school,

➥ the Division shall require the head of the household to review with the Division the personal responsibility plan signed by the head of household pursuant to NRS 422A.535 and revise the plan as necessary to assist the head of the household in complying with the provisions of NRS 392.040 and helping the child to improve his or her academic performance.

Sec. 15.5. A child who is 6 years of age or older on or before August 1, 2024, and enrolls in public school for the first time must:

1. If the child has not completed kindergarten, be admitted to kindergarten at the beginning of the 2024-2025 school year; or

2. If the child has completed kindergarten, be admitted to the first grade at the beginning of the 2024-2025 school year.

Sec. 16. 1. This section and sections 1 to 12, inclusive, 13, 14 and 15 of this act becomes effective on July 1, 2023.

2. Sections 12.3, 12.5, 15.3 and 15.5 of this act become effective on July 1, 2024.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 733 to Assembly Bill No. 65.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 74.

The following Senate amendment was read:

Amendment No. 558.

SUMMARY—Revises provisions relating to ~~[higher education.]~~ **agreements entered into by public bodies.** (BDR 34-377)

AN ACT relating to ~~[higher education;]~~ **public bodies;** authorizing the Board of Regents of the University of Nevada to enter into an agreement to affiliate with a public or private entity for certain purposes; **authorizing a public body to enter into a public-private partnership in connection with certain facilities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada to establish policies governing the contracts that faculty members and employees of the Nevada System of Higher Education may enter into or benefit from. (NRS 396.255) Existing law also authorizes certain faculty members of the System to bid or enter into a contract with a governmental agency if the contract complies with the policies established by the Board of Regents. (NRS 281.221)

Existing law requires that mechanics and workers employed on certain public construction projects be paid at least the wage then prevailing for the type of work that the mechanic or worker performs in the region in which the public work is located. (NRS 338.020) Under existing law, any contract for construction work of the System for which the estimated cost exceeds $100,000 is subject to the prevailing wage requirements. (NRS 338.075)

Section 1 of this bill authorizes the Board of Regents to enter into an agreement with a public or private entity, whether for profit or not for profit, to promote and enhance an educational program or student life at an institution within the System. **Section 1** requires that such an agreement include certain provisions, including, without limitation, a provision stating that the prevailing wage requirements apply to any construction work performed under the agreement. **Section 2** of this bill establishes that any such agreement is subject to the policies established by the Board of Regents governing contracts that faculty members and employees of the System may enter into or benefit from.

Existing law provides, in any county whose population is 700,000 or more (currently Clark County), for the use of a public-private partnership to plan, finance, design, construct, improve, maintain or operate a transportation facility. (NRS 338.158-338.1602) Section 2.8 of this bill authorizes a public body to enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire a facility other than a transportation facility. Sections 2.1-2.7 of this bill define terms related to such public-private partnerships. Section 2.9 of this bill makes a conforming change to reflect that a public body may enter into a public-private partnership in connection with certain facilities.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents may enter into an agreement to affiliate with a publicly or privately owned entity, whether for profit or not for profit, to further promote and enhance an educational program or student life at an institution within the System.

2. An agreement entered into pursuant to this section must include, without limitation:

(a) Standards that must be met by the entity;

(b) An allocation of any costs or profits that must be shared between the entity and the institution;

(c) Identification of shared goals and responsibilities;

(d) Provisions governing the joint employment and supervision of employees, if applicable;

(e) Provisions governing the shared review and allocation of the use of facilities, resources and employees, if applicable; and

(f) A provision stating that the requirements of NRS 338.020 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

Sec. 2. NRS 396.255 is hereby amended to read as follows:

396.255 The Board of Regents shall, to carry out the purposes of subsection 3 of NRS 281.221, subsection 3 of NRS 281.230, subsection 3 of NRS 281A.430 and NRS 396.1215, ***and section 1 of this act,*** establish policies governing the contracts that faculty members and employees of the System may enter into or benefit from.

Sec. 2.1. **Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.2 to 2.8, inclusive, of this act.**

Sec. 2.2. ***As used in sections 2.2 to 2.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.3 to***

2.7, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 2.3. "Concession" means any lease, ground lease, franchise, easement, permit, right of entry, operating agreement or other binding agreement between a public body and a private partner for the use or control, in whole or in part, of a facility by a private partner.

Sec. 2.4. "Facility" means any existing, enhanced, upgraded or new facility used or useful for the use of persons, including, without limitation, any construction, alteration, repair, renovation, demolition or remodeling necessary to complete any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind and any other work or improvement appurtenant thereto. The term:

1. Includes:

(a) Related or ancillary facilities used or useful for any purpose of the facility, including, without limitation, administrative buildings, structures, maintenance yards and buildings, control systems, communication systems, information systems, energy systems, parking facilities and other related equipment or property that is needed or used to support the facility; and

(b) All improvements, including, without limitation, equipment, necessary to the full utilization of a facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting and other improvements incidental to the project.

2. Does not include a transportation facility as that term is defined in NRS 338.1583.

Sec. 2.5. "Private partner" means a person with whom a public body enters into a public-private partnership.

Sec. 2.6. "Public-private partnership" means a contract entered into by a public body and a private partner.

Sec. 2.7. "User fee" means a fee or other similar charge, including, without limitation, any incidental, account maintenance or administrative fee or charge imposed on a person for his or her use of a facility by a public body or private partner pursuant to a public-private partnership.

Sec. 2.8. 1. A public body may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire, or any combination thereof, a facility.

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for a facility as described in this subsection;

(b) A design-build contract;

(c) A design-build contract that includes the financing, maintenance or operation, or any combination thereof, of the facility;

(d) A contract involving a construction manager at risk;

(e) A concession;

(f) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the facility;

(g) An operation and maintenance agreement for a facility;

(h) Any other method or agreement for completion of the facility that the public body determines will serve the public interest; or

(i) Any combination of paragraphs (a) to (h), inclusive.

3. A public-private partnership shall include a provision stating that:

(a) The requirements of NRS 338.013 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

(b) The provisions of this chapter that require public bidding apply with respect to the awarding of contracts or procurement of goods in connection with the construction of a facility under the agreement if 25 percent or more of the cost of constructing the facility is financed with public money. Such public bidding is not required if the method of procurement selected does not require public bidding pursuant to this chapter.

Sec. 2.9. **NRS 338.1711 is hereby amended to read as follows:**

338.1711 1. Except as otherwise provided in this section and NRS 338.158 to 338.16995, inclusive, ***and sections 2.1 to 2.8, inclusive, of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds $5,000,000.

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

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 558 to Assembly Bill No. 74.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 746.

AN ACT relating to public bodies; authorizing the Board of Regents of the University of Nevada to enter into an agreement to affiliate with a public or private entity for certain purposes; authorizing a public body to enter into a public-private partnership in connection with certain facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada to establish policies governing the contracts that faculty members and employees of the Nevada System of Higher Education may enter into or benefit from. (NRS 396.255) Existing law also authorizes certain faculty members of the System to bid or enter into a contract with a governmental agency if the

contract complies with the policies established by the Board of Regents. (NRS 281.221)

Existing law requires that mechanics and workers employed on certain public construction projects be paid at least the wage then prevailing for the type of work that the mechanic or worker performs in the region in which the public work is located. (NRS 338.020) Under existing law, any contract for construction work of the System for which the estimated cost exceeds $100,000 is subject to the prevailing wage requirements. (NRS 338.075)

Section 1 of this bill authorizes the Board of Regents to enter into an agreement with a public or private entity, whether for profit or not for profit, to promote and enhance an educational program or student life at an institution within the System. **Section 1** requires that such an agreement include certain provisions, including, without limitation, a provision stating that the prevailing wage requirements apply to any construction work performed under the agreement. **Section 2** of this bill establishes that any such agreement is subject to the policies established by the Board of Regents governing contracts that faculty members and employees of the System may enter into or benefit from.

Existing law provides, in any county whose population is 700,000 or more (currently Clark County), for the use of a public-private partnership to plan, finance, design, construct, improve, maintain or operate a transportation facility. (NRS 338.158-338.1602) **Section 2.8** of this bill authorizes a public body to enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire a facility other than a transportation facility. **Sections 2.1-2.7** of this bill define terms related to such public-private partnerships. **Section 2.9** of this bill makes a conforming change to reflect that a public body may enter into a public-private partnership in connection with certain facilities.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents may enter into an agreement to affiliate with a publicly or privately owned entity, whether for profit or not for profit, to further promote and enhance an educational program or student life at an institution within the System.

2. An agreement entered into pursuant to this section must include, without limitation:

(a) Standards that must be met by the entity;

(b) An allocation of any costs or profits that must be shared between the entity and the institution;

(c) Identification of shared goals and responsibilities;

(d) Provisions governing the joint employment and supervision of employees, if applicable;

(e) Provisions governing the shared review and allocation of the use of facilities, resources and employees, if applicable; and

(f) A provision stating that the requirements of NRS 338.020 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

Sec. 2. NRS 396.255 is hereby amended to read as follows:

396.255 The Board of Regents shall, to carry out the purposes of subsection 3 of NRS 281.221, subsection 3 of NRS 281.230, subsection 3 of NRS 281A.430 and NRS 396.1215, ***and section 1 of this act,*** establish policies governing the contracts that faculty members and employees of the System may enter into or benefit from.

Sec. 2.1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2.2 to 2.8, inclusive, of this act.

Sec. 2.2. ***As used in sections 2.2 to 2.8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.3 to 2.7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.3. ***"Concession" means any lease, ground lease, ~~[franchise, easement, permit, right-of-entry,]~~ operating agreement or other binding agreement between a public body and a private partner for the use or control, in whole or in part, of a facility by a private partner.***

Sec. 2.4. ***"Facility" means any existing, enhanced, upgraded or new facility used or useful for the use of persons, including, without limitation, any construction, alteration, repair, renovation, demolition or remodeling necessary to complete any building, structure or other improvement that is predominantly vertical, including, without limitation, a building, structure or improvement for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind and any other work or improvement appurtenant thereto. The term:***

1. Includes ~~[:~~

~~(a) Related]~~ related or ancillary facilities used or useful for any purpose of the facility, including, without limitation, administrative buildings, structures,

~~[maintenance yards and buildings, control systems, communication systems, information systems, energy systems,]~~ parking facilities and other related equipment or property that is needed or used to support the facility . ~~[; and

~~(b) All improvements, including, without limitation, equipment, necessary to the full utilization of a facility, including, without limitation, site preparation, roads and streets, sidewalks, water supply, outdoor lighting and other improvements incidental to the project.]~~

2. Does not include a transportation facility as that term is defined in NRS 338.1583.

Sec. 2.5. ***"Private partner" means a person with whom a public body enters into a public-private partnership.***

Sec. 2.6. ***"Public-private partnership" means a contract entered into by a public body and a private partner.***

Sec. 2.7. ***"User fee" means a fee or other similar charge, including, without limitation, any incidental, account maintenance or administrative fee or charge imposed on a person for his or her use of a facility by a public body or private partner pursuant to a public-private partnership.***

Sec. 2.8. ***1. A public body may enter into a public-private partnership to plan, finance, design, construct, improve, maintain, operate or acquire, or any combination thereof, a facility.***

2. A public-private partnership may include, without limitation:

(a) A predevelopment agreement leading to another implementing agreement for a facility as described in this subsection;

(b) A design-build contract;

(c) A design-build contract that includes the financing, maintenance or operation, or any combination thereof, of the facility;

(d) A contract involving a construction manager at risk;

(e) A concession;

(f) A construction agreement that includes the financing, maintenance or operation, or any combination thereof, of the facility;

(g) An operation and maintenance agreement for a facility;

(h) Any other method or agreement for completion of the facility that the public body determines will serve the public interest; or

(i) Any combination of paragraphs (a) to (h), inclusive.

3. A public-private partnership shall include a provision stating that:

(a) The requirements of NRS 338.013 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

(b) The provisions of this chapter that require public bidding apply with respect to the awarding of contracts or procurement of goods in connection with the construction of a facility under the agreement if 25 percent or more of the cost of constructing the facility is financed with public money. Such public bidding is not required if the method of procurement selected does not require public bidding pursuant to this chapter.

Sec. 2.9. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.158 to 338.16995, inclusive, ***and sections 2.1 to 2.8, inclusive, of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work has an estimated cost which exceeds $5,000,000.

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

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 746 to Assembly Bill No. 74.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 175.

The following Senate amendment was read:

Amendment No. 585.

AN ACT relating to education; revising provisions governing the election and appointment of members of the board of trustees of certain school districts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the members of the board of trustees of a county school district in which more than 75,000 pupils are enrolled (currently Clark County School District) are elected from seven election districts, established by the board of trustees, that are as nearly equal in population as possible and are composed of contiguous territory. (NRS 386.165) **Section 1.5** of this bill adds four nonvoting members to the board of trustees of such a county school district, of whom: (1) one nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located who must also reside in the school district; and (2) three nonvoting members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member who must reside in the city of the governing body that appoints him or her.

Section 1.5 also provides that the nonvoting members of the board of trustees **: (1)** have ~~[: (1)]~~ **, with certain exceptions,** the same rights and responsibilities as the voting members; **and** (2) **do not have** voting rights for the election of officers ~~[; and (3)]~~ **or** the authority to serve as an officer of the board of trustees. **Section 1.5** further provides that each trustee holds office until his or her successor is appointed or elected and qualified. **Section 7.5 of this bill makes a conforming change to require officers of the board of trustees to be elected, voting members of the board of trustees.**

Section 1 of this bill makes a conforming change to provide that a board of trustees of a county school district in which more than 75,000 pupils are enrolled consists of 11 members.

Sections 2-4 of this bill make conforming changes that clarify that certain requirements for a candidate for the board of trustees of a school district only apply to candidates who are elected and not appointed.

Section 5 of this bill makes a conforming change that requires vacancies among the elected members of a board of trustees of a school district to be filled by appointment **by the remaining elected members** at a public meeting of the board of trustees. **Section 5** additionally requires that vacancies that occur among the appointed members of a board of trustees of a school district must be filled by the appointing authority. **Section 6** of this bill makes a

conforming change by allowing for the governing body, and not exclusively the board of trustees, to appoint a member to a temporary vacancy in the event a vacancy occurs due to a member entering active military service.

Section 7 of this bill makes a conforming change by deleting certain provisions governing the term of office of a member of a board of trustees of a school district which have been moved to **section 1.5**.

Under existing law, a majority of the members of the board of trustees constitutes a quorum and no action of the board of trustees is valid unless the action receives the approval of a majority of all the members of the board of trustees at a regularly called meeting. (NRS 386.330) Section 8.5 of this bill provides that a majority of the elected members of the board of trustees constitutes a quorum and that no action of the board of trustees is valid unless the action receives the approval of a majority of all the elected members of the board of trustees at a regularly called meeting.

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

Section 1. NRS 386.120 is hereby amended to read as follows:

386.120 1. The board of trustees of a county school district consists of ~~[~~five~~]~~ ***5, 7*** or ~~[~~seven~~]~~ ***11*** members as follows:

(a) ***If more than 75,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of 11 members. The members of the board must be elected and appointed as provided in NRS 386.165.***

(b) If 1,000 or more ***but not more than 75,000*** pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members. Except in school districts in which more than 25,000 pupils are enrolled, the members of the board must be elected at large until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

~~[~~(b)~~]~~ ***(c)*** If fewer than 1,000 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of five members. The members of the board must be elected as provided in NRS 386.160 until such time as an alternate manner of election is adopted pursuant to NRS 386.200 or NRS 386.205, 386.215 and 386.225.

~~[~~(c)~~]~~ ***(d)*** If 1,000 or more, but fewer than 1,500 pupils were enrolled during the school year next preceding any general election, the board of trustees consists of seven members unless the board, on or before December 1 in any year before a general election will be held, adopts a resolution specifying that the board will consist of five members. If the board consists of seven members, the election of members is governed by paragraph ~~[~~(a).~~]~~ ***(b).*** If the board consists of five members, the election of members is governed by paragraph ~~[~~(b).~~]~~ ***(c).***

2. Before the adoption of a resolution pursuant to paragraph ~~[~~(c)~~]~~ ***(d)*** of subsection 1, the board of trustees shall post conspicuously, in three different

places in the school district, a notice containing in full the text of the resolution with the date upon which the board of trustees of the school district is to meet to act upon the resolution. Posting of the notice must be made not less than 10 days before the date fixed in the resolution for action thereon.

3. If a board of trustees adopts a resolution pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 1, it must transmit a copy of the resolution to the Superintendent of Public Instruction on or before December 15 of the year before the general election will be held.

Sec. 1.5. NRS 386.165 is hereby amended to read as follows:

386.165 1. In each county school district in which more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees. The districts must be:

(a) As nearly equal in population as practicable; and

(b) Composed of contiguous territory.

2. The board of trustees in each county school district in which more than 75,000 pupils are enrolled is composed of 11 members, of whom:

(a) Seven voting members must be elected in election districts established pursuant to subsection 1 by the board of trustees.

(b) One nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.

(c) Three nonvoting members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.

~~[2.]~~ ***3.*** In each county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees, as follows:

(a) Five districts which are as nearly equal in population as practicable, each of which includes approximately one-fifth of the population of the county; and

(b) Two districts which are as nearly equal in population as practicable, each of which includes approximately one-half of the population of the county.

➥ The districts must be composed of contiguous territory.

~~[3. Each trustee of a school district to which this section applies must reside in the election district which the trustee represents and be elected by the voters of that election district.]~~

4. In each school district in which more than 25,000 pupils ***but not more than 75,000 pupils*** are enrolled, the ***board of trustees is composed of seven members who must be elected in an election district established pursuant to subsection 3 by the board of trustees.***

5. The appointing authority shall make an appointment pursuant to subsection 2 at least 30 days but not more than 90 days before the expiration of the term of office of the incumbent member.

6. ***The*** term of ***office of*** a school trustee is 4 years ~~[. Three trustees must be elected at the general election of 1982 and four trustees must be elected at the general election of 1984.]~~ ***, commencing on the first Monday of January thereafter next following the election of the trustee.***

7. Each trustee shall hold office until his or her successor is appointed or elected and qualified.

8. The nonvoting members of the board of trustees appointed pursuant to subsection 2 :

(a) Except as otherwise provided in paragraph (b), shall have ~~[:~~

~~***(a) The]***~~ ***the same rights and responsibilities as voting members of the board of trustees, including, without limitation, being involved in any briefings, interviews, evaluations, closed-door sessions and policy and operational discussions;***

(b) ~~[Voting]~~ Do not have voting rights for the election of officers ~~[; and

~~***(c) The]***~~ ***or the authority to serve as an officer of the board of trustees.***

Sec. 2. NRS 386.240 is hereby amended to read as follows:

386.240 A candidate for ***election to*** the office of trustee of a school district shall:

1. Be a qualified elector.

2. Have the qualifications of residence within the county school district required for the office for which he or she seeks election.

Sec. 3. NRS 386.250 is hereby amended to read as follows:

386.250 A candidate for ***election to*** the office of trustee of a county school district must:

1. Be nominated in the manner provided by the primary election laws of this State; and

2. File a declaration of candidacy, as defined in NRS 293.0455, with the county clerk of the county whose boundaries are conterminous with the boundaries of the county school district.

Sec. 4. NRS 386.260 is hereby amended to read as follows:

386.260 1. Trustees ~~[shall]~~ ***who are required to be elected pursuant to NRS 386.165 must*** be elected as provided in the election laws of this state.

2. After the close of any election, and in accordance with law, the board of county commissioners shall make abstracts of the votes cast for trustees and shall order the county clerk to issue election certificates to the candidates elected.

3. Immediately, the county clerk shall transmit a copy of each election certificate to the Superintendent of Public Instruction.

Sec. 5. NRS 386.270 is hereby amended to read as follows:

386.270 Except as otherwise provided in NRS 386.275:

1. Any vacancy occurring ~~[in]~~ ***among the elected members of*** a board of trustees must be filled by appointment by the remaining ***elected*** members of the board at a public meeting held after notice of the meeting is published at least once each week for 2 weeks in a newspaper qualified pursuant to the provisions of chapter 238 of NRS. The appointee shall serve until the next

general election, at which time his or her successor must be elected for the balance of the unexpired term.

2. ***Any vacancy occurring among the appointed members of a board of trustees must be filled by the appointing authority. The appointee serves for the balance of the unexpired term and may be reappointed.***

3. Any person appointed to fill a vacancy must have the qualifications provided in NRS ***386.165 or*** 386.240 ~~[.]~~ ***, as applicable.***

Sec. 6. NRS 386.275 is hereby amended to read as follows:

386.275 1. If a vacancy occurs, or will occur, in a board of trustees because a member of the board has entered, or is entering, into active military service, ~~[the board of trustees may appoint]~~ a person ***may be appointed*** to serve as a temporary replacement for that member. Such a temporary appointment must be made in the manner, and subject to the requirements, otherwise prescribed in NRS 386.270, except that the member of the board of trustees who has entered, or is entering, into active military service may participate in the process to appoint his or her temporary replacement.

2. If a person is temporarily appointed to serve on a board of trustees pursuant to this section:

(a) The person fully assumes the duties, rights and responsibilities of a member of the board of trustees, and is entitled to the compensation, allowances and expenses otherwise payable to a member, for the duration of his or her appointment.

(b) The member of a board of trustees who is temporarily replaced shall be deemed to be on leave without pay from the board of trustees for the duration of the appointment of his or her temporary replacement.

3. A person appointed to serve on the board of trustees pursuant to this section serves:

(a) Until the member of the board of trustees being temporarily replaced returns from active military service; or

(b) For the remainder of the unexpired term of that member,

➥ whichever occurs first.

Sec. 7. NRS 386.300 is hereby amended to read as follows:

386.300 Each trustee shall:

1. ~~[Enter upon the duties of office on the 1st Monday in January next following the election of the trustee.~~

~~2. Hold office until his or her successor is elected and qualified.~~

~~3.]~~ Take and subscribe to the official oath.

~~[4.]~~ ***2.*** File with the Superintendent of Public Instruction a copy of his or her official oath together with a statement showing the term for which the trustee has been elected or appointed.

Sec. 7.5. **NRS 386.310 is hereby amended to read as follows:**

386.310 1. The board of trustees shall meet and organize by:

(a) Electing one of its ***elected*** members as president.

(b) Electing one of its ***elected*** members as clerk, or by selecting some other qualified person as clerk.

(c) Electing additional officers ***from its elected members*** as may be deemed necessary.

(d) Fixing the term of office for each of its officers.

2. A record of the organization of the board of trustees must be entered in the minutes, together with the amount of salary to be paid to the clerk.

3. Immediately after the organization of the board of trustees, the clerk shall file the names of the president, the clerk and the members of the board of trustees with the Department and the county auditor of the county whose boundaries are conterminous with the boundaries of the county school district.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. **NRS 386.330 is hereby amended to read as follows:**

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the ***elected*** members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the ***elected*** members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

Sec. 9. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 585 to Assembly Bill No. 175.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 789.

Section 1.5 of Assembly Bill No. 175 Second Reprint is hereby amended as follows:

Sec. 1.5. NRS 386.165 is hereby amended to read as follows:

386.165 1. In each county school district in which more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees. The districts must be:

(a) As nearly equal in population as practicable; and

(b) Composed of contiguous territory.

2. The board of trustees in each county school district in which more than 75,000 pupils are enrolled is composed of 11 members, of whom:

(a) Seven voting members must be elected in election districts established pursuant to subsection 1 by the board of trustees.

(b) One nonvoting member must be appointed by the board of county commissioners of the county in which the school district is located. The member appointed pursuant to this paragraph must reside in the county in which the school district is located.

(c) Three nonvoting members must be appointed by the governing bodies of the three most populous incorporated cities in the county in which the school district is located, with each governing body appointing one member. Each member appointed pursuant to this paragraph must reside in the city in which the governing body is required to make the appointment.

~~[2.]~~ ***3.*** In each county school district in which more than 25,000 pupils but not more than 75,000 pupils are enrolled, the board of trustees shall establish seven election districts for school trustees, as follows:

(a) Five districts which are as nearly equal in population as practicable, each of which includes approximately one-fifth of the population of the county; and

(b) Two districts which are as nearly equal in population as practicable, each of which includes approximately one-half of the population of the county.

➥ The districts must be composed of contiguous territory.

3. Each ***elected*** trustee of a school district to which this section applies must reside in the election district which the trustee represents and be elected by the voters of that election district.

4. In each school district in which more than 25,000 pupils ***but not more than 75,000 pupils*** are enrolled, the ***board of trustees is composed of seven members who must be elected in an election district established pursuant to subsection 3 by the board of trustees.***

5. The appointing authority shall make an appointment pursuant to subsection 2 at least 30 days but not more than 90 days before the expiration of the term of office of the incumbent member.

6. The term of ***office of*** a school trustee is 4 years ~~[. Three trustees must be elected at the general election of 1982 and four trustees must be elected at~~

~~the general election of 1984.~~] ***, commencing on the first Monday of January thereafter next following the election of the trustee.***

7. Each trustee shall hold office until his or her successor is appointed or elected and qualified.

8. The nonvoting members of the board of trustees appointed pursuant to subsection 2:

(a) Except as otherwise provided in paragraph (b), shall have the same rights and responsibilities as voting members of the board of trustees, including, without limitation, being involved in any briefings, interviews, evaluations, closed-door sessions and policy and operational discussions;

(b) Do not have voting rights for the election of officers or the authority to serve as an officer of the board of trustees.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 789 to Assembly Bill No. 175.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 207.

The following Senate amendment was read:

Amendment No. 586.

AN ACT relating to education; authorizing the board of trustees of a school district and the governing body of a charter school to obtain insurance for liability arising out of the participation of a pupil in a work-based learning program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon approval of the State Board of Education. (NRS 389.167) This bill authorizes the board of trustees of a school district or the governing body of a charter school to obtain liability insurance against liability arising out of the participation of a pupil in a work-based learning program. This bill also prohibits the board of trustees of a school district or the governing body of a charter school from directly or indirectly charging a pupil or the parent or legal guardian of a pupil for the cost of such insurance coverage. **This bill authorizes the board of trustees of a school district or the governing body of a charter school to accept gifts, grants and donations to purchase or maintain such insurance.**

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district or the governing body of a charter school that has been approved by the State Board to offer a work-

based learning program may purchase and maintain insurance against any liability arising out of the participation of a pupil in the work-based learning program. The coverage authorized by this section must be obtained from an insurer who is authorized to do business in this State.

2. A school district or charter school may not directly or indirectly charge a pupil or the parent or legal guardian of a pupil for the cost of obtaining insurance coverage pursuant to subsection 1.

3. The board of trustees of a school district or the governing body of a charter school may accept gifts, grants and donations from any source to purchase or maintain insurance coverage pursuant to subsection 1.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 586 to Assembly Bill No. 207.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 241.

The following Senate amendment was read:

Amendment No. 587.

ASSEMBLYMEN MOSCA; ANDERSON, BILBRAY-AXELROD, D'SILVA, **HANSEN,** KOENIG, LA RUE HATCH, TAYLOR, THOMAS AND TORRES

JOINT SPONSORS: SENATORS **BUCK,** DONATE, FLORES, NGUYEN AND PAZINA

AN ACT relating to education; requiring pupils enrolled in a public high school to be enrolled in the courses and credits required to obtain a college and career ready high school diploma ~~[.]~~ **or certain diplomas that are equivalent or more rigorous;** establishing exceptions to the requirement for a pupil to be enrolled in such courses and credits; ~~[prescribing additional requirements for obtaining a college and career ready high school diploma and endorsement;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education to adopt regulations that prescribe the criteria for a pupil to receive a college and career ready high school diploma, which must include requirements that the pupil: (1) satisfy the criteria for receipt of a standard high school diploma; and (2) obtain a college-ready endorsement or a career-ready endorsement. Existing law requires the State Board to adopt regulations prescribing the criteria for a pupil to obtain each endorsement. (NRS 390.605) Existing law also requires a pupil enrolled in a public high school to enroll in a certain number of credits in certain subject areas. (NRS 389.018) **Section 1** of this bill requires a pupil enrolled in a public high school to enroll in the courses and credits required by the State Board to receive **: (1)** a college and career ready high school diploma ~~[.]~~ **; or (2) a diploma offered by a school district that is equivalent to or more rigorous than a college and career ready high school diploma. Section 1** provides that a pupil is not required to enroll in such courses and credits if: (1) the pupil,

~~[his parent or legal guardian and an administrator or]~~ **a** counselor at the school **and, under certain circumstances, the parent or legal guardian of the pupil and an administrator at the school,** mutually agree to a modified course of study for the pupil after the pupil's ninth grade year; or (2) the pupil is a pupil with a disability and is exempted from the requirement to do so in accordance with the pupil's individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794. ~~[Section 1.5 of this bill prescribes additional requirements necessary to receive a college and career ready diploma. Section 1.7 of this bill prescribes the requirements necessary to receive a college ready or career ready endorsement.]~~ **Section 2** of this bill provides for the application of the amendatory provisions of this bill to certain pupils enrolled in a school district located in a county whose population is 100,000 or more (currently Clark and Washoe Counties) beginning in the 2024-2025 school year. **Section 2** applies similar provisions to certain pupils enrolled in a school district located in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) beginning with the 2026-2027 school year.

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

Section 1. NRS 389.018 is hereby amended to read as follows:

389.018 1. The following subjects are designated as the core academic subjects that must be taught, as applicable for grade levels, in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) English language arts;

(b) Mathematics;

(c) Science; and

(d) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education.

2. Except as otherwise provided in this subsection, a pupil enrolled in a public high school must enroll in a minimum of:

(a) Four units of credit in English language arts;

(b) Four units of credit in mathematics, including, without limitation, Algebra I and geometry, or an equivalent course of study that integrates Algebra I and geometry;

(c) Three units of credit in science, including two laboratory courses; and

(d) Three units of credit in social studies, including, without limitation:

(1) One-half unit of credit in American government;

(2) Two units of credit in American history, world history or geography; and

(3) One-half unit of credit in economics.

➥ A pupil is not required to enroll in the courses of study and credits required by this subsection if the pupil, the parent or legal guardian of the pupil and an

administrator or a counselor at the school in which the pupil is enrolled mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable. A school district may authorize one or more public high schools in the school district to offer a combined course in American government and economics for one unit of credit which satisfies the requirements of subparagraphs (1) and (3) if the curriculum of an advanced placement course is used for American government in the combined course.

3. Except as otherwise provided in this subsection, in addition to the core academic subjects, the following subjects must be taught as applicable for grade levels and to the extent practicable in all public schools, the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS:

(a) The arts;

(b) Computer education and technology;

(c) Health; and

(d) Physical education.

➥ If the State Board requires the completion of course work in a subject area set forth in this subsection for graduation from high school or promotion to the next grade, a public school shall offer the required course work. Except as otherwise provided for a course of study in health prescribed by subsection 1 of NRS 389.021 and the instruction prescribed by subsection 1 of NRS 389.064, unless a subject is required for graduation from high school or promotion to the next grade, a charter school is not required to comply with this subsection.

4. Instruction in health and physical education provided pursuant to subsection 3 must include, without limitation, instruction concerning the importance of annual physical examinations by a provider of health care and the appropriate response to unusual aches and pains.

5. Except as otherwise provided in [this] subsection [.] 6, in addition to the courses of study and credits required by subsection 2, a pupil enrolled in a public high school must enroll in [any] :

(a) Any additional courses of study and credits required by the State Board to receive a college and career ready high school diploma, including, without limitation, the courses of study and credits required to receive one of the endorsements described in subsection 3 of NRS 390.605 [.] ; or

(b) Any additional courses of study and credits required to receive a diploma that is awarded by a school district and is equivalent to or more rigorous than a college and career ready high school diploma.

6. A pupil is not required to enroll in the courses of study and credits required by [this] subsection 5 if:

(a) After the pupil's ninth grade year, the pupil [consults] and, to the extent practicable, the parent or legal guardian of the pupil consult with a counselor and, to the extent practicable, an administrator, at the school in

which the pupil is enrolled and ~~[agrees]~~ the pupil, counselor and, if applicable, the parent or legal guardian and administrator, mutually agree to a modified course of study for the pupil and that modified course of study satisfies at least the requirements for a standard high school diploma, an adjusted diploma or an alternative diploma, as applicable; or

(b) The pupil is a pupil with a disability and, in accordance with his or her individualized education program or a plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, is exempted from the requirement to enroll in the courses of study and credits required by this subsection.

~~[6.]~~ 7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 1.3. ~~[Chapter 390 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.]~~ **(Deleted by amendment.)**

Sec. 1.5. ~~*[1. To receive a college and career ready diploma evidencing graduation from high school pursuant to NRS 390.605, a pupil must, in addition to meeting the criteria prescribed pursuant to subsection 1 of NRS 390.600:*~~

~~*(a) Successfully complete the requirements to receive an advanced diploma prescribed by regulations adopted pursuant to NRS 390.600;*~~

~~*(b) Demonstrate proficiency in speaking not less than two languages or have earned not less than two of the units of credit used to complete the requirements to receive an advanced diploma prescribed by regulations adopted pursuant to NRS 390.600 in:*~~

~~*(1) Advanced placement courses;*~~

~~*(2) International baccalaureate courses;*~~

~~*(3) Dual credit courses or courses completed through dual enrollment;*~~

~~*(4) Career and technical education courses;*~~

~~*(5) Work-based learning courses; or*~~

~~*(6) A world language course; and*~~

~~*(c) Obtain a college-ready endorsement pursuant to section 1.7 of this act, or a career-ready endorsement pursuant to section 1.7 of this act.*~~

~~*2. To the extent that money is available for these purposes, the Department:*~~

~~*(a) Shall award incentive grants to each public high school, including, without limitation, each charter school that operates as a high school, for each graduate of the school who receives a college and career ready high school diploma; and*~~

~~*(b) May reimburse a school district or a charter school that operates as a high school for any costs associated to administer or provide an assessment, credential, certificate or certification required for a pupil to receive a college and career ready high school diploma pursuant to subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 1.7. ~~[*1. To receive a college ready endorsement pursuant to paragraph (a) of subsection 3 of NRS 390.605, a pupil must, before graduating from high school:*~~

~~*(a) Complete a college readiness assessment prescribed by the Board of Regents of the University of Nevada; and*~~

~~*(b) Receive not less than the minimum scores for initial placement into college level English and mathematics courses prescribed by the Board of Regents.*~~

~~*2. To receive a career ready endorsement pursuant to paragraph (b) of subsection 3 of NRS 390.605, a pupil must, before graduating from high school:*~~

~~*(a) Receive not less than the minimum score prescribed by the State Board on a career readiness assessment prescribed by the State Board;*~~

~~*(b) Satisfy the requirements for the issuance of a certificate for the completion of a course of study in career and technical education established pursuant to NRS 388.390; or*~~

~~*(c) Obtain an industry-recognized credential identified by the Executive Director of the Governor's Office of Workforce Innovation in the Department of Employment, Training and Rehabilitation pursuant to NRS 232.975.]*~~ **(Deleted by amendment.)**

Sec. 2. 1. The amendatory provisions of section 1 of this act apply to pupils who are enrolled in a school district located in a county whose population is 100,000 or more and who are:

(a) Enrolled in grade 9 for the 2024-2025 school year;

(b) Enrolled in grade 9 or 10 for the 2025-2026 school year;

(c) Enrolled in grade 9, 10 or 11 for the 2026-2027 school year; and

(d) Enrolled in high school for each school year thereafter.

2. The amendatory provisions of section 1 of this act apply to pupils who are enrolled in a school district located in a county whose population is less than 100,000 and who are:

(a) Enrolled in grade 9 for the 2026-2027 school year;

(b) Enrolled in grade 9 or 10 for the 2027-2028 school year;

(c) Enrolled in grade 9, 10 or 11 for the 2028-2029 school year; and

(d) Enrolled in high school for each school year thereafter.

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 and section 3 of this act become effective upon passage and approval.

2. Sections 1 ~~[to]~~ ***and*** 2 ~~[, inclusive,]~~ of this act become effective:

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

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

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 587 to Assembly Bill No. 241.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 33.

The following Senate amendment was read:

Amendment No. 687.

AN ACT relating to governmental financial administration; revising provisions governing the investment of money in the State Permanent School Fund; revising provisions governing the investment of money by certain governmental entities; revising provisions governing money transferred from the State Permanent School Fund to a corporation for public benefit to provide private equity funding to certain businesses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the State Treasurer: (1) shall have charge of all investments of money and the sale of all securities of the State Permanent School Fund; and (2) if there is a sufficient amount of uninvested money in the Fund, shall negotiate for the investment of the money in certain investments. (NRS 355.050, 355.060) **Section 1** of this bill expands the list of authorized investments for money in the State Permanent School Fund to include: (1) certain commercial paper issued by certain corporations, trusts and limited-liability companies organized and operating in the United States and depository institutions licensed by the United States; and (2) certain notes, bonds and other unconditional obligations issued by certain corporations organized and operating in the United States or depository institutions licensed by the United States.

Under existing law, the State Treasurer is prohibited from making certain investments of money in the State Permanent School Fund unless the State Treasurer obtains a judicial determination that such an investment does not violate the prohibition in the Nevada Constitution against the State of Nevada donating or loaning state money or credit, or subscribing to or being interested in the stock of any company, association or corporation, except a corporation that is formed for educational or charitable purposes. (Nev. Const. Art. 8, § 9; NRS 355.060) **Section 1** prohibits the State Treasurer from investing in such commercial paper and notes, bonds and other unconditional obligations issued by certain corporations, trusts, limited-liability companies and depository institutions without obtaining a judicial determination that such an investment does not violate the prohibition in the Nevada Constitution.

Upon obtaining a judicial determination that an investment does not violate the Nevada Constitution, existing law authorizes the State Treasurer to transfer up to $75,000,000 from the State Permanent School Fund to a corporation for public benefit and requires the corporation by agreement to provide private equity funding to businesses engaged in certain industries, at least 70 percent

of which funding must be provided to businesses located or seeking to locate in Nevada. (NRS 355.280) **Section 4** of this bill: (1) ~~[increases the maximum amount of money the State Treasurer is authorized to transfer from the State Permanent School Fund to the corporation for public benefit to provide such private equity funding from $75,000,000 to $125,000,000; (2)]~~ decreases the amount of private equity funding such a corporation for public benefit must agree to provide to certain businesses located in this State or seeking to locate in this State from at least 70 percent to more than 50 percent; and ~~[(3)]~~ **(2)** provides that the corporation for public benefit may provide private equity funding to a pooled fund that includes businesses located outside of this State provided that more than 50 percent of the funding is provided to certain businesses located in this State or seeking to locate in this State.

Existing law authorizes the State Treasurer to invest money from the General Portfolio of the State in certain categories of bonds and other securities. (NRS 355.140). **Section 2** of this bill: (1) increases from 20 to 25 percent the maximum share of the aggregate value of the General Portfolio that is authorized to be invested in bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System; and (2) authorizes investment in commercial paper issued by certain trusts or limited-liability companies, in addition to the existing authority to invest in commercial paper issued by certain corporations.

Existing law prescribes the bonds and other securities that are proper and lawful investments for a local government and certain administrative entities. (NRS 355.170) **Section 3** of this bill revises these authorized investments to require that investments in negotiable certificates of deposit: (1) must have a remaining term to maturity of 5 years or less at the time of purchase; and (2) must, under certain circumstances, be rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better. **Section 3** also provides that not more than 5 percent of the total par value of the portfolio may be invested in notes, bonds and other unconditional obligations issued by any one commercial bank, insured credit union, savings and loan association or savings bank.

Section 3 further increases from 20 to 25 percent the maximum share of the money available to a local government for investment that is authorized to be invested in bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System. Lastly, **section 3** removes the requirement that to invest in obligations of state and local governments, the interest on the obligation must be exempt from gross income for federal income tax purposes.

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

Section 1. NRS 355.060 is hereby amended to read as follows:

355.060 1. The State Controller shall notify the State Treasurer monthly of the amount of uninvested money in the State Permanent School Fund.

2. Whenever there is a sufficient amount of money for investment in the State Permanent School Fund, the State Treasurer shall proceed to negotiate for the investment of the money in:

(a) United States bonds.

(b) A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) At the time of purchase has a remaining term to maturity of 5 years or less; and

(4) Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase.

(c) A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., as amended;

(4) Is purchased from a registered broker-dealer;

(5) At the time of purchase has a remaining term to maturity of 5 years or less; and

(6) Is rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase.

(d) Obligations or certificates of the Federal National Mortgage Association, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal Farm Credit Banks Funding Corporation or the Student Loan Marketing Association, whether or not guaranteed by the United States.

(e) Bonds of this state or of other states.

(f) Bonds of any county of the State of Nevada.

(g) United States treasury notes.

(h) Farm mortgage loans fully insured and guaranteed by the Farm Service Agency of the United States Department of Agriculture.

(i) Loans at a rate of interest of not less than 6 percent per annum, secured by mortgage on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, of unexceptional title and free from all encumbrances.

(j) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

(k) Common or preferred stock of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States, if:

(1) The stock of the corporation is:

(I) Listed on a national stock exchange; or

(II) Traded in the over-the-counter market, if the price quotations for the over-the-counter stock are quoted by the National Association of Securities Dealers Automated Quotation System (NASDAQ);

(2) The outstanding shares of the corporation have a total market value of not less than $50,000,000;

(3) The maximum investment in stock is not greater than 50 percent of the book value of the total investments of the State Permanent School Fund;

(4) Except for investments made pursuant to paragraph (m), the amount of an investment in a single corporation is not greater than 3 percent of the book value of the assets of the State Permanent School Fund; and

(5) Except for investments made pursuant to paragraph (m), the total amount of shares owned by the State Permanent School Fund is not greater than 5 percent of the outstanding stock of a single corporation.

(l) A pooled or commingled real estate fund or a real estate security that is managed by a corporate trustee or by an investment advisory firm that is registered with the Securities and Exchange Commission, either of which may be retained by the State Treasurer as an investment manager. The shares and the pooled or commingled fund must be held in trust. The total book value of an investment made under this paragraph must not at any time be greater than 5 percent of the total book value of all investments of the State Permanent School Fund.

(m) Mutual funds or common trust funds that consist of any combination of the investments listed in paragraphs (a) to (l), inclusive.

(n) The limited partnerships or limited-liability companies described in NRS 355.280.

(o) Commercial paper issued by a corporation, trust or limited-liability company organized and operating in the United States or by a depository

institution licensed by the United States or any state and operating in the United States that:

(1) At the time of purchase has a remaining term to maturity of not more than 270 days; and

(2) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph.

(p) Notes, bonds and other unconditional obligations for the payment of money, except certificates of deposit that are not issued by commercial banks, insured credit unions, savings and loan associations or savings banks, issued by corporations organized and operating in the United States or by depository institutions licensed by the United States or any state and operating in the United States that:

(1) Are purchased from a registered broker-dealer;

(2) At the time of purchase have a remaining term to maturity of not more than 5 years; and

(3) Are rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph.

3. The State Treasurer shall not invest any money in the State Permanent School Fund pursuant to paragraph (k), (l), (m) ***,*** ~~[or]~~ (n) ***, (o) or (p)*** of subsection 2 unless the State Treasurer obtains a judicial determination that the proposed investment or category of investments will not violate the provisions of Section 9 of Article 8 of the Constitution of the State of Nevada. The State Treasurer shall contract for the services of independent contractors to manage any investments of the State Treasurer made pursuant to paragraph (k), (l) ***,*** ~~[or]~~ (m) ***, (o) or (p)*** of subsection 2. The State Treasurer shall establish such criteria for the qualifications of such an independent contractor as are appropriate to ensure that each independent contractor has expertise in the management of such investments.

4. In addition to the investments authorized by subsection 2, the State Treasurer may make loans of money from the State Permanent School Fund to school districts pursuant to NRS 387.526.

5. No part of the State Permanent School Fund may be invested pursuant to a reverse-repurchase agreement.

Sec. 2. NRS 355.140 is hereby amended to read as follows:

355.140 1. In addition to other investments provided for by a specific statute, the following bonds and other securities are proper and lawful investments of any of the money of this state, of its various departments, institutions and agencies, and of the State Insurance Fund:

(a) Bonds and certificates of the United States;

(b) Bonds, notes, debentures and loans if they are underwritten by or their payment is guaranteed by the United States;

(c) Obligations or certificates of the United States Postal Service, the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Agricultural Mortgage Corporation, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation or the Student Loan Marketing Association, whether or not guaranteed by the United States;

(d) Bonds of this state or other states of the Union;

(e) Bonds of any county of this state or of other states;

(f) Bonds of incorporated cities in this state or in other states of the Union, including special assessment district bonds if those bonds provide that any deficiencies in the proceeds to pay the bonds are to be paid from the general fund of the incorporated city;

(g) General obligation bonds of irrigation districts and drainage districts in this state which are liens upon the property within those districts, if the value of the property is found by the board or commission making the investments to render the bonds financially sound over all other obligations of the districts;

(h) Bonds of school districts within this state;

(i) Bonds of any general improvement district whose population is 200,000 or more and which is situated in two or more counties of this state or of any other state, if:

(1) The bonds are general obligation bonds and constitute a lien upon the property within the district which is subject to taxation; and

(2) That property is of an assessed valuation of not less than five times the amount of the bonded indebtedness of the district;

(j) Medium-term obligations for counties, cities and school districts authorized pursuant to chapter 350 of NRS;

(k) Loans bearing interest at a rate determined by the State Board of Finance when secured by first mortgages on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, and of unexceptional title and free from all encumbrances;

(l) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and

federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, excluding such money thereof as has been received or which may be received hereafter from the Federal Government or received pursuant to some federal law which governs the investment thereof;

(m) Negotiable certificates of deposit issued by commercial banks, insured credit unions, savings and loan associations or savings banks;

(n) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve banks or trust companies which are members of the Federal Reserve System, except that acceptances may not exceed 180 days' maturity, and may not, in aggregate value, exceed ~~[20]~~ ***25*** percent of the total par value of the portfolio as determined at the time of purchase;

(o) Commercial paper issued by a corporation ***, trust or limited-liability company*** organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) At the time of purchase has a remaining term to maturity of not more than 270 days; and

(2) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 25 percent of the total par value of the portfolio as determined at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph;

(p) Notes, bonds and other unconditional obligations for the payment of money, except certificates of deposit that do not qualify pursuant to paragraph (m), issued by corporations organized and operating in the United States or by depository institutions licensed by the United States or any state and operating in the United States that:

(1) Are purchased from a registered broker-dealer;

(2) At the time of purchase have a remaining term to maturity of not more than 5 years; and

(3) Are rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 25 percent of the total par value of the portfolio as determined

at the time of purchase. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the State Treasurer shall take such action as he or she deems appropriate to preserve the principal value and integrity of the portfolio as a whole and report to the State Board of Finance any action taken by the State Treasurer pursuant to this paragraph;

(q) A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) At the time of purchase has a remaining term to maturity of 5 years or less; and

(4) Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase;

(r) A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., as amended;

(4) Is purchased from a registered broker-dealer;

(5) At the time of purchase has a remaining term to maturity of 5 years or less; and

(6) Is rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investment pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase;

(s) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued by the Federal Government or agencies of the Federal Government or in repurchase agreements fully collateralized by such securities;

(t) Collateralized mortgage obligations that are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(u) Asset-backed securities that are rated by a nationally recognized rating service as "AAA" or its equivalent.

2. Repurchase agreements and reverse-repurchase agreements are proper and lawful investments of money of the State and the State Insurance Fund for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The State Treasurer shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements to the State Treasurer;

(2) The State Treasurer has determined to have adequate capitalization and earnings and appropriate assets to be highly credit worthy; and

(3) Have executed a written master repurchase agreement or master reverse-repurchase agreement, as applicable, in a form satisfactory to the State Treasurer and the State Board of Finance pursuant to which all repurchase agreements or reverse-repurchase agreements are entered into. The master repurchase agreement and master reverse-repurchase agreement must require the prompt delivery to the State Treasurer and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act, 11 U.S.C. §§ 101 et seq.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The State must enter into a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the State when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the State concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly;

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase; and

(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.

(c) In all reverse-repurchase agreements:

(1) The State must enter into a written contract with the appointed custodian which authorizes the custodian to transfer the securities underlying the reverse-repurchase agreement only at or after the time at which money to pay the purchase price of the securities is transferred to the custodian;

(2) The date on which the State commits to repurchase a security purchased by a counterparty or securities of the same issuer, description, issue date and maturity must not be more than 90 days after the date on which the counterparty purchased the securities from the State; and

(3) Money received by the custodian pursuant to subparagraph (1) may be used by the State only to purchase securities whose maturity matches or is not longer than the term of the reverse-repurchase agreement.

3. As used in this section:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Repurchase agreement" means a purchase of securities by the State or State Insurance Fund from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

(c) "Reverse-repurchase agreement" means a purchase of securities by a counterparty from the State which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

Sec. 3. NRS 355.170 is hereby amended to read as follows:

355.170 1. Except as otherwise provided in this section and NRS 354.750 and 355.171, the governing body of a local government or an administrative entity established pursuant to NRS 277.080 to 277.180, inclusive, that is not a local government may purchase for investment the following securities and no others:

(a) Bonds and debentures of the United States, the maturity dates of which do not extend more than 10 years after the date of purchase.

(b) A bond, note or other obligation issued or unconditionally guaranteed by the International Bank for Reconstruction and Development, the International Finance Corporation or the Inter-American Development Bank that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) At the time of purchase has a remaining term to maturity of 5 years or less; and

(4) Is rated by a nationally recognized rating service as "AA" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 15 percent of the total par value of the portfolio as determined at the time of purchase.

(c) A bond, note or other obligation publicly issued in the United States by a foreign financial institution, corporation or government that:

(1) Is denominated in United States dollars;

(2) Is a senior unsecured unsubordinated obligation;

(3) Is registered with the Securities and Exchange Commission in accordance with the provisions of the Securities Act of 1933, §§ 77a et seq., as amended;

(4) Is purchased from a registered broker-dealer;

(5) At the time of purchase has a remaining term to maturity of 5 years or less; and

(6) Is rated by a nationally recognized rating service as "A" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 10 percent of the total par value of the portfolio as determined at the time of purchase.

(d) Farm loan bonds, consolidated farm loan bonds, debentures, consolidated debentures and other obligations issued by federal land banks and federal intermediate credit banks under the authority of the Federal Farm Loan Act, formerly 12 U.S.C. §§ 636 to 1012, inclusive, and §§ 1021 to 1129, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive, and bonds, debentures, consolidated debentures and other obligations issued by banks for cooperatives under the authority of the Farm Credit Act of 1933, formerly 12 U.S.C. §§ 1131 to 1138e, inclusive, and the Farm Credit Act of 1971, 12 U.S.C. §§ 2001 to 2259, inclusive.

(e) Bills and notes of the United States Treasury, the maturity date of which is not more than 10 years after the date of purchase.

(f) Obligations of an agency or instrumentality of the United States of America or a corporation sponsored by the government, the maturity date of which is not more than 10 years after the date of purchase.

(g) Negotiable certificates of deposit issued by commercial banks, insured credit unions, savings and loan associations or savings banks ~~[.]~~ ***that:***

(1) At the time of purchase has a remaining term to maturity of 5 years or less; and

(2) If the certificates are not within the limits of insurance provided by an instrumentality of the United States, are rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better, ~~***[and]***~~ ***or are collateralized in the same manner as is required for uninsured deposits by a county treasurer pursuant to NRS 356.133,***

➥ except that not more than 5 percent of the total par value of the portfolio may be invested in notes, bonds and other unconditional obligations issued by any one commercial bank, insured credit union, savings and loan association or savings bank. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the investment advisor must report the reduction in the rating to the governing body of the local government that purchased the investment, the governing body of the

local government or, if the purchase was effected by the State Treasurer pursuant to his or her investment of a pool of money from local governments, the State Treasurer must take such action as the governing body or State Treasurer deems appropriate to preserve the principal value and integrity of the portfolio as a whole and the governing body or State Treasurer, as applicable, must report to the State Board of Finance any action taken pursuant to this paragraph. For the purposes of subparagraph (2), any reference in NRS 356.133 to a "county treasurer" or "board of county commissioners" shall be deemed to refer to the appropriate financial officer or governing body of the local government purchasing the certificates.

(h) Securities which have been expressly authorized as investments for local governments by any provision of Nevada Revised Statutes or by any special law.

(i) Nonnegotiable certificates of deposit issued by insured commercial banks, insured credit unions, insured savings and loan associations or insured savings banks, except certificates that are not within the limits of insurance provided by an instrumentality of the United States, unless those certificates are collateralized in the same manner as is required for uninsured deposits by a county treasurer pursuant to NRS 356.133. For the purposes of this paragraph, any reference in NRS 356.133 to a "county treasurer" or "board of county commissioners" shall be deemed to refer to the appropriate financial officer or governing body of the local government purchasing the certificates.

(j) Subject to the limitations contained in NRS 355.177, negotiable notes or medium-term obligations issued by local governments of the State of Nevada pursuant to NRS 350.087 to 350.095, inclusive.

(k) Bankers' acceptances of the kind and maturities made eligible by law for rediscount with Federal Reserve Banks, and generally accepted by banks or trust companies which are members of the Federal Reserve System. Eligible bankers' acceptances may not exceed 180 days' maturity. Purchases of bankers' acceptances may not exceed ~~[20]~~ ***25*** percent of the money available to a local government for investment as determined at the time of purchase.

(l) Obligations of state and local governments ~~[:~~

~~(1) If:~~

~~(I) The interest on the obligation is exempt from gross income for federal income tax purposes; and~~

~~(II) The~~ ***if the*** obligation ~~[has]~~ ***:***

(1) Has been rated "A" or higher by one or more nationally recognized bond credit rating agencies; or

(2) ~~[If the obligation is]~~ ***Is*** secured by the proceeds that are paid into the tax increment account of a tax increment area created by a municipality pursuant to NRS 278C.220.

(m) Commercial paper issued by a corporation ***, trust or limited-liability company*** organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States that:

(1) At the time of purchase has a remaining term to maturity of no more than 270 days; and

(2) Is rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better,

➥ except that investments pursuant to this paragraph may not, in aggregate value, exceed 25 percent of the total par value of the portfolio as determined at the time of purchase, and not more than 5 percent of the total par value of the portfolio may be invested in commercial paper issued by any one corporation or depository institution. If the rating of an obligation is reduced to a level that does not meet the requirements of this paragraph, the investment advisor must report the reduction in the rating to the governing body of the local government that purchased the investment, the governing body of the local government or, if the purchase was effected by the State Treasurer pursuant to his or her investment of a pool of money from local governments, the State Treasurer must take such action as the governing body or State Treasurer deems appropriate to preserve the principal value and integrity of the portfolio as a whole and the governing body or State Treasurer, as applicable, must report to the State Board of Finance any action taken pursuant to this paragraph.

(n) Money market mutual funds which:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in:

(I) Securities issued by the Federal Government or agencies of the Federal Government;

(II) Master notes, bank notes or other short-term commercial paper rated by a nationally recognized rating service as "A-1," "P-1" or its equivalent, or better, issued by a corporation organized and operating in the United States or by a depository institution licensed by the United States or any state and operating in the United States; or

(III) Repurchase agreements that are fully collateralized by the obligations described in sub-subparagraphs (I) and (II).

(o) Obligations of the Federal Agricultural Mortgage Corporation.

2. Repurchase agreements are proper and lawful investments of money of a governing body of a local government for the purchase or sale of securities which are negotiable and of the types listed in subsection 1 if made in accordance with the following conditions:

(a) The governing body of the local government shall designate in advance and thereafter maintain a list of qualified counterparties which:

(1) Regularly provide audited and, if available, unaudited financial statements;

(2) The governing body of the local government has determined to have adequate capitalization and earnings and appropriate assets to be highly creditworthy; and

(3) Have executed a written master repurchase agreement in a form satisfactory to the governing body of the local government pursuant to which all repurchase agreements are entered into. The master repurchase agreement must require the prompt delivery to the governing body of the local government and the appointed custodian of written confirmations of all transactions conducted thereunder, and must be developed giving consideration to the Federal Bankruptcy Act.

(b) In all repurchase agreements:

(1) At or before the time money to pay the purchase price is transferred, title to the purchased securities must be recorded in the name of the appointed custodian, or the purchased securities must be delivered with all appropriate, executed transfer instruments by physical delivery to the custodian;

(2) The governing body of the local government must enter a written contract with the custodian appointed pursuant to subparagraph (1) which requires the custodian to:

(I) Disburse cash for repurchase agreements only upon receipt of the underlying securities;

(II) Notify the governing body of the local government when the securities are marked to the market if the required margin on the agreement is not maintained;

(III) Hold the securities separate from the assets of the custodian; and

(IV) Report periodically to the governing body of the local government concerning the market value of the securities;

(3) The market value of the purchased securities must exceed 102 percent of the repurchase price to be paid by the counterparty and the value of the purchased securities must be marked to the market weekly;

(4) The date on which the securities are to be repurchased must not be more than 90 days after the date of purchase; and

(5) The purchased securities must not have a term to maturity at the time of purchase in excess of 10 years.

3. The securities described in paragraphs (a), (d) and (e) of subsection 1 and the repurchase agreements described in subsection 2 may be purchased when, in the opinion of the governing body of the local government, there is sufficient money in any fund of the local government to purchase those securities and the purchase will not result in the impairment of the fund for the purposes for which it was created.

4. When the governing body of the local government has determined that there is available money in any fund or funds for the purchase of bonds as set out in subsection 1 or 2, those purchases may be made and the bonds paid for out of any one or more of the funds, but the bonds must be credited to the funds in the amounts purchased, and the money received from the redemption of the bonds, as and when redeemed, must go back into the fund or funds from which the purchase money was taken originally.

5. Any interest earned on money invested pursuant to subsection 3, may, at the discretion of the governing body of the local government, be credited to

the fund from which the principal was taken or to the general fund of the local government.

6. The governing body of a local government may invest any money apportioned into funds and not invested pursuant to subsection 3 and any money not apportioned into funds in bills and notes of the United States Treasury, the maturity date of which is not more than 1 year after the date of investment. These investments must be considered as cash for accounting purposes, and all the interest earned on them must be credited to the general fund of the local government.

7. This section does not authorize the investment of money administered pursuant to a contract, debenture agreement or grant in a manner not authorized by the terms of the contract, agreement or grant.

8. As used in this section:

(a) "Counterparty" means a bank organized and operating or licensed to operate in the United States pursuant to federal or state law or a securities dealer which is:

(1) A registered broker-dealer;

(2) Designated by the Federal Reserve Bank of New York as a "primary" dealer in United States government securities; and

(3) In full compliance with all applicable capital requirements.

(b) "Local government" has the meaning ascribed to it in NRS 354.474.

(c) "Repurchase agreement" means a purchase of securities by the governing body of a local government from a counterparty which commits to repurchase those securities or securities of the same issuer, description, issue date and maturity on or before a specified date for a specified price.

Sec. 4. NRS 355.280 is hereby amended to read as follows:

355.280 If the State Treasurer obtains the judicial determination required by subsection 3 of NRS 355.060, the State Treasurer may transfer an amount not to exceed $75,000,000 ~~***[$125,000,000]***~~ from the State Permanent School Fund to the corporation for public benefit. Such a transfer must be made pursuant to an agreement that requires the corporation for public benefit to:

1. Provide, through the limited partnerships or limited-liability companies described in subsection 1 of NRS 355.270, private equity funding; and

2. Ensure that ~~[at least 70]~~ ***more than 50*** percent of all private equity funding provided by the corporation for public benefit ***, including, without limitation, private equity funding provided by a corporation for public benefit to a pooled fund that includes businesses located outside of this State,*** is provided to businesses:

(a) Located in this State or seeking to locate in this State; and

(b) Engaged primarily in one or more of the following industries:

(1) Health care and life sciences.

(2) Cyber security.

(3) Homeland security and defense.

(4) Alternative energy.

(5) Advanced materials and manufacturing.

(6) Information technology.

(7) Any other industry that the board of directors of the corporation for public benefit determines will likely meet the targets for investment returns established by the corporation for public benefit for investments authorized by NRS 355.250 to 355.285, inclusive, and comply with sound fiduciary principles.

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

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 687 to Assembly Bill No. 33.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 52.

The following Senate amendment was read:

Amendment No. 686.

AN ACT relating to governmental administration; revising provisions relating to the determination of a quorum of a public body and the number of votes necessary for a public body to take action; clarifying the applicability of the Open Meeting Law to certain gatherings of the members of a public body; revising the notice requirements for certain meetings of a public body; revising provisions related to abstaining from voting by a member of a public body for certain conflicts of interest; creating exceptions to the Open Meeting Law for certain committees that prepare arguments relating to ballot measures; ~~[clarifying]~~ **revising provisions relating to** the applicability of the Open Meeting Law to certain foundations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions set forth specifically in statute. (NRS 241.020) With certain exceptions, to constitute a "meeting" for purposes of the Open Meeting Law, the following two conditions must be met: (1) there must be a gathering of members of a public body at which a quorum is present; and (2) the members must be gathering to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power. In addition, a "meeting" occurs for purposes of the Open Meeting Law when a collective quorum of the members of a public body attend a series of gatherings of less than a quorum of a public body held with the specific intent to avoid the provisions of the Open Meeting Law. A "meeting" does not occur for purposes of the Open Meeting Law where a quorum of members of a public body receives information from its attorney regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and deliberate toward a decision, but not take action, on the matter. The Open Meeting Law further provides that a "meeting" does not occur if there is a gathering or series of gatherings of a quorum of members of a public body: (1)

which occurs at a social function if the members do not deliberate toward a decision or take action on a matter over which the public body has supervision, control, jurisdiction or advisory power; or (2) to receive training regarding the legal obligations of the public body if the members do not deliberate toward a decision or take action on a matter over which the public body has supervision, control, jurisdiction or advisory power. **Section 4** of this bill makes technical, nonsubstantive changes to reorganize the definition of "meeting" to make clear that a meeting does not occur for purposes of the Open Meeting Law if the members of a public body, regardless of the presence of an actual or collective quorum of those members, do not deliberate or take action on a matter over which the public body has supervision, control, jurisdiction or advisory power.

For purposes of the Open Meeting Law, a quorum is defined as a simple majority of the membership of a public body unless a different proportion is provided in law for that public body. (NRS 241.015) Under existing law, some public bodies include nonvoting members as well as voting members and, for some such public bodies, existing law specifies whether nonvoting members are counted for purposes of determining a quorum. (See, e.g., NRS 360.010, 360.080) **Section 4** specifies that, unless otherwise provided in law for a public body, nonvoting members are not counted for purposes of determining a quorum of that public body. **Section 2** of this bill specifies that, unless otherwise provided by specific statute ~~[,]~~ **or unless all members of the public body must be elected officials,** if a vacancy occurs in the voting membership of a public body, the necessary quorum and number of votes necessary to take action on a matter is reduced as though the voting membership does not include the vacancy.

The Open Meeting Law authorizes a public body to conduct a meeting by means of a remote technology system under certain circumstances. (NRS 241.023) **Sections 4, 5 and 8** of this bill make conforming changes to include remote technology systems as one of the means by which public bodies conduct meetings.

The Open Meeting Law prohibits, with certain exceptions, a public body from holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person, or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has given written notice to that person of the time and place of the meeting and received proof of service of the notice. With certain exceptions, the notice is required to be delivered personally to the person or sent by certified mail by certain deadlines. (NRS 241.033) **Section 6** of this bill adds to the methods by which such notice may be given and revises the deadlines for providing such notice. ~~[Section 6 also removes the requirement for a public body to receive proof of service of the notice before the meeting if the notice was given by electronic mail.]~~

The Open Meeting Law prohibits, with certain exceptions, a public body from holding a meeting to consider whether to: (1) take administrative action against a person; or (2) acquire real property owned by a person by the exercise

of the power of eminent domain unless the public body has given written notice to that person of the time and place of the meeting and received proof of service of such notice. With certain exceptions, the notice must be delivered personally to the person or sent by certified mail by certain deadlines. (NRS 241.034) **Sections 3 and 7** of this bill: (1) reorganize these provisions; and (2) revise the deadlines for providing such notice. **Section 3** **[~~: (1)~~]** adds to the manners by which notice of a meeting to consider whether to take administrative action against a person may be given **.** **[~~; and (2) removes the requirement for a public body to receive proof of service of such notice before considering the matter if the notice was provided by electronic mail.~~]** **Section 4** defines the term "administrative action against a person." **Sections 16-19** of this bill make conforming changes relating to the reorganization of these provisions.

Under existing law, with certain exceptions, if a public officer on a body or committee abstains from voting on a matter because of certain conflicts of interest, as required by the Nevada Ethics in Government Law, the necessary quorum and the number of votes necessary to act upon the matter is reduced as though the member abstaining were not a member of the body or committee. (NRS 281A.420) The Open Meeting Law provides that in a county whose population is 45,000 or more (currently Carson City and Clark, Douglas, Elko, Lyon, Nye and Washoe Counties), the reduction in the necessary quorum and the number of votes necessary to act upon the matter does not apply to a public body that is required to be composed of elected officials only, unless before abstaining from the vote, the member of the public body receives and discloses the opinion of the legal counsel authorized by law to provide legal advice to the public body that the abstention is required. (NRS 241.0355) **Sections 9 and 10** of this bill eliminate the requirement that the member of such a public body receives and discloses the opinion of the legal counsel in order to reduce the necessary quorum and the number of votes necessary to act upon the matter.

Existing law requires the appointment of committees to prepare arguments advocating or opposing approval of statewide ballot measures proposed by initiative or referendum, county ballot measures and city ballot measures. (NRS 293.252, 295.121, 295.217) Under existing law, the provisions of the Open Meeting Law do not apply to any consultations, deliberations, hearings or meetings that are conducted by committees that prepare arguments advocating or opposing approval of county ballot measures. (NRS 295.121) **Sections 11 and 12** of this bill also exempt from the Open Meeting Law consultations, deliberations, hearings or meetings that are conducted by: (1) committees that prepare arguments advocating or opposing approval of statewide ballot measures proposed by initiative or referendum; and (2) committees that prepare arguments advocating or opposing approval of city ballot measures. **Section 5** of this bill makes a conforming change to indicate these additional exemptions from the Open Meeting Law.

The Open Meeting Law defines a "public body" to include a library foundation, an educational foundation and a university foundation if the foundation is created in a specified manner. (NRS 241.015) **Sections ~~[~~13-15~~]~~ 13 and 14** of this bill clarify that the Open Meeting Law only applies to ~~[~~such~~]~~ a **library** foundation **or an educational foundation** if the foundation meets the definition of a "public body." (NRS 379.1495, 388.750 **~~[~~, 396.405~~)~~)** **Section 4 provides that the Open Meeting Law applies to a university foundation.**

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

Section 1. Chapter 241 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 subsection 2 or by specific statute, if a vacancy occurs in the voting membership of a public body, the necessary quorum and number of votes necessary to take action on a matter is reduced as though the voting membership does not include the vacancy.***

2. The provisions of subsection 1 do not apply to a public body if all members of the public body must be elected officials.

Sec. 3. ***1. Except as otherwise provided in subsection 5, a public body shall not consider at a meeting whether to take administrative action against a person unless the public body has given written notice to that person of the time and place of the meeting.***

2. The written notice required pursuant to subsection 1 must be given to the person in one of the following manners:

(a) Delivered personally to that person at least 7 calendar days before the meeting;

(b) Sent by certified mail to the last known address of that person at least 14 calendar days before the meeting;

(c) If the person is represented by an attorney in connection with the matter, delivered personally ~~[or by electronic mail]~~ to the attorney of the person at least 7 calendar days before the meeting; or

(d) If the public body makes decisions directly concerning the employment of the person, delivered personally to the person at his or her place of employment ~~[or to the electronic mail address assigned to the person by the public body]~~ during a time at which the person is required to be present at work that is at least 7 calendar days before the meeting.

3. Except as otherwise provided in this subsection, a public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider the matter relating to that person at a meeting. ~~[If the written notice was provided by electronic mail pursuant to subsection 2, the public body may consider the matter relating to that person at a meeting without receiving proof of service.]~~

4. The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.

5. The written notice otherwise required pursuant to this section is not required:

(a) If the public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person, and the written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section; or

(b) In an emergency.

6. As used in this section, "emergency" means an unforeseen circumstance which requires the public body to take immediate action and includes, without limitation:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 4. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the ***voting*** members present, whether in person ***, by use of a remote technology system*** or by means of electronic communication, during a meeting of a public body;

(b) A commitment or promise made by a majority of the ***voting*** members present, whether in person ***, by use of a remote technology system*** or by means of electronic communication, during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the ***voting*** members present, whether in person ***, by use of a remote technology system*** or by means of electronic communication, during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. ***"Administrative action against a person" means an action that is uniquely personal to the person and includes, without limitation, the potential for a negative change in circumstances to the person. The term does not include the denial of any application where the denial does not change the present circumstance or situation of the person.***

3. "Deliberate" means collectively to examine, weigh and reflect upon the reasons for or against the action. The term includes, without limitation, the collective discussion or exchange of facts preliminary to the ultimate decision.

~~[3.]~~ ***4.*** "Meeting":

(a) Except as otherwise provided in ~~[paragraph]~~ ***paragraphs*** (b) ~~[,]~~ ***and (c),*** means:

(1) The gathering of members of a public body at which a quorum is present, whether in person, by use of a remote technology system or by means of electronic communication, to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present, whether in person ***, by use of a remote technology system*** or by means of electronic communication, at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) ***Does not include any gathering or series of gatherings of members of a public body if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.***

(c) Does not include a gathering or series of gatherings of members of a public body ~~[, as described in paragraph (a),]~~ at which a quorum is actually or collectively present, whether in person ***, by use of a remote technology system*** or by means of electronic communication ~~[:~~

~~(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.~~

~~(2) To]~~ ***, to*** receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

~~[(3) To receive training regarding the legal obligations of the public body, including, without limitation, training conducted by an attorney employed or retained by the public body, the Office of the Attorney General or the Commission on Ethics, if at the gathering the members do not deliberate toward a decision or action on any matter over which the public body has supervision, control, jurisdiction or advisory power.~~

~~4.]~~ ***5.*** Except as otherwise provided in NRS 241.016, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government consisting of at least two persons which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes a library foundation as defined in NRS 379.0056 ~~[,]~~ ***and*** an educational foundation as defined in subsection 3 of NRS 388.750 ~~[and a university foundation as defined in subsection 3 of NRS 396.405,]~~ if the administrative, advisory, executive or legislative body is created by:

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) Any board, commission or committee consisting of at least two persons appointed by:

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government, if the board, commission or committee has at least two members who are not employed by the public officer or entity;

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201; ~~[and]~~

(d) A subcommittee or working group consisting of at least two persons who are appointed by a public body described in paragraph (a), (b) or (c) if:

(1) A majority of the membership of the subcommittee or working group are members or staff members of the public body that appointed the subcommittee; or

(2) The subcommittee or working group is authorized by the public body to make a recommendation to the public body for the public body to take any action. ~~[.~~

~~5.]~~ ***; and***

(e) A university foundation as defined in subsection 3 of NRS 396.405.

6. "Quorum" means a simple majority of the ***voting*** membership of a public body or another proportion established by law.

~~[6.]~~ ***7.*** "Remote technology system" means any system or other means of communication which uses any electronic, digital or other similar technology to enable a person from a remote location to attend, participate, vote or take any other action in a meeting, even though the person is not physically present at the meeting. The term includes, without limitation, teleconference and videoconference systems.

~~[7.]~~ ***8.*** "Supporting material" means material that is provided to at least a quorum of the members of a public body by a member of or staff to the public body and that the members of the public body would reasonably rely on to deliberate or take action on a matter contained in a published agenda. The term includes, without limitation, written records, audio recordings, video recordings, photographs and digital data.

~~[8.]~~ ***9.*** "Working day" means every day of the week except Saturday, Sunday and any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 5. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, ***293.252,*** 295.121, ***295.217,*** 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and ***a remote technology system or*** electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 6. NRS 241.033 is hereby amended to read as follows:

241.033 1. Except as otherwise provided in ~~***[this subsection and]***~~ subsection 7, a public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:

(a) Given written notice to that person of the time and place of the meeting; and

(b) Received proof of service of the notice. ~~***[If the written notice was given by electronic mail pursuant to subsection 2, the public body may hold the meeting described in this section without receiving proof of service.]***~~

2. The written notice required pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be ~~[.]~~ ***given to the person in one of the following manners:***

(1) Delivered personally to that person at least ~~[5 working]~~ ***7 calendar*** days before the meeting; ~~[or]~~

(2) Sent by certified mail to the last known address of that person at least ~~[21 working]~~ ***14 calendar*** days before the meeting ~~[.]~~ ***;***

(3) If the person is represented by an attorney in connection with the matter, delivered personally ~~[or by electronic mail]~~ to the attorney of the person at least 7 calendar days before the meeting; or

(4) If the public body makes decisions directly concerning the employment of the person, delivered personally to the person at his or her place of employment ~~[or to the electronic mail address assigned to the person by the public body]~~ during a time at which the person is required to be present at work that is at least 7 calendar days before the meeting.

(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person if the public body determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) Must include:

(1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and

(2) A statement of the provisions of subsection 4, if applicable.

3. The Nevada Athletic Commission is exempt from the requirements of ~~[subparagraphs (1) and (2) of]~~ paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:

(a) Attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered;

(b) Have an attorney or other representative of the person's choosing present with the person during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or

mental health or appeal of the results of an examination is considered, the chair of the public body may at any time before or during a closed meeting:

(a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or

(b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.

6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.

7. For the purposes of this section:

(a) A meeting held to consider an applicant for employment is not subject to the notice requirements otherwise imposed by this section.

(b) Casual or tangential references to a person or the name of a person during a meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) A meeting held to recognize or award positive achievements of a person, including, without limitation, honors, awards, tenure and commendations, is not subject to the notice requirements otherwise imposed by this section.

Sec. 7. NRS 241.034 is hereby amended to read as follows:

241.034 1. ~~[Except as otherwise provided in subsection 3:~~

~~(a)]~~ A public body shall not consider at a meeting whether to ~~[:~~

~~(1) Take administrative action against a person; or~~

~~(2) Acquire]~~ ***acquire*** real property owned by a person by the exercise of the power of eminent domain ~~[,~~

~~➥]~~ unless the public body has given written notice to that person of the time and place of the meeting.

~~[(b)]~~ ***2.*** The written notice required pursuant to ~~[paragraph (a)]~~ ***subsection 1*** must be:

~~[(1)]~~ ***(a)*** Delivered personally to that person at least ~~[5 working]~~ ***7 calendar*** days before the meeting; or

~~[(2)]~~ ***(b)*** Sent by certified mail to the last known address of that person at least ~~[21 working]~~ ***14 calendar*** days before the meeting.

➥ A public body must receive proof of service of the written notice provided to a person pursuant to this section before the public body may consider ~~[a]~~ ***the*** matter ~~[set forth in paragraph (a) relating to that person]~~ at a meeting.

~~[2.]~~ ***3.*** The written notice provided in this section is in addition to the notice of the meeting provided pursuant to NRS 241.020.

~~[3. The written notice otherwise required pursuant to this section is not required if:~~

~~(a) The public body provided written notice to the person pursuant to NRS 241.033 before holding a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of the person; and~~

~~(b) The written notice provided pursuant to NRS 241.033 included the informational statement described in paragraph (b) of subsection 2 of that section.~~]

4. For the purposes of this section, real property shall be deemed to be owned only by the natural person or entity listed in the records of the county in which the real property is located to whom or which tax bills concerning the real property are sent.

Sec. 8. NRS 241.035 is hereby amended to read as follows:

241.035 1. Each public body shall keep written minutes of each of its meetings, including:

(a) The date, time and place of the meeting.

(b) Those members of the public body who were present, whether in person ***, by use of a remote technology system*** or by means of electronic communication, and those who were absent.

(c) The substance of all matters proposed, discussed or decided and, at the request of any member, a record of each member's vote on any matter decided by vote.

(d) The substance of remarks made by any member of the general public who addresses the public body if the member of the general public requests that the minutes reflect those remarks or, if the member of the general public has prepared written remarks, a copy of the prepared remarks if the member of the general public submits a copy for inclusion.

(e) Any other information which any member of the public body requests to be included or reflected in the minutes.

➥ Unless good cause is shown, a public body shall approve the minutes of a meeting within 45 days after the meeting or at the next meeting of the public body, whichever occurs later.

2. Minutes of public meetings are public records. Minutes or an audio recording of a meeting made in accordance with subsection 4 must be made available for inspection by the public within 30 working days after adjournment of the meeting. A copy of the minutes or audio recording must be made available to a member of the public upon request at no charge. The minutes shall be deemed to have permanent value and must be retained by the public body for at least 5 years. Thereafter, the minutes may be transferred for archival preservation in accordance with NRS 239.080 to 239.125, inclusive. Minutes of meetings closed pursuant to:

(a) Paragraph (a) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality and the person whose character, conduct, competence or health was considered has consented to their disclosure. That person is entitled to a copy of the minutes upon request whether or not they become public records.

(b) Paragraph (b) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters discussed no longer require confidentiality.

(c) Paragraph (c) of subsection 1 of NRS 241.030 become public records when the public body determines that the matters considered no longer require confidentiality and the person who appealed the results of the examination has consented to their disclosure, except that the public body shall remove from the minutes any references to the real name of the person who appealed the results of the examination. That person is entitled to a copy of the minutes upon request whether or not they become public records.

3. All or part of any meeting of a public body may be recorded on audiotape or any other means of sound or video reproduction by a member of the general public if it is a public meeting so long as this in no way interferes with the conduct of the meeting.

4. Except as otherwise provided in subsection 8, a public body shall, for each of its meetings, whether public or closed, record the meeting on audiotape or another means of sound reproduction or cause the meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS. If a public body makes an audio recording of a meeting or causes a meeting to be transcribed pursuant to this subsection, the audio recording or transcript:

(a) Must be retained by the public body for at least 3 years after the adjournment of the meeting at which it was recorded or transcribed;

(b) Except as otherwise provided in this section, is a public record and must be made available for inspection by the public during the time the recording or transcript is retained; and

(c) Must be made available to the Attorney General upon request.

5. The requirement set forth in subsection 2 that a public body make available a copy of the minutes or audio recording of a meeting to a member of the public upon request at no charge does not prohibit a court reporter who is certified pursuant to chapter 656 of NRS from charging a fee to the public body for any services relating to the transcription of a meeting.

6. A court reporter who transcribes a meeting is not required to provide a copy of any transcript, minutes or audio recording of the meeting prepared by the court reporter directly to a member of the public at no charge.

7. Except as otherwise provided in subsection 8, any portion of a public meeting which is closed must also be recorded or transcribed and the recording or transcript must be retained and made available for inspection pursuant to the provisions of subsection 2 relating to records of closed meetings. Any recording or transcript made pursuant to this subsection must be made available to the Attorney General upon request.

8. If a public body makes a good faith effort to comply with the provisions of subsections 4 and 7 but is prevented from doing so because of factors beyond the public body's reasonable control, including, without limitation, a power outage, a mechanical failure or other unforeseen event, such failure does not constitute a violation of the provisions of this chapter.

Sec. 9. NRS 241.0355 is hereby amended to read as follows:

241.0355 ~~[1. A]~~ ***Except as otherwise provided in subsection 5 of NRS 281A.420*** ***,*** ~~***[and section 2 of this act,]***~~ ***a*** public body that is required to be

composed of elected officials only may not take action by vote unless at least a majority of all the members of the public body vote in favor of the action. For purposes of this ~~[subsection,]~~ ***section,*** a public body may not count an abstention as a vote in favor of an action.

~~[2. In a county whose population is 45,000 or more, the provisions of subsection 5 of NRS 281A.420 do not apply to a public body that is required to be composed of elected officials only, unless before abstaining from the vote, the member of the public body receives and discloses the opinion of the legal counsel authorized by law to provide legal advice to the public body that the abstention is required pursuant to NRS 281A.420. The opinion of counsel must be in writing and set forth with specificity the factual circumstances and analysis leading to that conclusion.]~~

Sec. 10. NRS 281A.420 is hereby amended to read as follows:

281A.420 1. Except as otherwise provided in this section, a public officer or employee shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter:

(a) Regarding which the public officer or employee has accepted a gift or loan;

(b) In which the public officer or employee has a significant pecuniary interest;

(c) Which would reasonably be affected by the public officer's or employee's commitment in a private capacity to the interests of another person; or

(d) Which would reasonably be related to the nature of any representation or counseling that the public officer or employee provided to a private person for compensation before another agency within the immediately preceding year, provided such representation or counseling is permitted by NRS 281A.410,

➥ without disclosing information concerning the gift or loan, the significant pecuniary interest, the commitment in a private capacity to the interests of the other person or the nature of the representation or counseling of the private person that is sufficient to inform the public of the potential effect of the action or abstention upon the person who provided the gift or loan, upon the public officer's or employee's significant pecuniary interest, upon the person to whom the public officer or employee has a commitment in a private capacity or upon the private person who was represented or counseled by the public officer or employee. Such a disclosure must be made at the time the matter is considered. If the public officer or employee is a member of a body which makes decisions, the public officer or employee shall make the disclosure in public to the chair and other members of the body. If the public officer or employee is not a member of such a body and holds an appointive office, the public officer or employee shall make the disclosure to the supervisory head of the public officer's or employee's organization or, if the public officer holds an elective office, to the general public in the area from which the public officer is elected.

2. The provisions of subsection 1 do not require a public officer to disclose:

(a) Any campaign contributions that the public officer reported in a timely manner pursuant to NRS 294A.120 or 294A.125; or

(b) Any contributions to a legal defense fund that the public officer reported in a timely manner pursuant to NRS 294A.286.

3. Except as otherwise provided in this section, in addition to the requirements of subsection 1, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in the public officer's situation would be materially affected by:

(a) The public officer's acceptance of a gift or loan;

(b) The public officer's significant pecuniary interest; or

(c) The public officer's commitment in a private capacity to the interests of another person.

4. In interpreting and applying the provisions of subsection 3:

(a) It must be presumed that the independence of judgment of a reasonable person in the public officer's situation would not be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person where the resulting benefit or detriment accruing to the public officer, or if the public officer has a commitment in a private capacity to the interests of another person, accruing to the other person, is not greater than that accruing to any other member of any general business, profession, occupation or group that is affected by the matter. The presumption set forth in this paragraph does not affect the applicability of the requirements set forth in subsection 1 relating to the duty of the public officer to make a proper disclosure at the time the matter is considered and in the manner required by subsection 1.

(b) The Commission must give appropriate weight and proper deference to the public policy of this State which favors the right of a public officer to perform the duties for which the public officer was elected or appointed and to vote or otherwise act upon a matter, provided the public officer makes a proper disclosure at the time the matter is considered and in the manner required by subsection 1. Because abstention by a public officer disrupts the normal course of representative government and deprives the public and the public officer's constituents of a voice in governmental affairs, the provisions of this section are intended to require abstention only in clear cases where the independence of judgment of a reasonable person in the public officer's situation would be materially affected by the public officer's acceptance of a gift or loan, significant pecuniary interest or commitment in a private capacity to the interests of another person.

5. ~~[Except as otherwise provided in NRS 241.0355, if]~~ ***If*** a public officer declares to the body or committee in which the vote is to be taken that the public officer will abstain from voting because of the requirements of this section, the necessary quorum to act upon and the number of votes necessary

to act upon the matter, as fixed by any statute, ordinance or rule, is reduced as though the member abstaining were not a member of the body or committee.

6. The provisions of this section do not, under any circumstances:

(a) Prohibit a member of a local legislative body from requesting or introducing a legislative measure; or

(b) Require a member of a local legislative body to take any particular action before or while requesting or introducing a legislative measure.

7. The provisions of this section do not, under any circumstances, apply to State Legislators or allow the Commission to exercise jurisdiction or authority over State Legislators. The responsibility of a State Legislator to make disclosures concerning gifts, loans, interests or commitments and the responsibility of a State Legislator to abstain from voting upon or advocating the passage or failure of a matter are governed by the Standing Rules of the Legislative Department of State Government which are adopted, administered and enforced exclusively by the appropriate bodies of the Legislative Department of State Government pursuant to Section 6 of Article 4 of the Nevada Constitution.

8. As used in this section, "public officer" and "public employee" do not include a State Legislator.

Sec. 11. NRS 293.252 is hereby amended to read as follows:

293.252 1. For each constitutional amendment or statewide measure proposed by initiative or referendum to be placed on the ballot by the Secretary of State, the Secretary of State shall, pursuant to subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative or referendum and the other committee must be composed of three persons who oppose approval by the voters of the initiative or referendum.

2. If the Secretary of State is unable to appoint three persons who are willing to serve on a committee, the Secretary of State may appoint fewer than three persons to that committee, but the Secretary of State must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative or referendum and the committee that opposes approval by the voters of that initiative or referendum.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative or referendum.

4. The Secretary of State shall consider appointing to a committee pursuant to this section:

(a) Any person who has expressed an interest in serving on the committee; and

(b) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

5. A committee appointed pursuant to this section:

(a) Shall elect a chair for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative or referendum, prepare an argument either advocating or opposing approval by the voters of the initiative or referendum;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the initiative or referendum;

(2) The environmental impact of the initiative or referendum; and

(3) The impact of the initiative or referendum on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the Secretary of State not later than the date prescribed by the Secretary of State pursuant to subsection 6.

6. The Secretary of State shall provide, by rule or regulation:

(a) The maximum permissible length of an argument and rebuttal prepared pursuant to this section; and

(b) The date by which an argument and rebuttal prepared pursuant to this section must be submitted by a committee to the Secretary of State.

7. Upon receipt of an argument or rebuttal prepared pursuant to this section, the Secretary of State:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative or referendum pertains; and

(b) Shall reject each statement in the argument or rebuttal that the Secretary of State believes is libelous or factually inaccurate.

➥ The decision of the Secretary of State to reject a statement pursuant to this subsection is a final decision for the purposes of judicial review. Not later than 5 days after the Secretary of State rejects a statement pursuant to this subsection, the committee that prepared the statement may appeal that rejection by filing a complaint in the First Judicial District Court. The Court shall set the matter for hearing not later than 3 working days after the complaint is filed and shall give priority to such a complaint over all other matters pending before the court, except for criminal proceedings.

8. The Secretary of State may revise the language submitted by a committee pursuant to this section so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect of the language without the consent of the committee.

9. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 12. NRS 295.217 is hereby amended to read as follows:

295.217 1. For each initiative, referendum, advisory question or other question to be placed on the ballot by the:

(a) Council, including, without limitation, pursuant to NRS 295.215 or 295.230; or

(b) Governing body of a public library or water district authorized by law to submit questions to some or all of the qualified electors or registered voters of the city,

➥ the council shall, in consultation pursuant to subsection 5 with the city clerk or other city officer authorized to perform the duties of the city clerk, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the initiative, referendum or other question and the other committee must be composed of three persons who oppose approval by the voters of the initiative, referendum or other question.

2. If, after consulting with the city clerk pursuant to subsection 5, the council is unable to appoint three persons willing to serve on a committee, the council may appoint fewer than three persons to that committee, but the council must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of an initiative, referendum or other question and the committee that opposes approval by the voters of that initiative, referendum or other question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the initiative, referendum or other question.

4. The city clerk may establish and maintain a list of the persons who have expressed an interest in serving on a committee appointed pursuant to this section. The city clerk, after exercising due diligence to locate persons who favor approval by the voters of an initiative, referendum or other question to be placed on the ballot or who oppose approval by the voters of an initiative, referendum or other question to be placed on the ballot, may use the names on a list established pursuant to this subsection to:

(a) Make recommendations pursuant to subsection 5; and

(b) Appoint members to a committee pursuant to subsection 1.

5. Before the council appoints a committee pursuant to this section, the city clerk shall:

(a) Recommend to the council persons to be appointed to the committee; and

(b) Consider recommending pursuant to paragraph (a):

(1) Any person who has expressed an interest in serving on the committee; and

(2) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

6. If the council fails to appoint a committee as required pursuant to this section, the city clerk shall, in consultation with the city attorney, prepare an argument advocating approval by the voters of the initiative, referendum or other question and an argument opposing approval by the voters of the initiative, referendum or other question. Each argument prepared by the city clerk must satisfy the requirements of paragraph (f) of subsection 7 and any rules or regulations adopted by the city clerk pursuant to subsection 8. The city clerk shall not prepare the rebuttal of the arguments required pursuant to paragraph (e) of subsection 7.

7. A committee appointed pursuant to this section:

(a) Shall elect a chair for the committee;

(b) Shall meet and conduct its affairs as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall prepare an argument either advocating or opposing approval by the voters of the initiative, referendum or other question, based on whether the members were appointed to advocate or oppose approval by the voters of the initiative, referendum or other question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The anticipated financial effect of the initiative, referendum or other question;

(2) The environmental impact of the initiative, referendum or other question; and

(3) The impact of the initiative, referendum or other question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the city clerk not later than the date prescribed by the city clerk pursuant to subsection 8.

8. The city clerk shall provide, by rule or regulation:

(a) The maximum permissible length of an argument or rebuttal prepared pursuant to this section; and

(b) The date by which an argument or rebuttal prepared pursuant to this section must be submitted by the committee to the city clerk.

9. Upon receipt of an argument or rebuttal prepared pursuant to this section, the city clerk:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise in the field or area to which the initiative, referendum or other question pertains; and

(b) Shall reject each statement in the argument or rebuttal that the city clerk believes is libelous or factually inaccurate.

➥ The decision of the city clerk to reject a statement pursuant to this subsection is a final decision for purposes of judicial review. Not later than 5 days after the city clerk rejects a statement pursuant to this subsection, the committee may appeal that rejection by filing a complaint in district court. The court shall set the matter for hearing not later than 3 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

10. The city clerk shall place in the sample ballot provided to the registered voters of the city each argument and rebuttal prepared pursuant to this section, containing all statements that were not rejected pursuant to subsection 9. The city clerk may revise the language submitted by the committee so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect without the consent of the committee.

11. If a question is to be placed on the ballot by an entity described in paragraph (b) of subsection 1, the entity must provide a copy and explanation of the question to the city clerk at least 30 days earlier than the date required for the submission of such documents pursuant to subsection 1 of NRS 293.481. This subsection does not apply to a question if the date that the question must be submitted to the city clerk is governed by subsection 3 of NRS 293.481.

12. The provisions of chapter 241 of NRS do not apply to any consultations, deliberations, hearings or meetings conducted pursuant to this section.

Sec. 13. NRS 379.1495 is hereby amended to read as follows:

379.1495 1. A library foundation:

(a) Shall comply with the provisions of chapter 241 of NRS ~~[.]~~ ***if the library foundation is a public body, as defined in NRS 241.015.***

(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;

(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 14 of NRS 375.090; and

(d) May allow a trustee or the executive director or other head administrator, or a designee thereof, of the library which it supports to serve as a member of its governing body.

2. A library foundation is not required to disclose the name of any contributor or potential contributor to the library foundation, the amount of his or her contribution or any information which may reveal or lead to the discovery of his or her identity. The library foundation shall, upon request, allow a contributor to examine, during regular business hours, any record,

document or other information of the library foundation relating to that contributor.

Sec. 14. NRS 388.750 is hereby amended to read as follows:

388.750 1. An educational foundation:

(a) Shall comply with the provisions of chapter 241 of NRS ~~[;]~~ ***if the educational foundation is a public body, as defined in NRS 241.015;***

(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010; and

(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 12 of NRS 375.090.

2. An educational foundation is not required to disclose the names of the contributors to the foundation or the amount of their contributions. The educational foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.

3. As used in this section, "educational foundation" means a nonprofit corporation, association or institution or a charitable organization that is:

(a) Organized and operated exclusively for the purpose of supporting one or more kindergartens, elementary schools, junior high or middle schools or high schools, or any combination thereof;

(b) Formed pursuant to the laws of this State; and

(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 15. ~~[NRS 396.405 is hereby amended to read as follows:~~

~~396.405 1. A university foundation:~~

~~(a) Shall comply with the provisions of chapter 241 of NRS~~ ~~[;]~~ ***if the university foundation is a public body, as defined in NRS 241.015.***

~~(b) Except as otherwise provided in subsection 2, shall make its records public and open to inspection pursuant to NRS 239.010;~~

~~(c) Is exempt from the taxes imposed by NRS 375.020, 375.023 and 375.026 pursuant to subsection 13 of NRS 375.090; and~~

~~(d) May allow a president or an administrator of the university, state college or community college which it supports to serve as a member of its governing body.~~

~~2. A university foundation is not required to disclose the name of any contributor or potential contributor to the university foundation, the amount of his or her contribution or any information which may reveal or lead to the discovery of his or her identity. The university foundation shall, upon request, allow a contributor to examine, during regular business hours, any record, document or other information of the foundation relating to that contributor.~~

~~3. As used in this section, "university foundation" means a nonprofit corporation, association or institution or a charitable organization that is:~~

~~(a) Organized and operated primarily for the purpose of fundraising in support of a university, state college or a community college;~~

~~(b) Formed pursuant to the laws of this State; and~~

~~(c) Exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).~~ **(Deleted by amendment.)**

Sec. 16. NRS 622A.300 is hereby amended to read as follows:

622A.300 1. To initiate the prosecution of a contested case, the prosecutor shall file a charging document with the regulatory body and serve the licensee with the charging document.

2. The regulatory body shall determine whether the case will be heard by the regulatory body or a hearing panel or officer.

3. The regulatory body or hearing panel or officer shall provide the licensee with written notice of the case pursuant to NRS 233B.121 and ~~[241.034.]~~ ***section 3 of this act.***

4. If the case is heard by a hearing panel or officer, the hearing panel or officer shall follow the procedures established by this chapter and any other applicable statutory and regulatory provisions governing the case. The hearing panel or officer shall prepare written findings and recommendations and serve the findings and recommendations on the parties and the regulatory body for its review.

5. The findings and recommendations of the hearing panel or officer do not become final unless they are approved by the regulatory body after review. In reviewing the findings and recommendations of the hearing panel or officer, the regulatory body may:

(a) Approve the findings and recommendations, with or without modification;

(b) Reject the findings and recommendations and remand the case to the hearing panel or officer;

(c) Reject the findings and recommendations and order a hearing de novo before the regulatory body; or

(d) Take any other action that the regulatory body deems appropriate to resolve the case.

6. If the case is heard by the regulatory body, the regulatory body shall follow the procedures established by this chapter and any other applicable statutory and regulatory provisions governing the case.

7. The regulatory body or the hearing panel or officer, with the approval of the regulatory body, may consolidate two or more cases if it appears that the cases involve common issues of law or fact and the interests of the parties will not be prejudiced by the consolidation.

Sec. 17. NRS 642.518 is hereby amended to read as follows:

642.518 Notwithstanding the provisions of chapter 622A of NRS:

1. If the Board finds that probable cause exists for the revocation of a license, permit or certificate issued by the Board pursuant to the provisions of this chapter or chapter 451 or 452 of NRS, and that enforcement of the provisions of this chapter or chapter 451 or 452 of NRS requires immediate suspension of the license, permit or certificate pending an investigation, the Board may, upon 5 days' written notice and a preliminary hearing, enter an order suspending the license, permit or certificate for a period of not more than

60 days, pending a hearing upon the revocation of the license, permit or certificate.

2. For the purposes of this section, notice shall be deemed to be sufficient if the notice is personally served on the holder of the license, permit or certificate or posted at the address of the holder, as indicated in the records of the Board, at least 5 days before the preliminary hearing.

3. The provisions of ~~[NRS 241.034]~~ ***section 3 of this act*** do not apply to any action that is taken by the Board pursuant to this section.

Sec. 18. NRS 642.557 is hereby amended to read as follows:

642.557 Notwithstanding the provisions of chapter 622A of NRS:

1. If the Board has reasonable cause to believe that any person is violating or is threatening to or intends to violate any provision of this chapter or chapter 440, 451 or 452 of NRS, any regulation adopted by the Board pursuant thereto or any order of the Board, the Board may enter an order requiring the person to desist or refrain from engaging in the violation.

2. The provisions of ~~[NRS 241.034]~~ ***section 3 of this act*** do not apply to any action that is taken by the Board pursuant to this section.

Sec. 19. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and ~~[241.034.]~~ ***section 3 of this act.*** A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to

this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 20. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 686 to Assembly Bill No. 52.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 60.

The following Senate amendment was read:

Amendment No. 576.

AN ACT relating to local improvements; revising the process for the governing body of a municipality to provide notice of the annual assessment roll for a neighborhood improvement project; **revising the process for such a governing body to approve an amendment to the assessment roll;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any county, city or town to create an improvement district for the acquisition, improvement, equipment, operation and maintenance of certain projects, including a neighborhood improvement project, and to finance the cost of any such project through such methods as the issuance of certain bonds and the levy of assessments upon property in the improvement district. (NRS 271.265, 271.270, 271.325)

Existing law requires the governing body of a local government which has acquired or improved a neighborhood improvement project to annually: (1) prepare an estimate of expenditures for the next fiscal year and a proposed assessment roll for the district; (2) conduct a public hearing on the estimate of expenditures and proposed assessment roll; and (3) confirm and levy the assessments. (NRS 271.377) **Section 3** of this bill requires instead that a governing body for a neighborhood improvement project annually: (1) prepare an amendment to the assessment roll and an estimate of the expenditures for the next fiscal year; (2) hold a public meeting to consider the amendment; (3) mail or, upon written request and to the extent practicable, transmit by electronic mail a notice of the public meeting at least 21 days before the date of the meeting to the owner of each tract to be assessed; and (4) confirm the amendment to the assessment roll by resolution and mail notice of the assessments to the owner of each tract being assessed. **Section 3 further: (1) requires the governing body to list an amendment to the assessment roll**

as a separate action item on the meeting agenda; and (2) prohibits the governing body from approving an amendment to the assessment roll as a group of agenda items in a single motion.

Sections 1 and 2 of this bill make conforming changes to clarify appropriate references to certain sections in the Nevada Revised Statutes.

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

Section 1. NRS 271.296 is hereby amended to read as follows:

271.296 1. The governing body may, by resolution, dissolve an improvement district that is created for the purposes of a neighborhood improvement project if property owners whose property is assessed for a combined total of more than 50 percent of the total amount of the assessments of all the property in the improvement district submit a written petition to the governing body that requests the dissolution of the district within the period prescribed in subsection 2.

2. The dissolution of an improvement district pursuant to this section may be requested within 30 days after:

(a) The first anniversary of the date the improvement district was created; and

(b) Each subsequent anniversary thereafter.

3. As soon as practicable after the receipt of the written petition of the property owners submitted pursuant to subsection 1, the governing body shall pass a resolution of intention to dissolve the improvement district. The governing body shall give notice of a hearing on the dissolution. The notice must be provided and the hearing must be held ~~[pursuant to the requirements]~~ ***in the manner*** set forth in NRS ~~[271.377.]~~ ***271.380 and 271.385.*** If the governing body determines that dissolution of the improvement district is appropriate, it shall dissolve the improvement district by resolution, effective not earlier than the 30th day after the hearing.

4. If there is indebtedness, outstanding and unpaid, incurred to accomplish any of the purposes of the improvement district, the portion of the assessment necessary to pay the indebtedness remains effective and must be continued in the following years until the debt is paid.

Sec. 2. NRS 271.297 is hereby amended to read as follows:

271.297 An association with which a governing body contracts pursuant to NRS 271.332 may, at any time, request that the governing body modify a plan or plat with regard to the neighborhood improvement project. Upon the written request of the association, the governing body may modify the plan or plat by ordinance after ***providing notice and*** holding a hearing on the proposed modification ~~[pursuant to NRS 271.377.]~~ ***in the manner set forth in NRS 271.380 and 271.385.*** If the proposed modification of a plat expands the territory for assessment, a person who owns or resides within a tract which is located within the territory proposed to be added to the improvement district may file a protest pursuant to NRS 271.392 at any time before the governing

body modifies the plat by ordinance. A petition is not required for a modification made pursuant to this section.

Sec. 3. NRS 271.377 is hereby amended to read as follows:

271.377 1. On or before June 30 of each year after the governing body acquires or improves a neighborhood improvement project, the governing body shall prepare or cause to be prepared an estimate of the expenditures required in the ensuing fiscal year and a proposed ***amendment to the*** assessment roll assessing an amount not greater than the estimated cost against the benefited property. The ***amendment to the*** assessment must be computed according to frontage or another uniform and quantifiable basis.

2. The governing body shall ~~[hold a public hearing upon the estimate of expenditures and the proposed assessment roll.]~~ ***consider the amendment to the assessment roll at a public meeting of the governing body.*** Notice must be given ~~[and the hearing conducted in the manner provided in NRS 271.380 and 271.385. The assessment may not exceed the amount stated in the proposed assessment roll unless a new hearing is held after notice is mailed and published in the manner provided in NRS 271.305 and 271.310.]~~ ***by mail or, upon written request and to the extent practicable, by electronic mail to the owner of each tract to be assessed at least 21 days before the date of the meeting of the governing body. The notice must set forth the amount of the assessment roll for the ensuing fiscal year.***

3. ***The agenda for a public meeting of the governing body to consider an amendment to the assessment roll must list the amendment as a separate action item. The governing body shall not approve an amendment to the assessment roll as a group of agenda items in a single motion.***

4. After the ~~[public hearing,]~~ ***meeting,*** the governing body shall confirm the assessments, as specified in the ~~[proposed]~~ ***amendment to the*** assessment roll ~~[or as modified, and levy the assessment as provided in NRS 271.390.]~~ ***, by resolution and mail notice of the assessments to the owner of each tract being assessed. The notice must set forth the date on which the assessment is due and instructions for paying the assessment.***

~~[4.]~~ ***5.*** An improvement district created for a neighborhood improvement project is not entitled to any distribution from the local government tax distribution account.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 576 to Assembly Bill No. 60.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 143.

The following Senate amendment was read:

Amendment No. 688.

AN ACT relating to counties; authorizing, under certain circumstances, a board of county commissioners **of certain counties** to convey without

consideration real property acquired directly from the Federal Government for purposes of clearing title to certain persons; exempting such transfers from the real property transfer tax; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain procedures for a board of county commissioners to transfer or sell real property. (NRS 244.2795-244.296) **Section 1** of this bill authorizes ~~[a]~~ **the** board of county commissioners **of a county whose population is less than 4,500 (currently Esmeralda, Eureka and Storey Counties)** to convey, without consideration and without complying with certain requirements in existing law, real property that the county acquired directly from the Federal Government for the purpose of clearing title to the property. (NRS 244.281) The real property must be conveyed to the person or persons, as applicable, who have an interest in the property. To convey such real property, **section 1** requires the board of county commissioners to execute and record a deed, which is effective upon recordation. **Section 1** further requires the board of county commissioners, upon recordation of the deed, to send actual notice by certified mail to the person or persons to whom the property was conveyed. The notice must include, without limitation, a copy of the recorded deed and information on how the person may disclaim the interest in the property.

Section 5.5 of this bill provides that if ~~[a]~~ **the** board of county commissioners **of a county whose population is less than 4,500 (currently Esmeralda, Eureka and Storey Counties)** conveys any real property pursuant to **section 1** between October 1, 2023, and June 30, 2024, the county recorder of the county shall report to the Joint Interim Standing Committee on Government Affairs the number of such conveyances initiated or completed.

Sections 2 and 3 of this bill make conforming changes to exempt such conveyances from the provisions that generally apply to the sale or lease of property by a board of county commissioners.

Section 5 of this bill exempts conveyances executed pursuant to **section 1** from the real property transfer tax.

Section 4 of this bill indicates the proper placement of **section 1** in the Nevada Revised Statutes.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ The board of county commissioners of a county whose population is less than 4,500 may convey real property, without consideration or without complying with the provisions of NRS 244.281, if:

(a) The real property was acquired by the county directly from the Federal Government for the purpose of clearing title to the real property; and

(b) The board of county commissioners conveys the real property to the person or persons, as applicable, who have an interest in the real property.

2. If the board of county commissioners <u>of a county whose population is less than 4,500</u> conveys real property pursuant to subsection 1, the board must execute and record a deed, which shall be effective upon recordation. Upon recordation, the board of county commissioners must send actual notice by certified mail to the person or persons, as applicable, to whom the property was conveyed that includes, without limitation, a copy of the recorded deed and information on how the person may disclaim the interest in property.

Sec. 2. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, ***and section 1 of this act,*** and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph and paragraph (h) of subsection 1 of NRS 244.281, obtain two independent appraisals of the real property before selling or leasing it. If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if:

(a) The appraiser has an interest in the real property or an adjoining property;

(b) The real property is located in a county whose population is 45,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a county whose population is less than 45,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 3. NRS 244.281 is hereby amended to read as follows:

244.281 1. Except as otherwise provided in this subsection and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, ***and section 1 of this act,*** and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

(a) When a board of county commissioners has determined by resolution that the sale or lease of any real property owned by the county will be for purposes other than to establish, align, realign, change, vacate or otherwise adjust any street, alley, avenue or other thoroughfare, or portion thereof, or flood control facility within the county and will be in the best interest of the county, it may:

(1) Sell the real property in the manner prescribed for the sale of real property in NRS 244.282.

(2) Lease the real property in the manner prescribed for the lease of real property in NRS 244.283.

(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the county; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➥ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) Except as otherwise provided in this paragraph and paragraph (h), if the board of county commissioners by its resolution further finds that the real property to be sold or leased is worth more than $1,000, the board shall select two or more disinterested, competent real estate appraisers pursuant to NRS 244.2795 to appraise the real property. If the board of county commissioners holds a public hearing on the matter of the fair market value of the property, one disinterested, competent appraisal of the real property is sufficient before selling or leasing it. Except for real property acquired pursuant to NRS 371.047, the board of county commissioners shall not sell or lease it for less than:

(1) If two independent appraisals were obtained, the average of the appraisals of the real property.

(2) If only one independent appraisal was obtained, the appraised value of the real property.

(d) If the real property is appraised at $1,000 or more, the board of county commissioners may:

(1) Lease the real property; or

(2) Sell the real property either for cash or for not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust, bearing such interest and upon such further terms as the board of county commissioners may specify.

(e) A board of county commissioners may sell or lease any real property owned by the county without complying with the provisions of NRS 244.282 or 244.283 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that the sale will be in the best interest of the county and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The board adopts a resolution finding that the sale or lease will be in the best interest of the county.

(f) A board of county commissioners that disposes of real property pursuant to paragraph (d) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the board of county commissioners may offer the real property for sale or lease a second time pursuant to this section. The board of county commissioners must obtain a new appraisal or appraisals, as applicable, of the real property pursuant to the provisions of NRS 244.2795 before offering the real property for sale or lease a second time if:

(1) There is a material change relating to the title, the zoning or an ordinance governing the use of the real property; or

(2) The appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property is offered for sale or lease the second time.

(h) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the board of county commissioners may list the real property for sale or lease at the appraised value or average of the appraised value if two or more appraisals were obtained, as applicable, with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property. If the appraisal or appraisals, as applicable, were prepared more than 6 months before the date on which the real property

is listed with a licensed real estate broker, the board of county commissioners must obtain one new appraisal of the real property pursuant to the provisions of NRS 244.2795 before listing the real property for sale or lease at the new appraised value.

2. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

3. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 4. NRS 371.047 is hereby amended to read as follows:

371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.043 or 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:

(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.

(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.

2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, ***and section 1 of this act,*** dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.043 or 371.045, as applicable.

4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:

(a) Constitutes a taking of all or any part of the property, or interest therein;

(b) Lowers the value of the property; or

(c) Constitutes a nuisance.

5. As used in this section:

(a) "Highway with limited access" means a divided highway for through traffic with full control of access and with grade separations at intersections.

(b) "Primary residence" means a dwelling, whether owned or rented by the occupant, which is the sole principal place of residence of that occupant.

(c) "Residential real property" means a lot or parcel of not more than 1.5 acres upon which a single-family or multifamily dwelling is located.

Sec. 5. NRS 375.090 is hereby amended to read as follows:

375.090 The taxes imposed by NRS 375.020, 375.023 and 375.026 do not apply to:

1. A mere change in identity, form or place of organization, such as a transfer between a business entity and its parent, its subsidiary or an affiliated business entity if the affiliated business entity has identical common ownership.

2. A transfer of title to the United States, any territory or state or any agency, department, instrumentality or political subdivision thereof.

3. A transfer of title recognizing the true status of ownership of the real property, including, without limitation, a transfer by an instrument in writing pursuant to the terms of a land sale installment contract previously recorded and upon which the taxes imposed by this chapter have been paid.

4. A transfer of title without consideration from one joint tenant or tenant in common to one or more remaining joint tenants or tenants in common.

5. A transfer, assignment or other conveyance of real property if the owner of the property is related to the person to whom it is conveyed within the first degree of lineal consanguinity or affinity.

6. A transfer of title between former spouses in compliance with a decree of divorce.

7. A transfer of title to or from a trust without consideration if a certificate of trust is presented at the time of transfer.

8. Transfers, assignments or conveyances of unpatented mines or mining claims.

9. A transfer, assignment or other conveyance of real property to a corporation or other business organization if the person conveying the property owns 100 percent of the corporation or organization to which the conveyance is made.

10. A conveyance of real property by deed which becomes effective upon the death of the grantor pursuant to NRS 111.655 to 111.699, inclusive, and a Death of Grantor Affidavit recorded in the office of the county recorder pursuant to NRS 111.699.

11. The making, delivery or filing of conveyances of real property to make effective any plan of reorganization or adjustment:

(a) Confirmed under the Bankruptcy Act, as amended, 11 U.S.C. §§ 101 et seq.;

(b) Approved in an equity receivership proceeding involving a railroad, as defined in the Bankruptcy Act; or

(c) Approved in an equity receivership proceeding involving a corporation, as defined in the Bankruptcy Act,

➥ if the making, delivery or filing of instruments of transfer or conveyance occurs within 5 years after the date of the confirmation, approval or change.

12. A transfer to an educational foundation. As used in this subsection, "educational foundation" has the meaning ascribed to it in subsection 3 of NRS 388.750.

13. A transfer to a university foundation. As used in this subsection, "university foundation" has the meaning ascribed to it in subsection 3 of NRS 396.405.

14. A transfer to a library foundation. As used in this subsection, "library foundation" has the meaning ascribed to it in NRS 379.0056.

15. A conveyance of real property to a person or persons from ~~[a]~~ the board of county commissioners of a county whose population is less than 4,500 pursuant to section 1 of this act.

Sec. 5.5. If **~~[a]~~ the** board of county commissioners **of a county whose population is less than 4,500** conveys any real property pursuant to section 1 of this act between October 1, 2023, and June 30, 2024, the county recorder of the county shall, on or before July 1, 2024, report to the Joint Interim Standing Committee on Government Affairs the number of such conveyances initiated or completed.

Sec. 6. This act becomes effective on October 1, 2023, and expires by limitation on June 30, 2025.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 688 to Assembly Bill No. 143.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 172.

The following Senate amendment was read:

Amendment No. 689.

SUMMARY—Revises provisions governing collective bargaining for **~~[local government]~~ certain public** employees. (BDR 23-700)

AN ACT relating to collective bargaining; requiring **, with certain exceptions,** each **~~[local government employer]~~ school district** to semiannually provide each employee organization recognized by the **~~[local government employer]~~ school district** certain information relating to each employee of the bargaining unit represented by the employee organization; **requiring collective bargaining between the Executive Department of State Government and classified employees to include matters relating to parking and transportation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each employee organization recognized by a local government employer **, including, without limitation, a school district,** in

this State to file a report with the Government Employee-Management Relations Board each year containing certain information, including, without limitation, the total number of persons in each bargaining unit represented by the employee organization. (NRS 288.165) **Section 1** of this bill requires, with certain exception, that each ~~[local government employer]~~ **school district** provide each employee organization recognized by the ~~[local government employer]~~ **school district** the name, address, ~~[email]~~ **electronic mail** address, telephone number, work contact information and work location of each employee in the bargaining unit represented by the employee organization at least on a semiannual basis ~~[.]~~ **, unless the school district and an employee organization recognized by the school district agree otherwise.** **Section 1** further provides that if a ~~[local government]~~ **school district** employee notifies his or her employer in writing that he or she does not want the employer to provide his or her information to the employee organization, the ~~[local government employer: (1)]~~ **school district** must ~~[still]~~ **not** provide the information to the employee organization ~~[twice per year,]~~ but ~~[must not provide the information to the employee organization more often; and (2)]~~ must still provide the information to the Government Employee-Management Relations Board when requested by order of the Board. **Section 1** also provides that information about any ~~[local government]~~ **school district** employee provided to an employee organization or the Board is confidential and is not a public record. **Section 3** of this bill makes a conforming change relating to making such information confidential and not a public record.

Existing law sets forth the requirements for collective bargaining between the Executive Department of State Government and employee organizations that represent classified employees, including the subjects of mandatory bargaining. (NRS 288.500) Section 2.5 of this bill additionally requires such collective bargaining to include matters relating to parking and transportation.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

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

Section 1. Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection and subsection 3, at least twice each year, on or before January 1 and July 1, each ~~[local government employer]~~ school district shall provide each employee organization recognized by the ~~[local government employer]~~ school district the name, address, ~~[email]~~ electronic mail address, telephone number, work contact information and work location of each ~~[local government]~~ school district employee of the bargaining unit represented by the employee organization. A school district and an employee organization may agree to

provide such information about school district employees at other times that are in addition to or in place of January 1 and July 1 of each year.

2. [A local government employer] Except as otherwise provided in subsection 3, a school district is required to provide an employee organization with the information about a [local government] school district employee pursuant to subsection 1 regardless of whether the employee has joined the employee organization.

3. If a [local government] school district employee notifies [his or her employer] the school district in writing that he or she does not want the [employer] school district to provide any of his or her information to the employee organization recognized by the [local government employer,] school district, the [local government employer:] school district:

(a) Must [still] not provide the information set forth in subsection 1 to the employee organization ; [on or before January 1 and July 1 of year but must not provide the information set forth in subsection 1 to the employee organization more often;] and

(b) Must still provide the information set forth in subsection 1 to the Government Employee-Management Relations Board when requested by the order of the Board.

4. Information about any [local government] school district employee that is provided pursuant to this section to an employee organization or the Government Employee-Management Relations Board is confidential and is not a public record.

Sec. 2. NRS 288.131 is hereby amended to read as follows:

288.131 As used in NRS 288.131 to 288.280, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 288.132 to 288.138, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.5. **NRS 288.500 is hereby amended to read as follows:**

288.500 1. For the purposes of collective bargaining, supplemental bargaining and other mutual aid or protection, employees have the right to:

(a) Organize, form, join and assist labor organizations, engage in collective bargaining and supplemental bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such activity.

2. Collective bargaining and supplemental bargaining entail a mutual obligation of the Executive Department and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:

(a) The subjects of mandatory bargaining set forth in subsection 2 of NRS 288.150, except paragraph (f) of that subsection;

(b) ***Matters relating to parking and transportation;***

(c) The negotiation of an agreement;

~~[(c)]~~ ***(d)*** The resolution of any question arising under an agreement; and

~~[(d)]~~ ***(e)*** The execution of a written contract incorporating the provisions of an agreement, if requested by either party.

3. The subject matters set forth in subsection 3 of NRS 288.150 are not within the scope of mandatory bargaining and are reserved to the Executive Department without negotiation.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of NRS 288.400 to 288.630, inclusive, the Executive Department is entitled to take the actions set forth in paragraph (b) of subsection 6 of NRS 288.150. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. This section does not preclude, but the provisions of NRS 288.400 to 288.630, inclusive, do not require, the Executive Department to negotiate subject matters set forth in subsection 3 which are outside the scope of mandatory bargaining. The Executive Department shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

6. The Executive Department shall furnish to an exclusive representative data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of the subjects of mandatory bargaining described in subsection 2. This subsection shall not be construed to require the Executive Department to furnish to the exclusive representative any advice or training received by representatives of the Executive Department concerning collective bargaining.

7. To the greatest extent practicable, any decision issued by the Board before October 1, 2019, relating to the interpretation of, or the performance under, the provisions of NRS 288.150 shall be deemed to apply to any complaint arising out of the interpretation of, or performance under, the provisions of this section.

Sec. 3. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050,

239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760,

641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***section 1 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 689 to Assembly Bill No. 172.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 305.

The following Senate amendment was read:

Amendment No. 693.

AN ACT relating to public works; requiring **, with certain exceptions,** a contractor or subcontractor to comply with certain requirements relating to the use of apprentices who are women on a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a contractor or subcontractor engaged in: (1) vertical construction who employs a worker on a public work to use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed; and (2) horizontal construction who employs a worker on a public work to use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. (NRS 338.01165) **Section 1** of this bill requires that, to the extent practicable: (1) at least 2 percent of the hours of labor for vertical construction that is required to be performed by apprentices must be performed by women; and (2) at least 1 percent of the hours of labor for horizontal construction that is required to be performed by apprentices must be performed by women. **Section 1 also requires the State Apprenticeship Council to review, at least once every 2 years, the policies of an apprenticeship program that does not provide enough apprentices who are women to enable a contractor or subcontractor to meet the percentage of hours of labor required to be performed by women. Section 2** of this bill provides that such requirements do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

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 on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. ***To the extent practicable, at least 2 percent of the hours of labor that is required to be performed by apprentices must be performed by women. For purposes of this subsection, "to the extent practicable" means to the extent the requirement to have at least 2 percent of the hours of labor to be performed by apprentices who are women is feasible or capable of being done or carried out with reasonable effort, taking into account the number and availability of apprentices who are women in the applicable apprenticed craft or type of work.***

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 on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. ***To the extent practicable, at least 1 percent of the hours of labor that is required to be performed by apprentices must be performed by women. For purposes of this subsection, "to the extent practicable" means to the extent the requirement to have at least 3 percent of the hours of labor to be performed by apprentices who are women is feasible or capable of being done or carried out with reasonable effort, taking into account the number and availability of apprentices who are women in the applicable apprenticed craft or type of work.***

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. A contractor or subcontractor engaged on a public work is not required to use an apprentice***, regardless of gender,*** 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 to 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.]~~ ***11.***

7. 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. A public body, contractor or subcontractor may request a hearing on the determination of the Labor Commissioner 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. A contractor or subcontractor engaged on a public work shall enter into an apprenticeship agreement for all apprentices 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]~~ ***11*** and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.

10. ***If a contractor or subcontractor does not meet the requirements set forth in subsection 1 or 2, as applicable, to have a percentage of the hours of labor performed by apprentices who are women, there is a rebuttable presumption that there were not enough apprentices who are women available to comply with such requirements. If an apprenticeship program is unable to rebut the presumption, the State Apprenticeship Council shall, at least once every two years, require the apprenticeship program to appear before the State Apprenticeship Council to review the policies of the program to recruit women. The State Apprenticeship Council may, without limitation, recommend improvements for recruiting women to the apprenticeship program.***

11. 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) "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. The amendatory provisions of this act do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

Sec. 3. This act becomes effective on January 1, 2024.

Assemblywoman Torres moved that the Assembly do not concur in the Senate Amendment No. 693 to Assembly Bill No. 305.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 391.

The following Senate amendment was read:

Amendment No. 694.

AN ACT relating to public works; authorizing a local government to ~~[require a contractor on]~~ **enter into a prehire agreement for** a public work **;** ~~[to give a preference for local hiring;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a process for a local government to award a contract for a public work. (NRS 338.1385) This bill authorizes a local government to ~~[require a contractor on]~~ **enter into a prehire agreement for** a public work **.** ~~[to give]~~ **Any such prehire agreement may contain** a preference for hiring labor on the public work to local residents who reside: (1) within the jurisdiction of the local government; (2) within a certain specified distance of

the jurisdiction of the local government; or (3) within a certain geographic area within the jurisdiction of the local government. This authority does not apply if any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work. This bill also clarifies that this authority shall not be construed to authorize a contractor on a public work to pay any worker on the public work less than the applicable prevailing wage.

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 a new section to read as follows:

1. Except as otherwise provided in subsection 2, a local government sponsoring or financing a public work may ~~[require that a contractor on]~~ enter into a prehire agreement for the public work . ~~[give]~~ Any such prehire agreement may contain a preference for hiring labor on the public work to local residents who possess a valid driver's license or identification card issued by the Department of Motor Vehicles or other proof of current address which indicates that the person resides:

(a) Within the jurisdiction of the local government;

(b) Within a certain specified distance of the jurisdiction of the local government, as provided by the local government sponsoring or financing the public work; or

(c) Within a certain geographic area within the jurisdiction of the local government.

2. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 1, those provisions do not apply insofar as their application would preclude or reduce federal assistance.

3. Nothing in this section shall be construed to authorize a contractor on a public work to pay any worker on the public work less than the applicable prevailing wage required pursuant to NRS 338.020 to 338.090, inclusive.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. 1. The amendatory provisions of this act apply to a public work for which bids are first advertised by a local government after the effective date of this act.

2. As used in this section, "local government" and "public work" have the meanings ascribed to them in NRS 338.010.

Sec. 7. (Deleted by amendment.)

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 694 to Assembly Bill No. 391.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

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

Assembly in recess at 1:36 p.m.

ASSEMBLY IN SESSION

At 1:38 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 423.

The following Senate amendment was read:

Amendment No. 560.

AN ACT relating to the boards of trustees of school districts; restricting, with certain exceptions, the time of day during which the board of trustees of a school district may take action or corrective action at a regular or special meeting; ~~[authorizing, under certain circumstances, the board of trustees to restrict certain public comment at a regular or special meeting;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that a public body such as the board of trustees of a school district give notice of its meetings by: (1) posting an agenda consisting of a list describing the items on which action may be taken by the public body; and (2) clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, under certain circumstances, by placing the term "for possible corrective action" next to the appropriate item. (NRS 241.015, 241.020) Existing law sets forth certain requirements and procedures for meetings of the board of trustees of a school district, including, without limitation: (1) a requirement that the board of trustees hold a regular meeting at least once each month; and (2) the authority for the president of the board of trustees to call special meetings under certain circumstances. (NRS 386.330) **Section 1** of this bill prohibits, except in an emergency that impacts the school district, the board of trustees of a school district from taking any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to the Open Meeting Law after 11:59 p.m. on the day of the meeting. **Section 1** further provides that if the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees: (1) schedules the delayed agenda item at a future meeting; or (2)

waits at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

~~[The United States Constitution and the Nevada Constitution protect the freedom of speech but a public body may, under certain circumstances, limit speech at a public meeting. (U.S. Const. Amend. I; Nev. Const. Art. 1, § 9; Minnesota State Bd. for Community Colleges v. Knight, 465 U.S. 271, 281-85 (1984); White v. City of Norwalk, 900 F.2d 1421, 1425 (9th Cir. 1990)) Under existing case law, a public body may: (1) impose reasonable time, place and manner restrictions that are viewpoint neutral and maintain decorum and order; and (2) limit public comment that is not relevant to or within the authority of the public body. (Norwalk at 1425; Reza v. Pearce, 806 F.3d 497, 503-04 (9th Cir. 2015); see also OMLO 2001-22 (12-17-2002); Nevada Open Meeting Law Manual, § 8.05 (11th ed. 2012)) However, existing case law prohibits a public body from restricting public comment that is slanderous or offensive unless such public comment causes an actual disturbance at the meeting. (Acosta v. City of Costa Mesa, 718 F.3d 800, 813 (9th Cir. 2013)) Consistent with existing case law, the Open Meeting Law authorizes the removal from a meeting of a public body any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (NRS 241.030) Section 1 authorizes a board of trustees of a school district, consistent with existing case law, to restrict public comment at a regular meeting or special meeting if the public comment: (1) is a topic that is not relevant to or within the authority of the board of trustees; or (2) is willfully disruptive of the meeting by being slanderous or offensive.]~~

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

Section 1. NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees

shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

6. Except in an emergency that impacts the school district, the board of trustees shall not take any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to chapter 241 of NRS after 11:59 p.m. on the day of the meeting. If the board of trustees has not taken action or corrective action, as applicable, on any item that

is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees:

(a) Schedules the delayed agenda item at a future meeting by placing the item on its agenda for the future meeting pursuant to chapter 241 of NRS; or

(b) Waits until at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

7. ~~[The board of trustees may restrict public comment at a regular meeting or special meeting if the public comment:~~

~~(a) Is a topic that is not relevant to or within the authority of the board of trustees; or~~

~~(b) Is willfully disruptive of the meeting by being slanderous or offensive.~~

~~8.]~~ As used in this section, "emergency" has the meaning ascribed to it in NRS 241.020.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved that the Assembly do not concur in the Senate Amendment No. 560 to Assembly Bill No. 423.

Motion carried.

The following Senate amendment was read:

Amendment No. 674.

SUMMARY—Revises provisions governing ~~[meetings of a board]~~ **boards** of trustees of ~~[a]~~ school ~~[district.]~~ **districts.** (BDR 34-847)

AN ACT relating to the boards of trustees of school districts; **prohibiting a board of trustees of a school district from adopting certain policies;** restricting, with certain exceptions, the time of day during which the board of trustees of a school district may take action or corrective action at a regular or special meeting; authorizing, under certain circumstances, the board of trustees to restrict certain public comment at a regular or special meeting; **providing an administrative penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides each board of trustees of a school district, with certain exceptions, with such reasonable and necessary powers as required to promote the welfare of school children. (NRS 386.350) Section 1 of this bill prohibits a board of trustees from adopting a policy that limits the access of a pupil to school facilities or activities because of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status or sex. Section 1 further authorizes the Department of Education to impose an administrative penalty against a board of trustees that adopts such a policy.

The Open Meeting Law requires that a public body such as the board of trustees of a school district give notice of its meetings by: (1) posting an agenda consisting of a list describing the items on which action may be taken by the public body; and (2) clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, under certain circumstances, by placing the term "for possible corrective action" next to the appropriate item. (NRS 241.015, 241.020) Existing law sets forth certain requirements and procedures for meetings of the board of trustees of a school district, including, without limitation: (1) a requirement that the board of trustees hold a regular meeting at least once each month; and (2) the authority for the president of the board of trustees to call special meetings under certain circumstances. (NRS 386.330) **Section ~~[1]~~ 1.5** of this bill prohibits, except in an emergency that impacts the school district, the board of trustees of a school district from taking any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to the Open Meeting Law after 11:59 p.m. on the day of the meeting. **Section ~~[1]~~ 1.5** further provides that if the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees: (1) schedules the delayed agenda item at a future meeting; or (2) waits at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

The United States Constitution and the Nevada Constitution protect the freedom of speech but a public body may, under certain circumstances, limit

speech at a public meeting. (U.S. Const. Amend. I; Nev. Const. Art. 1, § 9; *Minnesota State Bd. for Community Colleges v. Knight*, 465 U.S. 271, 281-85 (1984); *White v. City of Norwalk*, 900 F.2d 1421, 1425 (9th Cir. 1990)) Under existing case law, a public body may: (1) impose reasonable time, place and manner restrictions that are viewpoint neutral and maintain decorum and order; and (2) limit public comment that is not relevant to or within the authority of the public body. (*Norwalk* at 1425; *Reza v. Pearce*, 806 F.3d 497, 503-04 (9th Cir. 2015); *see also* OMLO 2001-22 (12-17-2002); *Nevada Open Meeting Law Manual*, § 8.05 (11th ed. 2012)) However, existing case law prohibits a public body from restricting public comment that is slanderous or offensive unless such public comment causes an actual disturbance at the meeting. (*Acosta v. City of Costa Mesa*, 718 F.3d 800, 813 (9th Cir. 2013)) Consistent with existing case law, the Open Meeting Law authorizes the removal from a meeting of a public body any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical. (NRS 241.030) Section ~~[1]~~ **1.5** authorizes a board of trustees of a school district, consistent with existing case law, to restrict public comment at a regular meeting or special meeting if the public comment: (1) is a topic that is not relevant to or within the authority of the board of trustees; or (2) is willfully disruptive of the meeting by being slanderous or offensive.

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

Section 1. **Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A board of trustees shall not adopt a policy that limits the access of a pupil because of race, religious creed, color, national origin, disability, sexual orientation, gender identity or expression, ancestry, familial status or sex, to school facilities or activities.

2. If the Department finds that a board of trustees adopts a policy that violates the provisions of subsection 1, the Department may impose an administrative penalty of not more than $5,000 for each day that the policy is in effect.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 386.330 is hereby amended to read as follows:

386.330 1. The board of trustees shall hold a regular meeting at least once each month, at such time and place as the board shall determine.

2. Special meetings of the board of trustees shall be held at the call of the president whenever there is sufficient business to come before the board, or upon the written request of three members of the board.

3. The clerk of the board of trustees shall give written notice of each special meeting to each member of the board of trustees by personal delivery of the notice of the special meeting to each trustee at least 1 day before the meeting, or by mailing the notice to each trustee's residence of record, by deposit in the United States mails, postage prepaid, at least 4 days before the

meeting. The notice shall specify the time, place and purpose of the meeting. If all of the members of the
board of trustees are present at a special meeting, the lack of notice shall not invalidate the proceedings of the board of trustees.

4. A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and no action of the board of trustees shall be valid unless such action shall receive, at a regularly called meeting, the approval of a majority of all the members of the board of trustees.

5. In any county whose population is 55,000 or more, the board of trustees may cause each meeting of the board to be broadcast on a television station created to provide community access to cable television by using the facilities of the school district, county or any city located in the county. The board of trustees and the county or city shall cooperate fully with each other to determine:

(a) The feasibility of televising the meetings of the board of trustees;

(b) The costs to televise the meetings of the board of trustees for each proposed method of televising; and

(c) The number of potential viewers of the meetings of the board of trustees for each proposed method of televising.

6. Except in an emergency that impacts the school district, the board of trustees shall not take any action or corrective action at a regular meeting or special meeting on an item that has been posted on its agenda pursuant to chapter 241 of NRS after 11:59 p.m. on the day of the meeting. If the board of trustees has not taken action or corrective action, as applicable, on any item that is on its agenda before 11:59 p.m. on the day of the meeting, the board of trustees must not take any further action or corrective action on any item that is on the meeting agenda unless the board of trustees:

(a) Schedules the delayed agenda item at a future meeting by placing the item on its agenda for the future meeting pursuant to chapter 241 of NRS; or

(b) Waits until at least 24 hours after the originally scheduled time of the meeting but not later than 3 business days after the originally scheduled date of the meeting to take action or corrective action.

7. The board of trustees may restrict public comment at a regular meeting or special meeting if the public comment:

(a) Is a topic that is not relevant to or within the authority of the board of trustees; or

(b) Is willfully disruptive of the meeting by being slanderous or offensive.

8. As used in this section, "emergency" has the meaning ascribed to it in NRS 241.020.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved that the Assembly do not concur in the Senate Amendment No. 674 to Assembly Bill No. 423.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 57.

The following Senate amendment was read:

Amendment No. 724.

AN ACT relating to motor vehicles; revising provisions relating to a lien on a motor vehicle; **revising provisions relating to automobile wreckers; revising provisions governing liens on certain abandoned vehicles;** revising the date by which the Director of the Department of Motor Vehicles is required to submit certain reports concerning garages, garage operators and body shops; repealing provisions relating to special license plates issued to honorary consuls of foreign countries; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain persons who store, maintain, keep, repair or furnish facilities or services for certain vehicles have a lien on such vehicles. (NRS 108.265-108.367) Existing law authorizes a person who has such a lien to satisfy the lien by selling the vehicle at an auction held at or near the place where the lien was acquired. **Section 1** of this bill provides that, if a person who has such a lien is unable to sell the vehicle at a public auction for the fair market value of the vehicle, the person may satisfy the lien by selling the vehicle by private sale directly to a third-party purchaser in an arm's length transaction. **Section 1** also removes the requirement that a sale must be held at or near the place where the lien was acquired.

Existing law provides for the licensure and regulation of automobile wreckers. (NRS 487.047-487.200) Section 3.3 of this bill authorizes an automobile wrecker to sell a vehicle acquired by the automobile wrecker that: (1) possesses minor damage; and (2) is not scheduled to be salvaged. Existing law requires, in general, that the seller of a used motor vehicle provide the buyer of the vehicle with evidence that the vehicle complies with certain engine emission standards for the purpose of registering the vehicle with the Department of Motor Vehicles. (NRS 445B.800) Section 1.5 of this bill provides that this requirement does not apply to an automobile wrecker who: (1) has acquired a vehicle that possesses minor damage and is not scheduled to be salvaged; (2) sells such a vehicle to a buyer who is responsible for obtaining such compliance before registering the vehicle; and (3) complies with certain notice requirements.

Existing law requires an automobile wrecker to forward to the Department the certificates of title and registration for certain vehicles acquired by the automobile wrecker. (NRS 487.100) Section 3.6 of this bill provides an exemption to this requirement if the automobile wrecker acquires a vehicle to sell that: (1) possesses minor damage; and (2) is not scheduled to be salvaged.

Existing law provides provisions for the removal and disposal of abandoned vehicles. (NRS 487.205-487.300) Existing law provides that the owner of a garage to which an abandoned vehicle has been removed or an automobile wrecker who towed an abandoned vehicle has a lien on the vehicle and establishes the manner in which such a lien may be satisfied depending on the appraised value of the vehicle. (NRS 487.270) Section 3.9 of this bill provides that the operator of a tow car who tows an abandoned vehicle has a lien on the vehicle. Section 3.9 revises the appraised values which determine the manner in which a lien on an abandoned vehicle may be satisfied. Section 3.9 authorizes an automobile wrecker or operator of a tow car to obtain an unbranded title for an abandoned vehicle from the Department if the automobile wrecker or operator presents a certificate of inspection to the Department which meets certain requirements.

On November 16, 2021, the United States Department of State issued a notice indicating that it is the preference of the Office of Foreign Missions of the United States Department of State that states cease issuing special license plates to honorary consular officers. (United States Department of State, "Cessation of Honorary Consul License Plates," November 16, 2021) In accordance with that notice, **section 7** of this bill repeals provisions of existing law which provide for the issuance of special license plates to a person appointed as an honorary consul of a foreign country, thereby terminating the production and distribution of such plates. (NRS 482.3675) **Sections 2 and 3** of this bill make conforming changes by eliminating references to the repealed section.

Existing law requires the Director of the Department of Motor Vehicles to prepare and submit an annual report concerning garages, garage operators and body shops to the Legislative Commission or Legislature, as appropriate, on or before January 1 of each year. (NRS 487.557) **Section 4** of this bill instead requires the Director to submit this report on or before February 1 of each year. **Section 4** also updates references to the standing committees to whom the report will be transmitted.

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

Section 1. NRS 108.310 is hereby amended to read as follows:

108.310 Subject to the provisions of NRS 108.2723 and 108.315, the lien created in NRS 108.270 to 108.367, inclusive, may be satisfied as follows:

1. The lien claimant shall give written notice to the person on whose account the storing, maintaining, keeping, repairing, labor, fuel, supplies, facilities, services or accessories were made, done or given, and to any other person known to have or to claim an interest in the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home, upon which the lien is asserted, and to the:

(a) Housing Division of the Department of Business and Industry with regard to mobile homes, manufactured homes and commercial coaches as defined in chapter 489 of NRS; or

(b) Department of Motor Vehicles with regard to all other items included in this section.

2. ~~[In]~~ ***Except as otherwise provided in subsection 3, in*** accordance with the terms of a notice so given, a sale by ***public*** auction ~~[may]~~ ***must*** be held to satisfy any valid claim which has become a lien on the motor vehicle, aircraft, motorcycle,
motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home. ~~[The sale must be held in the place where the lien was acquired or, if that place is manifestly unsuitable for the purpose, at the nearest suitable place.]~~

3. A lien claimant may cause a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold by private sale directly to a third-party purchaser in an arm's length transaction if the lien claimant is unable to sell the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home at a public auction ~~***[for the fair market value of the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.***~~

~~3.]~~ ***after a reasonable effort.***

4. Every aspect of a sale made pursuant to subsection 2 or 3, including, without limitation, the method of advertising, time, date, place, terms and price, must be commercially reasonable.

5. After the time for the payment of the claim specified in the notice has elapsed, an advertisement of the sale, describing the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home to be sold, and stating the name of the owner or person on whose account it is held, and the time and place of the sale, must be published once a week for 3 consecutive weeks in a newspaper ***of general circulation*** published in the place where the sale is to be held ~~[, but if no newspaper is published in that place, then in a newspaper published in this State that has a general circulation in that place.]~~ The sale must not be held less than 22 days after the time of the first publication.

~~[~~4.~~ *5.]*~~ ***6.*** From the proceeds of the sale the lien claimant who furnished the services, labor, fuel, accessories, facilities or supplies shall satisfy the lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of the proceeds must be delivered, on demand, to the person to whom the lien claimant would have been bound to deliver, or justified in delivering, the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.

~~[6.]~~ *7. Nothing in this section shall be construed to prohibit a lien claimant from purchasing a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home at a public auction held pursuant to subsection 2* ~~[for the fair market value of the motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home.~~

~~7.]~~ *if the sale complies with the requirements prescribed by subsection 4.*

8. As used in this section ~~[:~~

~~(a) "Arm's]~~ *, "arm's length transaction" means a transaction* ~~[between two parties:~~

~~(1) Who are not related, affiliated or on close terms; and~~

~~(2) Who are presumed to have roughly equal bargaining power.~~

~~(b) "Fair market value" means the retail value of a motor vehicle, aircraft, motorcycle, motor or aircraft equipment, aircraft parts, trailer, recreational vehicle, mobile home or manufactured home that is established by:~~

~~(1) An objective appraisal based upon local market resources, including, without limitation, automobile dealers and classified advertisements of newspapers;~~

~~(2) An independent appraisal service;~~

~~(3) A current issue of a nationally recognized guide used by financial institutions in this State for the valuation of used goods, including, without limitation, used motor vehicles; or~~

~~(4) A computer based service commonly used by the insurance industry for the valuation of goods, including, without limitation, used motor vehicles.]~~ *in which the buyer is not affiliated with the seller.*

Sec. 1.5. **NRS 445B.805 is hereby amended to read as follows:**

445B.805 The provisions of NRS 445B.800 do not apply to:

1. Transfer of registration or ownership between:

(a) Spouses; or

(b) Companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of the vehicle.

2. Motor vehicles which are subject to prorated registration pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which are not based in this State.

3. Transfer of registration if evidence of compliance was issued within 90 days before the transfer.

4. Transfer of registration from a vehicle dealer or new vehicle dealer to any person who buys or exchanges an interest in a motor vehicle if evidence of compliance was issued within 180 days before the transfer.

5. A consignee who is conducting a consignment auction which meets the requirements set forth in NRS 445B.807 if the consignee:

(a) Informs the buyer, using a form, including, without limitation, an electronic form, if applicable, as approved by the Department of Motor

Vehicles, that the consignee is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle;

(b) Posts a notice in a conspicuous location at the site of the consignment auction or, if applicable, on the Internet website on which the consignment auction is conducted, and includes a notice in any document published by the consignee that lists the vehicles available for the consignment auction or solicits persons to bid at the consignment auction, stating that the consignee is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 if the motor vehicle is sold at the consignment auction; and

(c) Makes the vehicle available for inspection before the consignment auction:

(1) In the case of a live auction with an auctioneer verbally calling for and accepting bids, at the location of the consignment auction; or

(2) In the case of an auction that is conducted on an auction website on the Internet by a consignee who is certified pursuant to subsection 2 of NRS 445B.807, at the primary place of business of the consignee conducting the consignment auction.

6. An automobile wrecker who is selling a vehicle pursuant to section 3.3 of this act if the automobile wrecker:

(a) Informs the buyer, using a form, including, without limitation, an electronic form, that the automobile wrecker is not required to obtain an inspection or testing of the motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770 and that any such inspection or testing that is required must be obtained by the buyer before the buyer registers the motor vehicle; and

(b) Posts a notice in a conspicuous location at the business of the automobile wrecker or, if applicable, on the Internet website of the automobile wrecker, and includes a notice in any document published by the automobile wrecker that lists the vehicles available for sale by the automobile wrecker, stating that the automobile wrecker is exempt from any requirement to obtain an inspection or testing of a motor vehicle pursuant to the regulations adopted by the Commission under NRS 445B.770.

Sec. 2. NRS 482.379 is hereby amended to read as follows:

482.379 1. The Director may order the design and preparation of license plates which commemorate the 125th anniversary of Nevada's admission into the Union and establish the procedures for the application and issuance of the plates.

2. The Department may designate any colors, numbers and letters for the commemorative plates.

3. A person who is entitled to license plates pursuant to NRS 482.265 may apply for commemorative license plates.

4. The fee for the commemorative license plates is $10, in addition to all other applicable registration and license fees and governmental services taxes. If a person is eligible for and applies for any special license plates issued pursuant to NRS 482.3667, 482.3672, ~~[482.3675,]~~ 482.368 or 482.370 to 482.3825, inclusive, and applies to have those special license plates combined with commemorative plates, the person must pay the fees for the special license plates in addition to the fee for the commemorative plates.

5. In addition to all fees for the license, registration and governmental services taxes, a person who is eligible for and applies for commemorative plates must pay $25 for the celebration of the 125th anniversary of Nevada's admission into the Union. The fees for the license, registration, and governmental services taxes and the charge for the celebration may be paid with a single check.

6. Commemorative plates are renewable upon the payment of $10.

7. If during a registration period, the holder of commemorative plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder may retain the plates and:

(a) Within 30 days after removing the plates from the vehicle, return them to the Department; or

(b) Affix them to another vehicle which meets the requirements of this section if the transfer and registration fees are paid as is provided for in this chapter.

8. Except as otherwise provided by subsection 10, if a commemorative license plate or set of license plates issued pursuant to the provisions of this section is lost, stolen or mutilated, the owner of the vehicle may secure a duplicate number plate or set of duplicate number plates, as the case may be, from the Department upon payment of the fees set forth in subsection 2 of NRS 482.500.

9. The Department shall, for each set of commemorative license plates that it issues:

(a) Deposit the $25 collected for the celebration of the 125th anniversary of Nevada's admission into the Union with the State Treasurer for credit to the Account for Nevada's 125th Anniversary in the State General Fund;

(b) Deposit $7.50 with the State Treasurer for credit to the Motor Vehicle Fund pursuant to the provisions of NRS 482.180; and

(c) Deposit $2.50 with the State Treasurer for credit to the Department to reimburse the Department for the cost of manufacturing the license plates.

10. The Department shall not:

(a) Issue the commemorative license plates after October 31, 1990.

(b) Issue duplicate or replacement commemorative license plates after June 30, 1995.

11. License plates issued pursuant to this section are not subject to reissue pursuant to subsection 2 of NRS 482.265.

Sec. 3. NRS 482.500 is hereby amended to read as follows:

482.500 1. Except as otherwise provided in subsection 2 or 3 or specifically provided by statute, whenever upon application any duplicate or substitute certificate of registration, indicator, decal or number plate is issued, the following fees must be paid:

For a certificate of registration	$5.00
For every substitute number plate or set of plates	5.00
For every duplicate number plate or set of plates	10.00
For every decal displaying a county name	.50
For every other indicator, decal, license plate sticker or tab	5.00

2. The following fees must be paid for any replacement number plate or set of plates issued for the following special license plates:

(a) For any special plate issued pursuant to NRS 482.3667, 482.367002, 482.3672, **[**~~482.3675,~~**]** 482.370 to 482.3755, inclusive, 482.376 or 482.379 to 482.3818, inclusive, a fee of $10.

(b) For any special plate issued pursuant to NRS 482.368, 482.3765, 482.377 or 482.378, a fee of $5.

(c) Except as otherwise provided in paragraph (a) of subsection 1 of NRS 482.3824, for any souvenir license plate issued pursuant to NRS 482.3825 or sample license plate issued pursuant to NRS 482.2703, a fee equal to that established by the Director for the issuance of those plates.

3. A fee must not be charged for a duplicate or substitute of a decal issued pursuant to NRS 482.37635.

4. The fees which are paid for replacement number plates, duplicate number plates and decals displaying county names must be deposited with the State Treasurer for credit to the Motor Vehicle Fund and allocated to the Department to defray the costs of replacing or duplicating the plates and manufacturing the decals.

Sec. 3.3. **Chapter 487 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person who is licensed as an automobile wrecker may, after acquiring a vehicle that possesses minor damage and is not scheduled to be salvaged, sell such a vehicle.

2. Before an automobile wrecker sells a vehicle subject to registration pursuant to the laws of this State, the automobile wrecker must possess the certificate of title for the vehicle.

3. Upon sale of the vehicle, the automobile wrecker shall provide the certificate of title for the vehicle to the person who purchased the vehicle.

4. As used in this section, "minor damage" means damage to a motor vehicle that can be repaired with the use of common repair materials.

Sec. 3.6. **NRS 487.100 is hereby amended to read as follows:**

487.100 1. Except as otherwise provided in subsections 2 and 3, any automobile wrecker purchasing from any person other than a licensed operator of a salvage pool any vehicle subject to registration pursuant to the laws of this

State shall forward to the Department the certificates of title and registration last issued therefor.

2. The certificate of ownership last issued for a mobile home or commercial coach must be sent by the wrecker to the Housing Division of the Department of Business and Industry.

3. An automobile wrecker is not required to:

(a) Provide the Department with a certificate of title, salvage title or a nonrepairable vehicle certificate and certificate of registration last issued; or

(b) Obtain from the Department a certificate of title, salvage title, nonrepairable vehicle certificate or certificate of registration,

➥ for a motor vehicle that is to be processed as parts or scrap metal by the automobile wrecker pursuant to NRS 487.105.

4. An automobile wrecker is not required to provide the Department with the certificate of title and certificate of registration last issued for a motor vehicle that the automobile wrecker sells pursuant to section 3.3 of this act.

Sec. 3.9. **NRS 487.270 is hereby amended to read as follows:**

487.270 1. Whenever a vehicle has been removed to a garage or other place as provided by NRS 487.230, the owner of the garage or the automobile wrecker ***or operator of a tow car*** who towed the vehicle has a lien on the vehicle for:

(a) The costs of towing and storing for a period not exceeding 90 days; and

(b) If the vehicle was removed from public property at the request of a constable, the fee described in paragraph (d) of subsection 2 of NRS 258.125.

2. If the vehicle is appraised at a value ~~[of $500 or less]~~ ***of less than $1,500, or less than such other value greater than $1,500 which the Department may establish by regulation,*** and is not reclaimed within the period prescribed in NRS 487.250, the owner of the garage ***,*** ~~[or]~~ automobile wrecker ***or operator of a tow car*** may satisfy his or her lien by retaining the vehicle and obtaining a certificate pursuant to NRS 487.880, if applicable, ~~[or]~~ a salvage title as provided in NRS 487.810 ~~[.]~~ ***or an unbranded title pursuant to subsection 4.***

3. If the vehicle is appraised at a value of more than ~~[$500]~~ ***$1,500, or more than such other value greater than $1,500 which the Department may establish by regulation,*** and is not reclaimed within 45 days, the owner of the garage ***,*** ~~[or]~~ automobile wrecker ***or operator of a tow car*** may satisfy his or her lien, in accordance with the provisions of NRS 108.265 to 108.367, inclusive. Before such a person may sell the vehicle, the person shall obtain a certificate pursuant to NRS 487.880, if applicable, ~~[or]~~ a salvage title as provided in NRS 487.810 ~~[.]~~ ***or an unbranded title pursuant to subsection 4.***

4. ***Before an automobile wrecker or operator of a tow car satisfies his or her lien pursuant to subsection 2 or 3, the automobile wrecker or operator of a tow car may request that the Department issue an unbranded title for the vehicle. The Department shall issue the unbranded title if the automobile wrecker or operator of a tow car submits to the Department a certificate of inspection in such form as the Department may prescribe which has been***

completed and signed by a garage operator who operates a garage that is registered pursuant to NRS 487.560, by the owner of a body shop licensed pursuant to NRS 487.630, by a rebuilder licensed pursuant to NRS 482.325 or by a qualified employee of such a garage, body shop or rebuilder certifying that:

(a) The vehicle was inspected by the garage operator, owner, rebuilder or employee;

(b) The vehicle meets the standards of the vehicle manufacturer for mechanical fitness and safety;

(c) Any safety equipment, including, without limitation, occupant restraint devices, which was present in the vehicle at the time the vehicle was manufactured is present and operational to the standards of the manufacturer and the provisions of 49 C.F.R. §§ 571.208 and 571.209; and

(d) The vehicle is in a condition to be operated safely on the highways of this State.

5. Nothing in subsection 4 shall be construed as requiring the Department to change the existing status of a certificate of title, including, without limitation, any designation that a vehicle is a salvage vehicle or rebuilt vehicle.

6. If the vehicle was removed from public property at the request of a constable and the owner of the garage or automobile wrecker satisfies his or her lien pursuant to subsection 2 or 3, the owner of the garage or automobile wrecker shall transmit to the constable the fee described in paragraph (d) of subsection 2 of NRS 258.125.

7. As used in this section:

(a) "Operator of a tow car" means the operator of a tow car who holds a certificate of public convenience and necessity issued pursuant to NRS 706.4463.

(b) "Unbranded title" means a certificate of title that does not include a specified designation, including, without limitation, a designation that a motor vehicle is a salvage vehicle or rebuilt vehicle.

Sec. 4. NRS 487.557 is hereby amended to read as follows:

487.557 1. On or before ~~[January]~~ ***February*** 1 of each year, the Director of the Department shall prepare a report concerning garages, garage operators and body shops. The report must include:

(a) The number of complaints relating to garages, garage operators and body shops made to and acted upon by the Department during the year for which the report is prepared;

(b) The number of investigations conducted during that year by the Department relating to garages, garage operators and body shops; and

(c) The outcome of each investigation specified in paragraph (b) and the extent to which any information relating to each investigation is subject to disclosure to the members of the public.

2. On or before ~~[January]~~ ***February*** 1 of each even-numbered year, the Director of the Department shall submit the report required pursuant to

subsection 1 to the Legislative Commission. On or before ~~[~~January~~]~~ ***February*** 1 of each odd-numbered year, the Director of the Department shall submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) The Senate Standing Committee on ~~[~~Energy,~~]~~ ***Growth and*** Infrastructure ***;*** ~~[~~and Transportation;~~]~~ and

(b) The Assembly Standing Committee on ~~[~~Transportation.~~]~~ ***Growth and Infrastructure.***

Sec. 5. A person to whom the Department of Motor Vehicles issued special license plates pursuant to NRS 482.3675 shall, on or before January 1, 2024, surrender any such plates in his or her possession to the Department, and, in lieu of any plates surrendered, is entitled to receive regular Nevada license plates.

Sec. 6. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 7. NRS 482.3675 is hereby repealed.

Sec. 8. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTION

482.3675 Honorary consul of foreign country.

1. An owner of a motor vehicle who is a United States citizen or a citizen of a foreign country residing in this State and who holds from a foreign country a letter of appointment as an honorary consul may, upon signed application on a form prescribed and provided by the Department, accompanied by:

(a) The fee charged for personalized prestige license plates in NRS 482.367 in addition to all other required registration fees and taxes; and

(b) A copy of the letter of appointment from that country,

➥ be issued a set of license plates upon which is inscribed CONSULAR CORPS with a number of characters, including numbers and letters, as determined necessary by the Director pursuant to NRS 482.367003.

2. Each person who is eligible for special license plates under this section may apply for one set of plates. The plates may be used only on a private passenger vehicle or a noncommercial truck.

3. When a person to whom special license plates have been issued pursuant to this section loses his or her status as an honorary consul, the person shall surrender any special plates he or she possesses to the Department and is entitled to receive regular Nevada license plates. Surrendered plates may be reissued or disposed of in a manner authorized by the regulations of the Department.

4. The Department may adopt regulations governing the issuance of special license plates to honorary consuls of foreign countries. The Department shall include on the form for application a notice to the applicant that the issuance of such license plates does not confer any diplomatic immunity.

5. Special license plates issued pursuant to this section are renewable upon the payment of $10.

Assemblyman Watts moved that the Assembly concur in the Senate Amendment No. 724 to Assembly Bill No. 57.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 262.

The following Senate amendment was read:

Amendment No. 692.

AN ACT relating to state purchasing; requiring, to the extent practicable, certain state agencies to give preference to the purchase of certain vehicles and fuels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain requirements for the purchase of automobiles by any department, office, bureau, officer or employee of the State. (NRS 334.010) Existing law establishes the Fleet Services Division of the Department of Administration and authorizes the Governor to assign any state-owned vehicle to the Division. (NRS 232.213, 336.060) **Section 1** of this bill requires, to the extent practicable, each department, office, bureau, officer or employee of the State, when purchasing an automobile, to give preference to automobiles that minimize: (1) emissions; and (2) the total cost of the automobile over the service life of the automobile.

Section 1 also requires each department, office, bureau, officer or employee of the State to: (1) give preference to the purchase of motor vehicle fuel blended with ethanol, to the extent practicable; (2) if purchasing an automobile that uses diesel fuel, ensure that the automobile is capable of using biodiesel fuel blends containing not less than 20 percent by volume of biodiesel fuel; and (3) maintain records on the type of fuel used by each automobile purchased by the department, office, bureau, officer or employee. **Section 2** of this bill also requires the Executive Officer of the Division to maintain such records for all state-owned vehicles assigned to the Division.

Section 2.5 of this bill declares that it is the policy **goal** of this State to pursue and support **, to the extent practicable,** a transition of all publicly-owned vehicles to vehicles which emit zero tailpipe emissions by 2050.

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

Section 1. NRS 334.010 is hereby amended to read as follows:

334.010 1. No automobile may be purchased by any department, office, bureau, officer or employee of the State without prior written consent of the State Board of Examiners.

2. All such automobiles must be used for official purposes only.

3. All such automobiles, except:

(a) Automobiles maintained for and used by the Governor;

(b) Automobiles used by or under the authority and direction of the Chief Parole and Probation Officer, the State Contractors' Board and auditors, the

State Fire Marshal, the Investigation Division of the Department of Public Safety, the investigators of the Nevada Gaming Control Board, the investigators of the Securities Division of the Office of the Secretary of State and the investigators of the Attorney General;

(c) One automobile used by the Department of Corrections;

(d) Two automobiles used by the Caliente Youth Center;

(e) Three automobiles used by the Nevada Youth Training Center; and

(f) Four automobiles used by the Youth Parole Bureau of the Division of Child and Family Services of the Department of Health and Human Services,

➥ must be labeled by painting the words "State of Nevada" and "For Official Use Only" on the automobiles in plain lettering. The Director of the Department of Administration or a representative of the Director shall prescribe the size and location of the label for all such automobiles.

4. ***In accordance with the provisions of chapter 333 of NRS, each department, office, bureau, officer or employee of the State shall:***

(a) To the extent practicable, give preference to the purchase of automobiles which minimize:

(1) Emissions from the automobile; and

(2) The total costs of the automobile over the service life of the automobile, which may include, without limitation, fuel costs, maintenance costs and any rebates or financial incentives offered for the purchase of the automobile;

(b) To the extent practicable, purchase motor vehicle fuel blended with ethanol, including, without limitation, gasoline, biodiesel and biomass-based diesel blends for use in the automobile; and

(c) If purchasing an automobile powered by diesel fuel, ensure that the vehicle is capable of using biodiesel fuel blends comprised of not less than 20 percent by volume of biodiesel fuel.

5. Each department, office, bureau, officer or employee of the State shall maintain records on the type of fuel used by each automobile purchased by the department, office, bureau, officer or employee, which may include, without limitation, electric, gasoline, compressed natural gas, diesel, hydrogen or hybrid fuel sources.

6. Any officer or employee of the State of Nevada who violates any provision of ~~[this section]~~ ***subsection 1, 2 or 3*** is guilty of a misdemeanor.

7. As used in this section:

(a) "Biodiesel" has the meaning ascribed to it in NRS 590.070.

(b) "Biomass-based diesel blend" has the meaning ascribed to it in NRS 590.070.

Sec. 2. NRS 336.080 is hereby amended to read as follows:

336.080 The Executive Officer shall:

1. Be responsible for proper maintenance and storage of all vehicles assigned to the Fleet Services Division.

2. Maintain records ~~[to]~~ ***:***

(a) To show the location and operating and maintenance costs of vehicles assigned to the Fleet Services Division ~~[.]~~ ***; and***

(b) Of the type of fuel used by each vehicle assigned to the Fleet Services Division, which may include, without limitation, electric, gasoline, compressed natural gas, diesel, hydrogen or hybrid fuel sources.

Sec. 2.5. 1. The Legislature hereby finds and declares that:

(a) The "Nevada Statewide Greenhouse Gas Emissions Inventory and Projections, 1990-2042" indicates that the transportation sector is the top source of greenhouse gas emissions in this State, making up nearly 32 percent of Nevada's emissions in 2020.

(b) The American Lung Association's annual report, "State of the Air," has repeatedly ranked Las Vegas and Reno among the top 25 most polluted cities in terms of air quality, and transportation is a primary contributor to smog-forming pollution and particulate matter linked to lung disease and other serious health conditions.

(c) The State of Nevada spends billions of dollars each year to purchase out-of-state fossil fuels, which makes residents of this State vulnerable to the volatility of oil prices and increases the risk of disruptions in the event of a natural disaster.

(d) Nevada has immense potential to use local clean energy resources to power transportation in this State, furthering its energy independence.

(e) Zero emissions technologies now provide a viable, cost-effective alternative to many vehicles that run on fossil fuels, and prices are continuing to decline as these technologies mature.

(f) For publicly-owned transportation fleets, the transition to electric vehicles can bring considerable cost savings to taxpayers due to lower costs to operate and maintain such vehicles over their lifetimes.

2. It is the policy **goal** of this State to pursue and support **, to the extent practicable,** a transition of all publicly-owned, light-duty vehicles to vehicles which emit zero tailpipe emissions by the year 2040, and ~~[to]~~ **a** transition **of** all publicly-owned, medium- and heavy-duty vehicles to vehicles which emit zero tailpipe emissions by the year 2050.

Assemblyman Watts moved that the Assembly concur in the Senate Amendment No. 692 to Assembly Bill No. 262.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 114.

The following Senate amendment was read:

Amendment No. 567.

AN ACT relating to children; revising the membership of the Nevada Early Childhood Advisory Council; defining the term "early childhood program" for purposes of the duties of the Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Early Childhood Advisory Council and sets forth the minimum membership of the Council, who are to be appointed by the Governor. The Governor is also authorized to appoint such additional members to the Council as the Governor determines are necessary. (NRS 432A.076) This bill requires that the membership of the Council include: (1) one member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services whose duties include responsibility for maternal, child and adolescent health; (2) one member who is a representative of the Program for Child Care and Development in the Division of Welfare and Supportive Services of the Department; (3) one member who is a representative of a public school who works with pupils in kindergarten through grade 3; (4) one member who is a representative of a tribal organization; and (5) at least one member who is a parent or guardian of a child less than 8 years of age and who has participated in one or more federal or state early childhood programs. This bill provides that the member who is appointed as a representative of the Department of Education whose duties include responsibilities for certain programs may, alternatively, be a representative of the Department of Health and Human Services whose duties include similar responsibilities. This bill also defines the term "early childhood program" for purposes of the duties of the Council as any program that stimulates physical, cognitive, linguistic, social and emotional development for children less than 8 years of age pertaining to: (1) nutrition; (2) health care; (3) mental and behavioral health; (4) protection; and (5) play and learning.

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

Section 1. 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 of Public and Behavioral Health of the Department whose duties include responsibility for maternal, child and adolescent health;***

(c) One member who is a representative of the Program for Child Care and Development, as defined in NRS 422A.055;

(d) One member who is a representative of the Department of Education;

~~[(c)]~~ ***(e)*** 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. ~~[.]~~ ***, or a representative of the Department of Health and Human Services whose duties include responsibilities for programs under part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;***

~~[(d)]~~ ***(f)*** One member who is a representative of the boards of trustees of the school districts in this State;

~~[(e)]~~ ***(g)*** One member who is a representative of the Nevada System of Higher Education;

~~[(f)]~~ ***(h)*** One member who is a representative of local providers of early childhood education and developmental services;

~~[(g)]~~ ***(i) One member who is a representative of a public school, as defined in NRS 385.007, who works with pupils in kindergarten through grade 3;***

(j) 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)]~~ ***(k)*** One member who is appointed or designated pursuant to 42 U.S.C. § 9837b(a)(3)(A);

~~[(i)]~~ ***(l)*** One member who is a representative of the Aging and Disability Services Division of the Department;

~~[(j)]~~ ***(m)*** One member who is a representative of a nonprofit organization located in southern Nevada that provides early childhood ~~[education]~~ programs;

~~[(k)]~~ ***(n)*** One member who is a representative of a nonprofit organization located in northern Nevada that provides early childhood ~~[education]~~ programs;

~~[(l)]~~ ***(o)*** One member who is a representative of the pediatric mental, physical or behavioral health care industry;

(p) One member who is a representative of a tribal organization, with consideration given to an enrolled member of a Nevada Indian tribe ; ~~[who is recommended by the Nevada Indian Commission in consultation with the Inter-Tribal Council of Nevada, Inc., or its successor organization;]~~

(q) At least one member who is a parent or guardian of a child less than 8 years of age and who has participated in one or more federal or state early childhood programs, including, without limitation:

(1) The Program for Child Care and Development administered by the Division of Welfare and Supportive Services of the Department pursuant to chapter 422A of NRS;

(2) Head Start or Early Head Start;

(3) Nevada Home Visiting Program in the Department;

(4) Nevada Ready! State Pre-K program in the Department of Education; or

(5) The Special Supplemental Nutrition Program for Women, Infants and Children in the United States Department of Agriculture; and

~~[(m)]~~ ***(r)*** Such other members as the Governor determines are appropriate.

2. ***In making the appointment of any member pursuant to paragraph (q) of subsection 1, the Governor, to the extent practicable, must give preference to a parent or guardian who represents a diverse population of this State.***

3. 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.]~~ ***4.*** 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.]~~ ***5.*** 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.

6. As used in this section, "early childhood program" means any program for children less than 8 years of age pertaining to:

(a) Nutrition;

(b) Health care;

(c) Mental and behavioral health;

(d) Protection; and

(e) Play and learning,

➥ to stimulate physical, cognitive, linguistic, social and emotional development.

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 567 to Assembly Bill No. 114.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 72, 103, 195, 240, 276.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 719 to Senate Bill No. 57; Assembly Amendment No. 604 to Senate Bill No. 80; Assembly Amendments Nos. 624, 720 to Senate Bill No. 92; Assembly Amendment No. 626 to Senate Bill No. 208; Assembly Amendment No. 657 to Senate Bill No. 211; Assembly Amendment No. 580 to Senate Bill No. 330; Assembly Amendment No. 595 to Senate Bill No. 346; Assembly Amendment No. 594 to Senate Bill No. 349; Assembly Amendment No. 678 to Senate Bill No. 386; Assembly Amendment No. 637 to Senate Bill No. 407; Assembly Amendment No. 710 to Senate Bill No. 436.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

Assembly Bill No. 132.

The following Senate amendment was read:

Amendment No. 610.

SUMMARY— ~~[Establishes provisions relating to the review of opioid overdose fatalities.]~~ **Requires the establishment of a Regional Opioid Task Force in Clark County.** (BDR ~~[40-721)]~~ **S-721)**

CONTAINS UNFUNDED MANDATE (§ 1)
(Requested by Affected Local Government)

AN ACT relating to public health; ~~[authorizing certain persons and entities]~~ **requiring the Clark County Board of County Commissioners to establish**

a Regional Opioid Task Force to ~~[conduct an]~~ **study certain issues relating to** opioid overdose ~~[fatality review; prohibiting the use of an opioid overdose fatality review for certain purposes; requiring certain information to be made available to a person or entity conducting an opioid overdose fatality review; providing certain immunity from liability;]~~ **fatalities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law creates the Committee to Review Suicide Fatalities within the Department of Health and Human Services, consisting of 10 members appointed by the Director of the Department. (NRS 439.5104) The Committee has certain powers and duties, including obtaining and using data and information to: (1) review suicide fatalities in this State to determine trends, risk factors and strategies for prevention; (2) determine and prepare reports concerning trends and patterns of suicide fatalities in this State; (3) identify and evaluate the prevalence of risk factors for preventable suicide fatalities in this State; (4) evaluate and prepare reports concerning high risk factors, current practices, lapses in systematic responses and barriers to the safety and well-being of persons who are at risk of suicide in this State; and (5) recommend any improvement in sources of information relating to investigating reported suicide fatalities and preventing suicide in this State. (NRS 439.5106) The Committee also may: (1) conduct certain investigations; (2) petition a district court for the issuance of a subpoena to compel the production of certain information and records; (3) propose recommended legislation concerning suicide fatalities in this State; and (4) issue certain reports. (NRS 439.5108) This bill enables certain persons and entities to review fatalities resulting from opioid overdoses in this State.~~

~~Section 2 of this bill defines the term "opioid overdose fatality review" to mean a review of one or more deaths resulting from an opioid overdose. Section 3.5 of this bill authorizes certain governmental entities and health care facilities, a provider of health care or faculty or students at an institution of higher education to conduct an opioid overdose fatality review. Section 3.5 also authorizes other entities to enter into a memorandum of understanding with a governmental entity or an institution of higher education authorizing the entity to conduct an opioid overdose fatality review. Section 3.5: (1) requires a person or entity conducting an opioid overdose fatality review to make any results, findings or recommendations from the opioid overdose fatality review available to the public; and (2) prohibits such a person or entity from using the opioid overdose fatality review for the commercial or exclusive benefit of the entity.~~

~~Section 4 of this bill authorizes a person or entity conducting an opioid overdose fatality review to consult and cooperate with certain entities and access certain information. Section 4 also prescribes certain activities that may be conducted as part of an opioid overdose fatality review.~~

~~Section 5 of this bill authorizes a person or entity conducting an opioid overdose fatality review to: (1) conduct certain investigations; (2) petition a~~

~~district court for the issuance of a subpoena to compel the production of certain information and records; (3) propose recommendations concerning overdose fatalities in this State; and (4) publish certain reports. Sections 3.5, 5 and 8 of this bill provide that certain books, records or papers received by a person or entity conducting an opioid overdose fatality review are confidential. Section 5 also provides immunity from civil and criminal liability for persons and entities that act in due care in accordance with sections 2-5 of this bill and other applicable law.~~

~~Sections 7, 9 and 10 of this bill make conforming changes to require that certain information be made available to a person or entity conducting an opioid overdose fatality review.]~~ **This bill requires the Clark County Board of County Commissioners to establish a Regional Opioid Task Force to review data relating to opioid overdose fatalities and near fatalities and use such data to address gaps in community services relating to opioids and opioid overdose fatalities. This bill also requires the Clark County Board of County Commissioners to appoint the members to the Task Force who must be certain persons, represent certain organizations or agencies or have expertise in certain areas. This bill further requires the Task Force to submit a report to the Governor and Director of the Legislative Counsel Bureau with a summary of the work of the Task Force and recommendations for legislation.**

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

Delete existing sections 1 through 11 of this bill and replace with the following new sections 1 through 3:

Section 1. **1. The Clark County Board of County Commissioners shall establish a Regional Opioid Task Force, consisting of the following members appointed by the Clark County Board of County Commissioners:**

(a) One member who represents a social services agency in Clark County;

(b) One member who represents the Department of Family Services of Clark County;

(c) One member who represents the Department of Juvenile Justice Services of Clark County;

(d) One member who represents the Southern Nevada Health District;

(e) One member with experience in the field of public health epidemiology selected from a list of nominees submitted by the Southern Nevada Health District;

(f) One member with experience in the field of primary health care;

(g) One member with experience in the field of mental health;

(h) One member who represents the Clark County School District;

(i) One member who represents law enforcement selected from a list of nominees submitted by the Las Vegas Metropolitan Police Department;

(j) One member with experience in the field of behavioral health;

(k) One member with experience in the field of addiction medicine;

(l) One member who represents a provider of emergency medical services in Clark County;

(m) One member who represents public health educators or community health workers who represent or serve persons with limited-English proficiency;

(n) One member who represents a substance use disorder prevention coalition in Clark County; and

(o) The Clark County coroner or his or her designee.

2. The Task Force shall:

(a) Review data relating to opioid overdose fatalities and near fatalities in the county to identify gaps in community services relating to opioids and opioid overdose fatalities;

(b) Identify existing statewide and community databases that contain information relating to harm reduction and substance use to assist in identifying gaps in community services and developing targeted interventions relating to opioids; and

(c) Ensure any data reviewed by the Task Force is comprised of multiple sources and databases.

3. After reviewing data pursuant to subsection 2, the Task Force may elect to conduct:

(a) A systemic review of opioid overdose fatalities occurring on or after October 1, 2023, as necessary to determine the responsiveness of community services; or

(b) A review of opioid overdose fatalities in the zip codes of Clark County with the highest numbers of opioid overdose fatalities.

4. In addition to the requirements of subsection 2, the Task Force shall identify:

(a) Any trends in the social determinants of health relating to opioid overdose fatalities; and

(b) Opportunities for collaboration to leverage existing resources to prevent opioid overdose fatalities, prevent substance misuse and promote recovery for persons with addictive disorders.

5. Beginning not later than January 1, 2024, the Task Force shall meet not less than once each quarter. The meetings of the Task Force must be conducted in accordance with the provisions of chapter 241 of NRS.

6. The Clark County Board of County Commissioners shall ensure that there is sufficient staffing to support the administrative needs of the Task Force.

7. On or before December 30, 2024, the Task Force shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature which includes a summary of the work of the Task Force and any recommendations for legislation.

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. **This act becomes effective on October 1, 2023, and expires by limitation on December 31, 2024.**

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 610 to Assembly Bill No. 132.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 169.

The following Senate amendment was read:

Amendment No. 611.

ASSEMBLYWOMEN GORELOW, BILBRAY-AXELROD, THOMAS, GONZÁLEZ; ANDERSON, BROWN-MAY, DURAN, PETERS AND SUMMERS-ARMSTRONG

JOINT SPONSORS: SENATORS CANNIZZARO, DONDERO LOOP **,** ~~[AND]~~ KRASNER **, LANGE, NGUYEN, SEEVERS GANSERT, SPEARMAN AND TITUS**

AN ACT relating to feminine hygiene products; defining certain terms relating to the labeling of feminine hygiene products; requiring, with certain exceptions, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State to bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product; providing certain requirements for the revision of a list of ingredients in a feminine hygiene product; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain provisions relating to the labeling of certain foods, drugs, devices and cosmetics. (Chapter 585 of NRS) **Section 3** of this bill: (1) requires, with certain exceptions, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State to bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product; (2) requires the ingredients identified on such label to be listed in order of predominance by weight and identified by using standardized nomenclature **_**~~[,]~~ **or by the name established by the Center for Baby and Adult Hygiene Products,** unless the ingredient is confidential business information; (3) if the ingredient is confidential business information, authorizes the ingredient to be identified by its common name; and (4) requires, if a manufacturer has an Internet website, the manufacturer to post the list of ingredients on the Internet website of the manufacturer. **Section 3.5** of this bill requires, with certain exceptions, a manufacturer to revise the list of ingredients on the label of a feminine hygiene product not later than: (1) for a label on a package or box containing a feminine hygiene product, 18 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list; and (2) for a list of ingredients posted on the Internet website of the manufacturer, 6 months

after the change to an ingredient, the addition of an ingredient or the revision of a designated list. **Sections 1.3-2.9** of this bill define certain terms related to the labeling of feminine hygiene products.

Existing law provides that a violation of any provision of chapter 585 of NRS relating to the labeling of certain foods, drugs, devices and cosmetics is a gross misdemeanor, except for certain violations of the chapter that are punishable as a category D felony. (NRS 585.550) A violation of **section 3 or 3.5** is also a gross misdemeanor.

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

Section 1. Chapter 585 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.1 to 3.5, inclusive, of this act.

Sec. 1.1. ***As used in sections 1.1 to 3.5, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.3 to 2.9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 1.3. ***1. "Confidential business information" means an intentionally added ingredient or combination of ingredients for which:***

(a) A claim has been approved by the Administrator of the United States Environmental Protection Agency for inclusion on the Toxic Substances Control Act confidential Chemical Substance Inventory pursuant to 15 U.S.C. § 2607(b); or

(b) The manufacturer or supplier claims is a trade secret, as that term is defined in NRS 600A.030.

2. The term does not include:

(a) An intentionally added ingredient or combination of ingredients that is on a designated list; or

(b) A fragrance allergen included on Annex III of the European Union Cosmetics Regulation No. 1223/2009, as that regulation existed on January 20, 2023, if the fragrance allergen is present in ~~[the]~~ a feminine hygiene product at a concentration at or above 0.001 percent or 10 parts per million.

Sec. 1.5. ***"Designated list" means any of the following, in the form most recently published:***

1. Chemicals for which a reference ~~[does]~~ dose or reference concentration has been developed based on neurotoxicity in the Integrated Risk Information System maintained by the United States Environmental Protection Agency.

2. Chemicals identified as carcinogenic to humans, likely to be carcinogenic to humans, or as Group A, B1 or B2 carcinogens in the Integrated Risk Information System maintained by the United States Environmental Protection Agency.

3. Neurotoxicants that are identified in the Toxic Substances Portal of the Agency for Toxic Substances and Disease Registry of the United States Department of Health and Human Services.

4. Persistent bioaccumulative and toxic priority chemicals that are identified in the United States Environmental Protection Agency's National Waste Minimization Program.

5. Reproductive or developmental toxicants identified in monographs on the Potential Human Reproductive and Developmental Effects published by the National Toxicology Program.

6. Chemicals identified on the Toxics Release Inventory maintained by the United States Environmental Protection Agency as persistent, bioaccumulative and toxic that are subject to the reporting requirements pursuant to section 313 of the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. §§ 11001 et seq.

7. Chemicals that are identified as known to be, or reasonably anticipated to be, human carcinogens by the 15th Report on Carcinogens published by the National Toxicology Program.

8. Chemicals that are identified as priority pollutants in the Nevada water quality control plans pursuant to 33 U.S.C. § 1341 or identified as pollutants by this State or the United States Environmental Protection Agency for one or more bodies of water in this State pursuant to 33 U.S.C. § 1341 and 40 C.F.R. § 130.7.

~~*[9. Chemicals that are identified with noncancer endpoints and listed with an inhalation or oral reference exposure level by the California Office of Environmental Health Hazard Assessment pursuant to Cal. Health & Safety Code § 44360(b)(2).]*~~

Sec. 2. *"Feminine hygiene product" means any product used for the purpose of catching menstruation and vaginal discharge, including, without limitation, tampons, pads and menstrual cups, whether disposable or reusable.*

Sec. 2.1. "Fragrance ingredient" means an intentionally added substance or complex mixture of aroma chemicals, natural essential oils and other functional ingredients present in a feminine hygiene product for which the sole purpose is to impart an odor or scent, or to counteract an odor, and is:

1. Present in a feminine hygiene product at a concentration at or above 0.01 percent or 100 parts per million based on the total amount of the substance as a percentage of the total weight of the feminine hygiene product;

2. Included on a designated list; or

3. A fragrance allergen included on Annex III of the European Union Cosmetics Regulation No. 1223/2009, as that regulation existed on January 20, 2023, if the fragrance allergen is present in the feminine hygiene product at a concentration at or above 0.001 percent or 10 parts per million based on the total amount of the fragrance allergen as a percentage of the total weight of the feminine hygiene product.

Sec. 2.3. *"Ingredient" means ~~[an ingredient for]~~ a fragrance ingredient or other intentionally added substance or combination of substances in a*

feminine hygiene product, unless the intentionally added substance or combination of substances is confidential business information.

Sec. 2.6. ***"Intentionally added" means a substance that serves a technical or functional purpose in the finished feminine hygiene product.***

Sec. 2.9. ***"Manufacturer" means a person or entity:***

1. That manufacturers feminine hygiene products and whose name appears on the product label; or

2. For whom the product is manufactured or distributed, as identified on the product label pursuant to the Fair Packaging and Labeling Act, 15 U.S.C. §§ 1451 et seq.

Sec. 3. ***1. Except as otherwise provided in this subsection, each package or box containing a feminine hygiene product that is manufactured on or after January 1, 2025, for sale or distribution in this State must bear a label containing a plain and conspicuous list of all ingredients in the feminine hygiene product. Reasonable variations shall be permitted, and exemptions as to a small package shall be established by regulations prescribed by the Commissioner.***

2. On the list of ingredients required pursuant to subsection 1, the ingredients must be:

(a) Listed in order of predominance by weight unless the weight of the ingredient is 1 percent or less. If the weight of an ingredient is less than 1 percent, the ingredient may be listed in any order following the other ingredients.

(b) Except as otherwise provided in this ~~[paragraph,]~~ section, identified using standardized nomenclature, including, without limitation, the International Nomenclature of Cosmetic Ingredients, the Consumer Product Ingredients Dictionary published by the Household and Commercial Products Association or the common name of the chemical. If the ingredient does not have a standardized nomenclature, the ingredient must be identified using the name established by the Center for Baby and Adult Hygiene Products.

3. If ~~[the]~~ an ingredient is confidential business information, the ingredient may be identified on the list of ingredients required pursuant to subsection 1 by its common name.

~~[3.]~~ 4. If a manufacturer has an Internet website, the list of ingredients that is required pursuant to subsection 1 must be posted on the Internet website of the manufacturer.

5. Nothing in this section prohibits a manufacturer from using technology, including, without limitation, a link to an Internet website, to communicate the information required by this section.

Sec. 3.5. ***A manufacturer must revise the list of ingredients on the label of a feminine hygiene product pursuant to section 3 of this act not later than:***

1. For the label on a package or box containing a feminine hygiene product, 18 months after the change to an ingredient, the addition of an

ingredient or the revision of a designated list, unless the designated list becomes effective at a later date.

2. For a list of ingredients posted on the Internet website of the manufacturer, 6 months after the change to an ingredient, the addition of an ingredient or the revision of a designated list, unless the designated list becomes effective at a later date.

Sec. 4. (Deleted by amendment.)

Sec. 5. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 4, inclusive, of this act become effective:

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

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

Assemblywoman Peters moved that the Assembly concur in the Senate Amendment No. 611 to Assembly Bill No. 169.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 202.

The following Senate amendment was read:

Amendment No. 615.

AN ACT relating to medical facilities; authorizing a patient in a facility for skilled nursing or his or her representative to request the installation and use of an electronic communication device in the living quarters of the patient; prescribing requirements for the selection and operation of such a device; prohibiting a person from taking certain actions concerning such a device or the images and sounds broadcast by such a device; prohibiting a facility for skilled nursing or an employee of such a facility from taking certain additional actions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain duties of a medical facility, including a facility for skilled nursing, and specific rights of a patient in such a facility. (NRS 449A.100-449A.124) **Sections 3-7** of this bill define certain terms. **Section 9** of this bill authorizes a patient in a facility for skilled nursing or the representative of such a patient to request the installation and use of an electronic communication device in the living quarters of the patient under certain circumstances. Among other requirements, **section 9** requires the patient or representative of the patient to: (1) agree to waive the right to privacy of the patient; and (2) obtain the consent of the roommate of the patient or his or her representative, if applicable. **Section 8** of this bill prescribes the requirements to act as the representative of a patient or roommate for those purposes. **Section 9** requires a facility for skilled nursing to make reasonable efforts to accommodate a patient whose roommate fails to provide such consent. **Section 9** also authorizes a patient, representative or roommate to

revoke a request for, or consent to, the installation and use of an electronic communication device.

Section 9 requires a facility for skilled nursing to approve a request for the installation and use of an electronic communication device if the applicable requirements are met. If such approval is granted, **section 10** of this bill provides that the patient or his or her representative is responsible for: (1) choosing the electronic communication device, subject to certain limitations; and (2) the cost of installing, maintaining and removing the electronic communication device **[.] and any repairs required due to the installation or removal of the electronic communication device.**

Section 11 of this bill generally prohibits a person other than the patient or the representative for the patient who has requested the installation and use of an electronic communication device from intentionally: (1) obstructing, tampering with or destroying any such device or recording made by such a device; and (2) viewing or listening to any images or sounds which are displayed, broadcast or recorded by any such device except as otherwise authorized. **Section 11** authorizes an attorney for a patient or certain government officials to view or listen to any images or sounds which are displayed, broadcast or recorded by an electronic communication device or to temporarily disable or turn off such a device. **Sections 9 and 11** authorize a patient or the representative of a patient **, with the consent of the roommate of the patient or his or her representative, if any,** to authorize additional persons to view or listen to images or sounds which are displayed, broadcast or recorded by an electronic communication device. **Section 11** prohibits a facility for skilled nursing from denying admission to or discharging a patient from the facility or otherwise discriminating or retaliating against a patient because of a decision to request the installation and use of an electronic communication device. **Section 12** of this bill subjects a person or entity who violates the provisions of **section 11** to certain civil and criminal penalties, and **section 1** of this bill subjects a facility for skilled nursing that violates the provisions of **sections 3-14** of this bill to disciplinary action. **Section 13** of this bill: (1) **[authorizes] requires** a facility for skilled nursing to post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters; and (2) prohibits an employee at a facility for skilled nursing from refusing to enter the living quarters of a patient or fail to perform any of the duties of the employee on the grounds that an electronic communication device is in use in the living quarters. **Section 14** of this bill: (1) authorizes the State Board of Health to adopt regulations necessary to carry out the provisions of **sections 3-14**; and (2) makes the provisions of **sections 3-14** inapplicable to an electronic communication device that is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

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

Section 1. 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) Failure to comply with the provisions of sections 3 to 14, inclusive, of this act and any regulation adopted pursuant thereto.

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. 2. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 14, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.***

Sec. 5. ***"Guardian" has the meaning ascribed to it in NRS 159.017.***

Sec. 6. ***"Living quarters" means the room in which a patient resides.***

Sec. 7. ***"Representative" means a person who is authorized to serve as the representative of a patient pursuant to section 8 of this act.***

Sec. 8. ***A person may serve as the representative of a patient in a facility for skilled nursing, including, without limitation, a patient who is the roommate of a patient who wishes to submit or has submitted a request pursuant to section 9 of this act, for the purposes of sections 3 to 14, inclusive, of this act if the person:***

1. Is the guardian of the patient whom he or she is representing and:

(a) The power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically authorized under the existing guardianship; or

(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or

2. Has been given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive, and the power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically delegated to the person in the power of attorney.

Sec. 9. ***1. A patient in a facility for skilled nursing or the representative of the patient may request the installation and use of an electronic communication device in the living quarters of the patient by submitting to the facility for skilled nursing:***

(a) A completed form prescribed by the facility pursuant to subsection 3; or

(b) If the facility has not prescribed a form pursuant to subsection 3, a written request that meets the requirements of subsection 2.

2. A request submitted pursuant to subsection 1 must include or be accompanied by:

(a) Information regarding the type, function and expected use of the electronic communication device which will be installed and used;

(b) The name and contact information for any person other than the patient or his or her representative who is authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of section 11 of this act;

(c) An agreement by the patient or the representative of the patient to, except as otherwise provided by section 11 of this act:

(1) Waive the patient's right to privacy in connection with use of the electronic communication device; and

(2) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of the patient's right to privacy in connection with use of the electronic communication device;

(d) If the patient has a roommate:

(1) The written consent of the roommate or the representative of the roommate to ~~*[the]*~~ *:*

(I) The installation and use of an electronic communication device in the living quarters of the patient ~~*[.]*~~ *; and*

(II) The viewing of or listening to the images or sounds which are displayed, broadcast or recorded by the electronic communication device by the patient, the representative of the patient and each person identified pursuant to paragraph (b); and

(2) An agreement by the roommate or the representative of the roommate to, except as otherwise provided in section 11 of this act:

(I) Waive the roommate's right to privacy in connection with use of the electronic communication device; and

(II) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of the roommate's right to privacy in connection with the accidental or intentional use or misuse of the electronic communication device; and

(e) If the request is submitted by the representative of the patient, proof that the representative of the patient meets the requirements of section 8 of this act.

3. A facility for skilled nursing may prescribe a form for use by a patient or the representative of a patient to request to install and use an electronic communication device in the living quarters of the patient. To the extent practicable, such a form must be provided in a language chosen by the patient or the representative of the patient. Such a form must include, without limitation:

(a) An explanation of the provisions of sections 3 to 14, inclusive, of this act; and

(b) Places to record the information, agreements and consent described in paragraphs (a) to (d), inclusive, of subsection 2.

4. A facility for skilled nursing shall approve a request by a patient or the representative of a patient pursuant to this section if the request meets the requirements of this section.

5. If the roommate or the representative of the roommate of a patient who wishes to submit a request pursuant to subsection 1, or whose representative wishes to submit such a request, refuses to provide consent and enter into the agreement required by paragraph (d) of subsection 2, the facility for skilled nursing shall make reasonable attempts to accommodate the patient. Such reasonable attempts may include, without limitation, moving either the patient or his or her roommate to different living quarters with the consent of the person being moved or his or her representative.

6. A patient or the representative of a patient who has submitted a request pursuant to subsection 1, a roommate who has provided consent pursuant to paragraph (d) of subsection 2 or the representative of such a roommate may withdraw the request or consent at any time, including, without limitation, after the request has been approved or after an electronic communication device has been installed, by submitting a written revocation to the facility for skilled nursing. ~~[Upon]~~ Not later than 24 hours after the submission of such a written revocation, the facility for skilled nursing shall cause the removal of any electronic communication device that has been installed.

Sec. 10. *1. If a facility for skilled nursing approves a request to install and use an electronic communication device in the living quarters of a patient pursuant to section 9 of this act, the patient or the representative of the patient is solely responsible for:*

(a) Choosing the electronic communication device, subject to the limitations prescribed by subsection ~~[2; and]~~ 3;

(b) The cost of the electronic communication device ~~[and the]~~ ;

(c) The cost of installing, maintaining and removing the electronic communication device, if applicable, other than the cost of electricity used to power the electronic communication device ~~[.]~~ ; and

(d) The cost of any repairs required due to the installation or removal of the device.

2. A patient who is discharged from a facility for skilled nursing or the representative of such a patient remains solely responsible for the costs described in subsection 1, including, without limitation, such costs that are incurred after the discharge of the patient.

3. An electronic communication device chosen by a patient or the representative of a patient pursuant to subsection 1 must:

(a) Be capable of being temporarily disabled or turned on and off; and

(b) If the device communicates using video or other visual transmission, to the greatest extent practicable, be installed:

(1) With a fixed viewpoint of the living quarters; or

(2) In a manner that avoids capturing images of activities such as bathing, dressing and toileting.

Sec. 11. *1. Except as otherwise provided in this section, a person other than the patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act shall not intentionally:*

(a) Obstruct, tamper with or destroy the electronic communication device or any recording made by the electronic communication device; or

(b) View or listen to any images or sounds which are displayed, broadcast or recorded by the electronic communication device.

2. The following persons may view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device installed and used pursuant to section 9 of this act or temporarily disable or turn off such a device:

(a) A representative of a law enforcement agency who is conducting an investigation;

(b) A representative of the Aging and Disability Services Division or the Division of Public and Behavioral Health of the Department of Health and Human Services who is conducting an investigation;

(c) The State Long-Term Care Ombudsman; and

(d) An attorney who is representing the patient or a roommate of the patient and acting within the scope of that representation.

3. A patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act may authorize a person other than a person described in subsection 2 to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device. Any such authorization must be made in writing. The patient or representative, as applicable, shall provide a copy of the authorization to the facility and the roommate of the patient or the representative of the roommate, if any.

4. A person who temporarily disables or turns off an electronic communication device pursuant to subsection 2 shall ensure that the functions of the electronic communication device are appropriately enabled or turned back on before exiting the living quarters of the patient.

5. A facility for skilled nursing shall not deny admission to or discharge a patient from the facility or otherwise discriminate or retaliate against a patient because of a decision to request the installation and use of an electronic communication device in the living quarters of the patient pursuant to section 9 of this act.

Sec. 12. *1. A natural person who violates subsection 1 of section 11 of this act:*

(a) For a first offense, is liable for a civil penalty not to exceed $5,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $10,000 for each violation; and

(2) Is guilty of a misdemeanor.

2. In addition to any disciplinary action imposed pursuant to chapter 449 of NRS, a facility for skilled nursing or any person, partnership, association or corporation establishing, conducting, managing or operating a facility for skilled nursing who violates subsection 1 or 5 of section 11 of this act:

(a) For a first offense, is liable for a civil penalty not to exceed $10,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $20,000 for each violation; and

(2) Is guilty of a misdemeanor.

3. The Attorney General or any district attorney may recover any civil penalty assessed pursuant to this section in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 13. ***1. A facility for skilled nursing ~~[may]~~ shall post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters.***

2. An employee of a facility of skilled nursing shall not refuse to enter the living quarters of a patient which contains an electronic communication device installed pursuant to section 9 of this act or fail to perform any of the duties of the employee on the grounds that such a device is in use.

Sec. 14. ***1. The State Board of Health may adopt regulations necessary to carry out the provisions of sections 3 to 14, inclusive, of this act.***

2. The provisions of sections 3 to 14, inclusive, of this act do not apply if an electronic communication device is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 14, 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 that the Assembly concur in the Senate Amendment No. 615 to Assembly Bill No. 202.

Motion carried.

The following Senate amendment was read:

Amendment No. 718.

AN ACT relating to medical facilities; authorizing a patient in a facility for skilled nursing or his or her representative to request the installation and use of an electronic communication device in the living quarters of the patient; prescribing requirements for the selection and operation of such a device; prohibiting a person from taking certain actions concerning such a device or the images and sounds broadcast by such a device; prohibiting a facility for skilled nursing or an employee of such a facility from taking certain additional

actions; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain duties of a medical facility, including a facility for skilled nursing, and specific rights of a patient in such a facility. (NRS 449A.100-449A.124) **Sections 3-7** of this bill define certain terms. **Section 9** of this bill authorizes a patient in a facility for skilled nursing or the representative of such a patient to request the installation and use of an electronic communication device in the living quarters of the patient under certain circumstances. Among other requirements, **section 9** requires the patient or representative of the patient to: (1) agree to waive the right to privacy of the patient; and (2) obtain the consent of the roommate of the patient or his or her representative, if applicable. **Section 8** of this bill prescribes the requirements to act as the representative of a patient or roommate for those purposes. **Section 9** requires a facility for skilled nursing to make reasonable efforts to accommodate a patient whose roommate fails to provide such consent. **Section 9** also authorizes a patient, representative or roommate to revoke a request for, or consent to, the installation and use of an electronic communication device.

Section 9 requires a facility for skilled nursing to approve a request for the installation and use of an electronic communication device if the applicable requirements are met. If such approval is granted, **section 10** of this bill provides that the patient or his or her representative is responsible for: (1) choosing the electronic communication device, subject to certain limitations; and (2) the cost of installing, maintaining and removing the electronic communication device and any repairs required due to the installation or removal of the electronic communication device.

Section 11 of this bill generally prohibits a person other than the patient or the representative for the patient who has requested the installation and use of an electronic communication device from intentionally: (1) obstructing, tampering with or destroying any such device or recording made by such a device; and (2) viewing or listening to any images or sounds which are displayed, broadcast or recorded by any such device except as otherwise authorized. **Section 11** authorizes an attorney for a patient or certain government officials to view or listen to any images or sounds which are displayed, broadcast or recorded by an electronic communication device or to temporarily disable or turn off such a device. **Sections 9 and 11** authorize a patient or the representative of a patient ~~[, with the consent of the roommate of the patient or his or her representative, if any,]~~ to authorize additional persons to view or listen to images or sounds which are displayed, broadcast or recorded by an electronic communication device. **Section 11** prohibits a facility for skilled nursing from denying admission to or discharging a patient from the facility or otherwise discriminating or retaliating against a patient because of a decision to request the installation and use of an electronic communication device. **Section 12** of this bill subjects a person or entity who

violates the provisions of **section 11** to certain civil and criminal penalties, and **section 1** of this bill subjects a facility for skilled nursing that violates the provisions of **sections 3-14** of this bill to disciplinary action. **Section 13** of this bill: (1) requires a facility for skilled nursing to post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters; and (2) prohibits an employee at a facility for skilled nursing from refusing to enter the living quarters of a patient or fail to perform any of the duties of the employee on the grounds that an electronic communication device is in use in the living quarters. **Section 14** of this bill: (1) authorizes the State Board of Health to adopt regulations necessary to carry out the provisions of **sections 3-14**; and (2) makes the provisions of **sections 3-14** inapplicable to an electronic communication device that is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

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

Section 1. 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) Failure to comply with the provisions of sections 3 to 14, inclusive, of this act and any regulation adopted pursuant thereto.

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. 2. Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 14, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 7, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.***

Sec. 5. ***"Guardian" has the meaning ascribed to it in NRS 159.017.***

Sec. 6. ***"Living quarters" means the room in which a patient resides.***

Sec. 7. ***"Representative" means a person who is authorized to serve as the representative of a patient pursuant to section 8 of this act.***

Sec. 8. ***A person may serve as the representative of a patient in a facility for skilled nursing, including, without limitation, a patient who is the roommate of a patient who wishes to submit or has submitted a request pursuant to section 9 of this act, for the purposes of sections 3 to 14, inclusive, of this act if the person:***

1. Is the guardian of the patient whom he or she is representing and:

(a) The power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically authorized under the existing guardianship; or

(b) The guardian has separately petitioned for and been granted such power by the court that has jurisdiction over the guardianship; or

2. Has been given power of attorney to make decisions concerning health care for the patient pursuant to NRS 162A.700 to 162A.870, inclusive, and the power to make decisions on behalf of the patient pursuant to sections 3 to 14, inclusive, of this act is specifically delegated to the person in the power of attorney.

Sec. 9. *1. A patient in a facility for skilled nursing or the representative of the patient may request the installation and use of an electronic communication device in the living quarters of the patient by submitting to the facility for skilled nursing:*

(a) A completed form prescribed by the facility pursuant to subsection 3; or

(b) If the facility has not prescribed a form pursuant to subsection 3, a written request that meets the requirements of subsection 2.

2. A request submitted pursuant to subsection 1 must include or be accompanied by:

(a) Information regarding the type, function and expected use of the electronic communication device which will be installed and used;

(b) The name and contact information for any person other than the patient or his or her representative who is authorized to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device pursuant to subsection 3 of section 11 of this act;

(c) An agreement by the patient or the representative of the patient to, except as otherwise provided by section 11 of this act:

(1) Waive the patient's right to privacy in connection with use of the electronic communication device; and

(2) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of the patient's right to privacy in connection with use of the electronic communication device;

(d) If the patient has a roommate:

(1) The written consent of the roommate or the representative of the roommate to ~~*[:*~~

~~*(I) The]*~~ *the installation and use of an electronic communication device in the living quarters of the patient; and*

~~*[(II) The viewing of or listening to the images or sounds which are displayed, broadcast or recorded by the electronic communication device by the patient, the representative of the patient and each person identified pursuant to paragraph (b); and]*~~

(2) An agreement by the roommate or the representative of the roommate to, except as otherwise provided in section 11 of this act:

(I) Waive the roommate's right to privacy in connection with use of the electronic communication device; and

(II) Release the facility for skilled nursing and any employee of the facility from any administrative, civil or criminal liability for a violation of

the roommate's right to privacy in connection with the ~~[accidental or intentional]~~ use ~~[or misuse]~~ of the electronic communication device; and

(e) If the request is submitted by the representative of the patient, proof that the representative of the patient meets the requirements of section 8 of this act.

3. A facility for skilled nursing may prescribe a form for use by a patient or the representative of a patient to request to install and use an electronic communication device in the living quarters of the patient. To the extent practicable, such a form must be provided in a language chosen by the patient or the representative of the patient. Such a form must include, without limitation:

(a) An explanation of the provisions of sections 3 to 14, inclusive, of this act; and

(b) Places to record the information, agreements and consent described in paragraphs (a) to (d), inclusive, of subsection 2.

4. A facility for skilled nursing shall approve a request by a patient or the representative of a patient pursuant to this section if the request meets the requirements of this section.

5. If the roommate or the representative of the roommate of a patient who wishes to submit a request pursuant to subsection 1, or whose representative wishes to submit such a request, refuses to provide consent and enter into the agreement required by paragraph (d) of subsection 2, the facility for skilled nursing shall make reasonable attempts to accommodate the patient. Such reasonable attempts may include, without limitation, moving either the patient or his or her roommate to different living quarters with the consent of the person being moved or his or her representative.

6. A patient or the representative of a patient who has submitted a request pursuant to subsection 1, a roommate who has provided consent pursuant to paragraph (d) of subsection 2 or the representative of such a roommate may withdraw the request or consent at any time, including, without limitation, after the request has been approved or after an electronic communication device has been installed, by submitting a written revocation to the facility for skilled nursing. Not later than 24 hours after the submission of such a written revocation, the facility for skilled nursing shall cause the removal of any electronic communication device that has been installed.

Sec. 10. *1. If a facility for skilled nursing approves a request to install and use an electronic communication device in the living quarters of a patient pursuant to section 9 of this act, the patient or the representative of the patient is solely responsible for:*

(a) Choosing the electronic communication device, subject to the limitations prescribed by subsection 3;

(b) The cost of the electronic communication device;

(c) The cost of installing, maintaining and removing the electronic communication device, if applicable, other than the cost of electricity used to power the electronic communication device; and

(d) The cost of any repairs required due to the installation or removal of the device.

2. A patient who is discharged from a facility for skilled nursing or the representative of such a patient remains solely responsible for the costs described in subsection 1, including, without limitation, such costs that are incurred after the discharge of the patient.

3. An electronic communication device chosen by a patient or the representative of a patient pursuant to subsection 1 must:

(a) Be capable of being temporarily disabled or turned on and off; and

(b) If the device communicates using video or other visual transmission, to the greatest extent practicable, be installed:

(1) With a fixed viewpoint of the living quarters; or

(2) In a manner that avoids capturing images of activities such as bathing, dressing and toileting.

Sec. 11. *1. Except as otherwise provided in this section, a person other than the patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act shall not intentionally:*

(a) Obstruct, tamper with or destroy the electronic communication device or any recording made by the electronic communication device; or

(b) View or listen to any images or sounds which are displayed, broadcast or recorded by the electronic communication device.

2. The following persons may view or listen to the images or sounds which are displayed, broadcast or recorded by an electronic communication device installed and used pursuant to section 9 of this act or temporarily disable or turn off such a device:

(a) A representative of a law enforcement agency who is conducting an investigation;

(b) A representative of the Aging and Disability Services Division or the Division of Public and Behavioral Health of the Department of Health and Human Services who is conducting an investigation;

(c) The State Long-Term Care Ombudsman; and

(d) An attorney who is representing the patient or a roommate of the patient and acting within the scope of that representation.

3. A patient or the representative of the patient who has requested the installation and use of an electronic communication device pursuant to section 9 of this act may authorize a person other than a person described in subsection 2 to view or listen to the images or sounds which are displayed, broadcast or recorded by the electronic communication device. Any such authorization must be made in writing. The patient or representative, as applicable, ~~[shall]~~ may provide a copy of the authorization to the facility and the roommate of the patient or the representative of the roommate, if any.

4. A person who temporarily disables or turns off an electronic communication device pursuant to subsection 2 shall ensure that the functions of the electronic communication device are appropriately enabled or turned back on before exiting the living quarters of the patient.

5. A facility for skilled nursing shall not deny admission to or discharge a patient from the facility or otherwise discriminate or retaliate against a patient because of a decision to request the installation and use of an electronic communication device in the living quarters of the patient pursuant to section 9 of this act.

Sec. 12. ***1. A natural person who violates subsection 1 of section 11 of this act:***

(a) For a first offense, is liable for a civil penalty not to exceed $5,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $10,000 for each violation; and

(2) Is guilty of a misdemeanor.

2. In addition to any disciplinary action imposed pursuant to chapter 449 of NRS, a facility for skilled nursing or any person, partnership, association or corporation establishing, conducting, managing or operating a facility for skilled nursing who violates subsection 1 or 5 of section 11 of this act:

(a) For a first offense, is liable for a civil penalty not to exceed $10,000.

(b) For a second and any subsequent offense:

(1) Is liable for a civil penalty not to exceed $20,000 for each violation; and

(2) Is guilty of a misdemeanor.

3. The Attorney General or any district attorney may recover any civil penalty assessed pursuant to this section in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction.

Sec. 13. ***1. A facility for skilled nursing shall post a notice in a conspicuous place at the entrance to the living quarters of a patient which contains an electronic communication device stating that such a device is in use in that living quarters.***

2. An employee of a facility of skilled nursing shall not refuse to enter the living quarters of a patient which contains an electronic communication device installed pursuant to section 9 of this act or fail to perform any of the duties of the employee on the grounds that such a device is in use.

Sec. 14. ***1. The State Board of Health may adopt regulations necessary to carry out the provisions of sections 3 to 14, inclusive, of this act.***

2. The provisions of sections 3 to 14, inclusive, of this act do not apply if an electronic communication device is installed by a law enforcement agency and used solely for a legitimate law enforcement purpose.

Sec. 15. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 14, 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 that the Assembly concur in the Senate Amendment No. 718 to Assembly Bill No. 202.

Motion carried.

Bill ordered to enrollment.

Assembly Bill No. 35.

The following Senate amendment was read:

Amendment No. 548.

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

Legislative Counsel's Digest:

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

This bill removes statutory provisions authorizing offenders to have access to a telecommunications device and instead: (1) requires the warden or manager of an institution or facility to determine which telecommunications devices, if any, are authorized for use by an offender; and (2) requires the Director of the Department to adopt regulations authorizing an offender to possess, have in his or her custody or control and use an authorized telecommunications device for certain purposes. This bill requires such regulations to authorize an offender to possess, have in his or her custody or control and use an authorized telecommunications device for the purpose of: (1) conducting certain visits and correspondence; (2) appearing in court; (3) receiving medical care; (4) applying for or enrolling in a benefit from a governmental program; (5) performing legal research; (6) obtaining a diploma, degree, certificate or similar credential; ~~[and]~~ (7) taking a vocational assessment~~[.]~~ **; and (8) communicating with an attorney.** This bill

authorizes the Director of the Department, with the approval of the Board, to adopt regulations authorizing an offender to possess, have in his or her custody or control and use an authorized telecommunications device for any purpose other than these specified purposes. The bill requires such regulations to: (1) prescribe requirements for determining whether a telecommunications device will be authorized for use by an offender; (2) prescribe the criteria for eligibility for an offender to use an authorized telecommunications device; (3) set forth the circumstances under which an offender is authorized to use such a device to access the Internet; and (4) prescribe standards for the use of such a device by an offender. Finally, this bill revises the definition of "telecommunications device" to include a tablet with certain capabilities.

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

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

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

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

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

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

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

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

~~5.]~~ The Director ~~[may,]~~ ***shall,*** with the approval of the Board, adopt regulations authorizing an offender ~~[who is assigned to transitional housing, a center for the purpose of making restitution pursuant to NRS 209.4827 to 209.4843, inclusive, or a specific program of education or vocational training authorizing the offender]~~ to ***possess, have in his or her custody or control and*** use ~~[a]~~ ***an authorized*** telecommunications device ~~[:~~

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

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

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

(c) Appearing in court;

(d) Receiving medical care;

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

(f) Performing legal research;

(g) Obtaining ~~[educational]~~ ***:***

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

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

(h) Taking a vocational assessment;

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

~~(3) *and]*~~

(j) Performing essential job functions ~~[.~~

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

(k) Communicating with an attorney who represents him or her in a criminal or civil action.

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

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

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

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

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

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

(d) Prescribe standards for the use of an authorized telecommunications device by an offender.

6. As used in this section ~~[, "telecommunications]~~ ***:***

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

(b) "Benefits from a governmental program" means any benefit, program or assistance provided by a governmental entity pursuant to statute or

regulation, including, without limitation, Social Security, Medicare and Medicaid.

(c) "Medicaid" has the meaning ascribed to it in NRS 439B.120.

(d) "Medicare" has the meaning ascribed to it in NRS 439B.130.

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

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

2. Section 1 of this act becomes effective ~~[:~~

~~(a) Upon]~~ **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]~~ **on** January 1, 2024, for all other purposes.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 548 to Assembly Bill No. 35.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 55.

The following Senate amendment was read:

Amendment No. 565.

AN ACT relating to unclaimed property; revising provisions of the Uniform Unclaimed Property Act; authorizing the Administrator of Unclaimed Property to adopt regulations relating to certain agreements between an owner of property and another person concerning property paid or delivered to the Administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

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

For consistency with the Act, **section 6** of this bill replaces the term "financial institution" with the term "financial organization."

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

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

Existing law requires the Administrator to publish certain notice concerning unclaimed or abandoned property in a newspaper of general circulation. Among other requirements, existing law requires such notice to include the name of a person reported to the Administrator as an apparent owner. (NRS 120A.580) **Section 10** of this bill ~~[instead]~~ requires the Administrator to create and maintain a statewide database that is searchable electronically and includes the name of a person reported to the Administrator as an apparent owner of unclaimed property. **Section 10** also requires the Administrator to: (1) make the database publicly available on the website of the Administrator; (2) publish general information regarding the Act on the website of the Administrator; and (3) annually publish certain information concerning unclaimed property. ~~[by press release.]~~

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

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

Existing law authorizes the Administrator to enter into an intrastate agreement with an agency from this State to protect certain confidential information shared for the purpose of facilitating the return of property

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

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

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

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

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

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

Sec. 3. (Deleted by amendment.)

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

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

Sec. 5. (Deleted by amendment.)

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

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

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

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

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

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

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

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

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

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

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

(f) Time deposits, 3 years after:

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

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

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

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

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

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

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

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

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

~~[and~~

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

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

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

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

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

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

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

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

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

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

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

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

(2) ~~The earlier of the following dates:~~

~~(I) The~~ ***If the account or plan is not tax-deferred or tax-exempt, the*** date ~~the apparent owner becomes 70.5 years of age, if determinable by the holder; or~~

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

~~(n)~~ ***that the property becomes distributable;***

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

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

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

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

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

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

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

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

(a) ***Includes:***

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

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

~~[(c) The]~~

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

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

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

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

(b) Does not include the making of an automatically renewable:

(1) Deposit, if the deposit is made by the holder or an agent of the holder; or

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

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

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

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

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

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

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

(d) A qualified income trust account;

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

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

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

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

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

➥ ***whichever is later.***

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

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

10. For purposes of this section, a person has knowledge of the death of a person when the person:

(a) Receives proof of death of the person;

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

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

11. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4. The report must contain:

(a) A description of the property;

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

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

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

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

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

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

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

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

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

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

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

~~[8. The]~~

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

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

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

~~[➥]~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. In addition to complying with the requirements of subsections 1 to 4, inclusive, the Administrator shall, in each county whose population is less than 700,000, publish a notice not later than November 30 of the year next following the year in which abandoned property has been paid or delivered to the Administrator. The notice must:

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

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

6. The notice required by subsection 5 must:

(a) Be in a form that, in the judgment of the Administrator, is likely to attract the attention of persons who may have a legal or equitable interest in unclaimed property or of the legal representatives of such persons; and

(b) Include the information made available on the website of the Administrator pursuant to subsection 3.

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

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

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

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

(a) At the principal office of the Administrator;

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

(c) On the website of the Administrator; and

(d) By press release.

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

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

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

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

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

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

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

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

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

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

~~[7.]~~ ***8.*** The Administrator shall hold property that was removed from a safe-deposit box or other safekeeping repository for 1 year after the date of the delivery of the property to the Administrator, unless that property is a will or a codicil to a will, in which case the Administrator shall hold the property for 10 years after the date of the delivery of the property to the Administrator. If no claims are filed for the property within that period and the Administrator determines that the probable cost of the sale of the property will exceed the proceeds of the sale, it may be destroyed.

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

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

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

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

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

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

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

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

1. The Administrator may ~~[enter into cooperative agreements with an]~~ ***request that a state agency or local*** agency ~~[from this State concerning the protection of shared]~~ ***provide to the Administrator certain*** confidential information ~~[, rules]~~ for ~~[data matching and other issues. Upon]~~ the ~~[execution]~~

purpose of ~~[such an agreement,]~~ ***facilitating*** the ~~[Administrator may provide to the agency with which the Administrator has entered the cooperative agreement information regarding the apparent owners]~~ ***return*** of unclaimed or abandoned property ~~[pursuant to]~~ ***under*** this chapter, including, without limitation, ~~[the name and social security number of the apparent owner. An agency that has entered into a cooperative agreement with the Administrator pursuant to this section shall notify the Administrator of]~~ the last known address of ~~[each]~~ ***an*** apparent owner ~~[for which information was provided to the agency pursuant to this section, except as]~~ ***of unclaimed or abandoned property.***

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

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

4. As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

(a) Is in writing;

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

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

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

(e) Is signed by the apparent owner; and

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

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

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

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

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

5. An agreement that provides for compensation that is more than the applicable percentage set forth in subsection 4 of the total value of the property that is the subject of the agreement is unenforceable except by the owner. An owner who has agreed to pay compensation that is more than the applicable percentage set forth in subsection 4 of the total value of the property that is the

subject of the agreement, or the Administrator on behalf of the owner, may maintain an action to reduce the compensation to an amount that does not exceed the applicable percentage set forth in subsection 4 of the total value of the property. The court may award reasonable attorney's fees to an owner who prevails in the action.

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

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

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

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TEXT OF REPEALED SECTION

120A.750 Uniformity of application and construction. This chapter shall be applied and construed to effectuate its general purpose to make

uniform the law with respect to the subject matter of the Uniform Unclaimed Property Act among the states that enact it.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 565 to Assembly Bill No. 55.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 75.

The following Senate amendment was read:

Amendment No. 728.

AN ACT relating to securities; defining "Nevada certified investor"; authorizing the Administrator of the Securities Division of the Office of the Secretary of State, who is the Deputy of Securities, to adopt certain regulations **;** ~~[in consultation with the Office of Economic Development; revising the information that must be included in a registration statement for a security that may be registered by qualification; exempting a person who files a registration statement for a security that may be registered by qualification from paying any fees associated with that filing;]~~ providing for an exemption from certain requirements concerning the registration of securities for certain transactions involving an offer to sell or sale of a security by certain issuers who are residents of this State to a Nevada certified investor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law, with certain exceptions, prohibits a person from engaging in certain activities relating to offering to sell or selling a security unless the security is registered with the Securities and Exchange Commission. (15 U.S.C. § 77e) Existing federal law creates an exemption from this requirement for a security which is part of an issue offered or sold only to persons who are residents of the same state of which the issuer is also a resident and doing business within or, if the issuer is a corporation, incorporated by and doing business within. (15 U.S.C. § 77c(a)(11)) Existing federal regulations set forth: (1) requirements that an issuer must meet to be deemed to be a resident of and doing business within a state where the issuer offers and sells securities; and (2) various other requirements for transactions involving intrastate offers or sales of securities for the transaction to qualify for the exemption from the federal registration requirements. (17 C.F.R. §§ 230.147, 230.147A)

Existing state law prohibits a person from offering to sell or selling any security in this State unless the security meets certain registration requirements or the security transaction is exempt from the registration requirements. (NRS 90.460) **Section 5** of this bill creates an exemption from those state registration requirements for certain transactions involving an offer to sell or sale of a security to a Nevada certified investor. **Section 2** of this bill defines "Nevada certified investor" to mean, in general, a natural person who is, or a married couple who each are, a resident of this State and who meets certain financial

qualifications. Under **section 5**, a transaction involving an offer to sell or sale of a security to a Nevada certified investor is exempt from the registration requirements provided under existing state law if: (1) the transaction meets the requirements for the federal exemption for intrastate offers and sales of securities; (2) the transaction meets any other requirements established by regulations adopted by the Administrator of the Securities Division of the Office of the Secretary of State, who is the Deputy of Securities, pursuant to **section 3** of this bill; (3) the transaction involves certain types of Nevada certified investors, the ~~[total amount paid by]~~ **transaction would not result in** the Nevada certified investor ~~[for all of the securities involved in the transaction does not exceed]~~ **investing more than** 10 percent of the net worth of the investor **~~[, subject to certain requirements concerning the net worth of the investor;]~~ in securities purchased in transactions exempt pursuant to section 3; and** (4) ~~[the transaction is part of an issue in which not more than 75 purchasers are Nevada certified investors; and (5)]~~ the person offering to sell or selling the security first undergoes a criminal background check **~~[.]~~ , submits certain information to the Administrator and makes certain information available to Nevada certified investors.**

Section 3 authorizes the Administrator **~~[, in consultation with the Office of Economic Development within the Office of the Governor,]~~** to adopt regulations establishing additional requirements for transactions involving an offer to sell or sale of a security to a Nevada certified investor to qualify for an exemption from the registration requirements pursuant to **section 5**.

Section 4 of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Existing law authorizes the registration of a security by qualification and requires the registration statement for such a security to contain certain information relating to the issuer and certain other persons. (NRS 90.490) **Section 4.5** of this bill revises the information which is required to be included in the registration statement.

~~[Existing law sets forth certain fees associated with the filing of a registration statement or an amendment to a registration statement. (NRS 90.500) Section 4.7 of this bill exempts a person who files a registration statement to register a security by qualification or an amendment to such a registration statement from paying any fees associated with such filings. Sections 4.1-4.9 and 5.5 make conforming changes to revise certain internal references.]~~

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

Section 1. Chapter 90 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. "Nevada certified investor" means a natural person who is, or a married couple who each are, a resident of this State and who, at the time an offer to sell or sale of a security is made to the person or couple:***

(a) Holds an ownership interest of more than 50 percent in a business that has reported a gross revenue of more than $200,000 or 2 1/2 times the median household income, whichever is greater, on each federal income tax return filed for the 2 immediately preceding calendar years; or

(b) Has reported an income on the federal income tax return of the person or couple filed for the immediately preceding calendar year that exceeds [$100,000] the greater of:

(1) One hundred thousand dollars, if the person filed an individual federal income tax return, or $150,000, if the couple jointly filed a federal income tax return; or [the]

(2) The median household income . [, whichever is greater.]

2. As used in this section, "median household income" means the median household income in this State, as identified in the most recent data from the American Community Survey published by the Bureau of the Census of the United States Department of Commerce or as determined by the Administrator based on another source of data specified by the Administrator by regulation.

Sec. 3. ***The Administrator may [, in consultation with the Office of Economic Development,] adopt regulations that set forth additional requirements***

for transactions involving an offer to sell or sale of a security to a Nevada certified investor that must be met for the transaction to qualify for an exemption pursuant to subsection 22 of NRS 90.530. Such regulations may include, without limitation, provisions establishing minimum qualifications for an issuer who engages in such a transaction [.] and additional requirements concerning the process by which such an issuer shall submit to the Administrator and make available to a Nevada certified investor the information required by subsection 22 of NRS 90.530.

Sec. 4. NRS 90.211 is hereby amended to read as follows:

90.211 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 90.215 to 90.309, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 4.1. ~~[NRS 90.470 is hereby amended to read as follows:~~

~~90.470 1. Securities for which a registration statement has been filed under the Securities Act of 1933 in connection with the offering of the securities may be registered by filing, whether or not they are also eligible for registration under NRS 90.480 or 90.490, if:~~

~~(a) The issuer is organized under the laws of the United States or a state or, if the issuer is not organized under the laws of the United States or a state, it has appointed a duly authorized agent in the United States for service of process;~~

~~(b) The issuer has actively engaged in business operations in the United States for a period of at least 36 consecutive calendar months immediately before the filing of the federal registration statement;~~

~~(c) The issuer has registered a class of equity securities under section 12(b) or 12(g) of the Securities Exchange Act of 1934, and the class of securities is held of record by 500 or more persons;~~

~~(d) The issuer has:~~

~~(1) Either a total net worth of $4,000,000 or a total net worth of $2,000,000 and net pretax income from operations before allowances for extraordinary items, for at least 2 of the 3 preceding fiscal years;~~

~~(2) Not less than 400,000 units of the class of security registered under section 12 of the Securities Exchange Act of 1934 held by the public, excluding securities held by officers and directors of the issuer, underwriters and persons beneficially owning 10 percent or more of that class of security; and~~

~~(3) No outstanding warrants and options held by the underwriters and executive officers and directors of the issuer in an amount exceeding 10 percent of the total number of shares to be outstanding after completion of the offering of the securities being registered;~~

~~(e) The issuer has been subject to the requirements of section 12 of the Securities Exchange Act of 1934 and has filed all the material required to be filed under sections 13 and 14 of that act for at least 36 consecutive calendar months immediately before the filing of the statement and the issuer has filed in a timely manner all reports required to be filed during the 12 calendar months next preceding the filing of the federal registration statement;~~

~~(f) For at least 30 days during the 3 months next preceding the offering of the securities registered there have been at least four market makers for the class of equity securities registered under section 12 of the Securities Exchange Act of 1934;~~

~~(g) Each of the underwriters participating in the offering of the security and each broker dealer who will offer the security in this State is a member of or is subject to the regulations of fair practice of a national association of securities dealers with respect to the offering and the underwriters have contracted to purchase the securities offered in a principal capacity;~~

~~(h) The aggregate commissions or discounts to be received by the underwriters will not exceed 10 percent of the aggregate price at which the securities being registered are offered to the public;~~

~~(i) Neither the issuer nor any of its subsidiaries, since the end of the fiscal year next preceding the filing of the registration statement, have:~~

~~(1) Failed to pay a dividend or sinking fund installment on preferred stock;~~

~~(2) Defaulted on indebtedness for borrowed money; or~~

~~(3) Defaulted on the rental on one or more long term leases, and the defaults in the aggregate are material to the financial position of the issuer and its subsidiaries, taken as a whole; and~~

~~(j) In the case of an equity security, the price at which the security will be offered to the public is not less than $5 per share.~~

~~2. A registration statement under this section must contain the following information and be accompanied by the following records in addition to the information specified in subsection [4] 5 of NRS 90.500 and the consent to service of process required by NRS 90.770:~~

~~(a) A statement demonstrating eligibility for registration by filing;~~

~~(b) The name, address and form of organization of the issuer;~~

~~(c) With respect to a person on whose behalf a part of the offering is to be made in a nonissuer distribution:~~

~~(1) Name and address;~~

~~(2) The amount of securities of the issuer held by the person as of the date of the filing of the registration statement; and~~

~~(3) A statement of the reasons for making the offering;~~

~~(d) A description of the security being registered; and~~

~~(e) A copy of the latest prospectus filed with the registration statement under and satisfying the requirements of section 10 of the Securities Act of 1933.~~

~~3. If the information and records required to be filed by subsection 2 have been on file with the Administrator for at least 5 business days, or any shorter period the Administrator allows by regulation or order, and the applicable registration fee has been paid before the effectiveness of the federal registration statement, a registration statement under this section automatically becomes effective concurrently with the effectiveness of the federal registration statement. If the federal statement becomes effective before the conditions in this section are satisfied and they are not waived, the registration statement becomes effective when the conditions are satisfied. The registrant shall promptly notify the Administrator by telephone or telegram of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall file promptly a posteffective amendment containing the information and records in the price amendment. The Administrator shall promptly acknowledge receipt of notification and effectiveness of the registration statement as of the date and time the registration statement became effective with the Securities and Exchange Commission.]~~ **(Deleted by amendment.)**

Sec. 4.3. ~~[NRS 90.480 is hereby amended to read as follows:~~

~~90.480 1. Securities for which a registration statement has been filed under the Securities Act of 1933 in connection with the offering of the securities may be registered by coordination.~~

~~2. A registration statement under this section must contain the following information and be accompanied by the following records in addition to the information specified in subsection [4] 5 of NRS 90.500 and the consent to service of process required by NRS 90.770:~~

~~(a) One copy of the latest form of prospectus filed under the Securities Act of 1933;~~

~~(b) If the Administrator by regulation or order requires:~~

(1) A copy of the articles of incorporation and bylaws, or their substantial equivalents, currently in effect;

(2) A copy of any agreement with or among underwriters;

(3) A copy of any indenture or other instrument governing the issuance of the security to be registered; and

(4) A copy, specimen or description of the security;

(c) If the Administrator requests and subject to the provisions of NRS 90.730, any other information or copies of any other records filed under the Securities Act of 1933; and

(d) An undertaking to forward promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, all future amendments to the federal prospectus, other than an amendment that delays the effective date of the registration statement, whichever occurs first.

3. A registration statement under this section becomes effective when the federal registration statement becomes effective and all the following conditions are satisfied:

(a) No order is in effect, and no proceeding is pending, under NRS 90.510;

(b) The registration statement has been on file with the Administrator for at least 10 days, but if the registration statement is not filed with the Administrator within 5 days after the initial filing under the Securities Act of 1933, the registration statement must have been on file with the Administrator for 30 days or any shorter period as the Administrator by regulation or order specifies; and

(c) A statement of the maximum and minimum proposed offering prices and the maximum underwriting discounts and commissions has been on file for 2 full business days or any shorter period the Administrator permits and the offering is made within those limitations.

4. The registrant shall promptly notify the Administrator of the date and time when the federal registration statement became effective and the content of the price amendment, if any, and shall promptly file a posteffective amendment containing the information and records in the price amendment.

5. Upon failure to receive the required notification and posteffective amendment with respect to the price amendment, the Administrator may enter an order, retroactively denying effectiveness to the registration statement or suspending its effectiveness until the registrant complies with subsection 4. The Administrator shall promptly notify the registrant of the issuance of the order. If the registrant proves compliance with the requirements of subsection 4 as to notice and posteffective amendment, the order is void as of its entry.

6. The Administrator by regulation or order may waive either or both of the conditions specified in paragraphs (b) and (c) of subsection 3.

7. If the federal registration statement becomes effective before all the conditions in subsection 3 are satisfied and they are not waived, the registration statement automatically becomes effective when all the conditions are satisfied. If the registrant advises the Administrator of the date when the

~~federal registration statement is expected to become effective, the Administrator shall promptly advise the registrant, at the registrant's expense, whether all conditions are satisfied and whether the Administrator then contemplates the institution of a proceeding under NRS 90.510, but the advice by the Administrator does not preclude the institution of a proceeding for an order suspending the effectiveness of the registration statement. An order issued under this subsection is not retroactive.~~

~~8. The Administrator by regulation or order may waive or modify the application of a requirement of this section if a provision or an amendment, repeal or other alteration of the provisions of the Securities Act of 1933 for the registration of securities or of the regulations adopted under that act renders the waiver or modification appropriate for further coordination of state and federal registration.~~**]** **(Deleted by amendment.)**

Sec. 4.5. NRS 90.490 is hereby amended to read as follows:

90.490 1. A security may be registered by qualification.

2. A registration statement under this section must contain the following information and be accompanied by the following records in addition to the information specified in subsection 4 ***[5]*** of NRS 90.500 and the consent to service of process required by NRS 90.770:

(a) With respect to the issuer and any significant subsidiary:

(1) Its name, address and form of organization;

(2) The state or foreign jurisdiction and date of its organization;

(3) The general character and location of its business;

(4) A description of its physical property and equipment; and

(5) A statement of the general competitive conditions in the industry or business in which it is or will be engaged;

(b) With respect to every director and officer of the issuer or person occupying a similar status or performing similar functions:

(1) Name , ***[and]*** address ***[,]*** and principal occupation for the last 5 years;

(2) The amount of securities of the issuer held by the person as of a specified date within 30 days before the filing of the registration statement;

(3) The amount of the securities covered by the registration statement to which the person has indicated an intention to subscribe; and

(4) A description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past 3 years or proposed to be effected ; ***[, including, without limitation, compensation provided to the person or that is proposed to be provided to the person by the issuer or the significant subsidiary;]***

(c) With respect to persons covered by paragraph (b), the compensation paid or given, directly or indirectly, during the last 12 months and estimated to be paid during the next 12 months by the issuer together with all predecessors, parents, subsidiaries and affiliates, to all those persons in the aggregate;

(d) With respect to any person owning of record, or beneficially if known, 10 percent or more of the outstanding shares of a class of equity security of the issuer, the information specified in paragraph (b) ***;*** **[**~~other than occupation;~~**]**

(e) ~~[~~
~~(d)]~~ With respect to a promoter, ***if such a promoter exists, and*** if the issuer was organized within the last 3 years:

(1) The information specified in paragraph (b);

(2) The amount paid to the person within that period or intended to be paid; and

(3) The consideration for the payment;

(f) With respect to a person on whose behalf a part of the offering is to be made in a nonissuer distribution:

(1) Name and address;

(2) The amount of securities of the issuer held by the person as of the date of the filing of the registration statement;

(3) A description of any material interest in any material transaction with the issuer or any significant subsidiary effected within the past 3 years or proposed to be effected; and

(4) A statement of the reasons for making the offering;

(g) ~~[(e)]~~ The capitalization and long-term debt, on both a current and a pro forma basis, of the issuer and any significant subsidiary, including a description of each security outstanding or being registered or otherwise offered, and ***, if applicable,*** a statement of the amount and kind of consideration, whether in the form of cash, physical assets, services, patents, goodwill or anything else, for which the issuer or a subsidiary has issued its securities within the last 2 years or is obligated to issue its securities;

(h) ~~[(f)]~~ The kind and amount of securities to be offered, the proposed offering price or the method by which it is to be computed, any variation therefrom at which a proportion of the offering is to be made to a person or class of persons other than the underwriters, with a specification of the person or class, the basis upon which the offering is to be made if otherwise than for cash, the estimated aggregate underwriting and selling discounts or commissions and finder's fees, including separately cash, securities, contracts or anything else of value to accrue to the underwriters or finders in connection with the offering or, if the selling discounts or commissions are variable, the basis of determining them and their maximum and minimum amounts, the estimated amounts of other selling expenses, including legal, engineering and accounting charges, the name and address of every underwriter and every recipient of a finder's fee, a copy of any underwriting or selling-group agreement pursuant to which the distribution is to be made, or the proposed form of the agreement whose terms have not yet been determined, and a description of the plan of distribution of securities that are to be offered otherwise than through an underwriter;

(i) ~~[(g)]~~ The estimated cash proceeds to be received by the issuer from the offering, the purposes for which the proceeds are to be used by the issuer, the amount to be used for each purpose, the order of priority in which the proceeds will be used for the purposes stated, the amounts of funds to be raised from other sources to achieve the purposes stated, the sources of the funds, and, if

part of the proceeds is to be used to acquire property, including goodwill, otherwise than in the ordinary course of business, the names and addresses of the vendors, the purchase price, the names of the persons who have received commissions in connection with the acquisition and the amounts of commissions and any other expense in connection with the acquisition, including the cost of borrowing money to finance the acquisition;

(j) ***[(h)]*** A description of the stock options or other security options outstanding or to be created in connection with the offering and the amount of the options held or to be held by every person required to be named in paragraph (b), ***[(c),]*** (d) , (e), ***[or]*** (f) or (h) and by a person who holds or will hold 10 percent or more in the aggregate of the options;

(k) ***[(i)]*** The dates of, parties to and general effect, concisely stated, of every management or other material contract made or to be made otherwise than in the ordinary course of business if it is to be performed in whole or in part at or after the filing of the registration statement or was made within the last 2 years, and a copy of the contract;

(l) ***[(j)]*** A description of any pending litigation or proceedings to which the issuer is a party and that materially affect its business or assets, including any litigation or proceeding known to be contemplated by a governmental authority;

(m) ***[(k)]*** A copy of any prospectus, pamphlet, circular, form letter, advertisement or other sales literature intended as of the effective date to be used in connection with the offering ~~[~~;

~~(n)]~~ ***, if such materials exist;***

[(l)] ***(n)*** A copy, specimen or description of the security being registered, a copy of the issuer's articles of incorporation and bylaws or their substantial equivalents, as currently in effect, and a copy of any indenture or other instrument covering the security to be registered;

(o) A signed or conformed copy of an opinion of counsel as to the legality of the security being registered, with an English translation if it is in a foreign language, which states whether the security when sold will be legally issued, fully paid and nonassessable and, if a debt security, a binding obligation of the issuer;

(p) The written consent of an accountant, engineer, appraiser or other person whose profession gives authority to a statement made by the person, if the person is named as having prepared or certified a report or valuation, other than a public and official record or statement, which is used in connection with the registration statement;

(q) A statement of financial condition of the issuer as of a date within 4 months before the filing of the registration statement, a statement of results of operations and analysis of surplus for each of the 3 fiscal years preceding the date of the statement of financial condition and for any period between the close of the last fiscal year and the date of the statement of financial condition, or for the period of the issuer's and any predecessors' existence if less than 3 years, and, if part of the proceeds of the offering is to be applied to the purchase

of a business, the same financial statements which would be required if that business were the registrant; and

(r) ~~[~~***and***

~~***(m)]***~~ Any additional information the Administrator by regulation or order specifies.

3. A statement under this section becomes effective 30 calendar days, or any shorter period as the Administrator by regulation or order specifies, after the date the registration statement or the last amendment other than a price amendment is filed, if:

(a) No order is in effect and no proceeding is pending under NRS 90.510;

(b) The Administrator has not, under subsection 4, ordered that effectiveness be delayed; and

(c) The registrant has not requested that effectiveness be delayed.

4. The Administrator may delay effectiveness for a single period of not more than 90 days if the Administrator determines the registration statement is not complete in all material respects and promptly notifies the registrant of that determination. The Administrator may delay effectiveness for a single period of not more than 30 days if the Administrator determines that the delay is necessary, whether or not the Administrator previously delayed effectiveness under this subsection.

Sec. 4.7. ~~**[**~~NRS 90.500 is hereby amended to read as follows:~~**:**~~

~~90.500 1. A registration statement may be filed by the issuer, any other person on whose behalf the offering is to be made, or a broker-dealer licensed under this chapter.~~

~~2. Except as otherwise provided in subsection 3~~ **~~[,] or 4,~~** ~~a person filing a registration statement shall pay a filing fee of 0.2 percent of the maximum aggregate offering price at which the registered securities are to be offered in this State, but not less than $700 or more than $5,000. If a registration statement is withdrawn before the effective date or a pre-effective order is entered under NRS 90.510, the Administrator shall retain the fee.~~

~~3. An open-end management company, a face-amount certificate company or a unit investment trust, as defined in the Investment Company Act of 1940, may register an indefinite amount of securities under a registration statement. The registrant shall pay:~~

~~(a) A fee of $1,000 at the time of filing; and~~

~~(b) Within 60 days after the registrant's fiscal year during which its statement is effective, a fee of $4,000, or file a report on a form the Administrator adopts, specifying its sale of securities to persons in this State during the fiscal year and pay a fee of 0.2 percent of the aggregate sales price of the securities sold to persons in this State, but the latter fee must not be less than $700 or more than $5,000.~~

~~***4. A person filing a registration statement pursuant to NRS 90.490 is exempt from paying any fee to file the registration statement.***~~

~~***5.*** Except as otherwise permitted by subsection 3, a statement must specify:~~

~~(a) The amount of securities to be offered in this State and the states in which a statement or similar record in connection with the offering has been or is to be filed; and~~

~~(b) Any adverse order, judgment or decree entered by a securities agency or administrator in any state or by a court or the Securities and Exchange Commission in connection with the offering.~~

~~[5.]~~ ***6.*** ~~A record filed under this chapter as now or previously in effect, within 5 years before the filing of a registration statement, may be incorporated by reference in the registration statement if the record is currently accurate.~~

~~[6.]~~ ***7.*** ~~The Administrator by regulation or order may permit the omission of an item of information or record from a statement.~~

~~[7.]~~ ***8.*** ~~In the case of a nonissuer offering, the Administrator may not require information under subsection [13]~~ ***14*** ~~or NRS 90.510 unless it is known to the person filing the registration statement or to the person on whose behalf the offering is to be made, or can be furnished by one of them without unreasonable effort or expense.~~

~~[8.]~~ ***9.*** ~~In the case of a registration under NRS 90.480 or 90.490 by an issuer who has no public market for its shares and no significant earnings from continuing operations during the last 5 years or any shorter period of its existence, the Administrator by regulation or order may require as a condition of registration that the following securities be deposited in escrow for not more than 3 years:~~

~~(a) A security issued to a promoter within the 3 years immediately before the offering or to be issued to a promoter for a consideration substantially less than the offering price; and~~

~~(b) A security issued to a promoter for a consideration other than cash, unless the registrant demonstrates that the value of the noncash consideration received in exchange for the security is substantially equal to the offering price for the security.~~

~~➥ The Administrator by regulation may determine the conditions of an escrow required under this subsection, but the Administrator may not reject a depository solely because of location in another state.~~

~~[9.]~~ ***10.*** ~~The Administrator by regulation may require as a condition of registration under NRS 90.480 or 90.490 that the proceeds from the sale of the registered security in this State must be impounded until the issuer receives a specified amount from the sale of the security. The Administrator by regulation or order may determine the conditions of an impounding arrangement required under this subsection, but the Administrator may not reject a depository solely because of its location in another state.~~

~~[10.]~~ ***11.*** ~~If a security is registered pursuant to NRS 90.470 or 90.480, the prospectus filed under the Securities Act of 1933 must be delivered to each purchaser in accordance with the requirements of that act for the delivery of a prospectus.~~

~~[11.]~~ ***12.*** ~~If a security is registered pursuant to NRS 90.490, an offering record containing information the Administrator by regulation or order designates must be delivered to each purchaser with or before the earliest of:~~

~~(a) The first written offer made to the purchaser by or for the account of the issuer or another person on whose behalf the offering is being made or by an underwriter or broker-dealer who is offering part of an unsold allotment or subscription taken by it as a participant in the distribution;~~

~~(b) Confirmation of a sale made by or for the account of a person named in paragraph (a);~~

~~(c) Payment pursuant to a sale; or~~

~~(d) Delivery pursuant to a sale.~~

~~[12.]~~ ***13.*** ~~Except for a registration statement under which an indefinite amount of securities are registered as provided in subsection 3, a statement remains effective for 1 year after its effective date unless the Administrator by regulation extends the period of effectiveness. A registration statement under which an indefinite amount of securities are registered remains effective until 60 days after the beginning of the registrant's next fiscal year following the date the statement was filed. All outstanding securities of the same class as a registered security are considered to be registered for the purpose of a nonissuer transaction while the registration statement is effective, unless the Administrator by regulation or order provides otherwise. A registration statement may not be withdrawn after its effective date if any of the securities registered have been sold in this State, unless the Administrator by regulation or order provides otherwise. No registration statement is effective while an order is in effect under subsection 1 of NRS 90.510.~~

~~[13.]~~ ***14.*** ~~During the period that an offering is being made pursuant to an effective registration statement, the Administrator by regulation or order may require the person who filed the registration statement to file reports, not more often than quarterly, to keep reasonably current the information contained in the registration statement and to disclose the progress of the offering.~~

~~[14.]~~ ***15.*** ~~A registration statement filed under NRS 90.470 or 90.480 may be amended after its effective date to increase the securities specified to be offered and sold. The amendment becomes effective upon filing of the amendment and payment of an additional filing fee of 3 times the fee otherwise payable, calculated in the manner specified in subsection 2, with respect to the additional securities to be offered and sold. The effectiveness of the amendment relates back to the date or dates of sale of the additional securities being registered.~~

~~[15.]~~ ***16.*** ~~A registration statement filed under NRS 90.490 may be amended after its effective date to increase the securities specified to be offered and sold, if the public offering price and underwriters' discounts and commissions are not changed from the respective amounts which the Administrator was informed. The amendment becomes effective when the Administrator so orders and relates back to the date of sale of the additional securities being registered. [A person filing an amendment shall pay an~~

~~additional filing fee of 3 times the fee otherwise payable, calculated in the manner specified in subsection 2, with respect to the additional securities to be offered and sold.~~**]** **(Deleted by amendment.)**

Sec. 4.9. ~~**[**NRS 90.510 is hereby amended to read as follows:~~

~~90.510 1. The Administrator may issue an order denying effectiveness to, or suspending or revoking the effectiveness of, a registration statement if the Administrator finds that the order is in the public interest and that:~~

~~(a) The registration statement as of its effective date or as of the proposed effective date in the case of an order denying effectiveness, an amendment under subsection **[**14**]** ***15*** or **[**15**]** ***16*** of NRS 90.500, as of its effective date, or a report under subsection **[**13**]** ***14*** of NRS 90.500, is incomplete in any material respect or contains a statement that, in the light of the circumstances under which it was made, was false or misleading with respect to a material fact;~~

~~(b) This chapter, or a regulation, order or condition lawfully imposed under this chapter, has been willfully violated in connection with the offering by:~~

~~(1) The person filing the registration statement;~~

~~(2) The issuer, a partner, officer or director of the issuer, a person occupying similar status or performing similar functions, or a person directly or indirectly controlling or controlled by the issuer, but only if the person filing the registration statement is directly or indirectly controlled by or acting for the issuer; or~~

~~(3) An underwriter;~~

~~(c) The security registered or sought to be registered is the subject of a permanent or temporary injunction of a court of competent jurisdiction or an administrative order similar to an order under this section entered under any other federal or state law applicable to the offering, except that the Administrator may not:~~

~~(1) Institute a proceeding against an effective registration statement under this paragraph more than 1 year after the date of the order or injunction relied on; or~~

~~(2) Enter an order under this paragraph on the basis of an order or injunction entered under the securities act of another state unless the order or injunction was based on facts that currently would constitute a ground for an order under this section;~~

~~(d) The issuer's enterprise or method of business includes or would include activities that are illegal where performed;~~

~~(e) The offering has worked or tended to work a fraud upon purchasers or would so operate;~~

~~(f) The offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions or other compensation, or promoters' profits or participation, or unreasonable amounts or kinds of options;~~

~~(g) A security sought to be registered pursuant to NRS 90.470 is not eligible for such registration;~~

~~(h) With respect to a security sought to be registered pursuant to NRS 90.480, there has been a failure to comply with the undertaking required by paragraph (d) of subsection 2 of that section; or~~

~~(i) The applicant or registrant has failed to pay the proper filing fee, but the Administrator may enter only an order denying effectiveness under this paragraph and shall vacate the order if the deficiency is corrected.~~

~~2. The Administrator may not institute a proceeding:~~

~~(a) Against an effective registration statement on the basis of a fact or transaction known to the Administrator when the registration statement became effective unless the proceeding is instituted within 30 days after the registration statement became effective; or~~

~~(b) With respect to a registration filed under NRS 90.470 on the basis of paragraph (e) or (f) of subsection 1.~~

~~3. The Administrator may vacate or modify an order entered under this section if the Administrator finds that the conditions which prompted entry have changed or that it is otherwise in the public interest.~~**] (Deleted by amendment.)**

Sec. 5. NRS 90.530 is hereby amended to read as follows:

90.530 The following transactions are exempt from NRS 90.460 and 90.560:

1. An isolated nonissuer transaction, whether or not effected through a broker-dealer.

2. A nonissuer transaction in an outstanding security if the issuer of the security has a class of securities subject to registration under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and has been subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78m and 78o(d), for not less than 90 days next preceding the transaction, or has filed and maintained with the Administrator for not less than 90 days preceding the transaction information, in such form as the Administrator, by regulation, specifies, substantially comparable to the information the issuer would be required to file under section 12(b) or 12(g) of the Securities Exchange Act of 1934, 15 U.S.C. §§ 78l(b) and 78l(g), were the issuer to have a class of its securities registered under section 12 of the Securities Exchange Act of 1934, 15 U.S.C. § 78l, and paid a fee of $300 with the filing.

3. A nonissuer transaction by a sales representative licensed in this State, in an outstanding security if:

(a) The security is sold at a price reasonably related to the current market price of the security at the time of the transaction;

(b) The security does not constitute all or part of an unsold allotment to, or subscription or participation by, a broker-dealer as an underwriter of the security;

(c) At the time of the transaction, a recognized securities manual designated by the Administrator by regulation or order contains the names of the issuer's officers and directors, a statement of the financial condition of the issuer as of

a date within the preceding 18 months, and a statement of income or operations for each of the last 2 years next preceding the date of the statement of financial condition, or for the period as of the date of the statement of financial condition if the period of existence is less than 2 years;

(d) The issuer of the security has not undergone a major reorganization, merger or acquisition within the preceding 30 days which is not reflected in the information contained in the manual; and

(e) At the time of the transaction, the issuer of the security has a class of equity security listed on the New York Stock Exchange, American Stock Exchange or other exchange designated by the Administrator, or on the National Market System of the National Association of Securities Dealers Automated Quotation System. The requirements of this paragraph do not apply if:

(1) The security has been outstanding for at least 180 days;

(2) The issuer of the security is actually engaged in business and is not developing the issuer's business, in bankruptcy or in receivership; and

(3) The issuer of the security has been in continuous operation for at least 5 years.

4. A nonissuer transaction in a security that has a fixed maturity or a fixed interest or dividend provision if there has been no default during the current fiscal year or within the 3 preceding years, or during the existence of the issuer, and any predecessors if less than 3 years, in the payment of principal, interest or dividends on the security.

5. A nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to purchase.

6. A transaction between the issuer or other person on whose behalf the offering of a security is made and an underwriter, or a transaction among underwriters.

7. A transaction in a bond or other evidence of indebtedness secured by a real estate mortgage, deed of trust, personal property security agreement, or by an agreement for the sale of real estate or personal property, if the entire mortgage, deed of trust or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

8. A transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian or conservator.

9. A transaction executed by a bona fide secured party without the purpose of evading this chapter.

10. An offer to sell or the sale of a security to a financial or institutional investor or to a broker-dealer.

11. Except as otherwise provided in this subsection, a sale or an offer to sell securities of an issuer if:

(a) The transaction is part of an issue in which there are not more than 35 purchasers in this State, other than those designated in subsection 10, during any 12 consecutive months;

(b) No general solicitation or general advertising is used in connection with the offer to sell or sale of the securities;

(c) No commission or other similar compensation is paid or given, directly or indirectly, to a person, other than a broker-dealer licensed or not required to be licensed under this chapter, for soliciting a prospective purchaser in this State; and

(d) One of the following conditions is satisfied:

(1) The seller reasonably believes that all the purchasers in this State, other than those designated in subsection 10, are purchasing for investment; or

(2) Immediately before and immediately after the transaction, the issuer reasonably believes that the securities of the issuer are held by 50 or fewer beneficial owners, other than those designated in subsection 10, and the transaction is part of an aggregate offering that does not exceed $500,000 during any 12 consecutive months.

➥ The Administrator by rule or order as to a security or transaction or a type of security or transaction may withdraw or further condition the exemption set forth in this subsection or waive one or more of the conditions of the exemption.

12. An offer to sell or sale of a preorganization certificate or subscription if:

(a) No commission or other similar compensation is paid or given, directly or indirectly, for soliciting a prospective subscriber;

(b) No public advertising or general solicitation is used in connection with the offer to sell or sale;

(c) The number of offers does not exceed 50;

(d) The number of subscribers does not exceed 10; and

(e) No payment is made by a subscriber.

13. An offer to sell or sale of a preorganization certificate or subscription issued in connection with the organization of a depository institution if that organization is under the supervision of an official or agency of a state or of the United States which has and exercises the authority to regulate and supervise the organization of the depository institution. For the purpose of this subsection, "under the supervision of an official or agency" means that the official or agency by law has authority to require disclosures to prospective investors similar to those required under NRS 90.490, impound proceeds from the sale of a preorganization certificate or subscription until organization of the depository institution is completed, and require refund to investors if the depository institution does not obtain a grant of authority from the appropriate official or agency.

14. A transaction pursuant to an offer to sell to existing security holders of the issuer, including persons who at the time of the transaction are holders of transferable warrants exercisable within not more than 90 days after their issuance, convertible securities or nontransferable warrants, if:

(a) No commission or other similar compensation, other than a standby commission, is paid or given, directly or indirectly, for soliciting a security holder in this State; or

(b) The issuer first files a notice specifying the terms of the offer to sell, together with a nonrefundable fee of $300, and the Administrator does not by order disallow the exemption within the next 5 full business days.

15. A transaction involving an offer to sell, but not a sale, of a security not exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration or offering statement or similar record as required under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., has been filed, but is not effective;

(b) A registration statement, if required, has been filed under this chapter, but is not effective; and

(c) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator or the Securities and Exchange Commission, and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

16. A transaction involving an offer to sell, but not a sale, of a security exempt from registration under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., if:

(a) A registration statement has been filed under this chapter, but is not effective; and

(b) No order denying, suspending or revoking the effectiveness of registration, of which the offeror is aware, has been entered by the Administrator and no examination or public proceeding that may culminate in that kind of order is known by the offeror to be pending.

17. A transaction involving the distribution of the securities of an issuer to the security holders of another person in connection with a merger, consolidation, exchange of securities, sale of assets or other reorganization to which the issuer, or its parent or subsidiary, and the other person, or its parent or subsidiary, are parties, if:

(a) The securities to be distributed are registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., before the consummation of the transaction; or

(b) The securities to be distributed are not required to be registered under the Securities Act of 1933, 15 U.S.C. §§ 77a et seq., written notice of the transaction and a copy of the materials, if any, by which approval of the transaction will be solicited, together with a nonrefundable fee of $300, are given to the Administrator at least 10 days before the consummation of the transaction and the Administrator does not, by order, disallow the exemption within the next 10 days.

18. A transaction involving the offer to sell or sale of one or more promissory notes each of which is directly secured by a first lien on a single

parcel of real estate, or a transaction involving the offer to sell or sale of participation interests in the notes if the notes and participation interests are originated by a depository institution and are offered and sold subject to the following conditions:

(a) The minimum aggregate sales price paid by each purchaser may not be less than $250,000;

(b) Each purchaser must pay cash either at the time of the sale or within 60 days after the sale; and

(c) Each purchaser may buy for the purchaser's own account only.

19. A transaction involving the offer to sell or sale of one or more promissory notes directly secured by a first lien on a single parcel of real estate or participating interests in the notes, if the notes and interests are originated by a mortgagee approved by the Secretary of Housing and Urban Development under sections 203 and 211 of the National Housing Act, 12 U.S.C. §§ 1709 and 1715b, and are offered or sold, subject to the conditions specified in subsection 18, to a depository institution or insurance company, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Government National Mortgage Association.

20. A transaction between any of the persons described in subsection 19 involving a nonassignable contract to buy or sell the securities described in subsection 18 if the contract is to be completed within 2 years and if:

(a) The seller of the securities pursuant to the contract is one of the parties described in subsection 18 or 19 who may originate securities;

(b) The purchaser of securities pursuant to a contract is any other person described in subsection 19; and

(c) The conditions described in subsection 18 are fulfilled.

21. A transaction involving one or more promissory notes secured by a lien on real estate, or participating interests in those notes, by a mortgage company licensed pursuant to chapter 645B of NRS to engage in those transactions.

22. A transaction involving an offer to sell or sale of a security to a Nevada certified investor if all of the following conditions are satisfied:

(a) The transaction satisfies the requirements for exemption under section 3(a)(11) of the Securities Act of 1933, 15 U.S.C. § 77c(a)(11) and Rule 147 or 147A of the Securities and Exchange Commission, 17 C.F.R. § 230.147 or 230.147A.

(b) The transaction satisfies any requirements established by the Administrator by regulation pursuant to section 3 of this act.

(c) For a transaction involving the sale of a security to a Nevada certified investor described in paragraph (b) of subsection 1 of section 2 of this act, the ~~[total amount paid by]~~ transaction would not result in the Nevada certified investor ~~[for all of the securities involved in the transaction does not exceed]~~ investing more than 10 percent of the net worth of the investor ~~[.]~~ in securities that were purchased by the Nevada certified investor in transactions exempt from NRS 90.460 and 90.560 pursuant to this

subsection. For the purposes of meeting the requirements of this paragraph, the equity the Nevada certified investor holds in a primary residence must not account for more than 50 percent of the net worth of the Nevada certified investor.

(d) [The transaction is part of an issue in which there are not more than 75 purchasers who are Nevada certified investors.

— (e)] The person offering to sell or selling the security has submitted to the Administrator [a] :

(1) A complete set of his or her fingerprints and written permission authorizing the Administrator to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the person and for forwarding to the Federal Bureau of Investigation for its report on the criminal history of the person [.] ;

(2) The latest available balance sheet of the issuer; and

(3) A description of any compensation paid by the person offering to sell or selling the security to any person authorized to make decisions on behalf of or exert control over the management or operation of the person offering to sell or selling the security.

(e) The person offering to sell or selling the security has made available to any Nevada certified investor wishing to purchase the security:

(1) A full disclosure of any and all previous criminal convictions; and

(2) The information submitted to the Administrator pursuant to subparagraphs (2) and (3) of paragraph (d).

Sec. 5.5. **[**~~NRS 90.660 is hereby amended to read as follows:~~

~~— 90.660 — 1. — A person who offers or sells a security in violation of any of the following provisions:~~

~~— (a) Subsection 1 of NRS 90.310;~~

~~— (b) NRS 90.460;~~

~~— (c) Subsection~~ **[**~~10~~**]** ***11*** ~~of NRS 90.500;~~

~~— (d) Subsection 2 of NRS 90.570;~~

~~— (e) Subsection 2 of NRS 90.610; or~~

~~— (f) A condition imposed in subsection~~ **[**~~8~~**]** ***9*** ~~or~~ **[**~~9~~**]** ***10*** ~~of NRS 90.500,~~

~~» is liable to the person purchasing the security. Upon tender of the security, the purchaser may recover the consideration paid for the security and interest at the legal rate of this State from the date of payment, costs and reasonable attorney's fees, less the amount of income received on the security. A purchaser who no longer owns the security may recover damages. Damages are the amount that would be recoverable upon a tender less the value of the security when the purchaser disposed of it, plus interest at the legal rate of this State from the date of disposition of the security, costs and reasonable attorney's fees determined by the court. Tender requires only notice of willingness to exchange the security for the amount specified.~~

~~— 2. — A person who offers or sells a security in violation of subsection 2 of NRS 90.570 is not liable under subsection 1 of this section if:~~

~~(a) The purchaser knew that a statement of a material fact was untrue or that there was an omission of a statement of a material fact; or~~

~~(b) The seller did not know and in the exercise of reasonable care could not have known of the untrue statement or misleading omission.~~

~~3. A person who willfully participates in any act or transaction in violation of NRS 90.580 is liable to a person who purchases or sells a security, other than a security traded on a national securities exchange or quoted on a national automated quotation system administered by a self-regulatory organization, at a price that was affected by the act or transaction for the damages sustained as a result of the act or transaction. Damages are the difference between the price at which the securities were purchased or sold and the market value the securities would have had at the time of the person's purchases or sale in the absence of the act or transaction, plus interest at the legal rate of this State from the date of the act or transaction and reasonable attorney's fees.~~

~~4. A person who directly or indirectly controls another person who is liable under subsection 1 or 3, a partner, officer or director of the person liable, a person occupying a similar status or performing similar functions, any agent of the person liable, an employee of the person liable if the employee materially aids in the act, omission or transaction constituting the violation, and a broker-dealer or sales representative who materially aids in the act, omission or transaction constituting the violation, are also liable jointly and severally with and to the same extent as the other person, but it is a defense that the person did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by which the liability is alleged to exist. With respect to a person who directly or indirectly, controls another person who is liable under subsection 3, it is also a defense that the controlling person acted in good faith and did not, directly or indirectly, induce the act, omission or transaction constituting the violation. Contribution among the several persons liable is the same as in cases arising out of breach of contract.~~**]**

(Deleted by amendment.)

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 5.5, 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 October 1, 2023, for all other purposes.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 728 to Assembly Bill No. 75.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 373.

The following Senate amendment was read:

Amendment No. 606.

AN ACT relating to deceptive trade practices; clarifying the authority of the Attorney General with respect to a deceptive trade practice; increasing certain civil penalties for engaging in a deceptive trade practice under certain circumstances; revising the statute of limitations for engaging in a deceptive trade practice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) Existing law authorizes the Attorney General to obtain a temporary restraining order, a preliminary or permanent injunction or other appropriate relief by bringing an action in the name of the State against a person the Attorney General has reason to believe has engaged or is engaging in a deceptive trade practice. (NRS 598.0963) **Section 1** of this bill clarifies that such other appropriate relief which the Attorney General may obtain includes, without limitation, the recovery of a civil penalty, disgorgement, restitution or the recovery of damages as parens patriae.

Existing law authorizes a court or the Director of the Department of Business and Industry or his or her designee, in certain actions and proceedings relating to the enforcement of the provisions prohibiting deceptive trade practices, to impose an additional maximum civil penalty of $12,500 for each violation if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward an elderly person **,** ~~[or]~~ a person with a disability **~~[,]~~ or a minor person.** (NRS ~~[598.0973) Section]~~ **598.0973, 598.09735) Sections 1.5 and 1.7** of this bill ~~[increases]~~ **increase** the additional maximum civil penalty to ~~[$25,000]~~ **$15,000** if the deceptive trade practice was directed toward **a person with a disability and $25,000 if directed toward** an elderly person **~~[,]~~ or a minor person.**

Existing law authorizes the Commissioner of Consumer Affairs, the Director of the Department of Business and Industry, the district attorney of any county in this State or the Attorney General to recover a civil penalty not to exceed $5,000 if the court finds that a person has willfully engaged in a deceptive trade practice. (NRS 598.0999) **Section 2** of this bill increases the maximum civil penalty for such a willful violation to $15,000.

Existing law requires an indictment for the offense of engaging in certain trade practices punishable as a felony to be found, or an information or complaint to be filed, within 4 years after the commission of the offense. (NRS 171.085) **Section 3** of this bill imposes that requirement for all offenses involving the commission of any deceptive trade practice that is punishable as a felony. **Section 4** of this bill clarifies that the amendatory provisions of **section 3** apply to an offense committed: (1) before July 1, 2023, if the applicable statute of limitations has commenced but has not yet expired; and (2) on or after July 1, 2023.

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

Section 1. NRS 598.0963 is hereby amended to read as follows:

598.0963 1. Whenever the Attorney General is requested in writing by the Commissioner or the Director to represent him or her in instituting a legal proceeding against a person who has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person on behalf of the Commissioner or Director.

2. The Attorney General may institute criminal proceedings to enforce the provisions of NRS 598.0903 to 598.0999, inclusive. The Attorney General is not required to obtain leave of the court before instituting criminal proceedings pursuant to this subsection.

3. If the Attorney General has reason to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may bring an action in the name of the State of Nevada against that person to obtain a temporary restraining order, a preliminary or permanent injunction, or other appropriate relief ~~[.]~~ ***, including, without limitation, the recovery of a civil penalty, disgorgement, restitution or the recovery of damages:***

(a) As parens patriae of the persons residing this State, with respect to damages sustained directly or indirectly by such persons, or, alternatively, if the court finds in its discretion that the interests of justice so require, as a representative of a class or classes consisting of persons residing in this State who have been damaged directly or indirectly; or

(b) As parens patriae, with respect to direct or indirect damages to the general economy of the State of Nevada or any agency or political subdivision thereof.

4. If the Attorney General has cause to believe that a person has engaged or is engaging in a deceptive trade practice, the Attorney General may issue a subpoena to require the testimony of any person or the production of any documents, and may administer an oath or affirmation to any person providing such testimony. The subpoena must be served upon the person in the manner required for service of process in this State or by certified mail with return receipt requested. An employee of the Attorney General may personally serve the subpoena.

Sec. 1.5. NRS 598.0973 is hereby amended to read as follows:

598.0973 1. Except as otherwise provided in NRS 598.0974, in any action or proceeding brought pursuant to NRS 598.0903 to 598.0999, inclusive, if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward an elderly person or a person with a disability, the court or the Director or his or her designee may, in addition to any other civil or criminal penalty, impose a civil penalty of ***:***

(a) For a deceptive trade practice directed toward a person with a disability, not more than ~~[$12,500]~~ ***$15,000*** for each violation.

(b) For a deceptive trade practice directed toward an elderly person, not more than $25,000 for each violation.

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court or the Director or his or her designee shall consider whether:

(a) The conduct of the person was in disregard of the rights of the elderly person or person with a disability;

(b) The person knew or should have known that his or her conduct was directed toward an elderly person or a person with a disability;

(c) The elderly person or person with a disability was more vulnerable to the conduct of the person because of the age, health, infirmity, impaired understanding, restricted mobility or disability of the elderly person or person with a disability;

(d) The conduct of the person caused the elderly person or person with a disability to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the elderly person or person with a disability to suffer:

(1) Mental or emotional anguish;

(2) The loss of the primary residence of the elderly person or person with a disability;

(3) The loss of the principal employment or source of income of the elderly person or person with a disability;

(4) The loss of money received from a pension, retirement plan or governmental program;

(5) The loss of property that had been set aside for retirement or for personal or family care and maintenance;

(6) The loss of assets which are essential to the health and welfare of the elderly person or person with a disability; or

(7) Any other interference with the economic well-being of the elderly person or person with a disability, including the encumbrance of his or her primary residence or principal source of income; or

(f) Any other factors that the court or the Director or his or her designee deems to be appropriate.

Sec. 1.7. **NRS 598.09735 is hereby amended to read as follows:**

598.09735 1. Except as otherwise provided in NRS 598.0974, in any action or proceeding brought pursuant to NRS 598.0903 to 598.0999, inclusive, if the court or the Director or his or her designee finds that a person has engaged in a deceptive trade practice directed toward a minor person, the court or the Director or his or her designee may, in addition to any other civil or criminal penalty, impose a civil penalty of not more than ~~[$12,500]~~ ***$25,000*** for each violation.

2. In determining whether to impose a civil penalty pursuant to subsection 1, the court or the Director or his or her designee shall consider whether:

(a) The conduct of the person was in disregard of the rights of the minor person;

(b) The person knew or should have known that his or her conduct was directed toward a minor person;

(c) The minor person was more vulnerable to the conduct of the person because of the age of the minor person;

(d) The conduct of the person caused the minor person to suffer actual and substantial physical, emotional or economic damage;

(e) The conduct of the person caused the minor person to suffer:

(1) Mental or emotional anguish;

(2) The loss of money or financial support received from any source;

(3) The loss of property that had been set aside for education or for personal or family care and maintenance;

(4) The loss of assets which are essential to the health and welfare of the minor person; or

(5) Any other interference with the economic well-being of the minor person; or

(f) Any other factors that the court or the Director or his or her designee deems to be appropriate.

3. As used in this section, "minor person" means a person who is 17 years of age or younger.

Sec. 2. NRS 598.0999 is hereby amended to read as follows:

598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive.

2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed ~~[$5,000]~~ ***$15,000*** for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.

3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:

(a) For an offense involving a loss of property or services valued at $1,200 or more but less than $5,000, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) For an offense involving a loss of property or services valued at $5,000 or more but less than $25,000, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For an offense involving a loss of property or services valued at $25,000 or more but less than $100,000, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(d) For an offense involving a loss of property or services valued at $100,000 or more, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and by a fine of not more than $15,000.

(e) For any offense other than an offense described in paragraphs (a) to (d), inclusive, is guilty of a misdemeanor.

➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.

4. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, 598.100 to 598.2801, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, 598.840 to 598.966, inclusive, or 598.9701 to 598.9718, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

5. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:

(a) The suspension of the person's privilege to conduct business within this State; or

(b) If the defendant is a corporation, dissolution of the corporation.

➥ The court may grant or deny the relief sought or may order other appropriate relief.

6. In an action brought by the Commissioner or the Attorney General pursuant to subsection 4 or 5, process may be served by an employee of the Consumer Affairs Unit of the Department of Business and Industry or an employee of the Attorney General.

7. As used in this section:

(a) "Property" has the meaning ascribed to it in NRS 193.0225.

(b) "Services" has the meaning ascribed to it in NRS 205.0829.

(c) "Value" means the fair market value of the property or services at the time the deceptive trade practice occurred. The value of a written instrument which does not have a readily ascertainable market value is the greater of the face amount of the instrument less the portion satisfied or the amount of economic loss to the owner of the instrument resulting from the deprivation of the instrument. The trier of fact shall determine the value of all other property whose value is not readily ascertainable, and may, in making that determination, consider all relevant evidence, including evidence of the value of the property to its owner.

Sec. 3. NRS 171.085 is hereby amended to read as follows:

171.085 Except as otherwise provided in NRS 171.080 to 171.084, inclusive, and 171.095, an indictment for:

1. Theft, robbery, burglary, forgery, arson, a violation of NRS 90.570, a violation punishable pursuant to ~~[paragraph (c)]~~ ***paragraphs (a) to (d), inclusive,*** of subsection 3 of NRS 598.0999 or a violation of NRS 205.377 must be found, or an information or complaint filed, within 4 years after the commission of the offense.

2. Sexual assault must be found, or an information or complaint filed, within 20 years after the commission of the offense.

3. Sex trafficking must be found, or an information or complaint filed, within 6 years after the commission of the offense.

4. Any felony other than the felonies listed in subsections 1, 2 and 3 must be found, or an information or complaint filed, within 3 years after the commission of the offense.

Sec. 4. The amendatory provisions of section 3 of this act apply to an offense committed:

1. Before July 1, 2023, if the applicable statute of limitations has commenced but has not expired on July 1, 2023.

2. On or after July 1, 2023.

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

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 606 to Assembly Bill No. 373.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 121.

The following Senate amendment was read:

Amendment No. 664.

ASSEMBLYWOMEN CONSIDINE, ANDERSON, BILBRAY-AXELROD, GONZÁLEZ, AND SUMMERS-ARMSTRONG

JOINT SPONSOR: SENATOR NGUYEN

AN ACT relating to incarcerated persons; requiring institutions and facilities of the Department of Corrections to provide incarcerated persons with original, physical copies of mail under certain circumstances; **authorizing the Director of the Department to adopt regulations exempting the Department from the requirement to provide incarcerated persons with original, physical copies of mail under certain circumstances;** requiring such institutions and facilities and city or county jails and detention facilities to provide notification to certain persons of a critical medical condition of an incarcerated person; requiring such institutions, facilities and jails to provide an opportunity for an incarcerated person to call a friend, relative or other person to provide notification of a critical medical condition of the incarcerated person under certain circumstances; requiring such institutions, facilities and jails to ensure the timely filling of prescriptions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to establish regulations with the approval of the Board of State Prison Commissioners, including regulations relating to the custody, care, training, health and safety of offenders. (NRS 209.131) **Section 2** of this bill requires the Department to provide to an offender the original, physical copy of any physical mail addressed to the offender that the offender is entitled and allowed to receive. **Section 2 authorizes the Director, with the approval of the Board, to adopt regulations exempting the Department from this requirement if the Department conducts a study and determines, using evidence-based methods, that complying with the requirement presents a danger to the health and safety of the staff or offenders in institutions or facilities of the Department. Section 2 also provides that any such regulations must be adopted in accordance with the provisions of the Nevada Administrative Procedure Act. (Chapter 233B of NRS) If the Director adopts regulations exempting the Department from the requirement to provide offenders with original, physical copies of mail, section 2 requires the Director to submit the study and any evidence or data that supports the determination of the Department to: (1) the Legislative Counsel when the adopted regulation is submitted; and (2) the Director of the Legislative Counsel Bureau after the regulation is adopted for transmittal to the Joint Interim Standing Committee on the Judiciary.**

Section 3 of this bill requires the Department to ensure that an offender completes a medical release of information form at the time of intake and has the ability to update the completed form as necessary. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which requires the offender to stay in a medical facility

overnight, **section 3** requires the Department, within 24 hours after such hospitalization or diagnosis, to attempt to inform all persons authorized by the current medical release of information form about the health status of the offender. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which does not require the offender to stay in a medical facility overnight, **section 3** requires the Department, within 4 hours after the return of the offender to the institution or facility at which the offender is incarcerated, to provide the offender with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the offender.

Section 4 of this bill requires the Department to ensure that if an offender requires prescription medication, the prescription will be filled in a timely manner.

Sections 7 and 8 of this bill impose upon county and city jails and detention facilities requirements similar to those contained in **sections 3 and 4**.

Section 9 of this bill requires the Department to revise its regulations to conform with the provisions of **sections 2-4**.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. ~~[An]~~ Except as otherwise provided in subsection 2, an institution or facility shall provide an offender with the original, physical copy of any mail addressed to the offender that the offender is entitled and allowed to receive.***

2. The Director may, with the approval of the Board, adopt regulations exempting the Department from the requirements prescribed by subsection 1 if the Department conducts a study and determines, using evidence-based methods, that complying with the requirements prescribed by subsection 1 presents a danger to the health and safety of the staff or offenders in institutions or facilities. Any regulations adopted pursuant to this subsection must be adopted in accordance with the provisions of chapter 233B of NRS.

3. Any regulation adopted pursuant to subsection 2 which is submitted to the Legislative Counsel pursuant to NRS 233B.067 must be accompanied by the study and any evidence or data that supports the determination of the Department that complying with the requirements prescribed by subsection 1 presents a danger to the health and safety of the staff or offenders in institutions or facilities.

4. A soon as reasonably practicable after adopting a regulation pursuant to subsection 2, the Director shall submit the study and any evidence or data that supports the determination of the Department that complying with the requirements prescribed by subsection 1 presents a danger to the health and safety of the staff or offenders in institutions or facilities to the Director of

the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.

5. As used in this section, "original, physical copy" means a letter, card or other document received by the institution or facility from the United States

Postal Service or other delivery service. The term does not include mail that is scanned, photocopied or otherwise duplicated by the institution or facility or any entity contracted by the institution or facility to provide such a service.

Sec. 3. ***1. The Department shall ensure that each offender:***

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which requires the offender to stay in a medical facility overnight, the Department shall, within 24 hours after such hospitalization or diagnosis, attempt to inform all persons authorized by the current medical release of information form about the health status of the offender.

3. If an offender in the custody of the Department is hospitalized for or diagnosed with a critical medical condition which does not require the offender to stay in a medical facility overnight, the Department shall, within 4 hours after the return of the offender to the institution or facility at which the offender is incarcerated, provide the offender with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the offender.

4. As used in this section:

(a) "Critical medical condition" means a condition diagnosed by a provider of health care that:

(1) Is terminal;

(2) Requires life-sustaining medical treatment;

(3) Involves a significant risk of death; or

(4) Involves extreme physical illness [.] , including, without limitation an extreme physical illness resulting from a drug or alcohol overdose.

(b) "Drug or alcohol overdose" has the meaning ascribed to it in NRS 453C.150.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 4. ***If an offender in the custody of the Department requires prescription medication for any physical or mental illness, the Department shall ensure that:***

1. If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or

2. If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.

Sec. 5. Chapter 211 of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. (Deleted by amendment.)

Sec. 7. ***1. Each county or city jail or detention facility shall ensure that each prisoner:***

(a) Completes a medical release of information form at the time of intake; and

(b) Has the ability to update a completed medical release of information form as necessary.

2. If a prisoner in the custody of a jail or detention facility is hospitalized for or diagnosed with a critical medical condition which requires the prisoner to stay in a medical facility overnight, the jail or detention facility shall, within 24 hours after such hospitalization or diagnosis, attempt to inform all persons listed on the current medical release of information form about the health status of the prisoner.

3. If a prisoner in the custody of a jail or detention facility is hospitalized for or diagnosed with a critical medical condition which does not require the prisoner to stay in a medical facility overnight, the jail or detention facility shall, within 4 hours after the return of the prisoner to the jail or detention facility at which the prisoner is imprisoned, provide the prisoner with the opportunity to make a telephone call to a friend, relative or other person to inform the person about the health status of the prisoner.

4. As used in this section:

(a) "Critical medical condition" means a condition diagnosed by a provider of health care that:

(1) Is terminal;

(2) Requires life-sustaining medical treatment;

(3) Involves a significant risk of death; or

(4) Involves extreme physical illness ~~***[.]***~~ ***, including, without limitation, a drug or alcohol overdose.***

(b) "Drug or alcohol overdose" has the meaning ascribed to it in NRS 453C.150.

(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.

Sec. 8. ***If a prisoner in the custody of a county or city jail or detention facility requires prescription medication for any physical or mental illness, the jail or detention facility shall ensure that:***

1. If the prescription is new, the prescription is transmitted to a licensed pharmacy and filled as soon as possible; or

2. If the prescription is a refill, the prescription is refilled on or before the date on which the current supply of the prescription medication is exhausted.

Sec. 9. The Department of Corrections shall, as soon as practicable, amend or repeal any existing regulations that conflict or are inconsistent with the provisions of sections 2, 3 and 4 of this act.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 664 to Assembly Bill No. 121.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 193.

The following Senate amendment was read:

Amendment No. 673.

Assemblymen González, D'Silva, Thomas, Anderson, Torres; Gorelow, La Rue Hatch, Marzola, C.H. Miller, Nguyen, Orentlicher, Peters and Taylor

Joint Sponsors: Senators Ohrenschall; **Krasner** and Nguyen

SUMMARY—Revises provisions relating to custodial interrogations of children. (BDR ~~[14-229)]~~ **5-229)**

AN ACT relating to criminal procedure; prohibiting a peace officer or other person authorized to conduct a custodial interrogation of a child from making certain statements during a custodial interrogation of a child; providing that a statement by a child obtained in violation of such a prohibition is presumed involuntary and inadmissible in any criminal or juvenile proceeding; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements relating to custodial interrogations. (NRS 62C.013, 171.1239) This bill prohibits a peace officer or other person authorized to conduct a custodial interrogation of a child from: (1) knowingly making certain materially false statements about evidence to a child who is the subject of a custodial interrogation; or (2) making certain express or implied promises of leniency or advantage to a child who is the subject of a custodial interrogation. This bill additionally creates a presumption that any statement by a child obtained in violation of this bill is involuntary and inadmissible in any criminal or juvenile proceeding. To overcome this presumption, the State must prove, by a preponderance of the evidence, that the statement was voluntary, reliable and not induced by a violation of this bill. Finally, this bill creates an exception to the prohibition created by this bill for circumstances in which: (1) the peace officer or other person who conducted the custodial interrogation reasonably believed that the information sought was necessary to protect life or property from an imminent threat; and (2) the questions asked by such a person were limited to those reasonably necessary to obtain information related to the imminent threat.

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

Section 1. Chapter ~~[171]~~ **62C** of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a peace officer or other person authorized to conduct a custodial interrogation of a child taken into custody shall not during a custodial interrogation of a child:

(a) Knowingly make a materially false statement about evidence that is reasonably likely to elicit an incriminating response from the child; or

(b) Make any express or implied promise to the child of leniency or advantage for the child that the peace officer or other person conducting the investigation lacks the authority to make, including, without limitation, any promise about the filing of charges or prosecution of the child.

2. A statement by a child obtained in violation of this section is presumed to be involuntary and inadmissible in any criminal or juvenile proceeding. The State may overcome the presumption set forth in this subsection by proving by a preponderance of the evidence that the statement was voluntary, reliable and not induced by an act in violation of this section. In making a determination pursuant to this subsection of whether the presumption has been overcome, the finder of fact shall consider the totality of the circumstances of the interrogation.

3. Subsection 1 does not apply to a custodial interrogation of a child if:

(a) The peace officer or other person who conducted the custodial interrogation of the child reasonably believed the information sought was necessary to protect life or property from an imminent threat; and

(b) The questions asked by the peace officer or other person were limited to those reasonably necessary to obtain information related to the imminent threat.

4. As used in this section:

(a) "Child" means a person who is less than 18 years of age. The term includes:

(1) A person who is certified for criminal proceedings as an adult pursuant to NRS 62B.390 or 62B.400.

(2) A person who is excluded from the jurisdiction of the juvenile court pursuant to NRS 62B.330.

(b) "Custodial interrogation" means any interrogation of a person who is required to be advised of his or her rights pursuant to Miranda v. Arizona, 384 U.S. 436 (1966).

(c) "Peace officer" has the meaning ascribed to it in NRS 169.125.

Sec. 2. This act becomes effective on July 1, 2024.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 673 to Assembly Bill No. 193.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 231.

The following Senate amendment was read:

Amendment No. 666.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Existing law contains the Uniform Commercial Code, which is a set of uniform laws governing commercial transactions. (Chapters 104 and 104A of NRS) This bill enacts the 2022 amendments to the Uniform Commercial Code, which: (1) adds Article 12 governing controllable electronic records; and (2) makes various changes to Articles 1, 2, 3, 5, 7, 8, 9, 2A and 4A of the Code. **Sections 75 and 76** of this bill also enact the 2018 amendments to Article 9 of the Code.

Sections 9-15 of this bill enact Article 12, which provides rules for transactions involving controllable electronic records. **Section 10** of this bill defines certain terms for the purposes of Article 12. **Section 26** of this bill makes a conforming change to account for the definition of "value" set forth in **section 10**. **Section 11** of this bill: (1) establishes that Article 9 will govern if it is in conflict with Article 12; and (2) provides that a transaction that is subject to Article 12 is also subject to certain other laws that establish different rules for consumers. **Sections 12, 13 and 70** of this bill establish the circumstances under which a purchaser obtains control of and certain rights in a controllable account, controllable payment intangible or controllable electronic record. **Section 14** of this bill sets forth certain circumstances under which an account debtor on a controllable account or controllable payment intangible may discharge his or her obligation under certain circumstances. **Section 15** of this bill establishes rules for determining the jurisdiction whose law governs a controllable electronic record. **Section 27** of this bill provides that the provisions of an agreement specifying applicable law for a transaction governed by **section 15** is effective only to the extent permitted by **section 15**.

Sections 16-24 of this bill enact the transitional rules included in the 2022 amendments to the Code and define certain related terms. **Section 18** of this bill provides that a transaction validly entered into before the effective date of this bill, which is October 1, 2023, and the rights, duties and interests flowing from the transaction remain valid thereafter.

Existing law contains Article 1 of the Code, which sets forth the definitions and other general provisions that, in the absence of any conflicting provision in the Code, apply as default rules for transactions and matters otherwise covered in other articles of the Code. (NRS 104.1101-104.1310) **Section 25** of this bill enacts the uniform amendments to the definitions of certain terms which are defined for the purposes of the Code. Among other changes, **section 25** revises the definition of the term "sign" to encompass the authentication or adoption of all records and not just writings and the definition of the term "money" to exclude ~~**[**any medium of exchange in an electronic form.**]**~~ **certain forms of digital currency, digital mediums of exchange and digital monetary units of account.** **Sections 28, 38-41, 52, 55-57, 62, 63, 68, 72-75, 77, 78, 81, 82 and 85-90** of this bill make conforming changes to account for the new definition of "sign." **Sections 25, 31-35, 44, 86, 94-100 and 102-108** of this bill replace the term "writing" with "record" and make certain other

changes to allow for certain documents and communications to take a form other than a written or otherwise tangible form.

Existing law contains Article 2 of the Code, the uniform law governing sales. (NRS 104.2101-104.2725) **Sections 29 and 30** of this bill define the term "hybrid transaction" and describe the extent to which Article 2 governs hybrid transactions.

Existing law contains Article 3 of the Code, the uniform law governing negotiable instruments. (NRS 104.3101-104.3605) **Section 36** of this bill authorizes a negotiable instrument to contain certain provisions specifying which laws govern the instrument and how certain disputes will be resolved. **Section 37** of this bill expands the definition of "issue" to include certain electronic transmissions. **Section 38** of this bill removes certain requirements relating to the generation and form of a signature that makes a person liable on a negotiable instrument. **Section 39** provides that an obligation to pay a check is not discharged solely by the destruction of the check, under certain circumstances.

Existing law contains Article 5 of the Code, the uniform law governing letters of credit. (NRS 104.5101-104.5118) **Section 41** prescribes the method for determining the location of a branch of a bank for certain purposes.

Existing law contains Article 7 of the Code, the uniform law governing warehouse receipts, bills of lading and other documents of title. (NRS 104.7101-104.7603) **Section 42** of this bill removes certain definitions made unnecessary by the revisions made in **section 25**. **Section 43** of this bill: (1) makes various changes related to the process for determining when a person has control of an electronic document of title after a certain system evidences that the document was issued or transferred to the person; and (2) defines when a person is deemed to have obtained control of an electronic document of title through another person.

Existing law contains Article 8 of the Code, the uniform law governing investment securities. (NRS 104.8101-104.8511) **Section 44** revises certain definitions for the purposes of Article 8. **Section 45** of this bill provides that a controllable account, controllable electronic record or controllable payment intangible is a financial asset only to the extent that a securities intermediary and an entitled person agree that it should be treated as a financial asset. **Section 46** of this bill revises the circumstances under which a purchaser is deemed to have control of a security entitlement that is controlled by another person and makes various related changes. **Section 47** of this bill establishes that the local law of the jurisdiction of the issuer or of the securities intermediary governs certain matters related to a security or security entitlement. **Section 48** of this bill makes technical changes to certain provisions governing protected purchasers.

Existing law contains Article 9 of the Code, the uniform law governing secured transactions. (NRS 104.9101-104.9717) **Section 49** of this bill revises certain definitions relating to secured transactions and defines certain terms relating to controllable electronic records. **Sections 3, 50 and 51** of this bill set

forth the circumstances under which a person is deemed to have control of a controllable electronic record, a deposit account or an authoritative electronic copy of a record evidencing chattel paper. **Sections 4, 54-56 and 79** of this bill revise certain rights and duties of a party possessing or controlling certain collateral. **Section 52** identifies the circumstances under which a security interest is enforceable against the debtor and third parties with respect to collateral that is controllable electronic records, electronic documents or certain other collateral. **Section 53** of this bill revises the circumstances under which a security interest may attach to certain proceeds.

Sections 5, 6 and 58-60 of this bill revise and establish certain rules for determining the applicable law governing the perfection, the effect of perfection or nonperfection and the priority of a security interest in certain property. **Sections 7, 8 and 61-65** of this bill revise certain provisions related to the perfection of certain security interests and prescribe certain methods for perfecting those security interests. **Sections 66, 67 and 71** of this bill revise the circumstances under which a buyer or lessee of goods, a buyer of an electronic document, chattel paper, controllable electronic record, controllable account or controllable payment intangible or a transferee of money takes free of a security interest or leasehold interest. **Section 69** of this bill revises the circumstances under which a purchaser of chattel paper has priority over a security interest in the chattel paper. **Section 75** exempts a controllable account or controllable payment intangible from certain requirements relating to an assignment of debt. **Section 80** of this bill provides that a secured party that obtains control of a controllable account, controllable electronic record or controllable payment intangible owes a duty to a debtor or obligor under certain circumstances. **Section 91** of this bill provides that certain provisions which limit the liability of a secured party do not apply to a secured party that obtains control of a controllable account, controllable electronic record or controllable payment intangible under certain circumstances. **Sections 83 and 84** of this bill make certain revisions to the content and form of notification before the disposition of certain collateral.

Existing law provides that, with certain exceptions, any rule of law, statute, regulation or term in an agreement between an account debtor and an assignor or in a promissory note that imposes certain restrictions on the assignment of a security interest in certain collateral is ineffective. (NRS 104.9406, 104.9408) **Sections 75 and 76**, which enact the 2018 amendments to Article 9, provide that those provisions do not apply to a security interest in an ownership interest in a general partnership, limited partnership or limited-liability company.

Existing law contains Article 2A of the Code, the uniform law governing leases. (NRS 104A.2101-104A.2532) **Section 93** of this bill defines the term "hybrid lease" to mean a single transaction involving a lease of goods and the provision of services or the sale, lease or license of certain property. **Section 92** of this bill describes the extent to which Article 2A governs hybrid leases.

Existing law contains Article 4A of the Code, the uniform law governing funds transfers. (NRS 104A.4101-104A.4507) **Section 101** of this bill authorizes the imposition of certain obligations in a security procedure established by agreement between a customer and a receiving bank.

Sections 109-112 of this bill make conforming changes to internal references to sections amended in this bill.

Section 25 of Assembly Bill No. 231 First Reprint is hereby amended as follows:

Sec. 25. NRS 104.1201 is hereby amended to read as follows:

104.1201 1. Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other Articles of the Uniform Commercial Code that apply to particular Articles or parts thereof, have the meanings stated.

2. Subject to definitions contained in other Articles of the Uniform Commercial Code that apply to particular Articles or parts thereof:

(a) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set off, suit in equity and any other proceeding in which rights are determined.

(b) "Aggrieved party" means a party entitled to pursue a remedy.

(c) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in NRS 104.1303.

(d) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union and trust company.

(e) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title or certificated security that is payable to bearer or endorsed in blank.

(f) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(g) "Branch" includes a separately incorporated foreign branch of a bank.

(h) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(i) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for

cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Article 2 may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(j) "Conspicuous," with reference to a term, means so written, displayed or presented that ***, based on the totality of the circumstances,*** a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. **[**~~Conspicuous terms include the following:~~

~~(1) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font or color to the surrounding text of the same or lesser size; and~~

~~(2) Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.~~**]**

(k) "Consumer" means a natural person who enters into a transaction primarily for personal, family or household purposes.

(l) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by the Uniform Commercial Code as supplemented by any other applicable laws.

(m) "Creditor" includes a general creditor, a secured creditor, a lien creditor and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(n) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim or third-party claim.

(o) "Delivery," with respect to an electronic document of title **,** means voluntary transfer of control and **,** with respect to an instrument, a tangible document of title or ***an authoritative tangible copy of a record evidencing*** chattel paper, means voluntary transfer of possession.

(p) "Document of title" means a record:

(1) That in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold and dispose of the record and the goods the record covers; and

(2) That purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass.

➥ The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting

of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(q) ***"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.***

(r) "Fault" means a default, breach or wrongful act or omission.

~~[(r)]~~ ***(s)*** "Fungible goods" means:

(1) Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(2) Goods that by agreement are treated as equivalent.

~~[(s)]~~ ***(t)*** "Genuine" means free of forgery or counterfeiting.

~~[(t)]~~ ***(u)*** "Good faith," except as otherwise provided in Article 5, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

~~[(u)]~~ ***(v)*** "Holder" means:

(1) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(2) The person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(3) The person in control ***, other than pursuant to subsection 7 of NRS 104.7106,*** of a negotiable electronic document of title.

~~[(v)]~~ ***(w)*** "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

~~[(w)]~~ ***(x)*** "Insolvent" means:

(1) Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(2) Being unable to pay debts as they become due; or

(3) Being insolvent within the meaning of federal bankruptcy law.

~~[(x)]~~ ***(y)*** "Money" means a medium of exchange ***that is*** currently authorized or adopted by a domestic or foreign government ~~[.]~~ ***and is not ~~[in an electronic form.]~~ a central bank digital currency.*** The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries. ***As used in this paragraph, "central bank digital currency":***

(1) Means a digital currency, a digital medium of exchange or a digital monetary unit of account issued by the United States Federal Reserve System, a federal agency, a foreign government, a foreign central bank or a foreign reserve system that is made directly available to a consumer by such entities; and

(2) Includes a digital currency, a digital medium of exchange or a digital monetary unit of account issued by the United States Federal Reserve System, a federal agency, a foreign government, a foreign central bank or a foreign reserve system that is processed or validated directly by such entities.

~~[(y)]~~ ***(z)*** "Organization" means a person other than a natural person.

~~[(z)]~~ ***(aa)*** "Party," as distinguished from "third party," means a person that has engaged in a transaction or made an agreement subject to the Uniform Commercial Code.

~~[(aa)]~~ ***(bb)*** "Person" means a natural person, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, government, governmental subdivision, agency or instrumentality, ~~[public corporation,]~~ or any other legal or commercial entity. ***The term includes a protected series, however denominated, of an entity if the protected series is established under law other than the Uniform Commercial Code that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.***

~~[(bb)]~~ ***(cc)*** "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

~~[(cc)]~~ ***(dd)*** "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift or any other voluntary transaction creating an interest in property.

~~[(dd)]~~ ***(ee)*** "Purchaser" means a person that takes by purchase.

~~[(ee)]~~ ***(ff)*** "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

~~[(ff)]~~ ***(gg)*** "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

~~[(gg)]~~ ***(hh)*** "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor or administrator of an estate.

~~[(hh)]~~ ***(ii)*** "Right" includes remedy.

~~[(ii)]~~ ***(jj)*** "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible or a promissory note in a transaction that is subject to Article 9. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under NRS 104.2401, but a buyer may also acquire a "security interest" by complying with Article 9. Except as otherwise provided in NRS 104.2505, the right of a seller or lessor of goods under Article 2 or 2A to retain or acquire possession of the goods is not a "security interest," but a seller or lessor may also acquire a "security interest" by complying with Article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under NRS 104.2401 is limited in effect to a reservation of a

"security interest." Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to NRS 104.1203.

~~[(jj) "Send"]~~

(kk) "Send," in connection with a ~~[writing,]~~ record or ~~[notice]~~ ***notification,*** means:

(1) To deposit in the mail ***,*** ~~[or]~~ deliver for transmission ***or transmit*** by any other usual means of communication ***,*** with postage or cost of transmission provided for and ~~[properly]~~ addressed ~~[and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none]~~ to any address reasonable under the circumstances; or

(2) ~~[In any other way to]~~ ***To*** cause ***the record or notification*** to be received ~~[any record or notice]~~ within the time it would have ~~[arrived]~~ ***been received*** if properly sent ~~[.~~

~~(kk) "Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing.]~~ ***under subparagraph (1).***

(ll) ***"Sign" means, with present intent to authenticate or adopt a record:***

(1) Execute or adopt a tangible symbol; or

(2) Attach to or logically associate with the record an electronic symbol, sound or process.

➥ "Signed," "signing" and "signature" have corresponding meanings.

(mm) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~[(mm)]~~ ***(nn)*** "Surety" includes a guarantor or other secondary obligor.

~~[(nn)]~~ ***(oo)*** "Term" means a portion of an agreement that relates to a particular matter.

~~[(oo)]~~ ***(pp)*** "Unauthorized signature" means a signature made without actual, implied or apparent authority. The term includes a forgery.

~~[(pp)]~~ ***(qq)*** "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire.

~~[(qq)]~~ ***(rr)*** "Writing" includes printing, typewriting or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 666 to Assembly Bill No. 231.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 244.

The following Senate amendment was read:

Amendment No. 738.

SUMMARY— ~~[Revises provisions relating to]~~ **Establishes certain rights of persons compelled to submit to** certain mental or physical examinations. (BDR 54-819)

AN ACT relating to health care; establishing the substantive rights of a person compelled to submit to a mental or physical examination under certain

circumstances; authorizing a person who has been aggrieved by the violation of certain rights to institute an action for injunctive and other appropriate relief ~~[;]~~ **in certain circumstances;** repealing provisions relating to a mental or physical examination required of certain persons in a civil action; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an observer to be present at a mental or physical examination ordered by a court for the purpose of discovery in a civil action. The observer may: (1) be an attorney for the person undergoing the examination; and (2) make an audio or stenographic recording of the examination. (NRS 52.380) In 2021, the Nevada Supreme Court held that such a statute is unconstitutional because it: (1) is a procedural statute that does not create a substantive right; and (2) attempts to abrogate an existing rule of procedure that the court "prescribed under its inherent authority to regulate the judicial process." (*Lyft, Inc. v. Eighth Jud. Dist. Court*, 137 Nev. Adv. Op. 86, 501 P.3d 994, 1002 (2021); N.R.C.P. 35) **Section 2** of this bill repeals this statute.

Section 1 of this bill provides that, with certain exceptions, a person compelled to submit to a mental or physical examination pursuant to a court order, a contractual obligation or any other type of obligation has the right to: (1) receive notice of the examination at least 21 days before the date of the examination; (2) have an interpreter and certain observers present throughout the examination; (3) take notes or appoint an observer to take notes during the examination; and (4) after providing notice to the ~~[person conducting the examination,]~~ **examiner,** make certain recordings of the examination. **Section 1** further provides that the testimony or reports of the ~~[person conducting the examination]~~ **examiner** are not privileged communications.

Section 1 authorizes a person compelled to submit to a mental or physical examination to bring an action against a person who has violated the rights established by **section 1** ~~[and to]~~ **, if notice of the alleged violation is provided to that person not later than 7 days before the action is commenced. The person compelled to submit to a mental or physical examination may** obtain certain remedies in that action, including: (1) attorney's fees; (2) actual damages or a fine of $1,500, whichever is greater; (3) injunctive and protective relief; and (4) an order prohibiting the use of any information gathered during the examination in any judicial or administrative proceeding.

Finally, section 1 exempts from the requirements of section 1 certain compelled mental or physical examinations, including, without limitation, such an examination conducted by an examiner with whom the person compelled to submit to the examination has a preexisting relationship as a patient or will have a future relationship as a patient.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law and except as otherwise provided in this section, a person compelled to submit to a mental or physical examination pursuant to a court order, a contractual obligation or any other type of obligation retains the right to:

(a) Unless otherwise specified or agreed upon by both parties, receive notice of the requesting party's intention to compel the person to submit to a mental or physical examination at least 21 days before the date of the examination;

(b) Have any observer of choice present throughout the examination, including, without limitation, the person's attorney, provider of health care or any other person hired by or on behalf of the person;

(c) Have an interpreter present if the person believes that an interpreter is necessary to facilitate communication with the examiner;

(d) Take notes or appoint an observer to take notes during the examination; and

(e) After providing notice to the ~~[person conducting the examination,]~~ examiner, make an audio, stenographic or video recording of the examination or appoint an observer to make such a recording.

2. The testimony or reports of ~~[a person]~~ an examiner who conducts an examination of a person compelled to submit to a mental or physical examination described in subsection 1 are not privileged communications.

3. ~~[A]~~ An examiner may suspend the examination of a person compelled to submit to a mental or physical examination pursuant to subsection 1 if an observer attending the examination disrupts or attempts to participate in the examination.

4. A person compelled to submit to a mental or physical examination may bring an action in a court of competent jurisdiction for a violation of this section to seek any or all of the following relief ~~[:]~~ , if notice of the alleged violation is provided to the person who allegedly violated this section not later than 7 days before the action is commenced:

(a) Attorney's fees;

(b) Actual damages or a fine of $1,500, whichever is greater;

(c) Injunctive relief;

(d) Protective relief; or

(e) An order prohibiting the use of any information gathered at the examination in any judicial or administrative proceeding.

~~[4.]~~ 5. The provisions of subsection 1 do not apply to a person compelled to submit to a mental or physical examination pursuant to titles 5, 14 , ~~[and]~~ 15 and 39 of NRS and chapter 432B of NRS.

~~[5.]~~ 6. As used in this section ~~[, "mental]~~ :

(a) "Examiner" means a person conducting a mental or physical examination.

(b) "Mental or physical examination" does not include any evaluation ~~[made]~~ :

(1) Made with respect to a child custody proceeding, as defined in NRS 125A.055 ~~[.]~~ ; or

(2) Conducted by an examiner with whom the person compelled to submit to the examination has a preexisting relationship as a patient or will have a future relationship as a patient.

Sec. 1.5. 1. The amendatory provisions of this act ~~[do not]~~ apply **only** to a mental or physical examination conducted ~~[before October 1, 2023.]~~ **on or after the effective date of this act.**

2. As used in this section, "mental or physical examination" has the meaning ascribed to it in section 1 of this act.

Sec. 2. NRS 52.380 is hereby repealed.

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

TEXT OF REPEALED SECTION

52.380 Attendance by observer.

1. An observer may attend an examination but shall not participate in or disrupt the examination.

2. The observer attending the examination pursuant to subsection 1 may be:

(a) An attorney of an examinee or party producing the examinee; or

(b) A designated representative of the attorney, if:

(1) The attorney of the examinee or party producing the examinee, in writing, authorizes the designated representative to act on behalf of the attorney during the examination; and

(2) The designated representative presents the authorization to the examiner before the commencement of the examination.

3. The observer attending the examination pursuant to subsection 1 may make an audio or stenographic recording of the examination.

4. The observer attending the examination pursuant to subsection 1 may suspend the examination if an examiner:

(a) Becomes abusive towards an examinee; or

(b) Exceeds the scope of the examination, including, without limitation, engaging in unauthorized diagnostics, tests or procedures.

5. An examiner may suspend the examination if the observer attending the examination pursuant to subsection 1 disrupts or attempts to participate in the examination.

6. If the examination is suspended pursuant to subsection 4 or 5, the party ordered to produce the examinee may move for a protective order pursuant to the Nevada Rules of Civil Procedure.

7. As used in this section:

(a) "Examination" means a mental or physical examination ordered by a court for the purpose of discovery in a civil action.

(b) "Examinee" means a person who is ordered by a court to submit to an examination.

(c) "Examiner" means a person who is ordered by a court to conduct an examination.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 738 to Assembly Bill No. 244.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 272.

The following Senate amendment was read:

Amendment No. 566.

AN ACT relating to mail theft; establishing provisions relating to mail theft; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law describes certain actions which constitute theft. (NRS 205.0832) **Section 1** of this bill provides that a person commits the crime of mail theft if the person: (1) knowingly, willfully and with the intent to deprive, injure, damage or defraud another, takes, destroys, hides or embezzles mail or obtains any mail by fraud or deception; (2) buys, receives, conceals or possesses mail and knows or reasonably should know that the mail was unlawfully taken or obtained; (3) ~~[buys, receives, conceals or possesses personal identifying information and knows or reasonably should know that the personal identifying information was unlawfully taken or obtained from mail; (4)]~~ buys, receives, conceals or possesses a United States Postal Service key that provides access to certain mail receptacles, or a counterfeit device or key designed to provide access to the lock mechanisms of such mail receptacles; or ~~[(5)]~~ **(4)** knowingly, willfully and with the intent to steal the mail inside, damages, ~~[breaks open,]~~ **opens,** tears down, takes or destroys any mail receptacle. **Section 1** also provides that a person who commits the crime of mail theft is guilty of a category D felony, which is punishable by a term of imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 4 years and a fine of not more than $5,000. **Section 1** also requires the court to order a person who commits the offense of mail theft to pay restitution.

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

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person commits the crime of mail theft if the person:

(a) Knowingly, willfully and with the intent to deprive, injure, damage or defraud another:

(1) Takes, destroys, hides or embezzles mail; or

(2) Obtains any mail by fraud or deception;

(b) Buys, receives, conceals or possesses:

(1) Mail and knows or reasonably should know that the mail was unlawfully taken or obtained;

(2) ~~[Personal identifying information and knows or reasonably should know that the personal identifying information was unlawfully taken or obtained from mail in violation of this subsection;~~

~~(3)]~~ Any key suited to any lock adopted by the United States Postal Service that provides access to any mail receptacle in any neighborhood or apartment panel used for the purpose of centralized mail; or

~~[(4)]~~ (3) A counterfeit device or key designed to provide access to a lock described in subparagraph ~~[(3)]~~ (2); or

(c) Knowingly, willfully and with the intent to steal any mail inside, damages, ~~[breaks open,]~~ opens, tears down, takes or destroys any mail receptacle.

2. A person who violates any provision of subsection 1 is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. As used in this section:

(a) "Mail" means any letter, postal card, parcel, package, bag or other material, along with its contents, that:

(1) Has postage affixed by the postal customer or postal service;

(2) Has been accepted for delivery by the postal service;

(3) The postal customer leaves for collection by the postal service; or

(4) The postal service delivers to the postal customer.

(b) "Mail receptacle" means a mailbox, post office box, rural box, letter box, lock drawer or any place or area intended or used by postal customers or a postal service for the collection, deposit or delivery of mail.

(c) ~~["Personal identifying information" has the meaning ascribed to it in NRS 205.4617.~~

~~(d)]~~ "Postal service" means the United States Postal Service or a private common mail carrier.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 566 to Assembly Bill No. 272.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 340.

The following Senate amendment was read:

Amendment No. 677.

AN ACT relating to property; revising provisions relating to summary evictions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In general, existing law authorizes a landlord who seeks to recover possession of a premises from a tenant to do so by filing an unlawful detainer action or an action for summary eviction. (NRS 40.253, 40.254, 40.2542, 40.290-40.420) Existing law prescribes separate summary eviction procedures for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent; and (3) certain tenants of a commercial premises who default in the payment of rent. (NRS 40.253, 40.254, 40.2542)

In general, the summary eviction procedures prescribed by existing law require a landlord to provide certain written notice to a tenant: (1) informing the tenant that he or she must take certain action or surrender the premises on or before a date specified in the notice; and (2) advising the tenant of his or her right to contest the matter by filing an affidavit with the court that has jurisdiction over the matter. In so doing, the summary eviction procedures prescribed by existing law require a tenant who contests a summary eviction to file an affidavit in court concerning an action for summary eviction before a landlord is required to make any filing concerning the matter. If such an affidavit is filed, a hearing is held. If no such affidavit is filed, upon noncompliance of a tenant with the written notice, existing law authorizes: (1) the landlord to apply by affidavit of complaint for the summary eviction of the tenant; and (2) the court, without holding a hearing, to order the removal of the tenant within a prescribed period. (NRS 40.253, 40.254, 40.2542)

Section 22 of this bill repeals the summary eviction procedures prescribed by existing law for the summary eviction of: (1) certain tenants who are not tenants of a commercial premises and who default in the payment of rent; and (2) certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent. **Sections 2-6.5** of this bill reenact, reorganize and revise these procedures. **Section 2** of this bill establishes a new procedure for the summary eviction of certain tenants who are not tenants of a commercial premises and who default in the payment of rent. **Section 6.5** of this bill establishes a new procedure for the summary eviction of certain tenants who are guilty of unlawful detainer for reasons other than a default in the payment of rent.

The new procedures for summary eviction set forth in **sections 2 and 6.5** are similar to the procedures repealed by **section 22** except with regard to: (1) the required contents of a written notice; (2) certain requirements relating to filings made with the court; and (3) the period of time before the removal of a tenant. Instead of requiring a tenant who contests a summary eviction to file an affidavit in court before the landlord files a complaint, **sections 2 and 6.5** require the landlord, upon the expiration of certain notice provided to the tenant, to: (1) apply by affidavit of complaint for the summary eviction of the tenant; and (2) serve the tenant with a file-stamped copy of the affidavit of complaint **[,] and** a copy of the summons **.** ~~[and certain notice.]~~ **Sections 2 and**

6.5 additionally require the landlord to file with the court proof of service of the affidavit, summons and notice within a prescribed period. **Sections 2 and 6.5** require the tenant to file an answer to the affidavit of compliant within 7 calendar days after the date of service. If a tenant files an answer within the prescribed period, a hearing is held. If no such answer is filed, **sections 2 and 6.5** authorize the court, without holding a hearing, to order the removal of the tenant within a prescribed period under certain circumstances. **Sections 9-20** of this bill make conforming changes relating to the repeal, revision and reorganization of the procedures for summary eviction.

Existing law requires a court that grants an action for summary eviction for a default in the payment of rent during the COVID-19 emergency to automatically seal the eviction case court file. (NRS 40.2545) **Section 11** of this bill removes requirements relating to the COVID-19 emergency **. [**~~, thereby requiring a court that grants an action for summary eviction brought pursuant to section 2 to automatically seal the eviction case court file.~~**]** **Section 11** also requires a court to automatically seal the eviction case court file for an action for summary eviction brought pursuant to section **2 or 6.5** **[**~~if the landlord fails to file an affidavit of complaint for summary eviction within the time prescribed by section 6.5.~~**]** **under certain circumstances.**

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 14, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for a default in the payment of rent using the procedure for summary eviction provided in this section.***

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for a default in the payment of rent, the landlord or the landlord's agent must serve upon the tenant a written notice which:

(a) Except as otherwise provided in subsection 12, requires the tenant to pay the past due rent or surrender the premises before the close of business on the seventh calendar day following the date of service; and

(b) Informs the tenant that if the tenant fails to comply with the requirements of paragraph (a), the landlord may apply by affidavit of complaint for the summary eviction of the tenant.

3. Upon noncompliance of a tenant with the notice provided pursuant to subsection 2, the landlord or the landlord's agent may apply by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) Except as otherwise provided in subsection 12, be filed with the court not later than 30 calendar days after the expiration of the notice period described in subsection 2; and

(b) 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 pursuant to subsection 2; and

(9) A copy of the signed written rental agreement, if any.

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within:

(a) Fifteen calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, with or without the documents required to be included in the affidavit of complaint pursuant to subparagraphs (8) and (9) of paragraph (b) of subsection 4, and a copy of the summons ~~[and a notice]~~ which must advise the tenant that:

(1) Except as otherwise provided in subsection 12, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 7 calendar days after service of the affidavit of complaint for summary eviction;

(2) If the tenant does not file an answer within the period described in subparagraph (1), the court may issue a summary order for the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant;

(3) Pursuant to NRS 118A.390, the 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 item or service required by the rental agreement or chapter 118A of NRS; and

(4) The tenant may request that the court stay the execution of the summary order ~~[of]~~ for the removal of the tenant or ~~[order]~~ providing for the nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

(b) Thirty calendar days after the date on which the affidavit of complaint for summary eviction is filed, file with the court proof of service of the affidavit ~~[,]~~ and summons ~~[and notice]~~ required by paragraph (a).

6. Except as otherwise provided in subsection 12, upon being served pursuant to subsection 5, the tenant shall, within 7 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection and the landlord otherwise complies with the requirements prescribed by this section, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section ~~[,]~~ and the tenant is guilty of an unlawful detainer, issue ~~[:]~~ a summary order which:

(a) ~~[A summary order]~~ Provides for the removal of the tenant or ~~[an order providing]~~ for the nonadmittance of the tenant; and

(b) ~~[An order directing]~~ Directs the sheriff or constable of the county to perform the actions required by section 4 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) 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 the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, ~~[require that]~~ the court shall take no further action and any further proceedings must be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. The court shall dismiss an action for summary eviction if the landlord does not comply with the requirements prescribed by paragraph (b) of subsection 5.

10. Written notices to the tenant prescribed by this section , including, without limitation, the affidavit of complaint and summons, must be served in the manner provided by NRS 40.280.

11. Proof of service of any notice required by this section must be filed with the court before a summary order for the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

12. For the purposes of this section, if the date on which:

(a) An affidavit of complaint for summary eviction or a written answer to such an affidavit must be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

(b) A tenant must pay any past due rent or surrender the premises falls on a Saturday, Sunday or legal holiday, the tenant must pay the past due

rent or surrender the premises before the close of business on the next day the business office of the landlord is open.

13. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 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 for late payments of rent or dishonored checks, or a security deposit.

14. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a 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; or

(c) 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.

15. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

Sec. 3. (Deleted by amendment.)

Sec. 4. ***Upon receipt of a summary order for the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant issued pursuant to subsection 6 of section 2 of this act, the sheriff or constable shall:***

1. 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.

2. As soon as reasonably practicable, but not earlier than 24 hours after the posting of the order, remove the tenant.

Sec. 5. ***1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118A.460.***

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 20 days after the later of:

(a) The date on which the summary order for removal or ~~[the order]~~ providing for nonadmittance was issued.

(b) The date on which the tenant vacated or was removed from the premises.

(c) The date on which a copy of the costs claimed by the landlord was requested by or provided to the tenant.

3. Upon the filing of a motion pursuant to subsection 1, 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 licensed pursuant to chapter 648 of NRS. 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.

Sec. 6. *1. A tenant against whom a court issues a summary order for removal pursuant to section 2 of this act may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion to dispute the reasonableness of any action taken by the landlord pursuant to subsection 3 of NRS 118A.460.*

2. A motion filed pursuant to subsection 1 must be made on a form prescribed by the clerk of the court and filed within 5 days after the date on which the tenant vacated or was removed from the premises.

3. Upon the filing of a motion pursuant to subsection 1, 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 tenant to retrieve his or her 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.

4. In determining the amount of damages, if any, to be awarded under paragraph (b) of subsection 3, 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.

Sec. 6.5. *1. Except as otherwise provided in subsection ~~[14.]~~ 15, in addition to the remedies provided in NRS 40.290 to 40.420, inclusive, a landlord may pursue the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516 using the procedure for summary eviction provided in this section.*

2. Before a landlord or landlord's agent may file an affidavit of complaint for the summary eviction of a tenant for an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent must serve upon the tenant:

(a) The written notice to surrender required by NRS ~~[40.250,]~~ 40.251, 40.2514 or 40.2516, as applicable; and

(b) A written notice which informs the tenant that if the tenant fails to comply with the requirements of written notice to surrender, the landlord may apply by affidavit of complaint for the summary eviction of the tenant.

3. Upon noncompliance of a tenant with the written notice required by paragraph (a) of subsection 2, the landlord or the landlord's agent may apply

by affidavit of complaint for summary eviction to the justice court of the township in which the dwelling, apartment, mobile home or recreational vehicle is located. After the filing of an affidavit of complaint for summary eviction, a summons must be issued.

4. An affidavit of complaint for summary eviction filed pursuant to subsection 3 must:

(a) Except as otherwise provided in subsection 12, be filed with the court not later than 30 calendar days after the expiration of the period described in the written notice to surrender required by paragraph (a) of subsection 2; and

(b) State or contain:

(1) The date the tenancy commenced;

(2) The date when the tenancy or rental agreement allegedly terminated;

(3) A copy of the written notice served on the tenant pursuant to subsection 2;

(4) Any facts supporting the written notice;

(5) A copy of the signed written rental agreement, if any;

(6) A statement that the written notice was served on the tenant in accordance with NRS 40.280; and

(7) A copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255, if the property has been purchased in a residential foreclosure . ~~[; and~~

~~(8) A statement that the claim for relief was authorized by law.]~~

5. A landlord or landlord's agent who applies for summary eviction pursuant to subsection 3 shall, within:

(a) Fifteen calendar days after the date on which the affidavit of complaint for summary eviction is filed, serve upon the tenant a file-stamped copy of the affidavit of complaint, with or without the documents required to be included in the affidavit of complaint pursuant to subparagraphs (3) and (5) of paragraph (b) of subsection 4, and a copy of the summons ~~[and a notice]~~ which must advise the tenant that:

(1) Except as otherwise provided in subsection 12, the tenant must file a written answer to the affidavit of complaint for summary eviction with the court that has jurisdiction over the matter not later than 7 calendar days after service of the affidavit of complaint for summary eviction;

(2) If the tenant does not file an answer within the period described in subparagraph (1), the court may issue a summary order for the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant;

(3) Pursuant to NRS 118A.390, the 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 item or service required by the rental agreement or chapter 118A of NRS; and

(4) The tenant may request that the court stay the execution of the summary order ~~[of]~~ for the removal of the tenant or ~~[order]~~ providing for the nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

(b) Thirty calendar days after the date on which the affidavit of complaint for summary eviction is filed, file with the court proof of service of the affidavit ~~[,]~~ and summons ~~[and notice]~~ required by paragraph (a).

6. Except as otherwise provided in subsection 12, upon being served pursuant to subsection 5, the tenant shall, within 7 calendar days after the day of service, file a written answer with the court that has jurisdiction over the matter. If no written answer is filed within the time period prescribed by this subsection and the landlord otherwise complies with the requirements prescribed by this section, the court may, without holding a hearing but after determining that a landlord has complied with the requirements prescribed by this section ~~[,]~~ and the tenant is guilty of an unlawful detainer, issue ~~[:]~~ a summary order which:

(a) ~~[A summary order]~~ Provides for the removal of the tenant or ~~[an order providing]~~ for the nonadmittance of the tenant; and

(b) ~~[An order directing]~~ Directs the sheriff or constable of the county to perform the actions required by section 4 of this act.

7. If a tenant files a written answer pursuant to subsection 6, the court shall hold a hearing to determine the truthfulness and sufficiency of the affidavit of complaint for summary eviction.

8. If, after a hearing held pursuant to subsection 7, the court determines that:

(a) 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 the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant.

(b) There is a legal defense as to the alleged unlawful detainer, ~~[require that]~~ the court shall take no further action and any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.

9. The court shall dismiss an action for summary eviction if the landlord does not comply with the requirements prescribed by paragraph (b) of subsection 5.

10. Written notices to the tenant prescribed by this section , including, without limitation, the affidavit of complaint and summons, must be served in the manner provided by NRS 40.280.

11. Proof of service of any notice required by this section must be filed with the court before a summary order for the removal of the tenant or ~~[an order]~~ providing for the nonadmittance of the tenant is issued pursuant to subsection 6 or 8, as applicable.

12. For the purposes of this section, if the date on which an affidavit of complaint for summary eviction or a written answer to such an affidavit must

be filed falls on a nonjudicial day, the filing is timely if performed on the next judicial day.

13. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served a notice pursuant to subsection 2 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 for late payments of rent or dishonored checks, or a security deposit.

14. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 7 wherein the tenant contested the eviction.

15. Except as otherwise provided in NRS 118A.315, this section does not apply to:

(a) A tenant of a commercial premises;

(b) A tenant of a mobile home lot in a mobile home park or a 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; or

(c) 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.

16. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 40.2516 is hereby amended to read as follows:

40.2516 1. A tenant of real property, a dwelling unit, a recreational vehicle or a mobile home other than a mobile home lot or a recreational vehicle lot for a term less than life is guilty of an unlawful detainer when the tenant continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the real property, dwelling unit, recreational vehicle or mobile home is held, other than those mentioned in NRS 40.250 to ~~[~~40.254,~~]~~ ***40.252,*** inclusive, ***and sections 2 to 6.5, inclusive, of this act,*** and after notice in writing, requiring in the alternative the performance of the condition or covenant or the surrender of the real property, dwelling unit, recreational vehicle or mobile home, served upon the tenant, and, if there is a subtenant in actual occupation of the premises or property, also upon the subtenant, remains uncomplied with for 5 days after the service thereof. Within 5 days after the service, the tenant, or any subtenant in actual occupation of the premises or property, or any mortgagee of the term, or other person, interested in its continuance, may perform the condition or covenant and thereby save the lease from forfeiture; but if the covenants and

conditions of the lease, violated by the lessee, cannot afterwards be performed, then no notice need be given.

2. If a tenant is guilty of an unlawful detainer pursuant to this section, the landlord may seek to recover possession of the real property, dwelling unit, recreational vehicle or mobile home pursuant to the provisions of NRS ~~[40.254 or]~~ 40.290 to 40.420, inclusive ~~[.]~~ ***, or section 6.5 of this act.***

Sec. 10. NRS 40.252 is hereby amended to read as follows:

40.252 For the purposes of NRS 40.250 to 40.252, inclusive, and ~~[NRS 40.254:]~~ ***sections 2 to 6.5, inclusive, of this act:***

1. It is unlawful for a landlord to attempt by contract or other agreement to shorten the specified periods of notice and any such contract or agreement is void.

2. Notice to surrender the premises which was given by one colessor of real property or a mobile home is valid unless it is affirmatively shown that one or more of the other colessors did not authorize the giving of the notice.

Sec. 11. NRS 40.2545 is hereby amended to read as follows:

40.2545 1. ~~[If a court grants an action for summary eviction pursuant to NRS 40.253 during the COVID-19 emergency, *section 2 of this act,* the court shall automatically seal the eviction case court file.~~

~~2. In addition to the provisions for the automatic sealing of an eviction case court file pursuant to subsection 1, in]~~ ***In*** any action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[,]~~ ***or section 2 or 6.5 of this act,*** the eviction case court file is sealed automatically and not open to inspection:

(a) Upon the entry of a court order which dismisses the action for summary eviction;

(b) Ten judicial days after the entry of a court order which denies the action for summary eviction; or

(c) Thirty-one days after the tenant has filed an affidavit described in ~~[subsection 3 of NRS 40.253 or]~~ subsection 3 of NRS 40.2542 ***.*** ~~[, if ; or~~

~~(d) If the landlord has failed to file an affidavit of complaint pursuant to subsection 5 of NRS 40.253 or subsection 5 of NRS 40.2542 within 30 days after the tenant filed the affidavit. for summary eviction on or before 30 days after the date on which the notice required by subsection 2 of section 2 or subsection 2 of section 6.5 of this act expires.~~

~~3.]~~ ***2.*** In addition to the provisions for the automatic sealing of an eviction case court file pursuant to ~~[subsections]~~ ***subsection*** 1 ***,*** ~~[and 2,]~~ the court may order the sealing of an eviction case court file for an action for summary eviction pursuant to NRS ~~[40.253, 40.254 or]~~ 40.2542 ~~[:]~~ ***or section 2 or 6.5 of this act:***

(a) Upon the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file; or

(b) Upon motion of the tenant and decision by the court if the court finds that:

(1) The eviction should be set aside pursuant to Rule 60 of the Justice Court Rules of Civil Procedure; or

(2) Sealing the eviction case court file is in the interests of justice and those interests are not outweighed by the public's interest in knowing about the contents of the eviction case court file, after considering, without limitation, the following factors:

(I) Circumstances beyond the control of the tenant that led to the eviction;

(II) Other extenuating circumstances under which the order of eviction was granted; and

(III) The amount of time that has elapsed between the granting of the order of eviction and the filing of the motion to seal the eviction case court file.

~~[4.]~~ ***3.*** If the court orders the eviction case court file sealed pursuant to this section, all proceedings recounted in the eviction case court file shall be deemed never to have occurred.

~~[5.]~~ ***4.*** Except as otherwise provided in this subsection, a notice to surrender must not be made available for public inspection by any person or governmental entity, including, without limitation, by a sheriff or constable. This subsection does not:

(a) Apply to a notice to surrender which has been filed with a court and which is part of an eviction case court file that has not been sealed pursuant to this section.

(b) Prohibit the service of a notice to surrender pursuant to NRS 40.280, and such service of a notice to surrender shall be deemed not to constitute making the notice to surrender available for public inspection as described in this subsection.

~~[6.]~~ ***5.*** As used in this section ~~[:~~

~~(a) "COVID-19 emergency" means the period of time:~~

~~(1) Beginning on March 12, 2020, the date on which the Governor issued the Declaration of Emergency for COVID-19; and~~

~~(2) Ending on the date on which the Governor terminates the emergency described in the Declaration May 20, 2022.~~

~~(b) "Eviction]~~ ***, "eviction*** case court file" means all records relating to an action for summary eviction which are maintained by the court, including, without limitation, the affidavit of complaint and any other pleadings, proof of service, findings of the court, any order made on motion as provided in Nevada Rules of Civil Procedure, Justice Court Rules of Civil Procedure and local rules of practice and all other papers, records, proceedings and evidence, including exhibits and transcript of the testimony.

Sec. 12. NRS 40.255 is hereby amended to read as follows:

40.255 1. Except as otherwise provided in subsections 2, 4 and 9, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to surrender has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:

(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;

(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed by the person, or by another person under whom the person claims, and the title under the sale has been perfected;

(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or

(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.

2. Except as otherwise provided in subsection 4, if the property has been transferred or sold as a residential sale, absent an agreement between the new owner and the tenant to modify or terminate an existing lease:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property;

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property; and

(c) Upon termination of the previous owner's interest in the property by residential transfer or sale, the previous owner shall transfer the security deposit in the manner set forth in paragraph (a) of subsection 1 of NRS 118A.244. The successor has the rights, obligations and liabilities of the former landlord as to any securities which are owed under this section or NRS 118A.242 at the time of transfer.

3. The new owner pursuant to subsection 2 must provide a notice to the tenant or subtenant within 30 days after the date of the transfer or sale:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the period of the lease term and states the amount held by the new owner for the security deposit; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to **[**~~NRS 40.253 and 40.254.~~**]** ***sections 2 and 6.5 of this act.***

4. If the property has been sold as a residential foreclosure, a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:

(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and

(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.

5. During the notice period described in subsection 4:

(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and

(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.

6. The notice described in subsection 4 must contain a statement:

(a) Providing the contact information of the new owner to whom rent should be remitted;

(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 4; and

(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings, including, without limitation, proceedings conducted pursuant to **[**~~NRS 40.253 and 40.254.~~**]** ***sections 2 and 6.5 of this act.***

7. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1, no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 4.

8. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1, nothing in this section shall be deemed to prohibit:

(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 4 without any obligation to the new owner of a property purchased pursuant to a foreclosure sale or trustee's sale; or

(b) The new owner of a property purchased pursuant to a foreclosure sale or trustee's sale from:

(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or

(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 4.

9. This section does not apply to the tenant of a mobile home lot in a mobile home park.

10. As used in this section, "residential foreclosure" means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080. As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.

Sec. 13. 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, ***and sections 2 to 6.5, inclusive, of this act*** 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, ***and sections 2 to 6.5, inclusive, of this act*** 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;]~~ ***section 2 or 6.5 of this act;***

(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, ***and sections 2 to 6.5, inclusive, of this act*** 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)]~~ ***(1)*** Was retained by the landlord in an action pursuant to NRS 40.230 to 40.420, inclusive ~~[;]~~ ***, and sections 2 to 6.5, inclusive, of this act;***

~~[(II)]~~ ***(2)*** Reviewed the date and manner of service by the agent; and

~~[(III)]~~ ***(3)*** Believes to the best of his or her knowledge that such service complies with the requirements of this section.

~~[(2)]~~ ***(b)*** 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)]~~ ***(c)*** 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, ***and sections 2 to 6.5, inclusive, of this act*** 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 sections 2 to 6.5, inclusive, of this act;*** and

(b) The agent is acting at the direction and under the direct supervision of the attorney.

Sec. 14. NRS 40.385 is hereby amended to read as follows:

40.385 1. Either party may appeal an order entered pursuant to NRS ~~[~~40.253, 40.254 or~~]~~ 40.2542 ***or section 2 or 6.5 of this act*** by filing a notice of appeal within 10 judicial days after the date of entry of the order.

2. Except as otherwise provided in this section, a stay of execution may be obtained by filing with the trial court a bond in the amount of $250 to cover the expected costs on appeal. A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of any unpaid rent claim of the landlord.

3. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS ~~[~~40.253, 40.254 or~~]~~ 40.2542 ~~[.]~~ ***or section 2 or 6.5 of this act.***

Sec. 15. NRS 118.205 is hereby amended to read as follows:

118.205 A notice provided by a landlord to a tenant pursuant to NRS 118.195:

1. Must advise the tenant of the provisions of that section and specify:

(a) The address or other location of the property;

(b) The date upon which the property will be deemed abandoned and the rental agreement terminated; and

(c) An address for payment of the rent due and delivery of notice to the landlord.

2. Must be served pursuant to subsection 1 of NRS 40.280.

3. May be included in the notice required by subsection ~~[1]~~ ***2*** of ~~[~~NRS 40.253~~]~~ ***section 2 of this act*** or subsection 1 of NRS 40.2542, as applicable.

Sec. 16. NRS 118A.460 is hereby amended to read as follows:

118A.460 1. The landlord may dispose of personal property abandoned on the premises by a former tenant or left on the premises after eviction of the tenant without incurring civil or criminal liability in the following manner:

(a) The landlord shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction or the end of the rental period and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the tenant or his or her authorized representative rightfully claiming the property within that period. The landlord is liable to the tenant only for the landlord's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the landlord may dispose of the property and recover his or her reasonable costs out of the property or the value thereof if the landlord has made reasonable efforts to locate the tenant, has notified the tenant in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the tenant. The notice must be mailed to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (a) of subsection 1 may be resolved using the procedure provided in ~~[subsection 7 of NRS 40.253.]~~ ***section 5 of this act.***

3. During the 5-day period following the eviction or lockout of a tenant, the landlord shall provide the former tenant a reasonable opportunity to retrieve essential personal effects, including, without limitation, medication, baby formula, basic clothing and personal care items. Any dispute relating to the reasonableness of the landlord's actions pursuant to this section may be resolved using the procedure provided in ~~[subsection 9 of NRS 40.253.]~~ ***section 6 of this act.***

Sec. 17. ~~[NRS 118C.230 is hereby amended to read as follows:~~

~~118C.230 1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:~~

~~(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.~~

~~(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).~~

~~(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.~~

~~2. A tenant of commercial premises is presumed to have abandoned the premises if:~~

~~(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and~~

~~(b) The removal is not within the normal course of business of the tenant.~~

~~3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.~~

~~4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.2542.~~**]** **(Deleted by amendment.)**

Sec. 18. NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 202.257, 370.419, 453.301 or 501.3857.

2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to **[**~~NRS 40.254~~**]** ***section 6.5 of this act*** within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that the owner had good cause not to evict the tenant summarily pursuant to **[**~~NRS 40.254,~~**]** ***section 6.5 of this act,***

➥ the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305 have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired an interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.

Sec. 19. NRS 453.305 is hereby amended to read as follows:

453.305 1. Whenever a person is arrested for violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case

shall cause to be delivered to the owner of the property or mobile home a written notice of the arrest.

2. Whenever a person is convicted of violating any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, and real property or a mobile home occupied by the person as a tenant has been used to facilitate the violation, the prosecuting attorney responsible for the case shall cause to be delivered to the owner of the property or mobile home a written notice of the conviction.

3. The notices required by this section must:

(a) Be written in language which is easily understood;

(b) Be sent by certified or registered mail, return receipt requested, to the owner at the owner's last known address;

(c) Be sent within 15 days after the arrest occurs or judgment of conviction is entered against the tenant, as the case may be;

(d) Identify the tenant involved and the offense for which the tenant has been arrested or convicted; and

(e) Advise the owner that:

(1) The property or mobile home is subject to forfeiture pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301 unless the tenant, if convicted, is evicted;

(2) Any similar violation by the same tenant in the future may also result in the forfeiture of the property unless the tenant has been evicted;

(3) In any proceeding for forfeiture based upon such a violation the owner will, by reason of the notice, be deemed to have known of and consented to the unlawful use of the property or mobile home; and

(4) The provisions of NRS 40.2514 and ~~[40.254]~~ ***section 6.5 of this act*** authorize the supplemental remedy of summary eviction to facilitate the owner's recovery of the property or mobile home upon such a violation and provide for the recovery of any reasonable attorney's fees the owner incurs in doing so.

4. Nothing in this section shall be deemed to preclude the commencement of a proceeding for forfeiture or the forfeiture of the property or mobile home, whether or not the notices required by this section are given as required, if the proceeding and forfeiture are otherwise authorized pursuant to NRS 179.1156 to 179.1205, inclusive, and 453.301.

5. As used in this section, "tenant" means any person entitled under a written or oral rental agreement to occupy real property or a mobile home to the exclusion of others.

Sec. 20. NRS 645H.520 is hereby amended to read as follows:

645H.520 1. Subject to the provisions of NRS 645H.770, the services an asset management company may provide include, without limitation:

(a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;

(b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;

(c) Cleaning the interior or exterior of real property in foreclosure;

(d) Providing repair or improvements for real property in foreclosure; and

(e) Removing trash and debris from real property in foreclosure and the surrounding property.

2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:

(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the homeowner or the tenant of the homeowner only for the asset management company's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in ~~[subsection 7 of NRS 40.253.]~~ ***section 5 of this act.***

Sec. 21. The amendatory provisions of sections 2 to 20, inclusive, of this act apply to an action for summary eviction which accrues on or after October 1, 2023.

Sec. 22. NRS 40.253 and 40.254 are hereby repealed.

TEXT OF REPEALED SECTIONS

40.253 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant for default in payment of rent.

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 for late payments 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.

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.

40.254 Unlawful detainer: Supplemental remedy of summary eviction and exclusion of tenant from certain types of property.

1. Except as otherwise provided by specific statute, in addition to the remedy provided in NRS 40.290 to 40.420, inclusive, when the tenant of a dwelling unit, part of a low-rent housing program operated by a public housing authority, a mobile home or a recreational vehicle is guilty of an unlawful detainer pursuant to NRS 40.250, 40.251, 40.2514 or 40.2516, the landlord or the landlord's agent may utilize the summary procedures for eviction as provided in NRS 40.253 except that written notice to surrender the premises must:

(a) Be given to the tenant in accordance with the provisions of NRS 40.280;

(b) Advise the tenant of the court that has jurisdiction over the matter; and

(c) Advise the tenant of the tenant's right to:

(1) Contest the notice by filing before the court's close of business on the fifth judicial day after the day of service of the notice an affidavit with the court that has jurisdiction over the matter stating the reasons why the tenant is not guilty of an unlawful detainer; or

(2) Request that the court stay the execution of the order for removal of the tenant or order providing for nonadmittance of the tenant for a period not exceeding 10 days pursuant to subsection 2 of NRS 70.010, stating the reasons why such a stay is warranted.

2. The affidavit of the landlord or the landlord's agent submitted to the justice court or the district court must state or contain:

(a) The date when the tenancy commenced, the term of the tenancy and, if any, a copy of the rental agreement. If the rental agreement has been lost or destroyed, the landlord or the landlord's agent may attach an affidavit or declaration, signed under penalty of perjury, stating such loss or destruction.

(b) The date when the tenancy or rental agreement allegedly terminated.

(c) The date when written notice to surrender was given to the tenant pursuant to the provisions of NRS 40.251, 40.2514 or 40.2516, together with any facts supporting the notice.

(d) The date when the written notice was given, a copy of the notice and a statement that notice was served in accordance with NRS 40.280 and, if applicable, a copy of the notice of change of ownership served on the tenant pursuant to NRS 40.255 if the property has been purchased as a residential foreclosure.

(e) A statement that the claim for relief was authorized by law.

3. If the tenant is found guilty of unlawful detainer as a result of the tenant's violation of any of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, the landlord is entitled to be awarded any reasonable attorney's fees incurred by the landlord or the landlord's agent as a result of a hearing, if any, held pursuant to subsection 6 of NRS 40.253 wherein the tenant contested the eviction.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 677 to Assembly Bill No. 340.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 356.

The following Senate amendment was read:

Amendment No. 608.

AN ACT relating to mobile tracking devices; prohibiting a person from installing, concealing or otherwise placing a mobile tracking device in or on the motor vehicle of another person under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The United States District Court for the District of Nevada has held that using a GPS tracking device to monitor the movements of a person implicates the tort of invasion of privacy because a person has a reasonable expectation of privacy with respect to his or her daily movements in a motor vehicle. (*Ringelberg v. Vanguard Integrity Prof'ls-Nev., Inc.*, No. 2:17-CV-01788-JAD-PAL (D. Nev. Dec. 3, 2018)) Existing law does not expressly prohibit a person from installing a tracking device on the motor vehicle of another person. This bill expressly provides that a person commits the crime of unlawful installation of a mobile tracking device if the person installs, conceals or otherwise places a mobile tracking device in or on the motor vehicle of

another person without the knowledge and consent of an owner or lessor of the motor vehicle**. [, unless the person is a law enforcement officer who]** **This prohibition does not apply to a law enforcement agency that** installs, conceals or otherwise places a mobile tracking device in or on a motor vehicle **[pursuant to a warrant or court order.]** **in accordance with all applicable requirements of the United States Constitution, the Nevada Constitution and the laws of this State.** This bill provides that a person who commits any such offense is guilty of: (1) for the first offense, a misdemeanor; (2) for the second offense, a gross misdemeanor; or (3) for the third or any subsequent offense, a category C felony.

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

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

1. Except as otherwise provided in subsection 2, a person commits the crime of unlawful installation of a mobile tracking device if the person knowingly installs, conceals or otherwise places a mobile tracking device in or on the motor vehicle of another person without the knowledge and consent of an owner or lessor of the motor vehicle.

2. The provisions of subsection 1 do not apply to a law enforcement [officer who] agency that installs, conceals or otherwise places a mobile tracking device in or on a motor vehicle [pursuant to a warrant or court order.] in accordance with all applicable requirements of the United States Constitution, the Nevada Constitution and the laws of this State.

3. A person who commits the crime of unlawful installation of a mobile tracking device is guilty of:

(a) For the first offense, a misdemeanor.

(b) For the second offense, a gross misdemeanor.

(c) For the third or any subsequent offense, a category C felony and shall be punished as provided in NRS 193.130.

4. As used in this section, "mobile tracking device" means any device that permits a person to track the movement or location of another person or object through the transmission of any signal, including, without limitation, a radio or electronic signal.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 608 to Assembly Bill No. 356.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 371.

The following Senate amendment was read:

Amendment No. 607.

AN ACT relating to parentage; adopting provisions of the Uniform Parentage Act; revising provisions relating to the establishment of a parent and child relationship and the presumption of parentage; establishing provisions concerning the voluntary acknowledgment of parentage and denial of parentage by certain persons; authorizing the State Board of Health to adopt regulations relating to an acknowledgment of parentage or denial of parentage; establishing provisions governing genetic testing in proceedings to adjudicate parentage; establishing and revising various provisions relating to proceedings to adjudicate parentage; authorizing a person who claims to be a de facto parent of a child to be adjudicated as a parent of the child in certain circumstances; authorizing a court to adjudicate a child to have more than two parents in certain circumstances; establishing and revising provisions relating to assisted reproduction and gestational agreements; providing for the right of a gestational carrier to make all health care decisions regarding the gestational carrier and the pregnancy of the gestational carrier; repealing various provisions relating to parentage; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing parentage and the establishment of parent and child relationships. (Chapter 126 of NRS) **Sections 28-91** of this bill generally replace such provisions with provisions modeled after those of the Uniform Parentage Act (hereinafter "UPA"), adopted by the Uniform Law Commission in 2017. **Sections 4-26** of this bill define terms for the purposes of chapter 126 of NRS that are modeled after the definitions of the terms used in the UPA.

Existing law provides the manners in which the legal relationship of a mother and child can be established, including: (1) except in the case of a gestational agreement, proof that a woman gave birth to a child; (2) an adjudication that a woman is the mother of a child; (3) proof that a woman has adopted a child; (4) an unrebutted presumption of a woman's maternity; (5) the consent of a woman to assisted reproduction that resulted in the birth of a child; or (6) an adjudication confirming a woman as a parent of a child born to a gestational carrier. (NRS 126.041) Existing law also provides the manners in which the legal relationship of a father and child can be established, including: (1) an adjudication that a man is the father of a child; (2) proof that a man has adopted a child; (3) the consent of a man to assisted reproduction that resulted in the birth of a child; (4) an adjudication confirming a man as a parent of a child born to a gestational carrier; (5) a presumption of paternity that arises if a man was married to or cohabiting with the natural mother of a child or resides with and holds out a child as his natural child; (6) genetic testing establishing a man as the father of a child; or (7) a voluntary acknowledgment of paternity by a man. (NRS 126.041, 126.051, 126.053) **Section 34** of this bill uses the gender-neutral language of the UPA to set forth the circumstances in which a parent and child relationship is established between a person and a child. Similarly, **section 37** of this bill uses the gender-neutral language of the UPA

to establish the circumstances in which a person is presumed to be a parent of a child.

Sections 38-51 of this bill establish provisions modeled after those of the UPA relating to the voluntary acknowledgment or voluntary denial of parentage by certain persons, including provisions relating to the requirements for, rescission of and challenge to an acknowledgment of parentage or denial of parentage. **Section 42** of this bill provides that, unless an acknowledgment of parentage or denial of parentage is rescinded or challenged, such an acknowledgment of parentage or denial of parentage that meets all requirements of law and is filed with the State Registrar of Vital Statistics is equivalent to an adjudication of the parentage of a child or the nonparentage of a person, respectively. **Section 43** of this bill prohibits the State Registrar of Vital Statistics from charging a fee for filing an acknowledgment of parentage or denial of parentage, and **section 51** of this bill authorizes the State Board of Health to adopt any necessary regulations relating to an acknowledgment of parentage or denial of parentage.

Existing law provides that in an action to determine paternity, a court is authorized or required, depending on the circumstances, to order genetic testing of a mother, child, alleged father or any other person. (NRS 126.121) **Sections 52-68** of this bill establish various provisions modeled after those of the UPA concerning genetic testing, including: (1) the limitation on the use of genetic testing; (2) the authority to order, facilitate or deny genetic testing; (3) the requirements of genetic testing; (4) reports and costs of genetic testing; (5) additional genetic testing when a result is contested; (6) genetic testing when a specimen is not available from an alleged genetic parent; and (7) genetic testing of a deceased person or identical sibling. **Section 68** of this bill provides that a person commits a misdemeanor if, without proper authority, he or she intentionally releases an identifiable specimen of another person collected for genetic testing for a purpose not relevant to a proceeding regarding parentage.

Existing law establishes various provisions relating to an action to determine paternity or maternity. (NRS 126.071-126.231) **Sections 69-89** of this bill replace several of those provisions with provisions modeled after those of the UPA governing proceedings to adjudicate parentage. Existing law provides that if an action to determine paternity is brought before the birth of a child, all proceedings are generally required to be stayed until after the birth of the child. (NRS 126.071) **Section 84** of this bill instead authorizes a proceeding to adjudicate parentage to be commenced and an order or judgment to be entered before the birth of a child, but requires enforcement of the order or judgment to be stayed until after the birth of the child.

Existing law does not bar an action to determine paternity until 3 years after a child reaches the age of majority. (NRS 126.081) **Sections 75 and 76** of this bill instead provide that a proceeding to determine whether an alleged genetic parent or presumed parent, respectively, is a parent of a child may be commenced after the child becomes an adult if the child initiates the proceeding.

Existing law requires that an informal hearing be held after an action to determine paternity has been brought and further requires a court to attempt to resolve the issues raised in the action during the pretrial hearing. (NRS 126.111) **Section 136** of this bill repeals the provisions relating to such a pretrial hearing, as the UPA does not require any such pretrial hearing to be conducted.

Section 77 of this bill authorizes a person who claims to be a de facto parent of a child to commence a proceeding to establish parentage of the child if the child is alive and less than 18 years of age. **Section 77** provides that a person who claims to be a de facto parent of a child must be adjudicated as a parent of the child if there is only one other person who is a parent or has a claim to parentage of the child and the person who claims to be a de facto parent can demonstrate certain facts by clear and convincing evidence. **Section 81** of this bill authorizes a court to adjudicate a child to have more than two parents if the court finds that failure to recognize more than two parents would be detrimental to the child.

Existing law establishes provisions concerning assisted reproduction and gestational surrogacy. (NRS 126.500-126.810) This bill establishes only certain provisions modeled after those of the UPA relating to such matters. **Section 92** of this bill establishes provisions relating to the parental status of certain persons who die before a child is conceived by assisted reproduction. **Section 93** of this bill authorizes a party to a gestational agreement to terminate the agreement at any time before an embryo transfer or, if an embryo transfer does not result in pregnancy, at any time before a subsequent embryo transfer.

Existing law requires that a gestational agreement provide for the express written agreement of the gestational carrier to undergo embryo or gamete transfer and attempt to carry and give birth to any resulting child. (NRS 126.750) **Section 107 of this bill requires that a gestational agreement also provide for the express written agreement of the gestational carrier and any legal spouse or domestic partner of the gestational carrier to acknowledge that each intended parent is the legal and physical custodian of any resulting child.** **Section 107** ~~[of this bill]~~ **also** specifies that a gestational carrier has the right to make all health and welfare decisions regarding the gestational carrier and the pregnancy of the gestational carrier, including whether to: (1) consent to a cesarean section or the transfer of multiple embryos; (2) use the services of a health care practitioner chosen by the gestational carrier; (3) terminate or continue the pregnancy; and (4) reduce or retain the number of fetuses or embryos carried by the gestational carrier. **Section 107** **further** provides that any provision in a gestational agreement that contradicts such a right is void and unenforceable.

Existing law provides that the subsequent marriage or domestic partnership of a gestational carrier after the execution of a gestational agreement does not affect the validity of the agreement. (NRS 126.770) **Section 108** of this bill provides that the subsequent marriage, domestic partnership or divorce of any

party to a gestational agreement does not affect the validity of the agreement unless the agreement expressly provides otherwise.

Existing law provides that if a gestational carrier breaches a gestational agreement, a specific performance remedy that would require the gestational carrier to be impregnated is prohibited. (NRS 126.780) **Section 109** of this bill instead provides that specific performance is not an available remedy with regard to a gestational agreement except to enforce any provision in the agreement that is necessary to enable the intended parents to exercise the full rights of parentage immediately upon the birth of the child, if the intended parents are being prevented from exercising such rights.

Sections 98-106 of this bill make various other changes to the provisions of existing law concerning assisted reproduction and gestational surrogacy.

Section 136 repeals provisions of existing law that are not necessary because of the establishment of the provisions modeled after those of the UPA in **sections 28-91**.

Sections 1, 94-97, 110-133 and 136 of this bill make conforming changes to reflect the revisions made to existing law because of the establishment of the provisions modeled after those of the UPA in **sections 28-91** and the repeal of unnecessary provisions in **section 136**.

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

Section 1. NRS 125C.003 is hereby amended to read as follows:

125C.003 ~~[1.]~~ A court may award primary physical custody to a parent if the court determines that joint physical custody is not in the best interest of a child. An award of joint physical custody is presumed not to be in the best interest of the child if:

~~[(a)]~~ ***1.*** The court determines by substantial evidence that a parent is unable to adequately care for a minor child for at least 146 days of the year;

~~[(b) A child is born out of wedlock and the provisions of subsection 2 are applicable;]~~ or

~~[(c)]~~ ***2.*** Except as otherwise provided in subsection 6 of NRS 125C.0035 or NRS 125C.210, there has been a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that a parent has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child. The presumption created by this ~~[paragraph]~~ ***subsection*** is a rebuttable presumption.

~~[2. A court may award primary physical custody of a child born out of wedlock to:~~

~~(a) The mother of the child if:~~

~~(1) The mother has not married the father of the child;~~

~~(2) A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the paternity of the child has not been entered; and~~

~~(3) The father of the child:~~

~~(I) Is not subject to any presumption of paternity under NRS 126.051;~~
~~(II) Has never acknowledged paternity pursuant to NRS 126.053; or~~
~~(III) Has had actual knowledge of his paternity but has abandoned the child.~~
~~(b) The father of the child if:~~
~~(1) The mother has abandoned the child; and~~
~~(2) The father has provided sole care and custody of the child in her absence.~~
~~3. As used in this section:~~
~~(a) "Abandoned" means that a mother or father has:~~
~~(1) Failed, for a continuous period of not less than 6 months, to provide substantial personal and economic support to the child; or~~
~~(2) Knowingly declined, for a continuous period of not less than 6 months, to have any meaningful relationship with the child.~~
~~(b) "Expedited process" has the meaning ascribed to it in NRS 126.161.~~**]**

Sec. 2. Chapter 126 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 93, inclusive, of this act.

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 26, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Acknowledged parent" means a person who has established a parent and child relationship under sections 38 to 51, inclusive, of this act.***

Sec. 5. ***"Adjudicated parent" means a person who has been adjudicated to be a parent of a child by a court with jurisdiction.***

Sec. 6. ***"Alleged genetic parent" means a person who is alleged to be, or alleges that the person is, a genetic parent or possible genetic parent of a child whose parentage has not been adjudicated. The term includes an alleged genetic father and alleged genetic mother. The term does not include:***

1. A presumed parent;

2. A person whose parental rights have been terminated or declared not to exist; or

3. A donor.

Sec. 7. ***"Assisted reproduction" means a method of causing pregnancy other than sexual intercourse. The term includes:***

1. Intrauterine or intracervical insemination;

2. Donation of gametes;

3. Donation of embryos;

4. In vitro fertilization and transfer of embryos; and

5. Intracytoplasmic sperm injection.

Sec. 8. ***"Birth" includes stillbirth.***

Sec. 9. ***"Child" means a person of any age whose parentage may be determined under sections 28 to 91, inclusive, of this act.***

Sec. 10. ***"Child support agency" means a governmental entity, public official or private agency authorized to provide parentage-establishment***

services under Title IV-D of the Social Security Act, 42 U.S.C. §§ 651 to 669, inclusive.

Sec. 11. *"Custodial parent" means a parent who has been awarded physical custody of a child or, if no award of physical custody has been made by a court, the parent with whom the child resides.*

Sec. 12. *"Determination of parentage" means establishment of a parent and child relationship by a judicial or administrative proceeding or signing of a valid acknowledgment of parentage under sections 38 to 51, inclusive, of this act.*

Sec. 13. *"Donor" means a person who provides gametes intended for use in assisted reproduction, whether or not for consideration. The term does not include:*

1. A person who gives birth to a child conceived by assisted reproduction, except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

2. A parent or an intended parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 14. *"Gamete" means a sperm or egg.*

Sec. 15. *"Genetic testing" means an analysis of genetic markers to identify or exclude a genetic relationship.*

Sec. 16. *"Intended parent" means a person, married or unmarried, or in or not in a domestic partnership, who manifests an intent to be legally bound as a parent of a child conceived by assisted reproduction.*

Sec. 17. *"Parent" means a person who has established a parent and child relationship under section 34 of this act.*

Sec. 18. *"Parentage" or "parent and child relationship" means the legal relationship between a child and a parent of the child.*

Sec. 19. *"Person" means a natural person of any age.*

Sec. 20. *"Presumed parent" means a person who under section 37 of this act is presumed to be a parent of a child, unless the presumption is overcome in a judicial proceeding, a valid denial of parentage is made under sections 38 to 51, inclusive, of this act or a court adjudicates the person to be a parent.*

Sec. 21. *"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 22. *"Sign" means, with present intent to authenticate or adopt a record:*

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 23. *"Signatory" means a person who signs a record.*

Sec. 24. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or*

insular possession under the jurisdiction of the United States. The term includes a federally recognized Indian tribe.

Sec. 25. *"Transfer" means a procedure for assisted reproduction by which an embryo is placed in the body of the person who will give birth to the child.*

Sec. 26. *"Witnessed" means that at least one person who is authorized to sign has signed a record to verify that the person personally observed a signatory sign the record.*

Sec. 27. *As used in this chapter, unless the context otherwise requires, any reference to the father of a child or the mother of a child includes a parent of any gender, and any reference to paternity is equally applicable to parentage.*

Sec. 28. *Sections 28 to 91, inclusive, of this act may be cited as the Uniform Parentage Act (2017).*

Sec. 29. *1. Sections 28 to 91, inclusive, of this act apply to an adjudication or determination of parentage.*

2. Sections 28 to 91, inclusive, of this act do not create, affect, enlarge or diminish parental rights or duties under law of this State other than sections 28 to 91, inclusive, of this act.

Sec. 30. *Each district court may adjudicate parentage under sections 28 to 91, inclusive, of this act.*

Sec. 31. *In any proceeding in which a court of this State has jurisdiction to determine the parentage of a child, the court shall apply the law of this State to adjudicate parentage. The applicable law does not depend on:*

1. The place of birth of the child; or

2. The past or present residence of the child.

Sec. 32. *A proceeding under sections 28 to 91, inclusive, of this act is subject to law of this State other than sections 28 to 91, inclusive, of this act which governs the health, safety, privacy and liberty of a child or other person who could be affected by disclosure of information that could identify the child or other person, including, without limitation, address, telephone number, digital contact information, place of employment, social security number and the child's day care facility or school.*

Sec. 33. *To the extent practicable, a provision of sections 28 to 91, inclusive, of this act applicable to a father and child relationship applies to a mother and child relationship and a provision of sections 28 to 91, inclusive, of this act applicable to a mother and child relationship applies to a father and child relationship.*

Sec. 34. *A parent and child relationship is established between a person and a child if:*

1. The person gives birth to the child, except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act;

2. There is a presumption under section 37 of this act of the person's parentage of the child, unless the presumption is overcome in a judicial

proceeding or a valid denial of parentage is made under sections 38 to 51, inclusive, of this act;

3. The person is adjudicated a parent of the child by a court of this State or any other state;

4. The person adopts the child;

5. The person acknowledges parentage of the child under sections 38 to 51, inclusive, of this act, unless the acknowledgment is rescinded under section 45 of this act or successfully challenged under sections 38 to 51, inclusive, or 69 to 89, inclusive, of this act; or

6. The person's parentage of the child is established under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 35. *A parent and child relationship extends equally to every child and parent, regardless of the marital status of the parent.*

Sec. 36. *Unless parental rights are terminated, a parent and child relationship established under sections 28 to 91, inclusive, of this act applies for all purposes.*

Sec. 37. *1. A person is presumed to be a parent of a child if:*

(a) Except as otherwise provided under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act or law of this State other than sections 28 to 91, inclusive, of this act:

(1) The person and the person who gave birth to the child are married to or in a domestic partnership with each other and the child is born during the marriage or domestic partnership, whether the marriage or domestic partnership is or could be declared invalid;

(2) The person and the person who gave birth to the child were married to or in a domestic partnership with each other and the child is born not later than 300 days after the marriage or domestic partnership is terminated by death, divorce, dissolution, annulment or declaration of invalidity, or after a decree of separation or separate maintenance, whether the marriage or domestic partnership is or could be declared invalid; or

(3) The person and the person who gave birth to the child married or entered into a domestic partnership with each other after the birth of the child, whether the marriage or domestic partnership is or could be declared invalid, the person at any time asserted parentage of the child, and:

(I) The assertion is in a record filed with the State Registrar of Vital Statistics; or

(II) The person agreed to be and is named as a parent of the child on the birth certificate of the child; or

(b) The person resided in the same household with the child for the first 2 years of the life of the child, including any period of temporary absence, and openly held out the child as the person's child.

2. A presumption of parentage under this section may be overcome, and competing claims to parentage may be resolved, only by an adjudication under sections 69 to 89, inclusive, of this act or a valid denial of parentage under sections 38 to 51, inclusive, of this act.

Sec. 38. *A person who gave birth to a child and an alleged genetic parent of the child, intended parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, or presumed parent may sign an acknowledgment of parentage to establish the parentage of the child.*

Sec. 39. *1. An acknowledgment of parentage under section 38 of this act must:*

(a) Be in a record signed by the person who gave birth to the child and by the person seeking to establish a parent and child relationship, and the signatures must be attested by an electronic notary public or other notarial officer or signed by at least one witness;

(b) State that the child whose parentage is being acknowledged:

(1) Does not have a presumed parent other than the person seeking to establish the parent and child relationship or has a presumed parent whose full name is stated; and

(2) Does not have another acknowledged parent, adjudicated parent or person who is a parent of the child under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act other than the person who gave birth to the child; and

(c) State that the signatories understand that the acknowledgement is the equivalent of an adjudication of parentage of the child and that a challenge to the acknowledgment is permitted only under limited circumstances and is barred 2 years after the effective date of the acknowledgment.

2. An acknowledgment of parentage is void if, at the time of signing:

(a) A person other than the person seeking to establish parentage is a presumed parent, unless a denial of parentage by the presumed parent in a signed record is filed with the State Registrar of Vital Statistics; or

(b) A person, other than the person who gave birth to the child or the person seeking to establish parentage, is an acknowledged or adjudicated parent or a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

Sec. 40. *A presumed parent or alleged genetic parent may sign a denial of parentage in a record. The denial of parentage is valid only if:*

1. An acknowledgment of parentage by another person is filed under section 42 of this act;

2. The signature of the presumed parent or alleged genetic parent is attested by an electronic notary public or other notarial officer or signed by at least one witness; and

3. The presumed parent or alleged genetic parent has not previously:

(a) Completed a valid acknowledgment of parentage for the same child, unless the previous acknowledgment was rescinded under section 45 of this act or challenged successfully under section 46 of this act; or

(b) Been adjudicated to be a parent of the child.

Sec. 41. *1. An acknowledgment of parentage and a denial of parentage may be contained in a single document or may be in counterparts and may be filed with the State Registrar of Vital Statistics separately or*

simultaneously. If filing of the acknowledgment and denial both are required under sections 28 to 91, inclusive, of this act, neither is effective until both are filed.

2. An acknowledgment of parentage or denial of parentage may only be signed after the birth of the child.

3. Subject to subsection 1, an acknowledgment of parentage or denial of parentage takes effect on the filing of the document with the State Registrar of Vital Statistics.

4. An acknowledgment of parentage or denial of parentage signed by a person who is a minor is valid if the acknowledgment complies with sections 28 to 91, inclusive, of this act.

Sec. 42. *1. Except as otherwise provided in sections 45 and 46 of this act, an acknowledgment of parentage that complies with sections 38 to 51, inclusive, of this act and is filed with the State Registrar of Vital Statistics is equivalent to an adjudication of parentage of the child and confers on the acknowledged parent all rights and duties of a parent.*

2. Except as otherwise provided in sections 45 and 46 of this act, a denial of parentage by a presumed parent or alleged genetic parent which complies with sections 38 to 51, inclusive, of this act and is filed with the State Registrar of Vital Statistics with an acknowledgment of parentage that complies with sections 38 to 51, inclusive, of this act is equivalent to an adjudication of the nonparentage of the presumed parent or alleged genetic parent who signed the denial and discharges the presumed parent or alleged genetic parent who signed the denial from all rights and duties of a parent.

Sec. 43. *The State Registrar of Vital Statistics may not charge a fee for filing an acknowledgment of parentage or denial of parentage.*

Sec. 44. *A court conducting a judicial proceeding or an administrative agency conducting an administrative proceeding is not required or permitted to ratify an unchallenged acknowledgment of parentage. A court may determine that a person who signed an acknowledgment of parentage is a parent in a later proceeding based on other grounds.*

Sec. 45. *1. A signatory may rescind an acknowledgment of parentage or denial of parentage by filing with the State Registrar of Vital Statistics a rescission in a signed record which is attested by an electronic notary public or notarial officer or signed by at least one witness, before the earlier of:*

(a) Sixty days after the effective date under section 41 of this act of the acknowledgment or denial; or

(b) The date of the first hearing before a court in a proceeding, to which the signatory is a party, to adjudicate an issue relating to the child, including a proceeding that establishes support.

2. If an acknowledgment of parentage is rescinded under subsection 1, an associated denial of parentage is invalid, and the State Registrar of Vital Statistics shall notify the person who gave birth to the child and the person who signed a denial of parentage of the child that the acknowledgment has

been rescinded. Failure to give the notice required by this subsection does not affect the validity of the rescission.

Sec. 46. *1. After the period for rescission under section 45 of this act expires, but not later than 2 years after the effective date under section 41 of this act of an acknowledgment of parentage or denial of parentage, a signatory of the acknowledgment or denial may commence a proceeding to challenge the acknowledgment or denial only on the basis of fraud, duress or material mistake of fact.*

2. A challenge to an acknowledgment of parentage or denial of parentage by a person who was not a signatory to the acknowledgment or denial is governed by section 78 of this act.

Sec. 47. *1. Every signatory to an acknowledgment of parentage and any related denial of parentage must be made a party to a proceeding to challenge the acknowledgment or denial.*

2. By signing an acknowledgment of parentage or denial of parentage, a signatory submits to personal jurisdiction in this State in a proceeding to challenge the acknowledgment or denial, effective on the filing of the acknowledgment or denial with the State Registrar of Vital Statistics.

3. The court may not suspend the legal responsibilities arising from an acknowledgment of parentage, including the duty to pay child support, during the pendency of a proceeding to challenge the acknowledgment or a related denial of parentage, unless the party challenging the acknowledgment or denial shows good cause.

4. A party challenging an acknowledgment of parentage or denial of parentage has the burden of proof.

5. If the court determines that a party has satisfied the burden of proof under subsection 4, the court shall order the State Registrar of Vital Statistics to amend the birth record of the child to reflect the legal parentage of the child.

6. A proceeding to challenge an acknowledgment of parentage or denial of parentage must be conducted under sections 69 to 89, inclusive, of this act.

Sec. 48. *The court shall give full faith and credit to an acknowledgment of parentage or denial of parentage effective in another state if the acknowledgment or denial was in a signed record and otherwise complies with the law of the other state.*

Sec. 49. *A valid acknowledgment of parentage or denial of parentage is not affected by a later modification of the declaration developed by the State Board of Health pursuant to NRS 440.285.*

Sec. 50. *1. The State Registrar of Vital Statistics may release information relating to an acknowledgment of parentage or denial of parentage to a signatory of the acknowledgment or denial, a court, federal agency , agency which provides child welfare services and child support agency of this or another state.*

2. As used in this section, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 51. *The State Board of Health may adopt any regulations that are necessary to implement sections 38 to 51, inclusive, of this act.*

Sec. 52. *As used in sections 52 to 68, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 53 to 57, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 53. *"Combined relationship index" means the product of all tested relationship indices.*

Sec. 54. *"Ethnic or racial group" means, for the purpose of genetic testing, a recognized group that a person identifies as the person's ancestry or part of the ancestry or that is identified by other information.*

Sec. 55. *"Hypothesized genetic relationship" means an asserted genetic relationship between a person and a child.*

Sec. 56. *"Probability of parentage" means, for the ethnic or racial group to which a person alleged to be a parent belongs, the probability that a hypothesized genetic relationship is supported, compared to the probability that a genetic relationship is supported between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship, expressed as a percentage incorporating the combined relationship index and a prior probability.*

Sec. 57. *"Relationship index" means a likelihood ratio that compares the probability of a genetic marker given a hypothesized genetic relationship and the probability of the genetic marker given a genetic relationship between the child and a random person of the ethnic or racial group used in the hypothesized genetic relationship.*

Sec. 58. *1. Sections 52 to 68, inclusive, of this act govern genetic testing of a person in a proceeding to adjudicate parentage, whether the person:*

(a) Voluntarily submits to testing; or

(b) Is tested under an order of the court or as a result of the facilitation of a child support agency.

2. Genetic testing may not be used:

(a) To challenge the parentage of a person who is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

(b) To establish the parentage of a person who is a donor.

Sec. 59. *1. Except as otherwise provided in sections 52 to 68, inclusive, or 69 to 89, inclusive, of this act, in a proceeding under sections 28 to 91, inclusive, of this act to determine parentage, the court shall order the child and any other person to submit to genetic testing if a request for testing is supported by the sworn statement of a party:*

(a) Alleging a reasonable possibility that the person is the child's genetic parent; or

(b) Denying genetic parentage of the child and stating facts establishing a reasonable possibility that the person is not a genetic parent.

2. A child support agency may facilitate genetic testing only if there is no acknowledged or adjudicated parent of a child other than the person who gave birth to the child.

3. The court may not order, and a child support agency may not facilitate, in utero genetic testing.

4. If two or more persons are subject to court-ordered genetic testing, the court may order that testing be completed concurrently or sequentially.

5. Genetic testing of a person who gave birth to a child is not a condition precedent to testing of the child and a person whose genetic parentage of the child is being determined. If the person who gave birth to the child is unavailable or declines to submit to genetic testing, the court may order genetic testing of the child and each person whose genetic parentage of the child is being adjudicated.

6. In a proceeding to adjudicate the parentage of a child having a presumed parent or a person who claims to be a parent under section 77 of this act, or to challenge an acknowledgment of parentage, the court may deny a motion for genetic testing of the child and any other person after considering the factors in subsections 1 and 2 of section 81 of this act.

7. If a person requesting genetic testing is barred under sections 69 to 89, inclusive, of this act from establishing the person's parentage, the court shall deny the request for genetic testing.

8. An order under this section for genetic testing is enforceable by contempt.

Sec. 60. *1. Genetic testing must be of a type reasonably relied on by experts in the field of genetic testing and performed in a testing laboratory accredited by:*

(a) The AABB, formerly known as the American Association of Blood Banks, or a successor to its functions; or

(b) An accrediting body designated by the Secretary of the United States Department of Health and Human Services.

2. A specimen used in genetic testing may consist of a sample or a combination of samples of blood, buccal cells, bone, hair or other body tissue or fluid. The specimen used in the testing need not be of the same kind for each person undergoing genetic testing.

3. Based on the ethnic or racial group of a person undergoing genetic testing, a testing laboratory shall determine the databases from which to select frequencies for use in calculating a relationship index. If a person or a child support agency objects to the laboratory's choice, the following rules apply:

(a) Not later than 30 days after receipt of the report of the test, the objecting person or child support agency may request the court to require the laboratory to recalculate the relationship index using an ethnic or racial group different from that used by the laboratory.

(b) The person or the child support agency objecting to the laboratory's choice under this subsection shall:

(1) If the requested frequencies are not available to the laboratory for the ethnic or racial group requested, provide the requested frequencies compiled in a manner recognized by accrediting bodies; or

(2) Engage another laboratory to perform the calculations.

(c) The laboratory may use its own statistical estimate if there is a question which ethnic or racial group is appropriate. The laboratory shall calculate the frequencies using statistics, if available, for any other ethnic or racial group requested.

4. If, after recalculation of the relationship index under subsection 3 using a different ethnic or racial group, genetic testing under section 62 of this act does not identify a person as a genetic parent of a child, the court may require a person who has been tested to submit to additional genetic testing to identify a genetic parent.

Sec. 61. *1. A report of genetic testing must be in a record and signed under penalty of perjury by a designee of the testing laboratory. A report complying with the requirements of sections 52 to 68, inclusive, of this act is self-authenticating.*

2. Documentation from a testing laboratory of the following information is sufficient to establish a reliable chain of custody and allow the results of genetic testing to be admissible without testimony:

(a) The name and photograph of each person whose specimen has been taken;

(b) The name of the person who collected each specimen;

(c) The place and date each specimen was collected;

(d) The name of the person who received each specimen in the testing laboratory; and

(e) The date each specimen was received.

Sec. 62. *1. Subject to a challenge under subsection 2, a person is identified under sections 28 to 91, inclusive, of this act as a genetic parent of a child if genetic testing complies with sections 52 to 68, inclusive, of this act and the results of the testing disclose:*

(a) The person has at least a 99 percent probability of parentage, using a prior probability of 0.50, as calculated by using the combined relationship index obtained in the testing; and

(b) A combined relationship index of at least 100 to 1.

2. A person identified under subsection 1 as a genetic parent of the child may challenge the genetic testing results only by other genetic testing satisfying the requirements of sections 52 to 68, inclusive, of this act which:

(a) Excludes the person as a genetic parent of the child; or

(b) Identifies another person as a possible genetic parent of the child other than:

(1) The person who gave birth to the child; or

(2) The person identified under subsection 1.

3. Except as otherwise provided in section 67 of this act, if more than one person other than the person who gave birth to the child is identified by

genetic testing as a possible genetic parent of the child, the court shall order each person to submit to further genetic testing to identify a genetic parent.

Sec. 63. *1. Subject to assessment of fees under sections 69 to 89, inclusive, of this act, payment of the cost of initial genetic testing must be made in advance:*

(a) By the person who made the request for genetic testing;

(b) As agreed by the parties; or

(c) As ordered by the court.

2. If the cost of genetic testing is paid by a child support agency, the agency may seek reimbursement from the genetic parent whose parent and child relationship is established.

Sec. 64. *The court shall order, or a child support agency may facilitate, additional genetic testing on request of a person who contests the result of the initial testing under section 62 of this act. If initial genetic testing under section 62 of this act identified a person as a genetic parent of the child, the court may not order, and a child support agency may not facilitate, additional testing unless the contesting person pays for the testing in advance.*

Sec. 65. *1. Subject to subsection 2, if a genetic-testing specimen is not available from an alleged genetic parent of a child, a person seeking genetic testing demonstrates good cause and the court finds that the circumstances are just, the court may order any of the following persons to submit specimens for genetic testing:*

(a) A parent of the alleged genetic parent;

(b) A sibling of the alleged genetic parent;

(c) Another child of the alleged genetic parent and the person who gave birth to the other child; and

(d) Another relative of the alleged genetic parent necessary to complete genetic testing.

2. To issue an order under this section, the court must find that a need for genetic testing outweighs the legitimate interests of the person sought to be tested.

Sec. 66. *If a person seeking genetic testing demonstrates good cause, the court may order genetic testing of a deceased person.*

Sec. 67. *1. If the court finds there is reason to believe that an alleged genetic parent has an identical sibling and evidence that the sibling may be a genetic parent of the child, the court may order genetic testing of the sibling.*

2. If more than one sibling is identified under section 62 of this act as a genetic parent of the child, the court may rely on nongenetic evidence to adjudicate which sibling is a genetic parent of the child.

Sec. 68. *1. Release of a report of genetic testing for parentage is controlled by law of this State other than sections 28 to 91, inclusive, of this act.*

2. A person who intentionally releases an identifiable specimen of another person collected for genetic testing under sections 52 to 68, inclusive, of this act for a purpose not relevant to a proceeding regarding parentage, without a court order or written permission of the person who furnished the specimen, commits a misdemeanor.

Sec. 69. *1. A proceeding may be commenced to adjudicate the parentage of a child. Except as otherwise provided in sections 28 to 91, inclusive, of this act, the proceeding is governed by the Nevada Rules of Civil Procedure.*

2. A proceeding to adjudicate the parentage of a child born under a gestational agreement is governed by NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act.

3. As used in this section, "gestational agreement" has the meaning ascribed to it in NRS 126.570.

Sec. 70. *Except as otherwise provided in sections 38 to 51, inclusive, and 76 to 79, inclusive, of this act, a proceeding to adjudicate parentage may be maintained by:*

1. The child;

2. The person who gave birth to the child, unless a court has adjudicated that the person who gave birth to the child is not a parent;

3. A person who is a parent under sections 28 to 91, inclusive, of this act;

4. A person whose parentage of the child is to be adjudicated;

5. A child support agency or other governmental agency authorized by law of this State other than sections 28 to 91, inclusive, of this act;

6. An adoption agency authorized by law of this State other than sections 28 to 91, inclusive, of this act or licensed child-placing agency; ~~[or]~~

7. A representative authorized by law of this State other than sections 28 to 91, inclusive, of this act to act for a person who otherwise would be entitled to maintain a proceeding but is deceased, incapacitated or a minor ~~[.]~~ ; or

8. An agency which provides child welfare services in a proceeding pursuant to chapter 432B of NRS. As used in this subsection, "agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 71. *1. The petitioner shall give notice of a proceeding to adjudicate parentage to the following persons, if the whereabouts of the person are known:*

(a) The person who gave birth to the child, unless a court has adjudicated that the person who gave birth to the child is not a parent;

(b) A person who is a parent of the child under sections 28 to 91, inclusive, of this act;

(c) A presumed, acknowledged or adjudicated parent of the child; and

(d) A person whose parentage of the child is to be adjudicated.

2. A person entitled to notice under subsection 1 has a right to intervene in the proceeding.

3. Lack of notice required by subsection 1 does not render a judgment void. Lack of notice does not preclude a person entitled to notice under subsection 1 from bringing a proceeding under subsection 2 of section 79 of this act.

Sec. 72. *1. The court may adjudicate a person's parentage of a child only if the court has personal jurisdiction over the person.*

2. A court of this State with jurisdiction to adjudicate parentage may exercise personal jurisdiction over a nonresident if the conditions prescribed in NRS 130.201 are satisfied.

3. Lack of jurisdiction over one person does not preclude the court from making an adjudication of parentage binding on another person.

Sec. 73. *Venue for a proceeding to adjudicate parentage is in the county of this State in which:*

1. The child resides or is located;

2. If the child does not reside in this State, the respondent resides or is located; ~~[or]~~

3. A proceeding has been commenced for administration of the estate of a person who is or may be a parent under sections 28 to 91, inclusive, of this act ~~[.]~~ ; or

4. A proceeding has been commenced to protect a child from abuse or neglect pursuant to chapter 432B of NRS.

Sec. 74. *1. Except as otherwise provided in subsection 2 of section 58 of this act, the court shall admit a report of genetic testing ordered by the court under section 59 of this act as evidence of the truth of the facts asserted in the report.*

2. A party may object to the admission of a report described in subsection 1, not later than 14 days after the party receives the report. The party shall cite specific grounds for exclusion.

3. A party that objects to the results of genetic testing may call a genetic-testing expert to testify in person or by another method approved by the court. Unless the court orders otherwise, the party offering the testimony bears the expense for the expert testifying.

4. Admissibility of a report of genetic testing is not affected by whether the testing was performed:

(a) Voluntarily, under an order of the court or as a result of the facilitation of a child support agency; or

(b) Before, on or after commencement of the proceeding.

Sec. 75. *1. A proceeding to determine whether an alleged genetic parent who is not a presumed parent is a parent of a child may be commenced:*

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

2. This subsection applies in a proceeding described in subsection 1 if the person who gave birth to the child is the only other person with a claim

to parentage of the child. The court shall adjudicate an alleged genetic parent to be a parent of the child if the alleged genetic parent:

(a) Is identified under section 62 of this act as a genetic parent of the child and the identification is not successfully challenged under section 62 of this act;

(b) Admits parentage in a pleading, when making an appearance or during a hearing, the court accepts the admission and the court determines the alleged genetic parent to be a parent of the child;

(c) Declines to submit to genetic testing ordered by the court or facilitated by a child support agency, in which case the court may adjudicate the alleged genetic parent to be a parent of the child even if the alleged genetic parent denies a genetic relationship with the child;

(d) Is in default after service of process and the court determines the alleged genetic parent to be a parent of the child; or

(e) Is neither identified nor excluded as a genetic parent by genetic testing and, based on other evidence, the court determines the alleged genetic parent to be a parent of the child.

3. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding involving an alleged genetic parent, at least one other person in addition to the person who gave birth to the child has a claim to parentage of the child, the court shall adjudicate parentage under section 81 of this act.

Sec. 76. *1. A proceeding to determine whether a presumed parent is a parent of a child may be commenced:*

(a) Before the child becomes an adult; or

(b) After the child becomes an adult, but only if the child initiates the proceeding.

2. A presumption of parentage under section 37 of this act cannot be overcome after the child attains 2 years of age unless the court determines:

(a) The presumed parent is not a genetic parent, never resided with the child and never held out the child as the presumed parent's child; or

(b) The child has more than one presumed parent.

3. The following rules apply in a proceeding to adjudicate a presumed parent's parentage of a child if the person who gave birth to the child is the only other person with a claim to parentage of the child:

(a) If no party to the proceeding challenges the presumed parent's parentage of the child, the court shall adjudicate the presumed parent to be a parent of the child.

(b) If the presumed parent is identified under section 62 of this act as a genetic parent of the child and that identification is not successfully challenged under section 62 of this act, the court shall adjudicate the presumed parent to be a parent of the child.

(c) If the presumed parent is not identified under section 62 of this act as a genetic parent of the child and the presumed parent or the person who gave birth to the child challenges the presumed parent's parentage of the child,

the court shall adjudicate the parentage of the child in the best interest of the child based on the factors under subsections 1 and 2 of section 81 of this act.

4. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding to adjudicate a presumed parent's parentage of a child, another person in addition to the person who gave birth to the child asserts a claim to parentage of the child, the court shall adjudicate parentage under section 81 of this act.

Sec. 77. *1. A proceeding to establish parentage of a child under this section may be commenced only by a person who:*

(a) Is alive when the proceeding is commenced; and

(b) Claims to be a de facto parent of the child.

2. A person who claims to be a de facto parent of a child must commence a proceeding to establish parentage of a child under this section:

(a) Before the child attains 18 years of age; and

(b) While the child is alive.

3. The following rules govern standing of a person who claims to be a de facto parent of a child to maintain a proceeding under this section:

(a) The person must file an initial verified pleading alleging specific facts that support the claim to parentage of the child asserted under this section. The verified pleading must be served on all parents and legal guardians of the child and any other party to the proceeding.

(b) An adverse party, parent or legal guardian may file a pleading in response to the pleading filed under paragraph (a). A responsive pleading must be verified and must be served on parties to the proceeding.

(c) Unless the court finds a hearing is necessary to determine disputed facts material to the issue of standing, the court shall determine, based on the pleadings under paragraphs (a) and (b), whether the person has alleged facts sufficient to satisfy by a preponderance of the evidence the requirements of paragraphs (a) to (g), inclusive, of subsection 4. If the court holds a hearing under this subsection, the hearing must be held on an expedited basis.

4. In a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, if there is only one other person who is a parent or has a claim to parentage of the child, the court shall adjudicate the person who claims to be a de facto parent to be a parent of the child if the person demonstrates by clear and convincing evidence that:

(a) The person resided with the child as a regular member of the child's household for a significant period;

(b) The person engaged in consistent caretaking of the child;

(c) The person undertook full and permanent responsibilities of a parent of the child without expectation of financial compensation;

(d) The person held out the child as the person's child;

(e) The person established a bonded and dependent relationship with the child which is parental in nature;

(f) Another parent of the child fostered or supported the bonded and dependent relationship required under paragraph (e); and

(g) Continuing the relationship between the person and the child is in the best interest of the child.

5. Subject to other limitations in sections 74 to 81, inclusive, of this act, if in a proceeding to adjudicate parentage of a person who claims to be a de facto parent of the child, there is more than one other person who is a parent or has a claim to parentage of the child and the court determines that the requirements of subsection 4 are satisfied, the court shall adjudicate parentage under section 81 of this act.

Sec. 78. *1. If a child has an acknowledged parent, a proceeding to challenge the acknowledgment of parentage or a denial of parentage, brought by a signatory to the acknowledgment or denial, is governed by sections 46 and 47 of this act.*

2. If a child has an acknowledged parent, the following rules apply in a proceeding to challenge the acknowledgment of parentage or a denial of parentage brought by a person, other than the child, who has standing under section 70 of this act and was not a signatory to the acknowledgment or denial:

(a) The person must commence the proceeding not later than 2 years after the effective date of the acknowledgment.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 80 of this act.

Sec. 79. *1. If a child has an adjudicated parent, a proceeding to challenge the adjudication, brought by a person who was a party to the adjudication or received notice under section 71 of this act, is governed by the rules governing a collateral attack on a judgment.*

2. If a child has an adjudicated parent, the following rules apply to a proceeding to challenge the adjudication of parentage brought by a person, other than the child, who has standing under section 70 of this act and was not a party to the adjudication and did not receive notice under section 71 of this act:

(a) The person must commence the proceeding not later than 2 years after the effective date of the adjudication.

(b) The court may permit the proceeding only if the court finds permitting the proceeding is in the best interest of the child.

(c) If the court permits the proceeding, the court shall adjudicate parentage under section 81 of this act.

Sec. 80. *1. A person who is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act or the person who gave birth to the child may bring a proceeding to adjudicate parentage. If the court determines the person is a parent under NRS 126.500 to 126.810, inclusive,*

and sections 92 and 93 of this act, the court shall adjudicate the person to be a parent of the child.

2. In a proceeding to adjudicate a person's parentage of a child, if another person other than the person who gave birth to the child is a parent under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, the court shall adjudicate the person's parentage of the child under section 81 of this act.

Sec. 81. *1. In a proceeding to adjudicate competing claims of, or challenges under subsection 3 of section 76 of this act or section 78 or 79 of this act, to parentage of a child by two or more persons, the court shall adjudicate parentage in the best interest of the child, based on:*

(a) The age of the child;

(b) The length of time during which each person assumed the role of parent of the child;

(c) The nature of the relationship between the child and each person;

(d) The harm to the child if the relationship between the child and each person is not recognized;

(e) The basis for each person's claim to parentage of the child; and

(f) Other equitable factors arising from the disruption of the relationship between the child and each person or the likelihood of other harm to the child.

2. If a person challenges parentage based on the results of genetic testing, in addition to the factors listed in subsection 1, the court shall consider:

(a) The facts surrounding the discovery the person might not be a genetic parent of the child; and

(b) The length of time between the time that the person was placed on notice that the person might not be a genetic parent and the commencement of the proceeding.

3. The court may adjudicate a child to have more than two parents under sections 28 to 91, inclusive, of this act if the court finds that failure to recognize more than two parents would be detrimental to the child. A finding of detriment to the child does not require a finding of unfitness of any parent or person seeking an adjudication of parentage. In determining detriment to the child, the court shall consider all relevant factors, including the harm if the child is removed from a stable placement with a person who has fulfilled the child's physical needs and psychological needs for care and affection and has assumed the role for a substantial period.

Sec. 82. *1. In a proceeding under sections 69 to 89, inclusive, of this act, the court may issue a temporary order for child support if the order is consistent with the law of this State other than sections 28 to 91, inclusive, of this act and the person ordered to pay support is:*

(a) A presumed parent of the child;

(b) Petitioning to be adjudicated a parent;

(c) Identified as a genetic parent through genetic testing under section 62 of this act;

(d) An alleged genetic parent who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be a parent of the child; or

(f) A parent under sections 28 to 91, inclusive, of this act.

2. A temporary order may include a provision for custody and visitation under law of this State other than sections 28 to 91, inclusive, of this act.

Sec. 83. *1. Except as otherwise provided in subsection 2, the court may combine a proceeding to adjudicate parentage under sections 28 to 91, inclusive, of this act with a proceeding for adoption, termination of parental rights, protection of a child from abuse or neglect pursuant to chapter 432B of NRS, child custody or visitation, child support, divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance, administration of an estate or other appropriate proceeding.*

2. A respondent may not combine a proceeding described in subsection 1 with a proceeding to adjudicate parentage brought under NRS 130.0902 to 130.802, inclusive.

Sec. 84. *Except as otherwise provided in NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act, a proceeding to adjudicate parentage may be commenced before the birth of the child and an order or judgment may be entered before birth, but enforcement of the order or judgment must be stayed until the birth of the child.*

Sec. 85. *1. A minor child is a permissive party but not a necessary party to a proceeding under sections 69 to 89, inclusive, of this act.*

2. The court shall appoint a guardian ad litem to represent a child in a proceeding under sections 69 to 89, inclusive, of this act if the court finds that the interests of the child are not adequately represented.

Sec. 86. *The court shall adjudicate parentage of a child without a jury.*

Sec. 87. *The court may dismiss a proceeding under sections 28 to 91, inclusive, of this act for want of prosecution only without prejudice. An order of dismissal for want of prosecution purportedly with prejudice is void and has only the effect of a dismissal without prejudice.*

Sec. 88. *1. An order adjudicating parentage must identify the child in a manner provided by law of this State other than sections 28 to 91, inclusive, of this act.*

2. Except as otherwise provided in subsection 3, the court may assess filing fees, reasonable attorney's fees, fees for genetic testing, other costs and necessary travel and other reasonable expenses incurred in a proceeding under sections 69 to 89, inclusive, of this act. Attorney's fees awarded under this subsection may be paid directly to the attorney, and the attorney may enforce the order in the attorney's own name.

3. The court may not assess fees, costs or expenses in a proceeding under sections 69 to 89, inclusive, of this act against a child support agency of this

State or another state, except as provided by law of this State other than sections 28 to 91, inclusive, of this act.

4. In a proceeding under sections 69 to 89, inclusive, of this act, a copy of a bill for genetic testing or prenatal or postnatal health care for the person who gave birth to the child and the child, that is provided to the adverse party, excluding a child support agency, not later than 10 days before a hearing, is admissible to establish:

(a) The amount of the charge billed; and

(b) That the charge is reasonable and necessary.

5. On request of a party and for good cause, the court in a proceeding under sections 69 to 89, inclusive, of this act may order the name of the child changed. If the court order changing the name varies from the name on the birth certificate of the child, the court shall order the State Registrar of Vital Statistics to issue an amended birth certificate.

Sec. 89. *1. Except as otherwise provided in subsection 2:*

(a) A signatory to an acknowledgment of parentage or denial of parentage is bound by the acknowledgment and denial as provided in sections 38 to 51, inclusive, of this act; and

(b) A party to an adjudication of parentage by a court acting under circumstances that satisfy the jurisdiction requirements of NRS 130.201 and any person who received notice of the proceeding are bound by the adjudication.

2. A child is not bound by a determination of parentage under sections 28 to 91, inclusive, of this act unless:

(a) The determination was based on an unrescinded acknowledgment of parentage and the acknowledgment is consistent with the results of genetic testing;

(b) The determination was based on a finding consistent with the results of genetic testing, and the consistency is declared in the determination or otherwise shown;

(c) The determination of parentage was made under NRS 126.500 to 126.810, inclusive, and sections 92 and 93 of this act; or

(d) The child was a party or was represented by a guardian ad litem in the proceeding.

3. In a proceeding for divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance, the court is deemed to have made an adjudication of parentage of a child if the court acts under circumstances that satisfy the jurisdiction requirements of NRS 130.201 and the final order:

(a) Expressly identifies the child as a "child of the marriage" or "issue of the marriage" or includes similar words indicating that both spouses are parents of the child; or

(b) Provides for support of the child by a spouse or domestic partner unless that spouse's or domestic partner's parentage of the child is disclaimed specifically in the order.

4. Except as otherwise provided in subsection 2 or section 79 of this act, a determination of parentage may be asserted as a defense in a subsequent proceeding seeking to adjudicate parentage of a person who was not a party to the earlier proceeding.

5. A party to an adjudication of parentage may challenge the adjudication only under law of this State other than sections 28 to 91, inclusive, of this act relating to appeal, vacation of judgment or other judicial review.

Sec. 90. *In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Sec. 91. *Sections 28 to 91, inclusive, of this act modify, limit and supersede the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but do not modify, limit or supersede Section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that act, 15 U.S.C. § 7003(b).*

Sec. 92. *1. If a person who intends to be a parent of a child conceived by assisted reproduction dies during the period between the transfer of a gamete or embryo and the birth of the child, the person's death does not preclude the establishment of the person's parentage of the child if the person otherwise would be a parent of the child under sections 28 to 91, inclusive, of this act.*

2. If a person who consented in a record to assisted reproduction by a person who agreed to give birth to a child dies before a transfer of gametes or embryos, the deceased person is a parent of a child conceived by the assisted reproduction only if:

(a) Either:

(1) The person consented in a record that if assisted reproduction were to occur after the death of the person, the person would be a parent of the child; or

(2) The person's intent to be a parent of a child conceived by assisted reproduction after the person's death is established by clear and convincing evidence; and

(b) Either:

(1) The embryo is in utero not later than 36 months after the person's death; or

(2) The child is born not later than 45 months after the person's death.

3. An intended parent is not a parent of a child conceived by assisted reproduction under a gestational agreement if the intended parent dies before the transfer of a gamete or embryo unless:

(a) The agreement provides otherwise; and

(b) The transfer of a gamete or embryo occurs not later than 36 months after the death of the intended parent or birth of the child occurs not later than 45 months after the death of the intended parent.

Sec. 93. ***1. A party to a gestational agreement may terminate the agreement, at any time before an embryo transfer, by giving notice of termination in a record to all other parties. If an embryo transfer does not result in a pregnancy, a party may terminate the agreement at any time before a subsequent embryo transfer.***

2. Unless a gestational agreement provides otherwise, on termination of the agreement under subsection 1, the parties are released from the agreement, except that each intended parent remains responsible for expenses that are reimbursable under the agreement and incurred by the gestational carrier through the date of termination.

3. Except in a case involving fraud, neither a gestational carrier nor the gestational carrier's spouse, domestic partner or former spouse or domestic partner, if any, is liable to the intended parent or parents for a penalty or liquidated damages, for terminating a gestational agreement under this section.

Sec. 94. NRS 126.151 is hereby amended to read as follows:

126.151 1. ~~[An action under this chapter is a civil action governed by the Nevada Rules of Civil Procedure. The mother of the child and the alleged father are competent to testify and may be compelled to testify. Subsections 3 and 4 of NRS 126.111 and NRS 126.121 and 126.131 apply.~~

~~2.]~~ In an action against an alleged ~~[father,]~~ ***genetic parent,*** evidence offered by the alleged ~~[father]~~ ***genetic parent*** with respect to ~~[a man]~~ ***another person*** who is not subject to the jurisdiction of the court concerning that ~~[man's]~~ ***person's*** sexual intercourse with the ~~[mother]~~ ***person who gave birth to the child*** at or about the probable time of conception of the child is admissible in evidence only if the alleged ~~[father]~~ ***genetic parent*** has undergone and made available to the court ~~[blood tests or tests for genetic identification,]~~ the results of ***genetic testing performed pursuant to sections 52 to 68, inclusive, of this act*** which show a probability less than 99 percent that the alleged ~~[father]~~ ***genetic parent*** is ~~[the father]~~ ***a genetic parent*** of the child.

~~[3.]~~ ***2.*** The trial must be by the court without a jury.

Sec. 95. NRS 126.161 is hereby amended to read as follows:

126.161 1. A judgment or order of a court, or a judgment or order entered pursuant to an expedited process, determining the existence or nonexistence of the relationship of parent and child is determinative for all purposes.

2. If such a judgment or order of this State is at variance with the child's birth certificate, the judgment or order must direct that a new birth certificate be issued as provided in NRS 440.270 to 440.340, inclusive.

3. If the child is a minor, such a judgment or order of this State must provide for the child's support as required by chapter 125B of NRS and must include an order directing the withholding or assignment of income for the payment of the support unless:

(a) One of the parties demonstrates and good cause is found by the court, or pursuant to the expedited process, for the postponement of the withholding or assignment; or

(b) All parties otherwise agree in writing.

4. Such a judgment or order of this State may:

(a) Contain any other provision directed against the appropriate party to the proceeding, concerning the duty of support, the custody and guardianship of the child, visitation with the child, the furnishing of bond or other security for the payment of the judgment, or any other matter in the best interest of the child.

(b) Direct ~~[the father]~~ ***a parent*** to pay the reasonable expenses of the ~~[mother's]~~ pregnancy and confinement ~~[.]~~ ***of the person who gave birth to the child.*** The court may limit the ~~[father's]~~ liability ***of a parent*** for past support of the child to the proportion of the expenses already incurred which the court deems just.

5. A court that enters such a judgment or order shall ensure that the social security numbers of the ~~[mother and father]~~ ***parents*** are:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

6. A judgment or order issued pursuant to this chapter within a proceeding held pursuant to chapter 432B of NRS:

(a) Is not subject to the provisions relating to the confidentiality of judgments or orders set forth in chapter 432B of NRS; and

(b) Is a final order.

7. As used in this section, "expedited process" means ~~[a voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283,]~~ a voluntary acknowledgment of parentage developed by the State Board of Health pursuant to NRS 440.285, judicial procedure or an administrative procedure established by this or another state, as that term is defined in NRS 130.10179, to facilitate the collection of an obligation for the support of a child.

Sec. 96. NRS 126.201 is hereby amended to read as follows:

126.201 1. ~~[At the pretrial hearing and in further proceedings,]~~ ***In any proceeding held pursuant to this chapter,*** any party may be represented by counsel. If a party is financially unable to obtain counsel, the court may appoint counsel to represent that party with respect to the determination of the existence or nonexistence of the parent and child relationship and the duty of support, including **,** without limitation **,** the expenses of the ~~[mother's]~~ pregnancy and confinement ~~[,]~~ ***of the person who gave birth to the child,*** medical expenses for the birth of the child and support of the child from birth until trial.

2. If a party is financially unable to pay the cost of a transcript, the court shall furnish on request a transcript for purposes of appeal.

Sec. 97. NRS 126.291 is hereby amended to read as follows:

126.291 1. Proceedings to compel support by a nonsupporting parent may be brought in accordance with this chapter. They are not exclusive of other proceedings. The court may assess the usual filing fees, charges or court costs against the nonsupporting parent and shall enforce their collection with the other provisions of the judgment.

2. Except as otherwise provided in this subsection, when the district attorney is requested to bring an action to compel support or an action to determine ~~[~~paternity,~~]~~ ***parentage,*** the district attorney may charge the requester a fee of not more than $20 for an application. This fee may not be assessed against:

(a) The State of Nevada when acting as a party to an action brought pursuant to this chapter.

(b) Any person or agency requesting services pursuant to chapter 130 of NRS.

3. If the court finds that a parent and child relationship exists, it may assess against the nonsupporting parent, in addition to any support obligation ordered a reasonable collection fee. If the court finds that the nonsupporting parent would experience a financial hardship if required to pay the fee immediately, it may order that the fee be paid in installments, each of which is not more than 25 percent of the support obligation for each month.

4. All fees collected pursuant to this section must be deposited in the general fund of the county and an equivalent amount must be allocated to augment the county's program for the enforcement of support obligations.

5. As used in this section, "nonsupporting parent" means the parent of a child who has failed to provide an equitable share of his or her child's necessary maintenance, education and support.

Sec. 98. NRS 126.500 is hereby amended to read as follows:

126.500 As used in NRS 126.500 to 126.810, inclusive, ***and sections 92 and 93 of this act,*** unless the context otherwise requires, the words and terms defined in NRS ~~[~~126.510~~]~~ ***126.520*** to ~~[~~126.630,~~]~~ ***126.580,*** inclusive, have the meanings ascribed to them in those sections.

Sec. 99. NRS 126.660 is hereby amended to read as follows:

126.660 ***1.*** A donor is not a parent of a child conceived by means of assisted reproduction.

2. The consent of the spouse or domestic partner of a person who wishes to be a donor is not required for the person to be a donor.

Sec. 100. NRS 126.670 is hereby amended to read as follows:

126.670 A person who provides gametes for, or consents to, assisted reproduction by ~~[~~a woman,~~]~~ ***the person giving birth to the child*** as provided in NRS 126.680, with the intent to be a parent of ~~[~~her~~]~~ ***the*** child **,** is a parent of the resulting child.

Sec. 101. NRS 126.680 is hereby amended to read as follows:

126.680 1. ~~[~~Consent~~]~~ ***Except as otherwise provided in subsection 2, consent*** by a person who intends to be a parent of a child born by assisted

reproduction must be in a ~~[declaration for the voluntary acknowledgment of parentage, signed pursuant to NRS 126.053.]~~ ***record signed by the person giving birth to the child and the person who intends to be a parent of the child.***

2. Failure ~~[of a person to sign a declaration for the voluntary acknowledgment of parentage]~~ ***to consent in a record as*** required by subsection 1, before or after the birth of the child, does not preclude a finding of parentage if ~~[the woman and]~~ the person ~~[, during]~~ ***who intends to be a parent of the child or the person giving birth to the child:***

(a) Proves by clear and convincing evidence the existence of an express agreement entered into by the person who intends to be a parent of the child and the person giving birth to the child, before the conception of the child, that the person who intends to be a parent of the child and the person giving birth to the child intended that they both would be parents of the child; or

(b) During the first 2 years of the child's life, ***including any period of temporary absence,*** resided together in the same household with the child and openly held out the child as their own.

Sec. 102. NRS 126.690 is hereby amended to read as follows:

126.690 1. Except as otherwise provided in subsection 2, the legal spouse or domestic partner of a ~~[woman]~~ ***person*** who gives birth to a child by means of assisted reproduction may not challenge the parentage of the child unless:

(a) Within 2 years after learning of the birth of the child, a proceeding is commenced to adjudicate parentage; and

(b) The court finds that, before or after the birth of the child, the legal spouse or domestic partner did not consent to the assisted reproduction.

2. A proceeding to adjudicate parentage may be maintained at any time if the court determines that:

(a) The legal spouse or domestic partner did not provide gametes for, or consent to, the assisted reproduction by the person who gave birth ~~[,]~~ ***to the child;***

(b) The legal spouse or domestic partner and the ~~[woman]~~ ***person*** who gave birth to the child have not cohabited since the probable time of the assisted reproduction; and

(c) The legal spouse or domestic partner never openly held out the child as his or her own.

Sec. 103. NRS 126.700 is hereby amended to read as follows:

126.700 1. If a marriage or domestic partnership is dissolved or terminated before the transfer of ~~[eggs, sperm or]~~ embryos, the former spouse or former domestic partner is not a parent of the resulting child unless the former spouse or former domestic partner consented in a record that if assisted reproduction were to occur after a dissolution or termination, the former spouse or former domestic partner would be a parent of the child.

2. The consent of a person to assisted reproduction may be withdrawn by that person in a record at any time before ~~[~~placement~~]~~ ***transfer*** of the ~~[~~eggs, sperm or~~]~~ embryos.

Sec. 104. NRS 126.710 is hereby amended to read as follows:

126.710 1. A prospective gestational carrier, ~~[~~her~~]~~ ***the*** legal spouse or domestic partner **,** if ~~[~~she is married or in a domestic partnership,~~]~~ ***any, of the prospective gestational carrier,*** a donor or the donors and the intended parent or parents may enter into a written agreement providing that:

(a) The prospective gestational carrier agrees to pregnancy by means of assisted reproduction;

(b) The prospective gestational carrier, ~~[~~her~~]~~ ***the*** legal spouse or domestic partner **,** if ~~[~~she is married or in a domestic partnership,~~]~~ ***any, of the prospective gestational carrier,*** and the donor or donors relinquish all rights and duties as the parents of a child conceived through assisted reproduction; and

(c) The intended parent or parents become the parent or parents of any resulting child.

2. If two persons are the intended parents, both of the intended parents must be parties to the gestational agreement.

3. A gestational agreement is enforceable only if it satisfies the requirements of NRS 126.750.

4. A gestational agreement may provide for payment of consideration pursuant to NRS 126.800 and 126.810.

Sec. 105. NRS 126.720 is hereby amended to read as follows:

126.720 ***Except as otherwise provided in section 92 of this act:***

1. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750:

(a) The intended parent or parents shall be considered the parent or parents of the resulting child immediately upon the birth of the child;

(b) The resulting child shall be considered the child of the intended parent or parents immediately upon the birth of the child;

(c) Parental rights vest in the intended parent or parents immediately upon the birth of the resulting child;

(d) Sole legal and physical custody of the resulting child vest with the intended parent or parents immediately upon the birth of the child; and

(e) Neither the gestational carrier nor ~~[~~her~~]~~ ***the*** legal spouse or domestic partner, if any, ***of the gestational carrier*** shall be considered the parent of the resulting child.

2. If a gestational carrier arrangement satisfies the requirements of NRS 126.740 and 126.750 and if, because of a laboratory error, the resulting child is not genetically related to the intended parent or either of the intended parents or any donor who donated to the intended parent or parents, the intended parent or parents shall be considered the parent or parents of the child, unless a determination to the contrary is made by a court of competent jurisdiction in an action which may only be brought by one or more genetic parents of the resulting child within 60 days after the birth of the child.

3. The parties to a gestational carrier arrangement shall assume the rights and obligations of subsections 1 and 2 if:

(a) The gestational carrier satisfies the eligibility requirements set forth in subsection 1 of NRS 126.740;

(b) The intended parent or parents satisfy the requirement set forth in subsection 2 of NRS 126.740; and

(c) The gestational carrier arrangement occurs pursuant to a gestational agreement which meets the requirements set forth in NRS 126.750.

4. Before or after the birth of the resulting child, the intended parent or parents or the prospective gestational carrier or gestational carrier may commence a proceeding in any district court in this State to obtain an order designating the content of the birth certificate issued as provided in NRS 440.270 to 440.340, inclusive. If:

(a) A copy of the gestational agreement is attached to the petition;

(b) The requirements of NRS 126.740 and 126.750 are satisfied; and

(c) Any of the following applies:

(1) The resulting child is anticipated to be born in this State;

(2) The resulting child was born in this State;

(3) The intended parent or parents reside in this State;

(4) The intended parent or parents resided in this State when the gestational agreement was executed;

(5) The gestational carrier resides in this State;

(6) The gestational agreement was executed in this State; or

(7) The medical procedures for assisted reproduction that were performed pursuant to the gestational agreement and resulted in pregnancy were performed in this State,

➥ the court may issue an order validating the gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child.

Sec. 106. NRS 126.740 is hereby amended to read as follows:

126.740 1. A prospective gestational carrier is eligible to be a gestational carrier pursuant to NRS 126.710 to 126.810, inclusive, ***and sections 92 and 93 of this act*** if, at the time the gestational agreement is executed, ~~[she:]~~ ***the prospective gestational carrier:***

(a) Has completed a medical evaluation relating to the anticipated pregnancy;

(b) Has undergone legal consultation with independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement; and

(c) Did not contribute any gametes that will ultimately result in an embryo that ~~[she]~~ ***the gestational carrier*** will attempt to carry to term.

2. The intended parent or parents shall be deemed to have satisfied the requirements of NRS 126.710 to 126.810, inclusive, ***and sections 92 and 93 of this act*** if, before the gestational carrier agreement is executed, ~~[he, she or they]~~ ***the intended parent or parents*** have undergone legal consultation with

independent legal counsel regarding the terms of the gestational agreement and the potential legal consequences of the gestational carrier arrangement.

Sec. 107. NRS 126.750 is hereby amended to read as follows:

126.750 1. A gestational agreement is enforceable only if it satisfies the requirements of this section.

2. The gestational carrier and the intended parent or parents must be represented by separate, independent counsel in all matters concerning the gestational carrier arrangement and gestational agreement.

3. A gestational agreement must:

(a) Be in writing;

(b) Be executed before the commencement of any medical procedures in furtherance of the gestational carrier arrangement, other than the medical evaluation required by subsection 1 of NRS 126.740 to determine the eligibility of the gestational carrier, by:

(1) A gestational carrier satisfying the eligibility requirements set forth in subsection 1 of NRS 126.740 and the legal spouse or domestic partner ***, if any,*** of the gestational carrier ***;*** ~~[, if any;]~~ and

(2) An intended parent or parents satisfying the requirement set forth in subsection 2 of NRS 126.740;

(c) Be notarized and signed by all the parties with attached declarations of the independent attorney of each party; and

(d) Include the separate, written and signed acknowledgment of the gestational carrier and the intended parent or parents stating that he or she has received information about the legal, financial and contractual rights, expectations, penalties and obligations of the gestational agreement.

4. A gestational agreement must provide for:

(a) The express written agreement of the gestational carrier to:

(1) Undergo embryo or gamete transfer and ***, subject to the provisions of subsection 6,*** attempt to carry and give birth to any resulting child; and

(2) ~~[Surrender legal and physical custody of any resulting child to the]~~ ***Acknowledge that each*** intended parent ~~[or parents immediately upon the birth]~~ ***is the legal and physical custodian*** of ~~[the]~~ ***any resulting*** child;

(b) The express written agreement of the legal spouse or domestic partner, if any, of the gestational carrier to:

(1) Undertake the obligations imposed upon the gestational carrier pursuant to the terms of the gestational agreement; and

(2) ~~[Surrender legal and physical custody of any resulting child to the]~~ ***Acknowledge that each*** intended parent ~~[or parents immediately upon the birth]~~ ***is the legal and physical custodian*** of ~~[the]~~ ***any resulting*** child;

(c) The express written agreement of each party to the use by the gestational carrier of the services of a physician ~~[of her choosing,]~~ ***chosen by the gestational carrier,*** after consultation with the intended parent or parents, to provide care to the gestational carrier during the pregnancy; and

(d) The express written agreement of the intended parent or parents to:

(1) Accept legal and physical custody of any resulting child not biologically related to the gestational carrier or ~~[her]~~ ***the*** spouse or domestic partner, if any, ***of the gestational carrier*** immediately upon the birth of the child or children regardless of the number, gender or mental or physical condition of the child or children; and

(2) Assume sole responsibility for the support of any resulting child not biologically related to the gestational carrier or ~~[her]~~ ***the*** spouse or domestic partner, if any, ***of the gestational carrier*** immediately upon the birth of the child.

5. A gestational agreement is enforceable even if it contains one or more of the following provisions:

(a) The gestational carrier's agreement to undergo all medical examinations, treatments and fetal monitoring procedures recommended for the success of the pregnancy by the physician providing care to the gestational carrier during the pregnancy.

(b) The gestational carrier's agreement to abstain from any activities that the intended parent or parents or the physician providing care to the gestational carrier during the pregnancy reasonably believes to be harmful to the pregnancy and the future health of any resulting child, including, without limitation, smoking, drinking alcohol, using nonprescribed drugs, using prescription drugs not authorized by a physician aware of the pregnancy, exposure to radiation or any other activity proscribed by a health care provider.

(c) The agreement of the intended parent or parents to pay the gestational carrier reasonable compensation.

(d) The agreement of the intended parent or parents to pay for or reimburse the gestational carrier for reasonable expenses, including, without limitation, medical, legal or other professional expenses, related to the gestational carrier arrangement and the gestational agreement.

6. A gestational carrier has the right to make all health and welfare decisions regarding the gestational carrier and the pregnancy of the gestational carrier, including, without limitation, whether to consent to a cesarean section or the transfer of multiple embryos, whether to use the services of a health care practitioner chosen by the gestational carrier, whether to terminate or continue the pregnancy and whether to reduce or retain the number of fetuses or embryos carried by the gestational carrier. Any provision in a gestational agreement that contradicts such a right is void and unenforceable.

Sec. 108. NRS 126.770 is hereby amended to read as follows:

126.770 ***1. Unless a gestational agreement expressly provides otherwise:***

(a) The marriage or domestic partnership of a gestational carrier after ~~[she executes a]~~ ***the*** gestational agreement ***is signed by all parties*** does not affect the validity of the ~~[gestational]~~ agreement ~~[and:~~

~~1. The]~~ ***, the*** consent of the ~~[legal]~~ spouse or domestic partner of the gestational carrier to the ~~[gestational]~~ agreement is not required ~~[.~~

~~2. The legal~~] ***, and the*** spouse or domestic partner of the gestational carrier ~~[must]~~ ***is*** not ~~[be]~~ ***a*** presumed ~~[to be the]~~ parent of ~~[any resulting]~~ ***a*** child ~~[.]~~ ***conceived by assisted reproduction under the agreement; and***

(b) The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of the gestational carrier after the agreement is signed by all parties does not affect the validity of the agreement.

2. Unless a gestational agreement expressly provides otherwise:

(a) The marriage or domestic partnership of an intended parent after the agreement is signed by all parties does not affect the validity of a gestational agreement, the consent of the spouse or domestic partner of the intended parent is not required, and the spouse or domestic partner of the intended parent is not, based on the agreement, a parent of a child conceived by assisted reproduction under the agreement; and

(b) The divorce, dissolution, annulment, declaration of invalidity, legal separation or separate maintenance of an intended parent after the agreement is signed by all parties does not affect the validity of the agreement and the intended parents are the parents of a child conceived by assisted reproduction under the agreement.

Sec. 109. NRS 126.780 is hereby amended to read as follows:

126.780 1. A gestational carrier, ~~[her]~~ ***the*** legal spouse or domestic partner, if any, ***of the gestational carrier*** or the intended parent or parents are in noncompliance when ~~[he, she or they breach]~~ ***any such person breaches*** any provision of the gestational agreement or ~~[fail]~~ ***fails*** to meet any of the requirements of NRS 126.710 to 126.810, inclusive ~~[.]~~ ***, and sections 92 and 93 of this act.***

2. In the event of noncompliance, a court of competent jurisdiction shall determine the respective rights and obligations of the parties to the gestational agreement ~~[based solely]~~ ***:***

(a) If the agreement substantially complies with NRS 126.710 to 126.810, inclusive, and sections 92 and 93 of this act, based on the evidence of the ~~[original]~~ intent of the parties ~~[.]~~ ***at the time of execution of the agreement and other relevant evidence.***

(b) If the agreement does not substantially comply with NRS 126.710 to 126.810, inclusive, and sections 92 and 93 of this act, pursuant to other applicable law of this State.

3. ~~[There must be no specific]~~ ***Specific*** performance ***is not an available*** remedy ~~[available for breach of the]~~ ***except to enforce any provision in a*** gestational agreement ~~[by the gestational carrier that would require the gestational carrier to be impregnated.]~~ ***that is necessary to enable the intended parents to exercise the full rights of parentage immediately upon the birth of the child, if the intended parents are being prevented from exercising such rights.***

Sec. 110. NRS 128.150 is hereby amended to read as follows:

128.150 1. If a ~~[mother]~~ ***person who gave birth to a child*** relinquishes or proposes to relinquish ***the child*** for adoption ~~[a]~~ ***and the*** child ~~[who]~~ has:

(a) A presumed ~~[father]~~ ***parent*** pursuant to ~~[NRS 126.051;]~~ ***section 37 of this act;***

(b) A ~~[father]~~ ***parent*** whose relationship to the child has been determined by a court; or

(c) A ~~[father]~~ ***parent*** as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction,

➥ and the ~~[father]~~ ***parent*** has not consented to the adoption of the child or relinquished the child for adoption, a proceeding must be brought pursuant to this chapter and a determination made of whether a parent and child relationship exists and, if so, if it should be terminated.

2. If a ~~[mother]~~ ***person who gave birth to a child*** relinquishes or proposes to relinquish ***the child*** for adoption ~~[a]~~ ***and the*** child ~~[who]~~ does not have:

(a) A presumed ~~[father]~~ ***parent*** pursuant to ~~[NRS 126.051;]~~ ***section 37 of this act;***

(b) A ~~[father]~~ ***parent*** whose relationship to the child has been determined by a court;

(c) A ~~[father]~~ ***parent*** as to whom the child is a legitimate child under chapter 126 of NRS, under prior law of this State or under the law of another jurisdiction; or

(d) A ~~[father]~~ ***parent*** who can be identified in any other way,

➥ or if a child otherwise becomes the subject of an adoption proceeding, the agency or person to whom the child has been or is to be relinquished, or the ~~[mother]~~ ***person who gave birth to the child*** or the person having custody of the child, shall file a petition in the district court to terminate the parental rights of the ~~[father,]~~ ***other parent,*** unless the ~~[father's]~~ ***other parent's*** relationship to the child has been previously terminated or determined not to exist by a court.

3. In an effort to identify and protect the interests of the ~~[natural father,]~~ ***other parent,*** the court which is conducting a proceeding pursuant to this chapter shall cause inquiry to be made of the ~~[mother]~~ ***person who gave birth to the child*** and any other appropriate person. The inquiry must include the following:

(a) Whether the ~~[mother]~~ ***person who gave birth to the child*** was married ***or in a domestic partnership*** at the time of conception of the child or at any time thereafter.

(b) Whether the ~~[mother]~~ ***person who gave birth to the child*** was cohabiting with ~~[a man]~~ ***another person*** at the time of conception or birth of the child.

(c) Whether the ~~[mother]~~ ***person who gave birth to the child*** has received support payments or promises of support with respect to the child or in connection with ~~[her]~~ ***the*** pregnancy ~~[.]~~ ***of the person.***

(d) Whether any ~~[man]~~ ***person*** has formally or informally acknowledged or declared ~~[his]~~ ***their*** possible ~~[paternity]~~ ***parentage*** of the child.

4. If, after the inquiry, the ~~[natural father]~~ ***other parent*** is identified to the satisfaction of the court, or if more than one ~~[man]~~ ***person*** is identified as a possible ~~[father,]~~ ***parent,*** each must be given notice of the proceeding in accordance with subsection 6 or with this chapter, as applicable. If any of them fails to appear or, if appearing, fails to claim custodial rights, such failure constitutes abandonment of the child. If the ~~[natural father]~~ ***other parent*** or a ~~[man]~~ ***person*** representing ~~[himself]~~ ***themselves*** to be the ~~[natural father,]~~ ***other parent,*** claims custodial rights, the court shall proceed to determine custodial rights.

5. If, after the inquiry, the court is unable to identify the ~~[natural father]~~ ***other parent*** or any possible ~~[natural father]~~ ***other parent*** and no person has appeared claiming to be the ~~[natural father]~~ ***other parent*** and claiming custodial rights, the court shall enter an order terminating the unknown ~~[natural father's]~~ ***person's*** parental rights with reference to the child. Subject to the disposition of any appeal, upon the expiration of 6 months after an order terminating parental rights is issued under this subsection, or this chapter, the order cannot be questioned by any person in any manner or upon any ground, including fraud, misrepresentation, failure to give any required notice or lack of jurisdiction of the parties or of the subject matter.

6. Notice of the proceeding must be given to every person identified as ~~[the natural father]~~ ***a parent*** or a possible ~~[natural father]~~ ***parent*** in the manner provided by law and the Nevada Rules of Civil Procedure for the service of process in a civil action, or in any manner the court directs. Proof of giving the notice must be filed with the court before the petition is heard.

Sec. 111. NRS 130.316 is hereby amended to read as follows:

130.316 1. The physical presence of a nonresident party who is a natural person in a tribunal of this State is not required for the establishment, enforcement or modification of a support order or the rendition of a judgment determining parentage of a child.

2. An affidavit, a document substantially complying with federally mandated forms or a document incorporated by reference in any of them, which would not be excluded under the hearsay rule in NRS 51.065 if given in person, is admissible in evidence if given under penalty of perjury by a party or witness residing outside this State.

3. A copy of the record of child-support payments certified as a true copy of the original by the custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted therein and is admissible to show whether payments were made.

4. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the ~~[mother]~~ ***person who gave birth to the child*** and ***the*** child, furnished to the adverse party at least 20 days before trial are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary and customary.

5. Documentary evidence transmitted from outside this State to a tribunal of this State by telephone, telecopier or other electronic means that do not provide an original record may not be excluded from evidence on an objection based on the means of transmission.

6. In a proceeding under this chapter, a tribunal of this State shall permit a party or witness residing outside this State to be deposed or to testify under penalty of perjury by telephone, audiovisual means or other electronic means at a designated tribunal or other location. A tribunal of this State shall cooperate with other tribunals in designating an appropriate location for the deposition or testimony.

7. In a civil proceeding under this chapter, if a party called to testify refuses to answer a question on the ground that the testimony may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

8. A privilege against the disclosure of communications between a married couple ***or between domestic partners*** does not apply in a proceeding under this chapter.

9. The defense of immunity based on the relationship of a married couple ***, domestic partners*** or parent and child does not apply in a proceeding under this chapter.

10. A ~~[voluntary acknowledgment of paternity developed by the State Board of Health pursuant to NRS 440.283 or a]~~ voluntary acknowledgment of parentage developed by the State Board of Health pursuant to NRS 440.285, certified as a true copy, is admissible to establish parentage of the child.

Sec. 112. NRS 130.401 is hereby amended to read as follows:

130.401 1. If a support order entitled to recognition under this chapter has not been issued, a responding tribunal of this State with personal jurisdiction over the parties may issue a support order if:

(a) The natural person seeking the order resides outside this State; or

(b) The support-enforcement agency seeking the order is located outside this State.

2. The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the natural person ordered to pay is:

(a) A presumed ~~[father]~~ ***parent*** of the child under ~~[subsection 1 of NRS 126.051;]~~ ***section 37 of this act;***

(b) Petitioning to have ~~[his paternity]~~ ***their parentage*** adjudicated;

(c) Identified as the ~~[father]~~ ***parent*** of the child through genetic testing;

(d) An alleged ~~[father]~~ ***genetic parent*** who has declined to submit to genetic testing;

(e) Shown by clear and convincing evidence to be the ~~[father]~~ ***parent*** of the child;

(f) An ~~[acknowledged father or]~~ acknowledged parent as provided by ~~[NRS 126.053;]~~ ***sections 38 to 51, inclusive, of this act;***

(g) The ~~[mother of]~~ ***person who gave birth to*** the child; or

(h) A natural person who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.

3. Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to NRS 130.305.

Sec. 113. NRS 3.405 is hereby amended to read as follows:

3.405 1. In an action to establish ~~[paternity,]~~ ***parentage,*** the court may appoint a master to take testimony and recommend orders.

2. The court may appoint a master to hear all cases in a county to establish or enforce an obligation for the support of a child, or to modify or adjust an order for the support of a child pursuant to NRS 125B.145.

3. The master must be an attorney licensed to practice in this State. The master:

(a) Shall take testimony and establish a record;

(b) In complex cases shall issue temporary orders for support pending resolution of the case;

(c) Shall make findings of fact, conclusions of law and recommendations for the establishment and enforcement of an order;

(d) May accept voluntary acknowledgments of ~~[paternity]~~ ***parentage*** or liability for support and stipulated agreements setting the amount of support;

(e) May, subject to confirmation by the district court, enter default orders against a responsible parent who does not respond to a notice or service within the required time; and

(f) Has any other power or duty contained in the order of reference issued by the court.

➥ If a temporary order for support is issued pursuant to paragraph (b), the master shall order that the support be paid to the Division of Welfare and Supportive Services of the Department of Health and Human Services, its designated representative or the district attorney, if the Division of Welfare and Supportive Services or district attorney is involved in the case, or otherwise to an appropriate party to the action, pending resolution of the case.

4. The findings of fact, conclusions of law and recommendations of the master must be furnished to each party or the party's attorney at the conclusion of the proceeding or as soon thereafter as possible. Within 10 days after receipt of the findings of fact, conclusions of law and recommendations, either party may file with the court and serve upon the other party written objections to the report. If no objection is filed, the court shall accept the findings of fact, unless clearly erroneous, and the judgment may be entered thereon. If an objection is filed within the 10-day period, the court shall review the matter upon notice and motion.

Sec. 114. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody

or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. Except as otherwise provided in this subsection, a parent who has joint legal and physical custody of a child pursuant to NRS 125C.0015 shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to frustrate the efforts of the other parent to establish or maintain a meaningful relationship with the child. A person who violates this subsection shall be punished as provided in subsection 1 unless the person demonstrates to the satisfaction of the court that he or she violated this subsection to protect the child or himself or herself from an act that constitutes domestic violence pursuant to NRS 33.018.

3. If ~~[the mother]~~ ***a parent*** of a child has primary physical custody ***of the child*** pursuant to ~~[subsection 2 of]~~ NRS 125C.003, ~~[the father]~~ ***another parent*** of the child shall not willfully conceal or remove the child from the physical custody of the ~~[mother. If the father of a child has]~~ ***parent who has*** primary physical custody **.** ~~[pursuant to subsection 2 of NRS 125C.003, the mother of the child shall not willfully conceal or remove the child from the physical custody of the father.]~~ A person who violates this subsection shall be punished as provided in subsection 1.

4. A parent who has joint physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.0065 without the written consent of the non-relocating parent or before the court enters an order granting the parent primary physical custody of the child and permission to relocate with the child, as applicable. A person who violates this subsection shall be punished as provided in subsection 1.

5. A parent who has primary physical custody of a child pursuant to an order, judgment or decree of a court shall not relocate with the child pursuant to NRS 125C.006 without the written consent of the non-relocating parent or the permission of the court. A person who violates this subsection shall be punished as provided in subsection 1.

6. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in NRS 125A.085; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125, 125A or 125C of NRS will not be

effective to enforce the rights of the parties and would not be in the best interests of the child.

7. Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

8. The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if the judge finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

9. A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

10. In addition to the exemption set forth in subsection 11, subsections 4 and 5 do not apply to a person who demonstrates a compelling excuse, to the satisfaction of the court, for relocating with a child in violation of NRS 125C.006 or 125C.0065.

11. This section does not apply to a person who detains, conceals, removes or relocates with a child to protect the child from the imminent danger of abuse or neglect or to protect himself or herself from imminent physical harm, and reported the detention, concealment, removal or relocation to a law enforcement agency or an agency which provides child welfare services within 24 hours after detaining, concealing, removing or relocating with the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 4 of NRS 200.508.

(b) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

Sec. 115. 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, 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. 116. NRS 422A.585 is hereby amended to read as follows:

422A.585 1. The Division shall, within the limitations of available funding, establish a program which promotes the self-sufficiency of a ~~[natural father]~~ ***parent*** whose ~~[paternity]~~ ***parentage*** is presumed pursuant to ~~[NRS 126.051]~~ ***section 37 of this act*** or a noncustodial parent of a child for whom benefits are being received by a household.

2. If a ~~[natural father]~~ ***parent*** whose ~~[paternity]~~ ***parentage*** is presumed pursuant to ~~[NRS 126.051]~~ ***section 37 of this act*** or a noncustodial parent of a child for whom benefits are being received by a household chooses to participate in the program established pursuant to subsection 1, the Division may, within the limitations of available funding, increase the amount of benefits provided to the head of the household on behalf of the child.

Sec. 117. NRS 432B.560 is hereby amended to read as follows:

432B.560 1. The court may also order:

(a) The child, a parent or the guardian to undergo such medical, psychiatric, psychological, or other care or treatment as the court considers to be in the best interests of the child.

(b) A parent or guardian to refrain from:

(1) Any harmful or offensive conduct toward the child, the other parent, the custodian of the child or the person given physical custody of the child; and

(2) Visiting the child if the court determines that the visitation is not in the best interest of the child.

(c) A reasonable right of visitation for a grandparent of the child if the child is not permitted to remain in the custody of the parents of the child.

(d) Tests for the typing of blood or taking of specimens for genetic identification ~~[of the child, the natural mother of the child or the alleged father of the child]~~ pursuant to ~~[NRS 126.121.]~~ ***sections 52 to 68, inclusive, of this act.***

2. The court shall order a parent or guardian to pay to the custodian an amount sufficient to support the child while the child is in the care of the

custodian pursuant to an order of the court, unless the child was delivered to a provider of emergency services pursuant to NRS 432B.630. Payments for the obligation of support must be determined in accordance with the guidelines established by the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.620, but must not exceed the reasonable cost of the child's care, including food, shelter, clothing, medical care and education. An order for support made pursuant to this subsection must:

(a) Require that payments be made to the appropriate agency or office;

(b) Provide that the custodian is entitled to a lien on the obligor's property in the event of nonpayment of support; and

(c) Provide for the immediate withholding of income for the payment of support unless:

(1) All parties enter into an alternative written agreement; or

(2) One party demonstrates and the court finds good cause to postpone the withholding.

3. A court that enters an order pursuant to subsection 2 shall ensure that the social security number of the parent or guardian who is the subject of the order is:

(a) Provided to the Division of Welfare and Supportive Services of the Department of Health and Human Services.

(b) Placed in the records relating to the matter and, except as otherwise required to carry out a specific statute, maintained in a confidential manner.

Sec. 118. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the person ~~[giving]~~ ***who gave*** birth ***to a child*** and ***the*** child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the person ~~[giving]~~ ***who gave*** birth ***to a child*** and ***the*** child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician in attendance at or immediately after the birth.

(b) Any other person in attendance at or immediately after the birth.

(c) ~~[The person giving birth or other]~~ ***A*** parent or, if ~~[the other]~~ ***each*** parent is absent ~~[and the person giving birth is]~~ ***or*** incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the person ~~[giving]~~ ***who gave*** birth ***to a child*** was:

(a) Married ***or in a domestic partnership*** at the time of ***the*** birth, the name of the spouse ***or domestic partner*** of ~~[that]~~ ***the*** person ***who gave birth*** must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth is the other parent of the child; or

(2) The person ~~[giving]~~ ***who gave*** birth and a person other than the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth have signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 ~~[.]~~ ***and the spouse or domestic partner of the person who gave birth has signed a voluntary denial of parentage developed by the Board pursuant to NRS 440.285.***

(b) Widowed at the time of birth but married ***or in a domestic partnership*** at the time of conception, the name of the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth at the time of conception is the other parent of the child; or

(2) The person ~~[giving]~~ ***who gave*** birth and a person other than the spouse ***or domestic partner*** of the person ~~[giving]~~ ***who gave*** birth at the time of conception have signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 ~~[.]~~ ***and the spouse or domestic partner of the person who gave birth has signed a voluntary denial of parentage developed by the Board pursuant to NRS 440.285.***

6. If the person ~~[giving]~~ ***who gave*** birth was unmarried ***and not in a domestic partnership*** at the time of ***the*** birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname

of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 119. NRS 440.285 is hereby amended to read as follows:

440.285 1. The Board shall:

(a) Develop ~~[a declaration]~~ ***declarations*** to be signed under penalty of perjury for the voluntary acknowledgment of parentage ***and the voluntary denial of parentage*** in this State ~~[.]~~ ***pursuant to sections 38 to 51, inclusive, of this act;*** and

(b) Distribute the declarations to each hospital or freestanding birthing center in this State.

2. Before providing a declaration for the acknowledgment of parentage ***or denial of parentage*** to ~~[the person who gave birth to a child or]~~ a person who wishes to acknowledge ***or deny*** the parentage of a child, the agencies described in paragraph (b) of subsection 1 shall ensure that ~~[the person who gave birth and]~~ the person who wishes to acknowledge ***or deny*** parentage ~~[are]~~ ***is*** given notice, orally and in writing, of the rights, responsibilities and legal consequences of, and the alternatives to, signing the declaration for the acknowledgment of parentage ~~[.]~~ ***or declaration for the denial of parentage.***

Sec. 120. NRS 440.287 is hereby amended to read as follows:

440.287 1. If a person who has given birth or a person who has signed ~~[a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or]~~ a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285 with the person who has given birth rescinds the acknowledgment pursuant to ~~[subsection 2 of NRS 126.053,]~~ ***section 45 of this act,*** the State Registrar shall not issue a new certificate of birth to remove the name of the person who originally acknowledged ~~[paternity or]~~ parentage ~~[, as applicable,]~~ unless a court issues an order establishing that the person who acknowledged ~~[paternity or]~~ parentage ~~[, as applicable,]~~ is not the ~~[father or]~~ parent ~~[, as applicable,]~~ of the child.

2. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 121. NRS 440.319 is hereby amended to read as follows:

440.319 1. Whenever the State Registrar receives an order issued by a district court in this State pursuant to subsection 4 of NRS 126.720 validating a gestational agreement and declaring the intended parent or parents to be the parent or parents of the resulting child, the State Registrar shall prepare and file a certificate of birth in the name of the child which shows the intended parent or parents as the parent or parents of the child and seal and file the order and the original certificate of birth, if any. Unless the court order is issued by a district court in this State for an action which was originally commenced in this State, a court order concerning a gestational agreement is not valid for any purpose in this State as it relates to a child born in this State, including, without limitation, the preparation and filing of a certificate of birth by the State Registrar.

2. As used in this section:

(a) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.

(b) "Intended parent" has the meaning ascribed to it in ~~[~~NRS 126.590.~~]~~ ***section 16 of this act.***

Sec. 122. NRS 440.325 is hereby amended to read as follows:

440.325 1. In the case of the ~~[~~paternity or~~]~~ parentage of a child being established by the:

(a) ~~[~~Person who gave birth and other parent acknowledging paternity of a child by signing a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283;

~~(b)]~~ Person who gave birth ***to the child*** and another person acknowledging parentage of the child by signing a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285; or

~~[(c)]~~ ***(b)*** Order of a district court,

➥ the State Registrar, upon the receipt of the declaration or court order, shall prepare a new certificate of birth in the name of the child as shown in the declaration or order with no reference to the fact of legitimation.

2. The new certificate must be identical with the certificate registered for the birth of a child born in wedlock.

3. Except as otherwise provided in subsection 4, the evidence upon which the new certificate was made and the original certificate must be sealed and filed and may be opened only upon the order of a court of competent jurisdiction.

4. The State Registrar shall, upon the request of the Division of Welfare and Supportive Services of the Department of Health and Human Services, open a file that has been sealed pursuant to subsection 3 to allow the Division to compare the information contained in the declaration or order upon which the new certificate was made with the information maintained pursuant to 42 U.S.C. § 654a.

Sec. 123. NRS 449.246 is hereby amended to read as follows:

449.246 1. Before discharging ~~[an unmarried woman who has borne]~~ ***a person who gave birth to*** a child, a hospital or freestanding birthing center shall provide to the child's parents:

(a) The opportunity to sign, in the hospital, a declaration for the voluntary acknowledgment of ~~[paternity]~~ ***parentage*** developed pursuant to NRS ~~[440.283;]~~ ***440.285 and, if applicable, a voluntary denial of parentage developed pursuant to NRS 440.285;***

(b) Written materials about establishing ~~[paternity;]~~ ***parentage;***

(c) The forms necessary to acknowledge ~~[paternity]~~ ***or deny parentage*** voluntarily;

(d) A written description of the rights and responsibilities of acknowledging ~~[paternity;]~~ ***parentage;*** and

(e) The opportunity to speak by telephone with personnel of the program for enforcement of child support who are trained to clarify information and answer questions about the establishment of ~~[paternity.]~~ ***parentage.***

2. The Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services shall adopt the regulations necessary to ensure that the services provided by a hospital or freestanding birthing center pursuant to this section are in compliance with the regulations adopted by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 666(a)(5)(C).

Sec. 124. NRS 629.151 is hereby amended to read as follows:

629.151 It is unlawful to obtain any genetic information of a person without first obtaining the informed consent of the person or the person's legal guardian pursuant to NRS 629.181, unless the information is obtained:

1. By a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

2. ~~[To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~3.]~~ To determine the ~~[paternity]~~ ***parentage*** of a person pursuant to NRS ~~[126.121 or]~~ 425.384 ~~[;~~

~~4.]~~ ***or sections 52 to 68, inclusive, of this act;***

3. For use in a study where the identities of the persons from whom the genetic information is obtained are not disclosed to the person conducting the study;

~~[5.]~~ ***4.*** To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law; or

~~[6.]~~ ***5.*** Pursuant to an order of a court of competent jurisdiction.

Sec. 125. NRS 629.171 is hereby amended to read as follows:

629.171 It is unlawful to disclose or to compel a person to disclose the identity of a person who was the subject of a genetic test or to disclose genetic information of that person in a manner that allows identification of the person,

without first obtaining the informed consent of that person or his or her legal guardian pursuant to NRS 629.181, unless the information is disclosed:

1. To conduct a criminal investigation, an investigation concerning the death of a person or a criminal or juvenile proceeding;

2. ~~[To determine the parentage or identity of a person pursuant to NRS 56.020;~~

~~3.]~~ To determine the ~~[paternity]~~ ***parentage*** of a person pursuant to NRS ~~[126.121 or]~~ 425.384 ~~[;~~

~~4.]~~ ***or sections 52 to 68, inclusive, of this act;***

3. Pursuant to an order of a court of competent jurisdiction;

~~[5.]~~ ***4.*** By a physician and is the genetic information of a deceased person that will assist in the medical diagnosis of persons related to the deceased person by blood;

~~[6.]~~ ***5.*** To a federal, state, county or city law enforcement agency to establish the identity of a person or dead human body;

~~[7.]~~ ***6.*** To determine the presence of certain preventable or inheritable disorders in an infant pursuant to NRS 442.008 or a provision of federal law;

~~[8.]~~ ***7.*** To carry out the provisions of NRS 442.300 to 442.330, inclusive; or

~~[9.]~~ ***8.*** By an agency of criminal justice pursuant to NRS 179A.075.

Sec. 126. NRS 652.210 is hereby amended to read as follows:

652.210 1. Except as otherwise provided in subsection 2 and NRS ~~[126.121 and]~~ 652.186 ~~[,]~~ ***and sections 52 to 68, inclusive, of this act,*** no person other than a licensed physician, a licensed optometrist, a licensed practical nurse, a registered nurse, a perfusionist, a physician assistant licensed pursuant to chapter 630 or 633 of NRS, a certified advanced emergency medical technician, a certified paramedic, a practitioner of respiratory care licensed pursuant to chapter 630 of NRS, a licensed dentist or a registered pharmacist may manipulate a person for the collection of specimens. The persons described in this subsection may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations without obtaining certification as an assistant in a medical laboratory pursuant to NRS 652.127.

2. The technical personnel of a laboratory may collect blood, remove stomach contents, perform certain diagnostic skin tests or field blood tests or collect material for smears and cultures.

Sec. 127. NRS 689A.0424 is hereby amended to read as follows:

689A.0424 1. An insurer that offers or issues a policy of health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[NRS 126.590,]~~ ***section 16 of this act,*** for purposes related to the policy of health insurance.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 128. NRS 689B.03766 is hereby amended to read as follows:

689B.03766 1. An insurer that offers or issues a policy of group health insurance that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the policy of group health insurance.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 129. NRS 689C.1945 is hereby amended to read as follows:

689C.1945 1. A carrier that offers or issues a health benefit plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the health benefit plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 130. NRS 695A.1857 is hereby amended to read as follows:

695A.1857 1. A society that offers or issues a benefit contract that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the benefit contract.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 131. NRS 695B.1948 is hereby amended to read as follows:

695B.1948 1. An insurer that offers or issues a contract for hospital or medical services that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the contract for hospital or medical services.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 132. NRS 695C.1712 is hereby amended to read as follows:

695C.1712 1. A health maintenance organization that offers or issues a health care plan that includes coverage for maternity care shall not deny, limit

or seek reimbursement for maternity care because the enrollee is acting as a gestational carrier.

2. If an enrollee acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the health care plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 133. NRS 695G.1716 is hereby amended to read as follows:

695G.1716 1. A managed care organization that offers or issues a health care plan that includes coverage for maternity care shall not deny, limit or seek reimbursement for maternity care because the insured is acting as a gestational carrier.

2. If an insured acts as a gestational carrier, the child shall be deemed to be a child of the intended parent, as defined in ~~[~~NRS 126.590,~~]~~ ***section 16 of this act,*** for purposes related to the health care plan.

3. As used in this section, "gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 134. The amendatory provisions of this act apply to a pending proceeding to adjudicate parentage commenced before October 1, 2023, for an issue on which a judgment has not been entered.

Sec. 135. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to appropriately replace references to the term "paternity" with the term "parentage," references to the term "father" with the term "parent" and references to the term "mother" with the term "parent," "person who gave birth," "person who will give birth," "person giving birth" or another similar term, as appropriate given the context, in the manner provided in this act; and

2. In preparing supplements to the Nevada Administrative Code, appropriately replace references to the term "paternity" with the term "parentage," references to the term "father" with the term "parent" and references to the term "mother" with the term "parent," "person who gave birth," "person who will give birth," "person giving birth" or another similar term, as appropriate given the context, in the manner provided in this act.

Sec. 136. NRS 56.020, 126.021, 126.041, 126.051, 126.053, 126.071, 126.081, 126.091, 126.101, 126.105, 126.111, 126.121, 126.131, 126.141, 126.143, 126.171, 126.223, 126.231, 126.510, 126.540, 126.550, 126.560, 126.590, 126.600, 126.610, 126.620, 126.630 and 440.283 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

56.020 Determination of parentage or identity.
126.021 Definitions.
126.041 Establishment of relationship.
126.051 Presumptions of paternity.

126.053 Voluntary acknowledgment of paternity or parentage.
126.071 Who may bring action; when action may be brought.
126.081 Period of limitations.
126.091 Jurisdiction; joinder; venue.
126.101 Parties.
126.105 Service of process.
126.111 Pretrial hearing; testimony.
126.121 Tests for typing of blood or genetic identification; admissibility in court; effect of refusal to submit to test.
126.131 Evidence relating to paternity; evidence of costs of certain medical services.
126.141 Pretrial recommendations.
126.143 Order for temporary support of child.
126.171 Costs.
126.223 Entry of default upon failure to plead or defend in action.
126.231 Who may bring action; provisions of chapter applicable to action.
126.510 "Assisted reproduction" defined.
126.540 "Donor" defined.
126.550 "Embryo" defined.
126.560 "Gamete" defined.
126.590 "Intended parent" defined.
126.600 "In vitro fertilization" defined.
126.610 "Parent" defined.
126.620 "Record" defined.
126.630 "Sign" defined.
440.283 Voluntary acknowledgment of paternity: Board to develop and distribute declarations to be signed; certain entities to provide services and notice concerning effect of declaration.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 607 to Assembly Bill No. 371.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 405.

The following Senate amendment was read:

Amendment No. 564.

AN ACT relating to criminal procedure; authorizing a justice court or municipal court to establish a program for the treatment of mental illness or intellectual disabilities; **revising various provisions relating to a program for the treatment of mental illness or intellectual disabilities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a district court to establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may

assign an eligible defendant. Under existing law, a justice court or municipal court is authorized, upon approval of a district court, to transfer original jurisdiction of a case involving such an eligible defendant to the district court. (NRS 4.370, 5.050, 176A.250, 176A.255) **Sections 1-6** of this bill additionally authorize a justice court or municipal court to establish such a program and to transfer original jurisdiction of a case involving an eligible defendant to the district court if the justice court or municipal court **: (1)** has not established such a program ~~[.]~~ **; or (2) determines that the transfer is appropriate and necessary.**

Existing law limits the definition of an "eligible defendant" to mean a person who: (1) has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor; (2) appears to suffer from mental illness or to be intellectually disabled; and (3) would benefit from assignment to a program. (NRS 176A.255) Section 2 of this bill expands the definition of an "eligible defendant" to include any person who, regardless of whether the person has tendered a plea to or been found guilty of an offense that is a misdemeanor: (1) appears to suffer from a mental illness or to be intellectually disabled; and (2) would benefit from assignment to a program.

Existing law provides that upon a violation of a term or condition of such a program, the court may: (1) enter a judgement of conviction and proceed as provided in the section pursuant to which the defendant was charged; and (2) order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison. (NRS 176A.260) **Section 3** authorizes the imposition of certain sanctions against a defendant for such a violation.

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

Section 1. NRS 176A.250 is hereby amended to read as follows:

176A.250 A ***district court, justice court or municipal*** court may establish an appropriate program for the treatment of mental illness or intellectual disabilities to which it may assign a defendant pursuant to NRS 174.032, 176.211, 176A.260 or 176A.400. The assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the defendant is making satisfactory progress towards completion of the program.

Sec. 2. NRS 176A.255 is hereby amended to read as follows:

176A.255 1. A ***[If a justice court or municipal court has not established a program pursuant to NRS 176A.250, the]*** justice court or a municipal court ***, as applicable,*** may, upon approval of the district court, transfer original jurisdiction to the district court of a case involving an eligible defendant ~~[.]~~ ***if the justice court or municipal court, as applicable:***

(a) Has not established a program pursuant to NRS 176A.250; or

(b) Determines that the transfer is appropriate and necessary.

2. As used in this section, "eligible defendant" means a person who:

(a) ~~[Has not tendered a plea of guilty, guilty but mentally ill or nolo contendere to, or been found guilty or guilty but mentally ill of, an offense that is a misdemeanor;~~

~~(b)]~~ Appears to suffer from mental illness or to be intellectually disabled; and

~~[(c)]~~ ***(b)*** Would benefit from assignment to a program established pursuant to NRS 176A.250.

Sec. 3. NRS 176A.260 is hereby amended to read as follows:

176A.260 1. Except as otherwise provided in subparagraph (1) of paragraph (a) of subsection 3 of NRS 176.211, if a defendant who suffers from mental illness or is intellectually disabled tenders a plea of guilty, guilty but mentally ill or nolo contendere to, or is found guilty or guilty but mentally ill of, any offense for which the suspension of sentence or the granting of probation is not prohibited by statute, the ***district court, justice court or municipal*** court ***, as applicable,*** may:

(a) Without entering a judgment of conviction and with the consent of the defendant, suspend or defer further proceedings and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250 if the ***district court, justice court or municipal*** court determines that the defendant is eligible for participation in such a program; or

(b) Enter a judgment of conviction and place the defendant on probation upon terms and conditions that must include attendance and successful completion of a program established pursuant to NRS 176A.250, if the ***district court, justice court or municipal*** court determines that the defendant is eligible for participation in such a program.

2. Except as otherwise provided in subsection 4, a defendant is eligible for participation in a program established pursuant to NRS 176A.250 if the defendant is diagnosed as having a mental illness or an intellectual disability:

(a) After an in-person clinical assessment by:

(1) A counselor who is licensed or certified to make such a diagnosis; or

(2) A duly licensed physician qualified by the Board of Medical Examiners to make such a diagnosis; and

(b) If the defendant appears to suffer from a mental illness, pursuant to a mental health screening that indicates the presence of a mental illness.

3. A counselor or physician who diagnoses a defendant as having a mental illness or intellectual disability shall submit a report and recommendation to the ***district court, justice court or municipal*** court concerning the length and type of treatment required for the defendant within the maximum probation terms applicable to the offense for which the defendant is convicted.

4. If the offense committed by the defendant is a category A felony or a sexual offense as defined in NRS 179D.097 that is punishable as a category B felony, the defendant is not eligible for assignment to the program.

5. Upon violation of a term or condition:

(a) ***The district court, justice court or municipal court, as applicable, may impose sanctions against the defendant for the violation, but allow the defendant to remain in the program. Before imposing a sanction, the court shall notify the defendant of the violation and provide the defendant an opportunity to respond. Any sanction imposed pursuant to this paragraph:***

(1) Must be in accordance with any applicable guidelines for sanctions established by the National Association of Drug Court Professionals or any successor organization; and

(2) May include, without limitation, imprisonment in a county or city jail or detention facility for a term set by the court, which must not exceed 25 days.

(b) The ***district court, justice court or municipal*** court ***, as applicable,*** may enter a judgment of conviction, if applicable, and proceed as provided in the section pursuant to which the defendant was charged.

~~[(b)]~~ ***(c)*** Notwithstanding the provisions of paragraph (e) of subsection 2 of NRS 193.130, the ***district*** court may order the defendant to the custody of the Department of Corrections if the offense is punishable by imprisonment in the state prison.

6. Except as otherwise provided in subsection 8, upon fulfillment of the terms and conditions, the ***district court, justice court or municipal*** court ~~[:]~~ ***, as applicable:***

(a) Shall discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, unless the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program; or

(b) May discharge the defendant and dismiss the proceedings or set aside the judgment of conviction, as applicable, if the defendant:

(1) Has been previously convicted in this State or in any other jurisdiction of a felony; or

(2) Has previously failed to complete a specialty court program.

7. Discharge and dismissal pursuant to this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the defendant, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

8. If the defendant was charged with a violation of NRS 200.485, 484C.110 or 484C.120, upon fulfillment of the terms and conditions, the

district court, justice court or municipal court, as applicable, may conditionally dismiss the charges or set aside the judgment of conviction, as applicable. If a court conditionally dismisses the charges or sets aside the judgment of conviction, the court shall notify the defendant that any conditionally dismissed charge or judgment of conviction that is set aside is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail in a future case, but is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose. Conditional dismissal or having a judgment of conviction set aside restores the defendant, in the contemplation of the law, to the status occupied before the arrest, complaint, indictment or information. The defendant may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, complaint, indictment, information or trial in response to an inquiry made of the defendant for any purpose.

Sec. 4. NRS 176A.265 is hereby amended to read as follows:

176A.265 1. Except as otherwise provided in subsection 2, after a defendant is discharged from probation or a case is dismissed pursuant to NRS 176A.260, the ***district court, justice court or municipal*** court ***, as applicable,*** shall order sealed all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order if the defendant fulfills the terms and conditions imposed by the court and the Division. The ***district court, justice court or municipal*** court ***, as applicable,*** shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

2. If the defendant is charged with a violation of NRS 200.485, 484C.110 or 484C.120 and the charges are conditionally dismissed or the judgment of conviction is set aside as provided in NRS 176A.260, not sooner than 7 years after the charges are conditionally dismissed or the judgment of conviction is set aside and upon the filing of a petition by the defendant, the justice court, municipal court or district court, as applicable, shall order that all documents, papers and exhibits in the defendant's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order be sealed. The justice court, municipal court or district court, as applicable, shall order those records sealed without a hearing unless the Division petitions the court, for good cause shown, not to seal the records and requests a hearing thereon.

3. If the ***district court, justice court or municipal*** court ***, as applicable,*** orders sealed the record of a defendant who is discharged from probation, whose case is dismissed, whose charges were conditionally dismissed or whose judgment of conviction was set aside pursuant to NRS 176A.260, the court shall send a copy of the order to each agency or officer named in the

order. Each such agency or officer shall notify the ***district court, justice court or municipal*** court ***, as applicable,*** in writing of its compliance with the order.

Sec. 5. NRS 4.370 is hereby amended to read as follows:

4.370 1. Except as otherwise provided in subsection 2, justice courts have jurisdiction of the following civil actions and proceedings and no others except as otherwise provided by specific statute:

(a) In actions arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, does not exceed $15,000.

(b) In actions for damages for injury to the person, or for taking, detaining or injuring personal property, or for injury to real property where no issue is raised by the verified answer of the defendant involving the title to or boundaries of the real property, if the damage claimed does not exceed $15,000.

(c) Except as otherwise provided in paragraph (l), in actions for a fine, penalty or forfeiture not exceeding $15,000, given by statute or the ordinance of a county, city or town, where no issue is raised by the answer involving the legality of any tax, impost, assessment, toll or municipal fine.

(d) In actions upon bonds or undertakings conditioned for the payment of money, if the sum claimed does not exceed $15,000, though the penalty may exceed that sum. Bail bonds and other undertakings posted in criminal matters may be forfeited regardless of amount.

(e) In actions to recover the possession of personal property, if the value of the property does not exceed $15,000.

(f) To take and enter judgment on the confession of a defendant, when the amount confessed, exclusive of interest, does not exceed $15,000.

(g) Of actions for the possession of lands and tenements where the relation of landlord and tenant exists, when damages claimed do not exceed $15,000 or when no damages are claimed.

(h) Of actions when the possession of lands and tenements has been unlawfully or fraudulently obtained or withheld, when damages claimed do not exceed $15,000 or when no damages are claimed.

(i) Of suits for the collection of taxes, where the amount of the tax sued for does not exceed $15,000.

(j) Of actions for the enforcement of mechanics' liens, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(k) Of actions for the enforcement of liens of owners of facilities for storage, where the amount of the lien sought to be enforced, exclusive of interest, does not exceed $15,000.

(l) In actions for a civil penalty imposed for a violation of NRS 484D.680.

(m) Except as otherwise provided in this paragraph, in any action for the issuance of a temporary or extended order for protection against domestic violence pursuant to NRS 33.020. A justice court does not have jurisdiction in an action for the issuance of a temporary or extended order for protection against domestic violence:

(1) In a county whose population is 100,000 or more and less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(n) Except as otherwise provided in this paragraph, in any action for the issuance of an emergency or extended order for protection against high-risk behavior pursuant to NRS 33.570 or 33.580. A justice court does not have jurisdiction in an action for the issuance of an emergency or extended order for protection against high-risk behavior:

(1) In a county whose population is 100,000 or more but less than 700,000;

(2) In any township whose population is 100,000 or more located within a county whose population is 700,000 or more;

(3) If a district court issues a written order to the justice court requiring that further proceedings relating to the action for the issuance of the order for protection be conducted before the district court; or

(4) Where the adverse party against whom the order is sought is under 18 years of age.

(o) In an action for the issuance of a temporary or extended order for protection against harassment in the workplace pursuant to NRS 33.200 to 33.360, inclusive, where the adverse party against whom the order is sought is 18 years of age or older.

(p) In small claims actions under the provisions of chapter 73 of NRS.

(q) In actions to contest the validity of liens on mobile homes or manufactured homes.

(r) In any action pursuant to NRS 200.591 for the issuance of a protective order against a person alleged to be committing the crime of stalking, aggravated stalking or harassment where the adverse party against whom the order is sought is 18 years of age or older.

(s) In any action pursuant to NRS 200.378 for the issuance of a protective order against a person alleged to have committed the crime of sexual assault where the adverse party against whom the order is sought is 18 years of age or older.

(t) In actions transferred from the district court pursuant to NRS 3.221.

(u) In any action for the issuance of a temporary or extended order pursuant to NRS 33.400.

(v) In any action seeking an order pursuant to NRS 441A.195.

(w) In any action to determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The jurisdiction conferred by this section does not extend to civil actions, other than for forcible entry or detainer, in which the title of real property or mining claims or questions affecting the boundaries of land are involved.

3. Justice courts have jurisdiction of all misdemeanors and no other criminal offenses except as otherwise provided by specific statute. ~~[Upon approval of the district court, a]~~ ***A*** justice court may ***, upon approval of the district court,*** transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to ~~***[, if the justice court has not established its own]***~~ ***a program established by the district court pursuant to:***

(a) NRS 176A.250, ~~[a]~~ ***if the justice court:***

(1) Has not established its own program ~~[established by the district court]~~ pursuant to ~~[~~NRS 176A.250 or, if the justice court has not established a program pursuant to~~]~~ ***that section*** ~~***[,]***~~ ***; or***

(2) Determines that the transfer is appropriate and necessary.

(b) NRS 176A.280, ~~[to a]~~ ***if the justice court has not established its own*** program ~~[established by the district court]~~ pursuant to that section.

4. Except as otherwise provided in subsections 5, 6 and 7, in criminal cases the jurisdiction of justices of the peace extends to the limits of their respective counties.

5. A justice of the peace may conduct a pretrial release hearing for a person located outside of the township of the justice of the peace.

6. In the case of any arrest made by a member of the Nevada Highway Patrol, the jurisdiction of the justices of the peace extends to the limits of their respective counties and to the limits of all counties which have common boundaries with their respective counties.

7. Each justice court has jurisdiction of any violation of a regulation governing vehicular traffic on an airport within the township in which the court is established.

Sec. 6. NRS 5.050 is hereby amended to read as follows:

5.050 1. Municipal courts have jurisdiction of civil actions or proceedings:

(a) For the violation of any ordinance of their respective cities.

(b) To determine whether a person has committed a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive.

(c) To prevent or abate a nuisance within the limits of their respective cities.

2. Except as otherwise provided in subsection 2 of NRS 173.115, the municipal courts have jurisdiction of all misdemeanors committed in violation of the ordinances of their respective cities. ~~[Upon approval of the district court, a]~~ ***A*** municipal court may ***, upon approval of the district court,*** transfer original jurisdiction of a misdemeanor to the district court for the purpose of assigning an offender to ~~***[, if the municipal court has not established its own]***~~ ***a program established by the district court pursuant to:***

(a) NRS 176A.250, ~~[a]~~ ***if the municipal court:***

(1) Has not established its own program [~~established ***by the district court]***~~ pursuant to [~~NRS 176A.250 or, if the municipal court has not established a program pursuant to~~] ***that section [~~.~~] ; or***

(2) Determines that the transfer is appropriate and necessary.

(b) NRS 176A.280, [~~to a~~] ***if the municipal court has not established its own*** program [~~established ***by the district court]***~~ pursuant to that section.

3. The municipal courts have jurisdiction of:

(a) Any action for the collection of taxes or assessments levied for city purposes, when the principal sum thereof does not exceed $2,500.

(b) Actions to foreclose liens in the name of the city for the nonpayment of those taxes or assessments when the principal sum claimed does not exceed $2,500.

(c) Actions for the breach of any bond given by any officer or person to or for the use or benefit of the city, and of any action for damages to which the city is a party, and upon all forfeited recognizances given to or for the use or benefit of the city, and upon all bonds given on appeals from the municipal court in any of the cases named in this section, when the principal sum claimed does not exceed $2,500.

(d) Actions for the recovery of personal property belonging to the city, when the value thereof does not exceed $2,500.

(e) Actions by the city for the collection of any damages, debts or other obligations when the amount claimed, exclusive of costs or attorney's fees, or both if allowed, does not exceed $2,500.

(f) Actions seeking an order pursuant to NRS 441A.195.

4. Nothing contained in subsection 3 gives the municipal court jurisdiction to determine any such cause when it appears from the pleadings that the validity of any tax, assessment or levy, or title to real property, is necessarily an issue in the cause, in which case the court shall certify the cause to the district court in like manner and with the same effect as provided by law for certification of causes by justice courts.

5. The municipal courts may hold a jury trial for any matter:

(a) Within the jurisdiction of the municipal court; and

(b) Required by the United States Constitution, the Nevada Constitution or statute.

Sec. 7. This act becomes effective on July 1, 2023.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 564 to Assembly Bill No. 405.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 408.

The following Senate amendment was read:

Amendment No. 655.

SUMMARY—Revises provisions relating to [~~reckless driving.~~] **motor vehicles.** (BDR 43-95)

AN ACT relating to motor vehicles; authorizing the removal of a vehicle or part of a vehicle from the highway following the issuance of a citation for reckless driving; **requiring the inclusion of certain information regarding hardship tariffs in the annual report submitted by the operator of a tow car to the Nevada Transportation Authority; revising provisions governing the towing of a motor vehicle requested by a person other than the owner of the vehicle;** prohibiting a tow car operator from charging fees or costs for the storage of ~~[such]~~ a vehicle until the vehicle has been stored for a certain period; requiring the ~~[owner of such a vehicle to pay]~~ **operator of a tow car to consider charging** a hardship tariff instead of the normal rate for the storage and removal of the vehicle under certain circumstances; ~~[revising provisions relating to the applicability of certain traffic laws concerning reckless driving;]~~ **requiring the operator of a tow car to display certain information in his or her place of business;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a law enforcement officer to remove, or cause to be removed, a vehicle or part of a vehicle found on the highway to a place of safekeeping under certain circumstances. (NRS 484B.443) **Section 1** of this bill authorizes a law enforcement officer to take such action if the person driving or in actual physical control of the vehicle is issued a citation for reckless driving. **Section 3** of this bill provides that the provisions of law requiring a tow car operator to allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing do not apply if the towing was requested by a law enforcement officer pursuant to the amendatory provisions of **section 1**.

Existing law makes it unlawful for a person to drive a vehicle in an unauthorized trick driving display or to facilitate an unauthorized trick driving display on a public highway. (NRS 484B.653) **Section 2** of this bill additionally prohibits a person from driving a vehicle in an unauthorized trick driving display or facilitating an unauthorized trick driving display on premises to which the public has access.

~~[Existing law requires that, under certain circumstances, a registered owner of a vehicle that is towed must pay certain fees and charges to the tow car operator for the towing, storage and removal of the vehicle. (NRS 484B.443, 706.4477, 706.4479)]~~ Existing law ~~[: (1) prohibits the tow car operator from charging any fee or cost for the storage of the vehicle until at least 48 hours has passed since the motor vehicle arrived and was registered at the place of storage; and (2) requires that if the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour period must begin when the regular business hours of the place of storage next begin. (NRS 706.4477) Section 2.2 of this bill makes these provisions applicable when a tow car operator tows a vehicle at the request of a law enforcement officer pursuant to section 1.]~~ **provides that if the towing of a motor vehicle is**

requested by a person other than the owner, an agent of the owner, a law enforcement officer or other person employed to enforce the laws, ordinances and codes of a local government, the operator of a tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours after the motor vehicle arrives and is registered at the place of storage. (NRS 706.4477) Section 3.1 of this bill provides that the operator of a tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 24 hours after the motor vehicle arrives and is registered at the place of storage.

Existing law provides that an owner of real property may not have a vehicle towed from a residential complex solely because the registration of the vehicle is expired. (NRS 706.4477) Section 3.1: (1) prohibits an operator from charging any fee or cost for the towing of a vehicle solely because the registration of the vehicle is expired; and (2) provides that the towing of such a vehicle by an operator is a violation subject to certain penalties.

Existing law further requires the owner of a vehicle that has been towed to pay a hardship tariff, instead of the normal rate, for the cost of removal and storage of the vehicle if: (1) the vehicle was towed **from a residential complex** at the request of a person other than the owner of the vehicle or the owner's authorized agent because the vehicle was not registered in this State or any other state; and (2) the owner is unable to pay the normal rate for reasons outside of the owner's control. (NRS 706.4477) ~~[Section 2.2 of this bill similarly provides that if the tow car operator tows a vehicle at the request of a law enforcement officer pursuant to section 1, the owner of the vehicle is required to pay the hardship tariff, instead of the normal rate, for the cost of the removal and storage of the vehicle if the owner establishes the inability to pay the normal rate. Section 2.2 further provides that the owner establishes the inability to pay the normal rate by providing evidence that the owner is a recipient of certain public assistance, has a household net income below a certain amount, has certain expenses in excess of income or otherwise qualifies for the hardship tariff for a reason established by the Nevada Transportation Authority by regulation.~~

~~Section 2.4 of this bill makes a conforming change to make the definitions in existing law governing tow car operators applicable to the provisions of section 2.2.~~

~~Sections 2.6, 2.8 and 3.3–3.7 of this bill make conforming changes to provide that the requirements of section 2.2 are enforced by the Authority in the same manner as other laws governing tow car operators.]~~ **Section 3.1 removes the requirement for the owner of a vehicle to pay a hardship tariff under these circumstances and instead requires an operator of a tow car to consider charging a hardship tariff for the removal and storage of a motor vehicle if the owner is unable to pay the normal rate for reasons outside of the owner's control. Section 3.1 requires an operator of a tow car to display a written notice in his or her place of business: (1) regarding the**

requirement for the operator to consider charging a hardship tariff; and (2) containing a telephone number for the Authority where a person may report certain alleged violations of law.

Existing law requires each fully regulated carrier, operator of a tow car and common or contract motor carrier regulated by the Nevada Transportation Authority to furnish an annual report to the Authority in the form and detail required by the Authority. (NRS 706.167) Section 2.9 of this bill requires the annual report submitted by the operator of a tow car to include the number of times that the operator charged a hardship tariff during the calendar year.

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

Section 1. NRS 484B.443 is hereby amended to read as follows:

484B.443 1. Except as otherwise provided in subsection 2, whenever any law enforcement officer finds a vehicle standing upon a highway in violation of any of the provisions of chapters 484A to 484E, inclusive, of NRS, the officer may move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position off the paved, improved or main-traveled part of the highway.

2. Whenever any law enforcement officer finds a vehicle, the cargo of a vehicle or other property unattended, disabled or spilled upon any highway, bridge or causeway, or in any tunnel, where the vehicle, cargo or property constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety, the officer or the law enforcement agency employing the officer, in coordination with unified command, if applicable, may provide for the immediate removal of the vehicle, cargo or property to a position where the vehicle, cargo or property no longer constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety.

3. Except as otherwise provided in subsection 2, any law enforcement officer may, subject to the requirements of subsection 4, remove any vehicle or part of a vehicle found on the highway, or cause it to be removed, to a garage or other place of safekeeping if:

(a) The vehicle has been involved in a crash and is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(b) The person driving or in actual physical control of the vehicle is arrested for any alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; ~~[or]~~

(c) ***The person driving or in actual physical control of the vehicle has been issued a citation for reckless driving pursuant to NRS 484B.653; or***

(d) The person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after abandoning the vehicle on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after abandoning the vehicle on any other highway.

4. Unless a different course of action is necessary to preserve evidence of a criminal offense, a law enforcement officer who wishes to have a vehicle or part of a vehicle removed from a highway pursuant to subsection 3 shall, in accordance with any applicable protocol such as a rotational schedule regarding the selection and use of towing services, cause the vehicle or part of a vehicle to be removed by a tow car operator. The tow car operator shall, to the extent practicable and using the shortest and most direct route, remove the vehicle or part of a vehicle to the garage of the tow car operator unless directed otherwise by the officer. The tow car operator is liable for any loss of or damage to the vehicle or its contents that occurs while the vehicle is in the possession or control of the tow car operator.

5. A person or entity, including a law enforcement officer, the law enforcement agency employing the law enforcement officer, unified command or a tow car operator who provides for the removal of a vehicle, the cargo of a vehicle or other property pursuant to subsection 2:

(a) Is not liable for any loss of or damage to the vehicle, the contents of the vehicle, the cargo or the property that is removed; and

(b) Must make a reasonable attempt, as soon as practicable, to notify the owner of the vehicle, cargo or property as to the location of the vehicle, cargo or property if the owner of the vehicle or property is not present at the time of removal and the owner of the vehicle, cargo or property is ascertainable by the officer.

6. All costs incurred under the provisions of subsection 2 must be borne by the owner of the vehicle, cargo or property.

7. As used in this section:

(a) "Traffic incident" has the meaning ascribed to it in NRS 484B.607.

(b) "Unified command" means a group of law enforcement officers or other persons organized to provide a coordinated response to a traffic incident which requires two or more responding entities within a jurisdiction or which requires responding entities from two or more jurisdictions. The responding entities may include, without limitation, police, fire or emergency medical personnel, a tow car operator, or a state or local governmental entity responsible for roadway or other infrastructure repair or maintenance.

Sec. 2. 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 ~~[.]~~ ***or premises to which the public has access.***

(e) Facilitate an unauthorized trick driving display on a ~~[public]~~ highway ~~[.]~~ ***or premises to which the public has access.***

➥ 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 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.

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 ~~[,]~~ ***or premises to which the public has access,*** 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 ***, or premises to which the public has access,*** 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. 2.2. ~~[Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If the operator of a tow car tows a vehicle at the request of a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443, the operator shall not charge any fee or cost for the storage of the vehicle until at least 48 hours after the vehicle arrives and is registered at the place of storage. If the vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48 hour period begins when the regular business hours of the place of storage next begin.*~~

~~*2. The owner of a vehicle towed pursuant to paragraph (c) of subsection 3 of NRS 484B.443 shall pay the hardship tariff described in NRS 706.4477 for the cost of removal and storage of the vehicle if the owner demonstrates that the owner is incapable of paying the normal rate charged for the removal and storage of the vehicle by providing evidence that the owner:*~~

~~*(a) Is receiving benefits provided by a federal or state program of public assistance;*~~

~~*(b) Has a household net income which is equal to or less than 200 percent of the federally designated level signifying poverty as provided in the most recent federal poverty guidelines published in the Federal Registrar by the United States Department of Health and Human Services;*~~

~~*(c) Resides in public housing, as that term is defined in NRS 315.021;*~~

~~*(d) Has expenses for the necessities of life that exceed his or her income; or*~~

~~*(e) Qualifies for a hardship tariff for any other reason established by the Authority by regulation.]*~~ **(Deleted by amendment.)**

Sec. 2.4. ~~[NRS 706.011 is hereby amended to read as follows:~~

~~706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 2.2 of this act,* unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 2.6. ~~[NRS 706.286 is hereby amended to read as follows:~~

~~706.286 1. When a complaint is made against any fully regulated carrier or operator of a tow car by any person that:~~

~~(a) Any of the rates, tolls, charges or schedules, or any joint rate or rates assessed by any fully regulated carrier or by any operator of a tow car for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle are in any respect unreasonable or unjustly discriminatory;~~

~~(b) Any of the provisions of NRS 706.444 to 706.453, inclusive, *and section 2.2 of this act,* have been violated;~~

~~(c) Any regulation, measurement, practice or act directly relating to the transportation of persons or property, including the handling and storage of that property, is, in any respect, unreasonable, insufficient or unjustly discriminatory; or~~

~~(d) Any service is inadequate,~~

~~➤ the Authority shall investigate the complaint. After receiving the complaint, the Authority shall give a copy of it to the carrier or operator of a tow car against whom the complaint is made. Within a reasonable time thereafter, the carrier or operator of a tow car shall provide the Authority with its written response to the complaint according to the regulations of the Authority.~~

~~2. If the Authority determines that probable cause exists for the complaint, it shall order a hearing thereof, give notice of the hearing and conduct the hearing as it would any other hearing.~~

~~3. No order affecting a rate, toll, charge, schedule, regulation, measurement, practice or act complained of may be entered without a formal hearing unless the hearing is dispensed with as provided in NRS 706.2865.~~**]**

(Deleted by amendment.)

Sec. 2.8. **[**~~NRS 706.4463 is hereby amended to read as follows:~~

~~706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:~~

~~(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;~~

~~(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and~~

~~(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive~~ **[.] ,** ***and section 2.2 of this act.***

~~2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must:~~

~~(a) File an application with the Authority; and~~

~~(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority 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.~~

~~3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:~~

~~(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;~~

~~(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;~~

~~(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and~~

~~(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.~~

~~4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.~~

~~5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if:~~

~~(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or~~

~~(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.~~**]** **(Deleted by amendment.)**

Sec. 2.9. **NRS 706.167 is hereby amended to read as follows:**

706.167 1. Each fully regulated carrier, operator of a tow car and common or contract carrier regulated by the Authority shall:

(a) Keep uniform and detailed accounts of all business transacted in the manner required by the Authority by regulation and render them to the Authority upon its request.

(b) Furnish an annual report to the Authority in the form and detail that it prescribes by regulation.

➥ The regulations of the Authority may not require an operator of a tow car to keep accounts and report information concerning towing services other than information that is necessary to permit the Authority to enforce the provisions of NRS 706.011 to 706.791, inclusive.

2. Except as otherwise provided in subsection 3, the reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. A carrier may, with the permission of the Authority, prepare the reports required by this section for a year other than a calendar year that the Authority specifies and submit them not later than a date specified by the Authority in each year.

4. If the Authority finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

5. The Authority shall require an operator of a tow car to include in his or her annual report the number of times the operator charged a hardship tariff pursuant to NRS 706.4477 during the calendar year.

Sec. 3. NRS 706.4469 is hereby amended to read as follows:

706.4469 1. The operator shall allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing if:

(a) A request is made to release the vehicle; and

(b) Except as otherwise provided in subsection 2, the owner or agent pays a fee established by the operator for releasing the vehicle.

2. If a vehicle that has been connected to a tow car was requested to be towed pursuant to subparagraph (2) of paragraph (b) of subsection 2 of NRS 706.4477 and the owner, or agent of the owner, provides proof that the vehicle is registered pursuant to this chapter or chapter 482 of NRS or in any other state:

(a) The operator shall immediately release the motor vehicle to the owner or agent; and

(b) The owner or agent is not responsible for paying the fee established by the operator for releasing the vehicle.

3. ***The provisions of this section do not apply if a vehicle that has been connected to a tow car was requested to be towed by a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443.***

4. As used in this section, "provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was connected to the tow car.

Sec. 3.1. **NRS 706.4477 is hereby amended to read as follows:**

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer or other person who is employed to enforce the laws, ordinances and codes of a local government:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. Except as otherwise provided in subsection 2, for the purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. If, pursuant to subsection 1, the owner of the real property or authorized agent of the owner of the real property requests that a vehicle be towed from a residential complex at which the vehicle is located, the owner of the real property or authorized agent of the owner, which may be the tow operator if the tow operator has entered into a contract for that purpose with the owner of the real property:

(a) Must:

(1) Meet the requirements of subsection 1.

(2) Except as otherwise provided in this subparagraph, if the vehicle is being towed pursuant to subparagraph (1) or (2) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 48 hours before the tow by affixing to the vehicle a sticker which provides the date and time after which the vehicle will be towed. The provisions of this subparagraph do not apply and the vehicle may be immediately towed if it is a vehicle for which a notice was previously affixed:

(I) For the same or a similar reason within the same residential complex.

(II) Three or more times during the immediately preceding 6 months within the same residential complex for any reason, regardless of whether the vehicle was subsequently towed.

(b) May only have a vehicle towed:

(1) Because of a parking violation;

(2) If the vehicle is not registered pursuant to this chapter or chapter 482 of NRS or in any other state; or

(3) If the vehicle is:

(I) Blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(II) Posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of the residential complex, which may include, without limitation, if the vehicle is parked in a space that is clearly marked for a specific resident or the use of a specific unit in the residential complex.

(c) May not have a vehicle towed solely because the registration of the vehicle is expired. ***An operator may not charge any fee or cost for towing a vehicle in violation of this paragraph. The towing of a vehicle solely because the registration of the vehicle is expired is a violation of this section, subject to the provisions of subsection 9.***

3. If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:

(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(b) The operator may be directed to terminate the towing by a law enforcement officer.

4. The owner of a motor vehicle towed pursuant to the provisions of subsection 1, 2 or 3:

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) Subject to the provisions of subsection 7, is responsible for the cost of removal and storage of the motor vehicle.

5. The owner may rebut the presumption in subsection 4 by showing that:

(a) The owner transferred the owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the owner; or

(b) The vehicle is stolen, if the owner submits evidence that, before the discovery of the vehicle, the owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

6. An operator shall not charge any fee or cost for the storage of the motor vehicle until at least ~~[48]~~ ***24*** hours after the motor vehicle arrives and is registered at the place of storage. If the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the ~~[48-hour]~~ ***24-hour*** period begins when the regular business hours of the place of storage next begin.

7. ~~[The owner of the vehicle]~~ ***An operator*** shall ~~[pay]~~ ***consider charging*** a hardship tariff for the cost of removal and storage of the motor vehicle if ~~[:~~

~~(a) A vehicle has been towed pursuant to subparagraph (2) of paragraph (b) of subsection 2;~~

~~(b) The~~ ***the*** owner of the vehicle ~~,~~ ~~[does not provide proof that the vehicle was registered pursuant to this chapter or chapter 482 of NRS or in any other state at the time the vehicle was towed; and~~

~~(c) The owner,~~ for reasons outside of his or her control as determined by the regulations adopted pursuant to this section, is incapable of paying the normal rate charged for the removal and storage of the motor vehicle.

~~[8.]~~ ***8.*** The Authority shall adopt regulations to carry out the provisions of this section, including, without limitation, establishing a range of hardship tariffs ~~[a person]~~ ***an operator*** may ~~[pay]~~ ***charge*** pursuant to this section and setting forth what qualifies as a reason that is outside of the control of the owner.

~~[8.]~~ ***9. If a motor vehicle is towed in violation of the provisions of this section or an operator charges any fee or cost for the towing of a motor vehicle in violation of this section:***

(a) The operator may be subject to a penalty in accordance with the provisions of NRS 706.756 to 706.781, inclusive; and

(b) The owner of the vehicle may bring an action against the operator to recover any costs incurred by the person as a result of the violation, including, without limitation, any loss of income.

10. An operator shall display conspicuously in his or her place of business a written notice which must contain, in boldface type letters not less than 1 inch in height and 1 inch in width:

(a) A statement that the operator must consider charging a hardship tariff under certain circumstances; and

(b) A telephone number for the Authority where a person may report a violation of the provisions of this chapter.

11. As used in this section:

(a) "Parking violation" means a violation of any:

(1) State or local law or ordinance governing parking; or

(2) Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.

(b) ~~["Provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was towed.~~

~~(c)]~~ "Residential complex" means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.

Sec. 3.3. ~~[~~NRS 706.4483 is hereby amended to read as follows:

~~706.4483 1. The Authority shall act upon complaints regarding the failure of an operator of a tow car to comply with the provisions of NRS 706.011 to 706.791, inclusive~~ **~~[.] , and section 2.2 of this act.~~**

~~2. In addition to any other remedies that may be available to the Authority to act upon complaints, the Authority may order the release of towed motor vehicles, cargo or personal property upon such terms and conditions as the Authority determines to be appropriate.~~**~~]~~ (Deleted by amendment.)**

Sec. 3.5. ~~[~~NRS 706.756 is hereby amended to read as follows:

~~706.756 1. Except as otherwise provided in subsection 2, any person who:~~

~~(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive,~~ ***~~and section 2.2 of this act~~*** ~~apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;~~

~~(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive,~~ ***~~and section 2.2 of this act~~*** ~~or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive~~ **~~[;] and section 2.2 of this act;~~**

~~(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive~~ **~~[;] and section 2.2 of this act;~~**

~~(d) Fails to obey any order, decision or regulation of the Authority or the Department;~~

~~(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;~~

~~(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive~~ **~~[;] and section 2.2 of this act;~~**

~~(g) Advertises as providing:~~

~~(1) The services of a fully regulated carrier; or~~

~~(2) Towing services,~~

~~→ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;~~

~~— (h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;~~

~~— (i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;~~

~~— (j) Operates or causes to be operated a vehicle which does not have the proper identifying device;~~

~~— (k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;~~

~~— (l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or~~

~~— (m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,~~

~~➤~~ ~~is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.~~

~~— 2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:~~

~~— (a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.~~

~~— (b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.~~

~~— 3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.~~

~~— 4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.~~

~~— 5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.~~

~~— 6. Any bail allowed must not be less than the appropriate fine provided for by this section.~~**] (Deleted by amendment.)**

Sec. 3.7. ~~[NRS 706.781 is hereby amended to read as follows:~~

~~"706.781 In addition to all the other remedies provided by NRS 706.011 to 706.861, inclusive, *and section 2.2 of this act* for the prevention and punishment of any violation of the provisions thereof and of all orders of the Authority or the Department, the Authority or the Department may compel compliance with the provisions of NRS 706.011 to 706.861, inclusive, *and section 2.2 of this act* and with the orders of the Authority or the Department by proceedings in mandamus, injunction or by other civil remedies.~~] **(Deleted by amendment.)**

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 655 to Assembly Bill No. 408.

Motion carried.

The following Senate amendment was read:

Amendment No. 722.

AN ACT relating to motor vehicles; authorizing the removal of a vehicle or part of a vehicle from the highway following the issuance of a citation for reckless driving; requiring the inclusion of certain information regarding ~~[hardship tariffs]~~ **certain deviations from the rates set forth in certain schedules and tariffs** in the annual report submitted by the operator of a tow car to the Nevada Transportation Authority; revising provisions governing the towing of a motor vehicle requested by a person other than the owner of the vehicle; prohibiting a tow car operator from charging fees or costs for the storage of a vehicle until the vehicle has been stored for a certain period; requiring the operator of a tow car to consider charging a ~~[hardship tariff instead of the normal]~~ **lower** rate for the storage and removal of the vehicle under certain circumstances; requiring the operator of a tow car to display certain information in his or her place of business; **revising provisions prohibiting the solicitation of a tort victim to employ, hire or retain any attorney at law in certain circumstances;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a law enforcement officer to remove, or cause to be removed, a vehicle or part of a vehicle found on the highway to a place of safekeeping under certain circumstances. (NRS 484B.443) **Section 1** of this bill authorizes a law enforcement officer to take such action if the person driving or in actual physical control of the vehicle is issued a citation for reckless driving. **Section 3** of this bill provides that the provisions of law requiring a tow car operator to allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing do not apply if the towing was requested by a law enforcement officer pursuant to the amendatory provisions of **section 1**.

Existing law makes it unlawful for a person to drive a vehicle in an unauthorized trick driving display or to facilitate an unauthorized trick driving

display on a public highway. (NRS 484B.653) **Section 2** of this bill additionally prohibits a person from driving a vehicle in an unauthorized trick driving display or facilitating an unauthorized trick driving display on premises to which the public has access.

~~[Existing law provides that if the towing of a motor vehicle is requested by a person other than the owner, an agent of the owner, a law enforcement officer or other person employed to enforce the laws, ordinances and codes of a local government, the operator of a tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 48 hours after the motor vehicle arrives and is registered at the place of storage. (NRS 706.4477) Section 3.1 of this bill provides that the operator of a tow car shall not charge any fee or cost for the storage of the motor vehicle until at least 24 hours after the motor vehicle arrives and is registered at the place of storage.]~~

Existing law provides that an owner of real property may not have a vehicle towed from a residential complex solely because the registration of the vehicle is expired. (NRS 706.4477) **Section 3.1** ~~[.]~~ **of this bill:** (1) prohibits an operator from charging any fee or cost for the towing of a vehicle solely because the registration of the vehicle is expired; and (2) provides that the towing of such a vehicle by an operator is a violation subject to certain penalties.

Existing law further requires the owner of a vehicle that has been towed to pay a hardship tariff, instead of the normal rate, for the cost of removal and storage of the vehicle if: (1) the vehicle was towed from a residential complex at the request of a person other than the owner of the vehicle or the owner's authorized agent because the vehicle was not registered in this State or any other state; and (2) the owner is unable to pay the normal rate for reasons outside of the owner's control. (NRS 706.4477) **Section 3.1** removes the requirement for the owner of a vehicle to pay a hardship tariff under these circumstances and instead requires an operator of a tow car to consider charging a ~~[hardship tariff]~~ **lower rate** for the removal and storage of a motor vehicle if the owner is unable to pay the normal rate for reasons outside of the owner's control. **Section 3.1** requires an operator of a tow car to display a written notice in his or her place of business: (1) regarding the requirement for the operator to consider charging a ~~[hardship tariff;]~~ **lower rate;** and (2) containing a telephone number for the Authority where a person may report certain alleged violations of law.

Existing law requires each fully regulated carrier, operator of a tow car and common or contract motor carrier regulated by the Nevada Transportation Authority to furnish an annual report to the Authority in the form and detail required by the Authority. (NRS 706.167) **Section 2.9** of this bill requires the annual report submitted by the operator of a tow car to include the number of times that the operator ~~[charged]~~ **deviated from the otherwise applicable schedule or tariff to charge** a ~~[hardship tariff]~~ **lower rate** during the calendar year.

Existing law prohibits a person, in exchange for compensation, from soliciting a tort victim to employ, hire or retain any attorney at law at the scene of a traffic crash that may result in a civil action or at a county or city jail or detention facility. Existing law authorizes a tort victim to void any contract, agreement or obligation that is made, obtained, procured or incurred in violation of this prohibition. (NRS 7.045) Section 3.9 of this bill: (1) further prohibits a person from soliciting a tort victim at any medical facility or other location where a provider of health care performs health care services or within 72 hours after the time that the tort occurred; and (2) prohibits such solicitations regardless of whether the solicitation is in exchange for compensation. Section 3.9 provides that any contract, agreement or obligation made, obtained, procured or incurred in violation of the prohibition against such solicitations is void. Section 3.9 establishes certain amounts which may be obtained from a civil action brought for a prohibited solicitation and revises the applicable criminal penalties.

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

Section 1. NRS 484B.443 is hereby amended to read as follows:

484B.443 1. Except as otherwise provided in subsection 2, whenever any law enforcement officer finds a vehicle standing upon a highway in violation of any of the provisions of chapters 484A to 484E, inclusive, of NRS, the officer may move the vehicle, or require the driver or person in charge of the vehicle to move it, to a position off the paved, improved or main-traveled part of the highway.

2. Whenever any law enforcement officer finds a vehicle, the cargo of a vehicle or other property unattended, disabled or spilled upon any highway, bridge or causeway, or in any tunnel, where the vehicle, cargo or property constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety, the officer or the law enforcement agency employing the officer, in coordination with unified command, if applicable, may provide for the immediate removal of the vehicle, cargo or property to a position where the vehicle, cargo or property no longer constitutes an obstruction to traffic, interferes with the normal flow of traffic or otherwise endangers public safety.

3. Except as otherwise provided in subsection 2, any law enforcement officer may, subject to the requirements of subsection 4, remove any vehicle or part of a vehicle found on the highway, or cause it to be removed, to a garage or other place of safekeeping if:

(a) The vehicle has been involved in a crash and is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle;

(b) The person driving or in actual physical control of the vehicle is arrested for any alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; ~~[or]~~

(c) ***The person driving or in actual physical control of the vehicle has been issued a citation for reckless driving pursuant to NRS 484B.653; or***

(d) The person in charge of the vehicle is unable to provide for its custody or removal within:

(1) Twenty-four hours after abandoning the vehicle on any freeway, United States highway or other primary arterial highway.

(2) Seventy-two hours after abandoning the vehicle on any other highway.

4. Unless a different course of action is necessary to preserve evidence of a criminal offense, a law enforcement officer who wishes to have a vehicle or part of a vehicle removed from a highway pursuant to subsection 3 shall, in accordance with any applicable protocol such as a rotational schedule regarding the selection and use of towing services, cause the vehicle or part of a vehicle to be removed by a tow car operator. The tow car operator shall, to the extent practicable and using the shortest and most direct route, remove the vehicle or part of a vehicle to the garage of the tow car operator unless directed otherwise by the officer. The tow car operator is liable for any loss of or damage to the vehicle or its contents that occurs while the vehicle is in the possession or control of the tow car operator.

5. A person or entity, including a law enforcement officer, the law enforcement agency employing the law enforcement officer, unified command or a tow car operator who provides for the removal of a vehicle, the cargo of a vehicle or other property pursuant to subsection 2:

(a) Is not liable for any loss of or damage to the vehicle, the contents of the vehicle, the cargo or the property that is removed; and

(b) Must make a reasonable attempt, as soon as practicable, to notify the owner of the vehicle, cargo or property as to the location of the vehicle, cargo or property if the owner of the vehicle or property is not present at the time of removal and the owner of the vehicle, cargo or property is ascertainable by the officer.

6. All costs incurred under the provisions of subsection 2 must be borne by the owner of the vehicle, cargo or property.

7. As used in this section:

(a) "Traffic incident" has the meaning ascribed to it in NRS 484B.607.

(b) "Unified command" means a group of law enforcement officers or other persons organized to provide a coordinated response to a traffic incident which requires two or more responding entities within a jurisdiction or which requires responding entities from two or more jurisdictions. The responding entities may include, without limitation, police, fire or emergency medical personnel, a tow car operator, or a state or local governmental entity responsible for roadway or other infrastructure repair or maintenance.

Sec. 2. 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 ~~[.]~~ ***or premises to which the public has access.***

(e) Facilitate an unauthorized trick driving display on a ~~[public]~~ highway ~~[.]~~ ***or premises to which the public has access.***

➥ 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 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.

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 ~~[,]~~ ***or premises to which the public has access,*** 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 ***, or premises to which the public has access,*** 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. 2.2. (Deleted by amendment.)

Sec. 2.4. (Deleted by amendment.)

Sec. 2.6. (Deleted by amendment.)

Sec. 2.8. (Deleted by amendment.)

Sec. 2.9. NRS 706.167 is hereby amended to read as follows:

706.167 1. Each fully regulated carrier, operator of a tow car and common or contract carrier regulated by the Authority shall:

(a) Keep uniform and detailed accounts of all business transacted in the manner required by the Authority by regulation and render them to the Authority upon its request.

(b) Furnish an annual report to the Authority in the form and detail that it prescribes by regulation.

➥ The regulations of the Authority may not require an operator of a tow car to keep accounts and report information concerning towing services other than information that is necessary to permit the Authority to enforce the provisions of NRS 706.011 to 706.791, inclusive.

2. Except as otherwise provided in subsection 3, the reports required by this section must be prepared for each calendar year and submitted not later than May 15 of the year following the year for which the report is submitted.

3. A carrier may, with the permission of the Authority, prepare the reports required by this section for a year other than a calendar year that the Authority specifies and submit them not later than a date specified by the Authority in each year.

4. If the Authority finds that necessary information is not contained in a report submitted pursuant to this section, it may call for the omitted information at any time.

5. The Authority shall require an operator of a tow car to include in his or her annual report the number of times the operator ~~[charged a hardship tariff]~~ deviated from the otherwise applicable schedule or tariff to charge a lower rate pursuant to NRS 706.4477 during the calendar year.

Sec. 3. NRS 706.4469 is hereby amended to read as follows:

706.4469 1. The operator shall allow the owner, or agent of the owner, of a motor vehicle that has been connected to a tow car to obtain the release of the vehicle at the point of origination of the towing if:

(a) A request is made to release the vehicle; and

(b) Except as otherwise provided in subsection 2, the owner or agent pays a fee established by the operator for releasing the vehicle.

2. If a vehicle that has been connected to a tow car was requested to be towed pursuant to subparagraph (2) of paragraph (b) of subsection 2 of NRS 706.4477 and the owner, or agent of the owner, provides proof that the vehicle is registered pursuant to this chapter or chapter 482 of NRS or in any other state:

(a) The operator shall immediately release the motor vehicle to the owner or agent; and

(b) The owner or agent is not responsible for paying the fee established by the operator for releasing the vehicle.

3. ***The provisions of this section do not apply if a vehicle that has been connected to a tow car was requested to be towed by a law enforcement officer pursuant to paragraph (c) of subsection 3 of NRS 484B.443.***

4. As used in this section, "provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was connected to the tow car.

Sec. 3.1. NRS 706.4477 is hereby amended to read as follows:

706.4477 1. If towing is requested by a person other than the owner, or an agent of the owner, of the motor vehicle or a law enforcement officer or other person who is employed to enforce the laws, ordinances and codes of a local government:

(a) The person requesting the towing must be the owner of the real property from which the vehicle is towed or an authorized agent of the owner of the real property and must sign a specific request for the towing. Except as otherwise provided in subsection 2, for the purposes of this section, the operator is not an authorized agent of the owner of the real property.

(b) The area from which the vehicle is to be towed must be appropriately posted in accordance with state or local requirements.

(c) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(d) The operator may be directed to terminate the towing by a law enforcement officer.

2. If, pursuant to subsection 1, the owner of the real property or authorized agent of the owner of the real property requests that a vehicle be towed from a residential complex at which the vehicle is located, the owner of the real property or authorized agent of the owner, which may be the tow operator if the tow operator has entered into a contract for that purpose with the owner of the real property:

(a) Must:

(1) Meet the requirements of subsection 1.

(2) Except as otherwise provided in this subparagraph, if the vehicle is being towed pursuant to subparagraph (1) or (2) of paragraph (b), notify the owner or operator of the vehicle of the tow not less than 48 hours before the

tow by affixing to the vehicle a sticker which provides the date and time after which the vehicle will be towed. The provisions of this subparagraph do not apply and the vehicle may be immediately towed if it is a vehicle for which a notice was previously affixed:

(I) For the same or a similar reason within the same residential complex.

(II) Three or more times during the immediately preceding 6 months within the same residential complex for any reason, regardless of whether the vehicle was subsequently towed.

(b) May only have a vehicle towed:

(1) Because of a parking violation;

(2) If the vehicle is not registered pursuant to this chapter or chapter 482 of NRS or in any other state; or

(3) If the vehicle is:

(I) Blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(II) Posing an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the residents of the residential complex, which may include, without limitation, if the vehicle is parked in a space that is clearly marked for a specific resident or the use of a specific unit in the residential complex.

(c) May not have a vehicle towed solely because the registration of the vehicle is expired. ***An operator may not charge any fee or cost for towing a vehicle in violation of this paragraph. The towing of a vehicle solely because the registration of the vehicle is expired is a violation of this section, subject to the provisions of subsection 9.***

3. If towing is requested by a county or city pursuant to NRS 244.3605 or 268.4122, as applicable:

(a) Notice must be given to the appropriate law enforcement agency pursuant to state and local requirements.

(b) The operator may be directed to terminate the towing by a law enforcement officer.

4. The owner of a motor vehicle towed pursuant to the provisions of subsection 1, 2 or 3:

(a) Is presumed to have left the motor vehicle on the real property from which the vehicle is towed; and

(b) Subject to the provisions of subsection 7, is responsible for the cost of removal and storage of the motor vehicle.

5. The owner may rebut the presumption in subsection 4 by showing that:

(a) The owner transferred the owner's interest in the motor vehicle:

(1) Pursuant to the provisions set forth in NRS 482.399 to 482.420, inclusive; or

(2) As indicated by a bill of sale for the vehicle that is signed by the owner; or

(b) The vehicle is stolen, if the owner submits evidence that, before the discovery of the vehicle, the owner filed an affidavit with the Department or a written report with an appropriate law enforcement agency alleging the theft of the vehicle.

6. An operator shall not charge any fee or cost for the storage of the motor vehicle until at least 48 ***[24]*** hours after the motor vehicle arrives and is registered at the place of storage. If the motor vehicle arrives at the place of storage after the regular business hours of the place of storage, the 48-hour ***[24-hour]*** period begins when the regular business hours of the place of storage next begin.

7. ***[***The owner of the vehicle***]*** ***An operator*** shall ***[***pay***]*** ***consider charging*** a ***[***hardship***]*** ***rate which is lower than the rate set forth in the otherwise applicable schedule or*** tariff for the cost of removal and storage of the motor vehicle if ***[***:

(a) A vehicle has been towed pursuant to subparagraph (2) of paragraph (b) of subsection 2;

(b) The***]*** ***the*** owner of the vehicle ***, [***does not provide proof that the vehicle was registered pursuant to this chapter or chapter 482 of NRS or in any other state at the time the vehicle was towed; and

(c) The owner,***]*** for reasons outside of his or her control as determined by the regulations adopted pursuant to this section, is incapable of paying the normal rate charged for the removal and storage of the motor vehicle. ***An operator may deviate from the otherwise applicable schedule or tariff without the approval of the Authority to charge a lower rate pursuant to this subsection.***

[~***]*** ***8.*** The Authority shall adopt regulations to carry out the provisions of this section, including, without limitation, ***[***establishing a range of hardship tariffs a person ***an operator*** may pay ***charge*** pursuant to this section and***]*** setting forth what qualifies as a reason that is outside of the control of the owner.

[8.***]*** ***9. If a motor vehicle is towed in violation of the provisions of this section or an operator charges any fee or cost for the towing of a motor vehicle in violation of this section:***

(a) The operator may be subject to a penalty in accordance with the provisions of NRS 706.756 to 706.781, inclusive; and

(b) The owner of the vehicle may bring an action against the operator to recover any costs incurred by the person as a result of the violation, including, without limitation, any loss of income.

10. An operator shall display conspicuously in his or her place of business a written notice which must contain, in boldface type letters not less than 1 inch in height and 1 inch in width:

(a) A statement that the operator must consider charging a [hardship tariff] lower rate under certain circumstances; and

(b) A telephone number for the Authority where a person may report a violation of the provisions of this chapter.

11. As used in this section:

(a) "Parking violation" means a violation of any:

(1) State or local law or ordinance governing parking; or

(2) Parking rule promulgated by the owner or manager of the residential complex that applies to vehicles on the property of the residential complex.

(b) ~~[~~"Provide proof" includes, without limitation, providing current registration documents in a physical format or in an electronic format as set forth in NRS 482.255 that predate the date on which the vehicle was towed.

~~(c)]~~ "Residential complex" means a group of apartments, condominiums or townhomes intended for use as residential units and for which a common parking area is provided, regardless of whether each resident or unit has been assigned a specific parking space in the common parking area.

Sec. 3.3. (Deleted by amendment.)

Sec. 3.5. (Deleted by amendment.)

Sec. 3.7. (Deleted by amendment.)

Sec. 3.9. **NRS 7.045 is hereby amended to read as follows:**

7.045 1. Except as otherwise provided in this section, it shall be unlawful for a person ~~[, in exchange for compensation,]~~ to solicit a tort victim to employ, hire or retain any attorney at law:

(a) At the scene of a traffic crash that may result in a civil action; ~~[or]~~

(b) At a county or city jail or detention facility ~~[.]~~ ***;***

(c) At a medical facility or other location where a provider of health care performs health care services; or

(d) Within 72 hours after the tort occurred.

2. It is unlawful for a person to conspire with another person to commit an act which violates the provisions of subsection 1.

3. This section does not prohibit or restrict:

(a) A recommendation for the employment, hiring or retention of an attorney at law in a manner that complies with the Nevada Rules of Professional Conduct.

(b) The solicitation of motor vehicle repair or storage services by a tow car operator.

(c) Any activity engaged in by police, fire or emergency medical personnel acting in the normal course of duty.

(d) A communication by a tort victim with the tort victim's insurer concerning the investigation of a claim or settlement of a claim for property damage.

(e) Any inquiries or advertisements performed in the ordinary course of a person's business.

4. ~~[A tort victim may void any]~~ ***Any*** contract, agreement or obligation that is made, obtained, procured or incurred ***with a tort victim*** in violation of this section ~~[.]~~ ***is void.***

5. ***A tort victim who prevails in a civil action pursuant to this section:***

(a) May recover:

(1) Twice the amount of actual damages he or she incurred from the violation of this section; and

(2) An amount equal to twice the amount of the financial obligation imposed upon the tort victim by the contract, agreement or obligation that was made, obtained, procured or incurred in violation of this section.

(b) Is entitled to reasonable attorney's fees and costs.

6. A civil action pursuant to this section is subject to the limitation set forth in subsection 1 of NRS 11.190.

7. Any person who violates any of the provisions of this section ~~[is]~~ ***:***

(a) For the first offense, is guilty of a ***gross*** misdemeanor.

~~[6.]~~ ***(b) For a second or any subsequent offense, is guilty of a category E felony and shall be punished as provided in NRS 193.130.***

8. As used in this section, "tort victim" means a person:

(a) Whose property has been damaged as a result of any accident or motor vehicle crash that may result in a civil action, criminal action or claim for tort damages by or against another person;

(b) Who has been injured or killed as a result of any accident or motor vehicle crash that may result in a civil action, criminal action or claim for tort damages by or against another person; or

(c) A parent, guardian, spouse, sibling or child of a person who has died as a result of any accident or motor vehicle crash that may result in a civil action, criminal action or claim for tort damages by or against another person.

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 722 to Assembly Bill No. 408.

Motion carried.

Bill ordered to enrollment.

Assembly Bill No. 242.

The following Senate amendment was read:

Amendment No. 695.

CONTAINS UNFUNDED MANDATE (§§ 6, **9,** 17)

(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

AN ACT relating to elections; ~~[revising provisions relating to the authorized methods of voting in an election under certain circumstances;]~~ **requiring ballots and votes be counted using a mechanical voting system;** revising provisions relating to accommodations for certain voters who are elderly or have a disability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that voting at any election conducted under title 24 of NRS must be on printed ballots or by any other system approved by the Secretary of State or specifically authorized by law. (NRS 293.270) Existing law also provides that mechanical voting systems may be used to cast, register, record and count ballots or votes in all statewide, county, city and district elections of any kind held in this State. (NRS 293B.050) ~~[Sections 5,]~~ **Section 9** ~~[and 15]~~ of this bill ~~[prohibit the marking of paper ballots by hand when~~

~~voting in person at the polls at an election in this State and instead require that all~~] **provides that ballots or** votes **: (1) may be** cast [~~in person at a polling place be cast~~] **, registered and recorded** using a mechanical voting system [~~. Sections 2, 4, 7, 11, 14, 16, 18, 21, 25, 27, 29, 31, 33, 35, 37, 39, 40, 42, 44 and 46 of this bill make conforming changes to remove references to paper ballots and printing on paper ballots.~~] **; and (2) must be counted using a mechanical voting system. Sections 1,** [~~3, 10, 12,~~] **10-13, 20, 22-24, 26, 28, 30, 32, 34, 36, 38, 41, 43, 45 and 47** of this bill make conforming changes to require the use of a mechanical voting system [~~when voting in person. Section 49 of this bill makes conforming changes to repeal certain provisions relating to paper ballots and the discretionary use of mechanical voting systems. Section 8.5 of this bill revises the term "mechanical voting system" to include marking a mail ballot which is subsequently counted on an electronic tabulator.~~] **for counting votes and clarify that the use of a mechanical voting system for casting ballots is authorized but not required.**

Existing law requires that, with certain exceptions, each polling place must have at least one voting booth that is specifically designed, designated and equipped for voters who are elderly or voters with a disability. (NRS 293.2955, 293C.281) **Sections 6 and 17** of this bill instead require, with certain exceptions, that each polling place must have at least two such voting booths and additional voting booths if determined necessary by the county clerk or city clerk. **Sections 6 and 17** further require each county clerk, city clerk and all election board officers to complete training in the use of the voting booths and specially equipped voting devices in order to assist such voters. **Sections 8 and 19** of this bill make conforming changes to revise existing internal references relating to **sections 6 and 17**.

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

Section 1. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of 5,000 registered voters who are not designated inactive pursuant to NRS 293.530 per precinct ***[,]*** in those precincts in which a mechanical voting system is used [~~.~~] ***for casting ballots.***

2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.

3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.

4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.

Sec. 2. ~~[NRS 293.250 is hereby amended to read as follows:~~

~~293.250 1. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:~~

~~(a) The form of all ballots, mail ballots, diagrams, sample ballots, certificates, notices, declarations, applications to preregister and register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.~~

~~(b) The procedures to be followed and the requirements of:~~

~~(1) A system established pursuant to NRS 293.506 for using a computer to register voters and to keep records of registration.~~

~~(2) The system established by the Secretary of State pursuant to NRS 293.671 for using a computer to register voters.~~

~~(3) The use of the system of approved electronic transmission established pursuant to NRS 293D.200 by electors and voters with disabilities pursuant to NRS 293.269951.~~

~~2. Except as otherwise provided in chapter 293D of NRS, the Secretary of State shall prescribe with respect to the matter to [be printed]~~ ***appear*** ~~on every kind of ballot:~~

~~(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.~~

~~(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.~~

~~3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.~~

~~4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.~~

~~5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal~~

~~Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held. The explanations must include a digest. The digest must include a concise and clear summary of any existing laws directly related to the constitutional amendment or statewide measure and a summary of how the constitutional amendment or statewide measure adds to, changes or repeals such existing laws. For a constitutional amendment or statewide measure that creates, generates, increases or decreases any public revenue in any form, the first paragraph of the digest must include a statement that the constitutional amendment or statewide measure creates, generates, increases or decreases, as applicable, public revenue.~~

~~6. The names of candidates for township and legislative or special district offices must~~ **[**~~be printed~~**]** ***appear*** ~~only on the ballots furnished to voters of that township or district.~~

~~7. A county clerk:~~

~~(a) May divide~~ **[**~~paper~~**]** ~~ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.~~

~~(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.~~**]** **(Deleted by amendment.)**

Sec. 3. **[**~~NRS 293.267 is hereby amended to read as follows:~~

~~293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.~~

~~2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.~~

~~3. Except as otherwise provided in subsection 4:~~

~~(a) Immediately following the name of each candidate for a partisan office must appear the name or abbreviation of his or her political party, the words "no political party" or the abbreviation "NPP," as the case may be.~~

~~(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan" or the abbreviation "NP."~~

~~4.~~ **[**~~Where a~~**]** ***For ballots cast using a mechanical voting*** ~~system~~ **[**~~, of voting other than by paper ballot is used,~~**]** ~~the Secretary of State may provide for any placement of the name or abbreviation of the political party, the words "no political party" or "nonpartisan" or the abbreviation "NPP" or "NP," as appropriate, which clearly relates the designation to the name of the candidate to whom it applies.~~

~~5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed~~

~~by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:~~

~~"The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.~~**]** **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 293.2693 is hereby amended to read as follows:~~

~~293.2693 **[**If a county or city uses paper ballots, including, without limitation, for mail ballots, the~~**]** ***The*** ~~county or city clerk shall provide a voter education program specific to the voting system used by the county or city. The voter education program must include, without limitation, information concerning the effect of overvoting and the procedures for correcting a vote on a ballot before it is cast and counted and for obtaining a replacement ballot.~~**]** **(Deleted by amendment.)**

Sec. 5. ~~**[**NRS 293.270 is hereby amended to read as follows:~~

~~293.270 1. Voting at any election regulated by this title must be **[**on printed~~**]** ***by mechanical voting system, by mail*** ~~ballots or by any other system approved by the Secretary of State or specifically authorized by law.~~

~~2. ***Except as otherwise provided in subsection 3, all votes cast in person at a polling place at any election must be cast using a mechanical voting system and not by the marking of a paper ballot by hand. This includes votes cast by:***~~

~~***(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and***~~

~~***(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.***~~

~~***3. The requirements of subsection 2 do not:***~~

~~***(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.***~~

~~***(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.***~~

~~***4.*** Except as otherwise provided in chapter 293D of NRS, voting must be only upon candidates whose names appear upon the ballot prepared by the election officers, and no person may write in the name of an additional candidate for any office.~~

~~***5. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.]*** **(Deleted by amendment.)**

Sec. 6. NRS 293.2955 is hereby amended to read as follows:

293.2955 1. Except as otherwise provided in subsection 2, at all times during which a polling place is open:

(a) The polling place must:

(1) Be accessible to a voter who is elderly or a voter with a disability; and

(2) Have at least ~~**[**one~~**]** ***two*** voting ~~**[**booth~~**]** ***booths*** that ~~**[**is:~~**]** ***are:***

(I) Designed to allow a voter in a wheelchair to vote;

(II) Designated for use by a voter who is elderly or a voter with a disability;

(III) Equipped to allow a voter who is elderly or a voter with a disability to vote with the same privacy as a voter who is not elderly or as a voter without a disability; and

(IV) Equipped with a mechanical recording device which directly records the votes electronically and which may be used by a voter with a disability; and

(b) Either:

(1) The polling place must have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this separate line must be allowed to vote before any voter who is not disabled and is physically able to wait in line to vote; or

(2) An election board officer at the polling place must allow voters with disabilities or who are not physically able to wait in line to move to the front of the line of voters waiting to vote.

2. A polling place that does not comply with the provisions of paragraph (a) of subsection 1 may be used if necessary because of a natural disaster, including, without limitation, an earthquake, flood, fire or storm.

3. ***If, in the opinion of the county clerk, more than two voting booths described in subparagraph (2) of paragraph (a) of subsection 1 are required to accommodate the needs of voters who are elderly or voters with a disability, the county clerk shall place additional voting booths at the polling place as needed.***

4. At each polling place, the county clerk is encouraged to:

(a) Post in a conspicuous place, in at least 12-point type, instructions for voting;

(b) Provide ballots in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability; and

(c) Provide, in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability, all materials that are:

(1) Related to the election; and

(2) Made available to a voter in printed form at the polling place.

~~[4.]~~ ***5.*** As an alternative to carrying out the functions described in subsection ~~[3,]~~ ***4,*** if, in the opinion of the county clerk, the needs of voters who are elderly or disabled requiring the use of specially equipped voting devices will be best served by placing such devices at centralized voting locations, the county clerk may so provide. If the county clerk provides for the placement of specially equipped voting devices at centralized locations, a voter who is elderly or disabled and requires the use of such a device to be able to cast a ballot without assistance may cast his or her ballot at any centralized voting location designated by the county clerk.

6. Each county clerk and all election board officers must complete training in the use of the voting booths and specially equipped voting devices

required pursuant to this section to ensure that the county clerk and election board officers are able to assist voters who are elderly or voters with a disability in the use of such voting booths and devices.

Sec. 7. ~~[NRS 293.363 is hereby amended to read as follows:~~

~~293.363 [1.] When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.~~

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed in number the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box, and a counting board officer, with his or her back turned to the container or box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county clerk with the other ballots rejected for any cause.~~

~~(c) When it has been ascertained that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.]~~ **(Deleted by amendment.)**

Sec. 8. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection ~~[4]~~ ***5*** of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

13. The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 8.5. NRS 293B.033 is hereby amended to read as follows:

293B.033 "Mechanical voting system" means a system of voting whereby a voter may cast a vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By marking a paper ballot ***, including, without limitation, a mail ballot,*** which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 9. NRS 293B.050 is hereby amended to read as follows:

293B.050 ~~***[1.]***~~ At all statewide, county, city and district elections of any kind held in this State, ballots or votes ~~[may]~~ ***:***

~~***[(a)]***~~ ***1. May*** be cast, registered ~~[,]~~ ***and*** recorded ~~[and counted]~~ by means of a mechanical voting system.

~~***[(b)]***~~ ***2. Must be counted by means of a mechanical voting system.***

~~***[2. Except as otherwise provided in subsection 3, all votes cast in person at a polling place in an election must be cast using a mechanical voting system and not by the marking of a paper ballot by hand. This includes votes cast by:***~~

~~***(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and***~~

~~***(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.***~~

~~***3. The requirements of subsection 2 do not:***~~

~~***(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.***~~

~~***(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.***~~

~~***4. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.]***~~

Sec. 10. NRS 293B.105 is hereby amended to read as follows:

293B.105 The board of county commissioners of any county or the city council or other governing body of any city ~~[may]~~ ***:***

1. May purchase and adopt for use at elections any mechanical voting system and mechanical recording device ~~[. The system or device may be used at any or all elections held in the county or city,]~~ for voting ~~[,]~~ ***and*** registering ~~[and counting]~~ votes cast.

2. Must purchase and adopt for use at elections a mechanical voting system for counting votes cast.

Sec. 11. NRS 293B.110 is hereby amended to read as follows:

293B.110 ~~[A]~~ ***Except as otherwise provided in NRS 293B.050, a*** mechanical voting system or mechanical recording device may be adopted ***and used*** for some of the precincts or districts in the same county or city, while the remainder of the precincts or districts in that county or city may be furnished with paper ballots or any other ~~***[adopt and use a different]***~~ mechanical voting system or mechanical recording device.

Sec. 12. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election **,** ~~[where a mechanical voting system is to be used,]~~ the county clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, without limitation, overvotes or, in a primary election or presidential preference primary election, votes cast for a candidate of a major political party other than the party, if any, of the registration of the voter must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year;

(2) A presidential preference primary election; or

(3) A general election,

➥ the total votes, other than mail ballots, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election or presidential preference primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 13. NRS 293B.175 is hereby amended to read as follows:

293B.175 In those districts or precincts in which a mechanical voting system is used ~~[,]~~ ***for casting ballots,*** the ~~*[The]*~~ list of offices and candidates and the statements of measures appropriate for use with ~~[that]~~ ***a mechanical voting*** system in combination with the device upon which a vote is registered is an official ballot.

Sec. 14. ~~[NRS 293B.365 is hereby amended to read as follows:~~

~~293B.365 The central ballot inspection board shall:~~

~~1. Receive the ballots in sealed containers.~~

~~2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the storage devices which store the ballots voted on mechanical recording devices which directly record votes electronically.~~

~~3. Register the numbers of ballots by precinct.~~

~~4. Deliver any damaged [paper] ballots to the ballot duplicating board.~~

~~5. Receive duplicates of damaged [paper] ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct.~~

~~6. Place each damaged original [paper] ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct.~~

~~7. Reject any [paper] ballot that has been marked in a way that identifies the voter.~~

~~8. Place each rejected [paper] ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot.]~~ **(Deleted by amendment.)**

Sec. 15. ~~[Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Except as otherwise provided in subsection 2, all votes cast in person at a polling place in an election must be cast using a mechanical voting system and not by the marking of a paper ballot by hand. This includes votes cast by:*~~

~~*(a) Provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive; and*~~

~~*(b) Provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive.*~~

~~*2. The requirements of subsection 1 do not:*~~

~~*(a) Apply to votes cast using a mail ballot, regardless of whether the mail ballot is filled out at a polling place and deposited in a ballot drop box at the polling place.*~~

~~*(b) Prohibit the use of a ballot marking device that has been approved by the Secretary of State pursuant to NRS 293B.1045 to mark a paper ballot.*~~

~~*3. As used in this section, "ballot marking device" means a device which allows a registered voter to mark a paper ballot which is subsequently counted on an electronic tabulator, counting device or computer.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 293C.262 is hereby amended to read as follows:~~

~~293C.262 1. The offices for which there are candidates, the names of the candidates therefor and the questions to be voted upon must [be printed]~~ ***appear*** ~~on ballots for a city election in the following order:~~

~~(a) City offices:~~

~~(1) Mayor;~~

~~(2) Council members according to ward in numerical order, if no wards, in alphabetical order; and~~

~~(3) Municipal judges.~~

~~(b) Questions presented to the voters of a city or a portion of a city with advisory questions listed in consecutive order after any other questions presented to the voters of the city.~~

~~2. The city clerk:~~

~~(a) May divide [paper] ballots into two sheets in a manner that provides a clear understanding and grouping of all measures and candidates.~~

~~(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.]~~ **(Deleted by amendment.)**

Sec. 17. NRS 293C.281 is hereby amended to read as follows:

293C.281 1. Except as otherwise provided in subsection 2, at all times during which a polling place is open:

(a) The polling place must:

(1) Be accessible to a voter who is elderly or a voter with a disability; and

(2) Have at least ~~[one]~~ ***two*** voting ~~[booth]~~ ***booths*** that ~~[is:]~~ ***are:***

(I) Designed to allow a voter in a wheelchair to vote;

(II) Designated for use by a voter who is elderly or a voter with a disability;

(III) Equipped to allow a voter who is elderly or a voter with a disability to vote with the same privacy as a voter who is not elderly or as a voter without a disability; and

(IV) Equipped with a mechanical recording device which directly records the votes electronically and which may be used by persons with disabilities; and

(b) Either:

(1) The polling place must have a separate line for voters with disabilities or who are not physically able to wait in line to vote. Voters in this separate line must be allowed to vote before any voter who is not disabled and is physically able to wait in line to vote; or

(2) An election board officer at the polling place must allow voters with disabilities or who are not physically able to wait in line to move to the front of the line of voters waiting to vote.

2. A polling place that does not comply with the provisions of paragraph (a) of subsection 1 may be used if necessary because of a natural disaster, including, without limitation, an earthquake, flood, fire or storm.

3. ***If, in the opinion of the city clerk, more than two voting booths described in subparagraph (2) of paragraph (a) of subsection 1 are required to accommodate the needs of voters who are elderly or voters with a disability, the city clerk shall place additional voting booths at the polling place as needed.***

4. At each polling place, the city clerk is encouraged to:

(a) Post in a conspicuous place, in at least 12-point type, instructions for voting;

(b) Provide ballots in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability; and

(c) Provide, in alternative audio and visual formats for use by a voter who is elderly or a voter with a disability, all materials that are:

(1) Related to the election; and

(2) Made available to a voter in printed form at the polling place.

~~[4.]~~ ***5.*** As an alternative to carrying out the functions described in subsection ~~[3,]~~ ***4,*** if, in the opinion of the city clerk, the needs of voters who are elderly or disabled requiring the use of specially equipped voting devices will be best served by placing such devices at centralized voting locations, the city clerk may so provide. If the city clerk provides for the placement of specially equipped voting devices at centralized locations, a voter who is elderly or disabled and requires the use of such a device to be able to cast a ballot without assistance may cast his or her ballot at any centralized voting location designated by the city clerk.

6. Each city clerk and all election board officers must complete training in the use of the voting booths and specially equipped voting devices required pursuant to this section to ensure that the city clerk and election board officers are able to assist voters who are elderly or voters with a disability in the use of such voting booths and devices.

Sec. 18. ~~[NRS 293C.362 is hereby amended to read as follows:~~

~~293C.362 [1.] When the polls are closed, the counting board shall prepare to count the ballots voted. The counting procedure must be public and continue without adjournment until completed.~~

~~[2. If the ballots are paper ballots, the counting board shall prepare in the following manner:~~

~~(a) The container that holds the ballots or the ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to determine whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the container or ballot box after the count is completed.~~

~~(b) If the ballots in the container or box are found to exceed the number of names as are indicated on the roster as having voted, the ballots must be replaced in the container or box and a counting board officer shall, with his or her back turned to the container or box, draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the city clerk with the other ballots rejected for any cause.~~

~~(c) When it has been determined that the number of ballots agrees with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.]~~ **(Deleted by amendment.)**

Sec. 19. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

6. The word “Incumbent” must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection ~~[4]~~ ***5*** of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

11. The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 20. NRS 293C.600 is hereby amended to read as follows:

293C.600 1. Before any election ~~[,]~~ ***,*** where a mechanical voting system will be used ~~[,]~~ ***for casting ballots,*** the city clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including, but not limited to, overvotes must not be counted.

(c) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered that lacks a code identifying the precinct in which it was voted.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The city clerk shall take such measures as he or she deems necessary to protect the program from being altered or damaged.

Sec. 21. ~~[NRS 293C.645 is hereby amended to read as follows:~~

~~293C.645 The central ballot inspection board shall:~~

~~1. Receive the ballots in sealed containers.~~

~~2. Inspect the containers, record the number indicated on each container and its seal pursuant to NRS 293.462 and remove the storage devices that store the ballots voted on mechanical recording devices that directly record votes electronically.~~

~~3. Register the numbers of ballots by precinct.~~

~~4. Deliver any damaged [paper] ballots to the ballot duplicating board.~~

~~5. Receive duplicates of damaged [paper] ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct.~~

~~6. Place each damaged original [paper] ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct.~~

~~7. Reject any [paper] ballot that has been marked in a way that identifies the voter.~~

~~8. Place each rejected [paper] ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot.]~~ **(Deleted by amendment.)**

Sec. 22. NRS 295.045 is hereby amended to read as follows:

295.045 1. A petition for referendum must be filed with the Secretary of State not less than 120 days before the date of the next succeeding general election.

2. The Secretary of State shall certify the questions to the county clerks.

3. The title of the statute or resolution must be set out on the ballot, and the question printed ~~*[appear]*~~ upon the ballot for the information of the voters must be as follows: "Shall the statute (setting out its title) be approved?"

4. Where ~~*[For ballots cast using]*~~ a mechanical voting system ~~*[,]*~~ is used ~~[,]~~ ***for casting ballots,*** the title of the statute must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed to no more than 25 words.

5. The votes cast upon the question must be counted and canvassed as the votes for state officers are counted and canvassed.

Sec. 23. NRS 295.170 is hereby amended to read as follows:

295.170 1. The subject matter of such questions must be stated concisely on the ballot, and the question printed ~~*[appear]*~~ upon the ballot for the information of the voter must be as follows: "Shall the act (setting out the title thereof) be approved?"

2. Where ~~*[For ballots cast using]*~~ a mechanical voting system ~~*[,]*~~ is used ~~[,]~~ ***for casting ballots,*** the title of the act must appear on the list of offices and candidates and the statements of measures to be voted on and may be condensed by the district attorney to 20 words.

3. The district attorney shall prepare an explanation of each such question, which must be placed on the ballot or the list of offices and candidates and the statements of measures to be voted on, or posted in the polling place.

4. The votes cast upon such question must be counted and canvassed as the votes for county officers are counted and canvassed.

Sec. 24. NRS 306.060 is hereby amended to read as follows:

306.060 1. If the officer against whom the petition is filed furnishes no justification of the officer's course in office, none need appear on the ballot at the election upon the officer's recall.

2. Where ~~*[For ballots cast using]*~~ a mechanical voting system ~~*[,]*~~ is used ~~[,]~~ ***for casting ballots,*** the reason for demanding the recall of the officer and the officer's justification need not ~~[be printed]~~ ***appear*** on the ballot, but must

be printed on sample ballots, which must be presented to registered voters upon their application to vote.

Sec. 25. ~~[Section 5.050 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1728, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 26. Section 5.090 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 67, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 27. ~~[Section 5.040 of the Charter of the City of Carlin, being chapter 493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:~~

~~Sec. 5.040 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible before the close of filing and any applicable period for withdrawal of candidacy, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 28. Section 5.080 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 616, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The Board of Council Members ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the Board of Council Members provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 29. ~~[Section 5.050 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 30. Section 5.090 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, at page 306, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The Board ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the Board provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 31. ~~[Section 5.040 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:~~

~~Sec. 5.040 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 32. Section 5.080 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 464, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting votes ~~[that is not inconsistent]~~ ***in accordance*** with ~~[law or the]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 33. ~~[Section 5.050 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1729, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 34. Section 5.090 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 417, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 35. ~~[Section 5.050 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:~~

~~"Sec. 5.050 Names on ballots.~~

~~1. The full names of all of the candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same name or names which are so similar as likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballots; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 36. Section 5.090 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1416, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or for]~~ counting the votes ~~[, or both, which are not inconsistent]~~ ***in accordance*** with the ~~[law or the]~~ ***election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 37. ~~[Section 5.060 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1886, is hereby amended to read as follows:~~

~~"Sec. 5.060 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of the candidates is an incumbent, the middle names or middle initials, if any, of both candidates must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of the candidates is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 38. Section 5.090 of the Charter of the City of Mesquite, being chapter 325, Statutes of Nevada 2017, at page 1887, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 39. ~~[Section 5.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.~~

~~3. In any election regulated by this Charter, the names of candidates as [printed] *placed* on the ballot shall not include any title, designation or other reference which will indicate the profession or occupation of such candidates.]~~ **(Deleted by amendment.)**

Sec. 40. ~~[Section 5.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1730, is hereby amended to read as follows:~~

~~Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 41. Section 5.090 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, at page 1979, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 42. ~~[Section 5.050 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:~~

~~"Sec. 5.050 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~(a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~(b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.~~] **(Deleted by amendment.)**

Sec. 43. Section 5.090 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, at page 737, is hereby amended to read as follows:

Sec. 5.090 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 44. ~~[Section 5.040 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 493, Statutes of Nevada 2009, at page 2938, is hereby amended to read as follows:~~

~~"Sec. 5.040 Names on ballots.~~

~~1. The full names of all candidates, except those who have withdrawn, died or become ineligible before the close of filing and any applicable period for withdrawal of candidacy, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~— (a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~— (b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 45. Section 5.080 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 470, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The Board of Council Members ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the Board of Council Members provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 46. ~~[Section 5.040 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 312, Statutes of Nevada 2003, at page 1731, is hereby amended to read as follows:~~

~~— Sec. 5.040 Names on ballots.~~

~~— 1. The full names of all candidates, except those who have withdrawn, died or become ineligible, must be [printed] *placed* on the official ballots without party designation or symbol.~~

~~— 2. If two or more candidates have the same surname or surnames so similar as to be likely to cause confusion and:~~

~~— (a) None of them is an incumbent, their middle names or middle initials, if any, must be included in their names as [printed] *placed* on the ballot; or~~

~~— (b) One of them is an incumbent, the name of the incumbent must be listed first and must [be printed] *appear* in bold type.]~~ **(Deleted by amendment.)**

Sec. 47. Section 5.080 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 913, is hereby amended to read as follows:

Sec. 5.080 ~~[Voting machines.]~~ ***Mechanical voting systems.***

1. The City Council ~~[may]~~ ***shall*** provide for the use of mechanical or other devices for ~~[voting or]~~ counting the votes ~~[not inconsistent]~~ ***in accordance*** with ~~[law or]~~ ***the election laws of this State and any*** regulations of the Secretary of State.

2. If the City Council provides for the use of mechanical or other devices for voting, such provision must be in accordance with the election laws of this State and any regulations of the Secretary of State.

Sec. 48. 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. 49. ~~[NRS 293.365, 293.373, 293B.050, 293C.365 and 293C.375 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 50. This act becomes effective on July 1, 2023.

~~[~~

~~TEXT OF REPEALED SECTIONS~~

~~293.365 Accounting for all paper ballots before counting of votes begins. Except as otherwise provided in NRS 293.269931, no counting board in any precinct, district or polling place in which paper ballots are used may commence to count the votes until all ballots used or unused are accounted for.~~

~~293.373 Duties of officers of counting board after ballots counted if paper ballots used. If paper ballots are used:~~

~~1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county clerk.~~

~~2. The rosters and tally lists must be returned to the county clerk.~~

~~293B.050 Authorization for use of mechanical voting system. At all statewide, county, city and district elections of any kind held in this State, ballots or votes may be cast, registered, recorded and counted by means of a mechanical voting system.~~

~~293C.365 Accounting for all paper ballots before counting of votes begins. Except as otherwise provided in NRS 293C.26331, a counting board in any precinct, district or polling place in which paper ballots are used may not begin to count the votes until all ballots used or unused are accounted for.~~

~~293C.375 Duties of officers of counting board after ballots counted if paper ballots used. If paper ballots are used:~~

~~1. After the ballots have been counted, the voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the city clerk.~~

~~2. The rosters and tally lists must be returned to the city clerk.~~**]**

Assemblywoman Gorelow moved that the Assembly concur in the Senate Amendment No. 695 to Assembly Bill No. 242.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 34.

The following Senate amendment was read:

Amendment No. 620.

AN ACT relating to water; revising ~~[various]~~ **the** public notice requirements **for certain applications** relating to water; revising certain requirements for

maps relating to water rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer is required to publish ~~[certain notices and court orders]~~ **a notice for certain applications** in a newspaper of general circulation consecutively for certain periods of time. (NRS ~~[533.087, 533.095, 533.165,]~~ 533.360) ~~[Sections 1, 2, 5 and]~~ **Section 6** of this bill ~~[eliminate]~~ **eliminates** the requirement to publish the notice ~~[or order submitted by the State Engineer]~~ consecutively. ~~[Sections 2, 5 and]~~ **Section 6** further ~~[require]~~ **requires** the ~~[Division of Water Resources of the State Department of Conservation and Natural Resources]~~ **State Engineer** to post the notice ~~[or court order]~~ on the Internet website of the Division ~~[.]~~ **of Water Resources of the State Department of Conservation and Natural Resources.**

~~[Existing law authorizes any interested person to file a written protest against the granting of an application for a permit within 30 days of the last publication of the notice of application. (NRS 533.365) Section 8 of this bill provides that a person may file a protest against the granting of an application for a permit within 60 days after the first date of publication or if the notice is not posted consecutively, within 30 days after the last date of publication of the notice for certain applications, whichever is later. Section 8 further provides that if the State Engineer does not receive any protests to an application within 60 days after the first date of publication, the State Engineer: (1) may presume that the notice was published consecutively and process the application conditionally; and (2) may not grant the application or issue a permit until the State Engineer files proof that the notice was published and posted.]~~

Sections 3, 10 and 11 of this bill remove requirements that certain maps relating to water rights be on mylar and tracing linen.

Section 4 of this bill clarifies that certain blank forms for a proof of appropriation must be included in the notice sent by the State Engineer to certain persons claiming rights in or to the waters of certain stream systems.

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

Section 1. ~~[NRS 533.087 is hereby amended to read as follows:~~

~~533.087 1. A claimant of any vested water right must submit, on a form prescribed by the State Engineer, proof of the claim to the State Engineer on or before December 31, 2027. If a claimant fails to file such proof on or before December 31, 2027, the claim shall be deemed to be abandoned.~~

~~2. Until December 31, 2027, the State Engineer shall cause notice of the provisions of subsection 1 to be:~~

~~(a) Published annually for 4 [consecutive] weeks in at least one newspaper of general circulation within the boundaries of each groundwater basin throughout the State.~~

~~(b) Posted on the Internet website maintained by the State Engineer.~~**] (Deleted by amendment.)**

Sec. 2. ~~[NRS 533.095 is hereby amended to read as follows:~~

~~533.095 1. As soon as practicable after the State Engineer enters an order granting the petition or selecting the streams upon which the determination of rights is to begin, the State Engineer shall prepare a notice setting forth the fact of the entry of the order and of the pendency of the proceedings.~~

~~2. The notice shall set forth:~~

~~(a) That all claimants to rights in the waters of the stream system are required, as provided in this chapter, to make proof of their claims, except claimants who submitted proof of their claims pursuant to NRS 533.087;~~

~~(b) The date on which the State Engineer will commence taking proofs of appropriation regarding the rights in and to the waters of the stream system;~~

~~(c) The date by which all proofs of appropriation must be filed; and~~

~~(d) That all proofs of appropriation must be accompanied by maps prepared in accordance with and depicting any information required pursuant to NRS 533.100 and 533.115.~~

~~3. The notice shall be~~ **[**~~published~~**] :**

~~***(a) Published*** for a period of 4 **[**~~consecutive~~**]** ~~weeks in one or more newspapers of general circulation within the boundaries of the stream system.~~

~~***(b) Posted on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.***~~

~~4. At or near the time of the first publication of the notice, the State Engineer shall send by mail to each person, or deliver to each person, in person, hereinafter designated as claimant, claiming rights in or to the waters of the stream system, insofar as such claimants can be reasonably ascertained, a notice equivalent in terms to the published notice setting forth the date when the State Engineer will commence the taking of proofs, and the date prior to which proofs must be filed with the State Engineer. The notice must be mailed at least 30 days prior to the date fixed for the commencement of the taking of proofs. The date set prior to which the proofs must be filed shall not be less than 60 days from the date set for the commencement of taking proofs. The notice shall be deemed to be an order of the State Engineer as to its contents.~~**] (Deleted by amendment.)**

Sec. 3. NRS 533.100 is hereby amended to read as follows:

533.100 1. The State Engineer shall begin an investigation of the flow of the stream and of the ditches diverting water, and of the lands irrigated therefrom, and shall gather such other data and information as may be essential to the proper determination of the water rights in the stream.

2. The State Engineer shall:

(a) Reduce his or her observations and measurements to writing.

(b) If necessary, execute surveys or cause them to be executed.

(c) If necessary, prepare, or cause to be prepared, maps from the observations of such surveys in accordance with such uniform rules and regulations as the State Engineer may adopt.

3. The surveys and maps shall show with substantial accuracy:

(a) The course of the stream.

(b) The location of each ditch or canal diverting water therefrom, together with the point of diversion thereof.

(c) The area and outline of each parcel of land upon which the water of the stream has been employed for the irrigation of crops or pasture.

(d) The kind of culture upon each of the parcels of land.

4. The map shall be prepared as the surveys and observations progress, and, when completed, shall be filed and made of record in the Office of the State Engineer. Such map for original filing in the Office of the State Engineer shall, in addition to complying with any other applicable rule or regulation of the State Engineer, be on **[**~~mylar, on~~**]** a scale of not less than 1,000 feet to the inch.

Sec. 4. NRS 533.115 is hereby amended to read as follows:

533.115 1. The State Engineer shall, in addition, enclose with the notice to be mailed as provided in ***subsection 4 of*** NRS 533.095, blank forms upon which a claimant who has not submitted proof pursuant to NRS 533.087 shall present in writing all particulars necessary for the determination of the claimant's right in or to the waters of the stream system. The form for a proof of appropriation must include the following:

(a) The name and mailing address of the claimant.

(b) The nature of the right or use on which the claim for appropriation is based.

(c) The time of the initiation of such right, the priority date claimed and a description of the place of diversion and works of diversion and distribution.

(d) The date of beginning of construction.

(e) The date when completed.

(f) The dates of beginning and completion of enlargements.

(g) The dimensions of the ditch as originally constructed and as enlarged.

(h) The date when water was first used for irrigation or other beneficial purposes.

(i) If the water was used for irrigation, the number of acres irrigated the first year, the number of acres irrigated in subsequent years, the dates of irrigation, the area and location of the lands which were irrigated, the character of the soil and the kind of crops cultivated, the rate of diversion and the number of acre-feet of water per annum required to irrigate the land.

(j) If the water was used for a beneficial purpose other than irrigation, the rate of diversion and the number of acre-feet of water used annually.

(k) If the water was used for watering livestock, the number and type of livestock.

(l) Any other facts as will show the extent and nature of the right and compliance with the law in acquiring the same, as may be required by the State Engineer.

2. A claimant must submit a separate proof of appropriation for each source of water of the stream system in which or to which the claimant claims a right.

3. The proof of appropriation submitted by the claimant must be accompanied by a map prepared, except as otherwise provided in subsection 4, in accordance with and depicting any information required pursuant to the requirements of subsections 3 and 4 of NRS 533.100.

4. If the map submitted with a proof of appropriation is prepared for water used for watering livestock, the map must be on a scale of not less than 1:24,000 or a map prepared by the United States Geological Survey covering a quadrangle of 7 1/2 minutes of latitude and longitude, and further identifying the location or extent of the livestock use by one-sixteenth sections within a numbered section, township and range.

Sec. 5. ~~[NRS 533.165 is hereby amended to read as follows:~~

~~533.165 1. As soon as practicable thereafter, a certified copy of the order of determination, together with the copies of the original evidence and transcript of testimony filed with, or taken before, the State Engineer, duly certified by the State Engineer, shall be filed with the clerk of the county, as ex officio clerk of the district court, in which the stream system is situated, or, if in more than one county but all within one judicial district, then with the clerk of the county wherein reside the largest number of parties in interest.~~

~~2. If such stream system shall be in two or more judicial districts, then the State Engineer shall notify the district judge of each of such judicial districts of his or her intent to file such order of determination, whereupon, within 10 days after receipt of such notice, such judges shall confer and agree where the court proceedings under this chapter shall be held and upon the judge who shall preside, and on notification thereof the State Engineer shall file the order of determination, evidence and transcripts with the clerk of the court so designated.~~

~~3. If such district judges fail to notify the State Engineer of their agreement, as provided in subsection 2, within 5 days after the expiration of such 10 days, then the State Engineer may file such order of determination, evidence and transcript with the clerk of any county the State Engineer may elect, and the district judge of such county shall have jurisdiction over the proceedings in relation thereto.~~

~~4. If the judge so selected and acting shall retire from office, or be removed from office or be disqualified, for any cause, then the judge of the district court having jurisdiction of the proceedings shall act as the judge on the matter or shall select the judge to preside in such matter.~~

~~5. In all instances a certified copy of the order of determination shall be filed with the county clerk of each county in which such stream system, or any part thereof, is situated.~~

~~6. Upon the filing of the certified copy of the order, evidence and transcript with the clerk of the court in which the proceedings are to be had, the State Engineer shall procure an order from the court setting the time for hearing. The clerk of such court shall immediately furnish the State Engineer with a certified copy thereof. The State Engineer immediately thereupon shall [mail] :~~

~~*(a) Mail* a copy of [such] *the* certified order of the court, by registered or certified mail, addressed to each party in interest at the party's last known place of residence . [, and shall cause the same]~~

~~*(b) Submit a copy of the certified order of the court* to be published at least once a week for 4 [consecutive] weeks in some newspaper of general circulation that is available in general circulation in each county in which such stream system or any part thereof is located.~~

~~*(c) Post a copy of the certified order of the court on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources.*~~

~~**7.** The State Engineer shall file with the clerk of the court [proof] :~~

~~*(a) Proof* of [such] service by registered or certified mail [and by] *in accordance with the requirements of paragraph (a) of subsection 6;*~~

~~*(b) Proof that the certified order was submitted for* publication [.] *; and*~~

~~*(c) Proof that the certified order was posted on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources,*~~

~~➥ Such service by registered or certified mail and by publication *and posting* shall be deemed full and sufficient notice to all parties in interest of the date and purpose of such hearing. *]* **(Deleted by amendment.)**

Sec. 6. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection 2 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 ~~[consecutive]~~ weeks in a newspaper of general circulation in the county where the point of diversion is located, ***and post on the Internet website of the Division of Water Resources of the State Department of Conservation and Natural Resources,*** a notice of the application which sets forth:

(a) That the application has been filed.

(b) The date of the filing.

(c) The name and address of the applicant.

(d) The name of the source from which the appropriation is to be made.

(e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.

(f) The purpose for which the water is to be appropriated.

➥ The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication ~~*[and posting]*~~ must be filed within 30 days after the final day of publication. The

State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

Sec. 7. (Deleted by amendment.)

Sec. 8. ~~[NRS 533.365 is hereby amended to read as follows:~~

~~533.365 1. Any person interested may, within~~ ***60 days after the first date of publication or, if the notice is not published consecutively,*** ~~30 days after the date of last publication of the notice of application~~ ***[,] that is set forth in the notice pursuant to subsection 1 of NRS 533.360, whichever is later,*** ~~file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which, except as otherwise provided in subsection 2, must be verified by the affidavit of the protestant, or an agent or attorney thereof.~~

~~2. If the application is for a permit to change the place of diversion, manner of use or place of use of water already appropriated within the same basin, a protest filed against the granting of such an application by a government, governmental agency or political subdivision of a government must be verified by the affidavit of:~~

~~(a) Except as otherwise provided in paragraph (b), the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or~~

~~(b) If the governmental agency or political subdivision is a division or other part of a department, the director or other person in charge of that department in this State, including, without limitation:~~

~~(1) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;~~

~~(2) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;~~

~~(3) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;~~

~~(4) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;~~

~~(5) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or~~

~~(6) The chair of the board of county commissioners, if the protest is filed by a county.~~

~~3. On receipt of a protest that complies with the requirements of subsection 1 or 2, the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with the State Engineer, which advice must be sent by certified mail.~~

~~4. The State Engineer shall consider the protest, and may, in his or her discretion, hold hearings and require the filing of such evidence as the State Engineer may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.~~

~~5. Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.~~

~~6. If the State Engineer holds a hearing pursuant to subsection 4, the State Engineer shall render a decision on each application not later than 240 days after the later of:~~

~~(a) The date all transcripts of the hearing become available to the State Engineer; or~~

~~(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer. The State Engineer may, for good cause shown, extend any applicable period.~~

~~7. The State Engineer shall adopt rules of practice regarding the conduct of a hearing held pursuant to subsection 4. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.~~

~~*8. If the State Engineer does not receive any written protest against the granting of an application within 60 days after the first date of publication pursuant to subsection 1 of NRS 533.360, the State Engineer may presume that the notice was published consecutively and process the application conditionally. The State Engineer may not grant the application or issue a permit until the State Engineer files proof that the notice was published and posted pursuant to the requirements of NRS 533.360.*~~ **(Deleted by amendment.)**

Sec. 9. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in subsection 10, where there is no unappropriated water in the proposed source of supply, where the groundwater that has not been committed for use has been reserved pursuant to NRS 533.0241 or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections 6 and 10 and NRS 533.365, the State Engineer shall approve or reject each application within 2 years after the final date for filing a protest. The State Engineer may postpone action:

(a) Upon written authorization to do so by the applicant.

(b) If an application is protested.

(c) If the purpose for which the application was made is municipal use.

(d) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368.

(e) Where court actions or adjudications are pending, which may affect the outcome of the application.

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in this subsection and subsection 10, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may postpone action on the application pursuant to subsection 4.

7. If the State Engineer has not approved, rejected or held a hearing on an application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished ***and reposted*** pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant. After such republication, ***and reposting,*** a protest may be filed in accordance with NRS 533.365.

8. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 11, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the

application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

9. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer in a timely manner on a form provided by the State Engineer.

10. The provisions of subsections 1 to 9, inclusive, do not apply to an application for an environmental permit or a temporary permit issued pursuant to NRS 533.436 or 533.504.

11. The provisions of subsection 8 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

12. As used in this section, "domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 10. NRS 533.405 is hereby amended to read as follows:

533.405 1. The State Engineer may, in his or her discretion, request that the statement required by NRS 533.400 be accompanied by a map on ~~[tracing linen on]~~ a scale of not less than 1,000 feet to the inch, which shall show with substantial accuracy the following:

(a) The point of diversion by legal subdivisions or by metes and bounds from some corner, when possible, from the source of supply.

(b) The traverse of the ditch or other conduit, together with cross sections of the same.

(c) The legal subdivisions of the land embraced in the application for the permit and the outline by metes and bounds of the irrigated area, with the amount thereof.

(d) The average grade and the difference in elevation of the termini of the conduit, and the carrying capacity of the same.

(e) The actual quantity of water flowing in the canal or conduit during the time the survey was being made.

2. The map must bear the affidavit of the surveyor or engineer making such survey and map. If the survey and map are made by different persons the affidavit of each must be on the map, showing that the map as compiled agrees with the survey.

3. The map shall conform with such rules and regulations as the State Engineer shall make, which rules shall not be in conflict herewith.

Sec. 11. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water $360.00
This fee includes the cost of publication, which is $50.

For reviewing a corrected application or map, or both, in connection with an application for a water right permit 100.00

For examining and acting upon plans and specifications for construction of a dam 1,200.00

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right 240.00
This fee includes the cost of publication, which is $50.

For examining and filing an application for a temporary permit to change the point of diversion, manner of use or place of use of an existing right $180.00

For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water, watering livestock or wildlife purposes 360.00
plus $3 per acre-foot approved or fraction thereof.

Except for generating hydroelectric power, watering livestock or wildlife purposes, for issuing and recording each permit to change an existing water right whether temporary or permanent for any purpose 300.00
plus $3 per acre-foot approved or fraction thereof.

For issuing and recording each permit for additional rate of diversion from a well where no additional volume of water is granted 1,000.00

For issuing and recording each permit to change the point of diversion or place of use of an existing right whether temporary or permanent for irrigation purposes, a maximum fee of 750.00

For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right whether temporary or permanent for watering livestock or wildlife purposes 240.00
plus $50 for each cubic foot of water per second approved or fraction thereof.

For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water 480.00
plus $50 for each cubic foot per second of water approved or fraction thereof.
For filing and examining a request for a waiver in connection with an application to drill a well 120.00
For filing and examining a notice of intent to drill a well $25.00
For filing and examining an affidavit to relinquish water rights in favor of use of water for domestic wells 300.00
For filing a secondary application under a reservoir permit 300.00
For approving and recording a secondary permit under a reservoir permit 540.00
For reviewing each tentative subdivision map 180.00
plus $1 per lot.
For reviewing and approving each final subdivision map 120.00
For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet 480.00
plus $1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.
For flood control detention basins 480.00
plus $1.25 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.
For filing proof of completion of work 60.00
For filing proof of beneficial use 60.00
For issuing and recording a certificate upon approval of the proof of beneficial use 350.00
For filing proof of resumption of a water right 360.00
For filing any protest 30.00
For filing any application for extension of time within which to file proofs, of completion or beneficial use, for each year for which the extension of time is sought 120.00
For filing any application for extension of time to prevent a forfeiture, for each year for which the extension of time is sought 120.00
For reviewing a cancellation of a water right pursuant to a petition for review 360.00

For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384 ..... 120.00
plus $20 per conveyance document.
For filing any other instrument 10.00
For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page $1.00
For each additional page ..... .20
For certifying to copies of documents, records or maps, for each certificate 6.00
For each copy of any full size drawing or map 6.00
For each color copy of any full size drawing or map (2′ x 3′) 12.00
For colored ~~[mylar]~~ plots 10.00

2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the State General Fund. All fees received for copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the State General Fund.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 620 to Assembly Bill No. 34.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 70.

The following Senate amendment was read:

Amendment No. 619.

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

Legislative Counsel's Digest:

Existing law provides that in addition to any fee charged and collected for a game tag, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be deposited with the State Treasurer

for credit to the Wildlife Account in the State General Fund and used by the Department of Wildlife for costs related to certain programs and activities, including, without limitation, wildlife management activities relating to the protection of nonpredatory game animals and sensitive wildlife species and conducting research relating to managing and controlling predatory wildlife. (NRS 502.253) This bill revises the wildlife management activities for which the Department may use the proceeds of such fees to provide that the Department, at the direction of the applicant, may instead use the proceeds of such fees only for: (1) developing and implementing an annual program for the lethal removal of predatory wildlife; or (2) ~~[wildlife management activities relating to the protection of nonpredatory game species and the habitat of such]~~ **developing and implementing an annual program for the improvement of wildlife habitat and research or management activities beneficial to** nonpredatory game species.

Existing law also requires that the Department expend on any program developed for the management and control of predatory wildlife not less than 80 percent of the total money collected from the $3 application processing fee in the most recent fiscal year for which the Department has information. (NRS 502.253) This bill removes the minimum 80 percent expenditure requirement for programs developed for the management and control of predatory wildlife.

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

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

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

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

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

~~(c) Conducting research necessary to determine successful techniques for managing and controlling predatory wildlife.]~~ ***Developing and implementing an annual program for the improvement of wildlife habitat and research or management activities beneficial to nonpredatory game species.***

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

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the

guidance of the Commission in accordance with the provisions of subsection 4 and the policies adopted by the Commission pursuant to NRS 501.181.

4. The Department ~~[~~:

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

~~[~~~~(b) Shall not adopt any program for the management and control of predatory wildlife developed pursuant to this section that provides for the expenditure of less than 80 percent of the amount of money collected pursuant to subsection 1 in the most recent fiscal year for which the Department has complete information for the purposes of lethal management and control of predatory wildlife.~~~~]~~

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

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 619 to Assembly Bill No. 70.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 191.

The following Senate amendment was read:

Amendment No. 616.

AN ACT relating to water; revising provisions relating to a plan of water conservation and plan for incentives relating to water conservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each supplier of water to: (1) adopt a plan of water conservation and update the plan every 5 years; (2) include with the plan of water conservation a water loss audit or certain water loss calculations; and (3) adopt a plan to provide certain incentives relating to water conservation. Existing law defines a "supplier of water" to include any public or private entity that supplies water for municipal, industrial or domestic purposes. (NRS 540.121-540.151) This bill revises the definition of "supplier of water" to exclude a public or private entity that ~~[~~: (1)~~]~~ has less than 15 service connections . ~~[~~; (2) serves year-round residents; and (3) supplies water for municipal or quasi-municipal purposes.~~]~~ As a result of the change to the definition of "supplier of water," this bill removes the requirement for such an entity to adopt and update a plan of water conservation, conduct a water loss audit or calculate water losses or adopt a plan to provide certain incentives relating to water conservation.

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

Section 1. NRS 540.121 is hereby amended to read as follows:

540.121 ***1.*** As used in NRS 540.121 to 540.151, inclusive, "supplier of water" includes, but is not limited to:

~~[1.]~~ ***(a)*** Any county, city, town, local improvement district, general improvement district and water conservancy district;

~~[2.]~~ ***(b)*** Any water district, water system, water project or water planning and advisory board created by a special act of the Legislature; and

~~[3.]~~ ***(c)*** Any other public or private entity,

➥ that supplies water for municipal, industrial or domestic purposes.

2. The term does not include ~~[a]~~ ***:***

(a) A public utility required to adopt a plan of water conservation pursuant to NRS 704.662 ~~[.]~~ ***; or***

(b) A public or private entity that ~~[:~~

~~***(1) Has]***~~ ***has less than 15 service connections, as defined in NRS 445A.843 . ~~[;~~***

~~***(2) Serves year-round residents; and***~~

~~***(3) Supplies water for municipal or quasi-municipal purposes.]***~~

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 616 to Assembly Bill No. 191.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 220.

The following Senate amendment was read:

Amendment No. 712.

~~[CONTAINS UNFUNDED MANDATE (§ 1)~~
~~(Not Requested by Affected Local Government)]~~

AN ACT relating to water; ~~[requiring certain]~~ **authorizing a district board of health to establish a program to pay the costs for** property owners with a septic system to connect to a community sewerage disposal system ~~[by January 1, 2054,]~~ **under certain circumstances;** revising provisions relating to a permit to operate a water system; revising provisions relating to water ~~[and sewer facilities;]~~ **systems;** revising provisions relating to tentative maps and final maps for a subdivision of land; establishing minimum standards for certain landscaping irrigation fixtures in new construction and expansions and renovations in certain structures; revising provisions relating to grants of money for water conservation; exempting the use of water by certain entities to extinguish fires in an emergency from provisions governing the appropriation of water; revising provisions relating to groundwater in certain designated areas; revising conditions under which the State Engineer may require the plugging of certain wells used for domestic purposes; defining certain terms relating to the Conservation of Colorado River Water Act;

authorizing the Board of Directors of the Southern Nevada Water Authority to enact certain restrictions on water use for single-family residences under certain circumstances; prohibiting, with certain exceptions, the use of the waters of the Colorado River for certain purposes; establishing requirements relating to an irrigation water efficiency monitoring program; revising certain provisions relating to the use of the waters of the Colorado River to irrigate nonfunctional turf; authorizing the Authority to operate a program to convert properties using a septic system to a municipal sewer system and to impose a fee for such a program; authorizing the Board of Directors to authorize the General Manager of the Authority to restrict the use of water under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district board of health may adopt regulations to control the use of a residential individual system for disposal of sewage in the district. (NRS 444.650) Existing law also authorizes a district board of health, upon approval of the State Board of Health, to adopt regulations to regulate sanitation and the sanitary protection of water and food supplies. (NRS 439.366, 439.410) **Section 1** of this bill ~~[requires]~~ **authorizes** a district board of health ~~[in a county whose population is 700,000 or more (currently only Clark County)]~~ to ~~[: (1) require all]~~ **create a voluntary financial assistance program to pay 100 percent of the costs for** property owners with an existing septic system whose property is served by a municipal water system to connect to the community sewerage disposal system **.** ~~[not later than January 1, 2054; and (2) enter into an agreement with a water authority to establish a program to pay not less than 85 percent of the cost for property owners to abandon an existing individual septic system and connect to the community sewerage disposal system.]~~ **Section 1** also **: (1)** authorizes such a district board of health to, upon an affirmative vote of two-thirds of the members of the board, impose a **voluntary** fee on owners of such septic systems to carry out such requirements ~~[.]~~ **; and (2) if such a voluntary fee is imposed, prohibits the district board of health from paying the costs of connecting to the community sewerage disposal system for any property owner who does not pay the voluntary fee.** **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes. **Section 34.5 of this bill requires a district board of health that creates such a voluntary financial assistance program to, on or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau a report setting forth the number of participants in the program and recommendations for legislation.**

Under existing law, a permit to operate a water system may not be issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources or certain district boards of health unless certain conditions are met, including, without limitation, that: (1) the local governing body assumes responsibility in case of default and assumes the duty of assessing the lands served; (2) the applicant furnishes the local governing

body sufficient surety; (3) the owners of the lands to be served by the water system agree to be assessed by the local governing body for the cost of the water system if there is a default; and (4) the owners agree that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users may be required to connect to the water system provided by the public utility, municipality or other public entity and be assessed the costs for the connection. (NRS 445A.895) **Section 4** of this bill revises these conditions to: (1) provide that, with certain exceptions, the sole and exclusive obligation of the local governing body is to use the surety in the event of a default to contract and pay the operator responsible for the continued operation and maintenance of the water system; (2) require the owners of property served by the water system to also provide a surety to the local governing body; and ~~[(2)]~~ **(3)** provide that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users of the water system in certain counties are required to connect. **Section ~~[4]~~ 4.5** of this bill makes conforming changes to revise certain provisions relating to the ~~[responsibility of]~~ **disposition of the proceeds of assessments and sureties imposed by** a local governing body for a public water system in the event of a default. **Section 3** of this bill revises a reference to certain findings. **Section 2.3 of this bill defines "local governing body" for the purposes of the provisions of sections 4 and 4.5. Section 2.6 of this bill makes a conforming change to indicate the proper placement of section 2.3 in the Nevada Revised Statutes.**

~~[Under existing law, a board of county commissioners of a county whose population is 700,000 or more (currently only Clark County) is authorized to prohibit certain persons, associations and corporations from using, constructing, acquiring or cause or permit the use, construction or acquisition of any type of private sewage system and to provide for the disconnection of any plumbing facilities from a private sewage system. (NRS 244.366) Section 8 of this bill also authorizes such a board of county commissioners to require any building or other structure that uses or is served by any type of private sewage system to connect to a public sewage system if the building or other structure is served by a municipal water system and is within 400 feet of the service lines and appurtenances of a public sewage system.]~~

Under existing law, if the State Environmental Commission determines that, in relevant part, water provided by a public utility or a municipality or other public entity is reasonably available to users of a water system, the board of county commissioners of that county may require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity. (NRS 244.3655) **Section 7** of this bill provides instead that if the Commission determines that water provided by a public utility or a municipality or other public entity may be accessed within 1,250 feet of any lot or parcel served by the water system, the board of county commissioners shall, in a county whose population is 700,000 or more

(currently only Clark County), and may, in all other counties, require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity.

Under existing law, if the State Environmental Commission or the governing body of certain cities determines certain water systems ~~[or package plants for sewage treatment]~~ within the city limits are not serving the needs of its users and water ~~[or sewerage]~~ provided by a public utility, the city or another municipality or public entity is reasonably available to those users, the governing body may require all users of the system ~~[or plant]~~ to connect into the available water system ~~[or sewers]~~ and assess each lot or parcel for its share of the cost. (NRS 268.4102 **) ~~[, 268.4105)]~~ Section 10** of this bill provides instead that if the water system ~~[or sewerage]~~ may be accessed within 1,250 feet of the property of such users, the governing body of a county whose population is 700,000 or more (currently only Clark County) shall require all users to connect. ~~[Section 11 of this bill provides that if the property served by a package plant for sewage treatment receives water from a municipal water system, the governing body of a county whose population is 700,000 or more shall require all users of the plant to connect. Sections]~~ **Section 10 ~~[and 11]~~** also ~~[provide]~~ **provides** that all other governing bodies of a county may require all users to connect in such circumstances.

~~[Section 9 of this bill provides that if the governing body of a city in a county whose population is 700,000 or more determines that a private septic system or any package plant for sewage treatment is located within the city and a user of the private septic system or package plant for sewage treatment receives water from a municipal water system, the governing body must require all users of the septic system or package plant for sewage treatment to connect to the public sewers and may assess each lot or parcel for its share of the cost for the connection.]~~

Existing law sets forth an approval process for the subdivision of land that requires: (1) a subdivider of land to submit a tentative map to the planning commission or the governing body of a county or city, as applicable; and (2) the planning commission or governing body to forward a copy of the tentative map to certain other state and local agencies for review and comment. (NRS 278.330-278.460) **Sections 13 and 16** of this bill require that if a proposed subdivision will be served by a public water system: (1) in a county whose population is 700,000 or more, the planning commission or the governing body, as applicable, must file the tentative map with the supplier of water for review and comment; and (2) if the subdivision is located in a general improvement district, the planning commission or the governing body must file the tentative map with the supplier of water in the district. **Section 17** of this bill provides that such a governing body of a county or city may not approve a tentative map, unless the supplier of water determines that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

Under existing law, a final map presented for filing must include certificates and acknowledgements from certain entities. (NRS 278.374-278.378) **Section 14** of this bill requires that if a subdivision in a county whose population is 700,000 or more or in a general improvement district will be served by a public water system, the final map presented for filing must include a certificate of approval from the supplier of water.

Section 15 of this bill makes conforming changes to indicate the proper placement of **sections 13 and 14** in the Nevada Revised Statutes. **Section 18** of this bill makes a conforming change to require the certificate of approval required by **section 14** to appear on the final map. **Sections 19 and 21** of this bill make conforming changes to also require a map of reversion and a final map for a planned development to have such a certificate of approval, if applicable.

Existing law establishes certain minimum standards for plumbing fixtures in new construction, expansions and renovations in residential, commercial, industrial or manufactured structures, public buildings, manufactured homes and mobile homes and requires the use of certain plumbing fixtures that have been certified under the WaterSense program established by the United States Environmental Protection Agency if a final product specification has been developed by the WaterSense program. (NRS 278.582, 338.193, 461.175, 489.706) **Sections 6, 20, 22 and 24** of this bill require that, with certain exceptions, if the WaterSense program has established a final product specification for an irrigation controller or spray sprinkler body, any new construction, expansions and renovations on such structures, buildings and homes must install irrigation controllers and spray sprinkler bodies that have been certified under the WaterSense program.

Existing law establishes a program to provide grants of money for water conservation and capital improvements to certain water systems, including grants to an eligible recipient to pay certain costs associated with connecting a well to a municipal water system under certain circumstances. (NRS 349.981) **Section 23** of this bill provides instead for grants of money to pay certain costs associated with plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system under certain circumstances.

Existing law exempts, under certain circumstances, the de minimus collection of precipitation from the requirements of the Nevada Revised Statutes relating to the appropriation of water. (NRS 533.027) **Section 24.5** of this bill also exempts the use of water by public agencies or volunteer fire departments to extinguish fires in an emergency.

Under existing law, the State Engineer may issue temporary permits to appropriate groundwater in certain designated areas which may be revoked if the property served by the permit is within 180 feet of water furnished by an entity such as a water district or a municipality and the well needs to be redrilled or have certain repairs made. (NRS 534.120) **Section 26** of this bill instead provides that the State Engineer: (1) may only issue a temporary permit

if water cannot be furnished by a public entity that furnishes water; and (2) authorizes the State Engineer to revoke such a temporary permit if the property served by the temporary permit is within 1,250 feet of water furnished by a public entity such as a water district or a municipality. **Section 26** also requires the State Engineer to, in an area in which such temporary permits have been issued: (1) deny applications to appropriate groundwater if a public entity that furnishes water serves the area; (2) limit the depth of domestic wells; and (3) prohibit the drilling of wells for domestic use.

Under existing law, the State Engineer may require the plugging of certain domestic wells drilled in a basin in which such wells must be registered if water can be furnished by certain entities, but only if the charge for connecting to the furnished water is less than $200. (NRS 534.180) **Section 27** of this bill: (1) removes the requirement that the charge for connecting be less than $200; and (2) requires plugging of a well if the well is within 1,250 feet of a municipal water system.

Existing law requires that applications for the appropriation of water or to change the place of diversion, manner of use or place of use of certain waters must be made to the Colorado River Commission. (NRS 538.171) **Section 27.5** of this bill also requires that applications to change the holder of the entitlement to appropriate certain waters be submitted to the Colorado River Commission.

The Conservation of Colorado River Water Act prohibits, with certain exceptions, the waters of the Colorado River that are distributed by the Southern Nevada Water Authority or one of the member agencies of the Authority from being used to irrigate nonfunctional turf on any property that is not zoned exclusively for a single-family residence on and after January 1, 2027. (Section 39 of chapter 364, Statutes of Nevada 2021, at page 2180) **Section 31** of this bill prohibits the use of such waters of the Colorado River for irrigating nonfunctional turf on any parcel of property that is not used exclusively as a single-family residence.

Section 28 of this bill defines "General Manager" for the purposes of the Conservation of Colorado River Water Act. **Section 29** of this bill **: (1)** authorizes the Board of Directors of the Authority to restrict the use of water by a single-family residence to not more than 0.5 acre-feet of water during any year in which a shortage on the Colorado River has been declared by the Federal Government **[.]** **; and (2) requires the Board of Directors to establish a process to approve a waiver of such restrictions on the use of water.** **Section 29** also prohibits, with certain exceptions, the installation of new turf on any parcel of property that uses such waters of the Colorado River for irrigation beginning on the effective date of this bill and ending on December 31, 2023. Any new turf installed on and after January 1, 2024, must meet the requirements established by the Board of Directors, unless the General Manager approves a waiver.

Section 29 further **[: (1)]** prohibits the installation of a new septic system on any parcel of property that uses such waters of the Colorado River **. [; and (2)**

~~requires any parcel of property which uses such waters of the Colorado River to discontinue the use of the septic system and connect to a public sewer system if the property served by the existing septic system is connected to a municipal water system.]~~

Section 30 of this bill requires certain parcels of property which use such waters of the Colorado River to participate in an irrigation water efficiency monitoring program if the property: (1) is not used exclusively as a single-family residence; and (2) consists of 20,000 square feet or more of turf. **Section 30** also: (1) requires the Board of Directors to develop and establish policies, guidelines and deadlines for participation in such an irrigation water efficiency monitoring program; and (2) authorizes the General Manager to approve an extension or waiver from the irrigation water efficiency monitoring program.

The Southern Nevada Water Authority Act authorizes the Authority, in consultation with the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin, to operate a project for the recharge and recovery or underground storage and recovery of groundwater for the benefit of owners of wells in the Las Vegas Valley Groundwater Basin. (Section 14.5 of chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387) The Act also authorizes the Authority to assess certain fees on users of groundwater and owners of domestic wells, including a fee if the Authority operates such a project. (Section 13 of chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387) **Section 33** of this bill also authorizes the Authority, in consultation with the Advisory Committee, to operate a program to convert any property served by a septic system to a municipal sewer system. **Section 32** of this bill authorizes the Authority to assess a fee on users of groundwater and owners of domestic wells for the program to convert septic systems.

The Southern Nevada Water System Act of 1995 establishes certain powers and duties of the Authority. (Section 2 of chapter 393, Statutes of Nevada 1995, at page 963) **Section 34** of this bill authorizes the Board of Directors of the Authority, by resolution, to authorize the General Manager of the Authority to restrict water usage during certain water emergencies and shortages and provides that the Board of Directors must ratify any such restrictions imposed by the General Manager.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district board of health ~~[shall require]~~ may create a voluntary financial assistance program to pay 100 percent of the cost for a property owner with an existing septic system whose property is served by a municipal water system to abandon the septic system and connect to the community sewerage disposal system . ~~[not later than January 1, 2054.]~~

2. ~~[To carry out the requirement of subsection 1, the district board of health shall enter into an agreement with a water authority created by cooperative agreement pursuant to chapter 277 of NRS to establish a program to pay not less than 85 percent of the cost for property owners to abandon a septic system and connect to a community sewerage disposal system. Such a program must pay such costs for up to 200 property owners each calendar year.~~

~~3.]~~ Upon an affirmative vote of two-thirds of all the members of the district board of health, the district board of health may impose a voluntary annual fee on property owners with existing septic systems whose property is served by a municipal water system to carry out the provisions of this section.

~~[4. The]~~

3. If the district board of health ~~[shall adopt regulations to carry the provisions of this section, which:~~

~~(a) Must prioritize properties with a septic system where the community sewerage disposal system is adjacent to the property; and~~

~~(b) May, upon an affirmative vote of two-thirds of all the members of the district board of health, provide for administrative penalties for noncompliance with the provisions of this section.~~

~~5. In carrying out the program created pursuant to subsection 2, the district board of health may:~~

~~(a) Grant a one-time extension of not more than 5 years to a property owner that is required to abandon a septic system and connect to a community sewerage disposal system if there is insufficient money for the program to pay 85 percent of the cost pursuant to subsection 2;~~

~~(b) Enter into agreements with the governing body of a county or city to establish special improvement districts and landscape improvement districts;~~

~~(c) Revoke a septic permit held by any property owner who fails to pay the fee authorized pursuant to subsection 3, if imposed, and require such property owner to immediately connect to a community sewerage disposal system without financial assistance; and~~

~~(d) Enter into cooperative agreements pursuant to chapter 277 of NRS to secure money for the program created pursuant to subsection 2.~~

~~6.]~~ imposes a voluntary annual fee pursuant to subsection 2:

(a) The fee must not exceed the annual sewer rate charged by the largest community sewerage disposal system in the county or counties, as applicable, in which the district board of health has been established; and

(b) The district board of health shall not provide financial assistance to any property owner who does not pay the voluntary fee.

4. As used in this section:

(a) "Community sewerage disposal system" means a public system of sewage disposal which is operated for the benefit of a county, city, district or other political subdivision of this State.

(b) "Septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system. The term includes a residential individual system for disposal of sewage.

Sec. 2. NRS 439.361 is hereby amended to read as follows:

439.361 The provisions of NRS 439.361 to 439.3685, inclusive, ***and section 1 of this act,*** apply to a county whose population is 700,000 or more.

Sec. 2.3. **Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:**

"Local governing body" means:

1. The governing body of an incorporated city in which is located within the limits of the incorporated city all or any part of an area serviced by a water system; or

2. The board of county commissioners of a county in which is located within the unincorporated area of the county all of an area serviced by a water system.

Sec. 2.6. **NRS 445A.805 is hereby amended to read as follows:**

445A.805 As used in NRS 445A.800 to 445A.955, inclusive, ***and section 2.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445A.807 to 445A.850, inclusive, ***and section 2.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 445A.890 is hereby amended to read as follows:

445A.890 Before making the finding specified in NRS 445A.910 and before making the determinations specified in NRS 244.3655, 268.4102 and 445A.895, the ***Commission or*** Division ***, as applicable,*** shall request comments from the:

1. Public Utilities Commission of Nevada;
2. State Engineer;
3. Local government within whose jurisdiction the water system is located; and
4. Owner of the water system.

Sec. 4. NRS 445A.895 is hereby amended to read as follows:

445A.895 A permit to operate a water system may not be issued pursuant to NRS 445A.885 unless all of the following conditions are met:

1. Neither water provided by a public utility nor water provided by a municipality or other public entity is available to the persons to be served by the water system.
2. The applicant fully complies with all of the conditions of NRS 445A.885 to 445A.915, inclusive.
3. The applicant submits to the Division or the district board of health designated by the Commission documentation issued by the State Engineer which sets forth that the applicant holds water rights that are sufficient to operate the water system.
4. The local governing body ~~[assumes:]~~ ***agrees:***

(a) ~~[~~Responsibility in case of~~]~~ ***That, except as otherwise provided in paragraph (b), in the event of a*** default by the builder ***,*** ~~[~~or~~]~~ developer ***or owner*** of the water system ***, the sole and exclusive obligation of the local governing body shall be to use the surety furnished to the local governing body pursuant to subsection 5 to contract with and pay the operator of the water system*** for ~~[~~its~~]~~ ***the*** continued operation and maintenance ~~[~~in accordance with all the terms and conditions of the permit.~~]~~ ***of the water system.***

(b) ~~[~~The~~]~~ ***To assume the*** duty of assessing the lands served as provided in subsection 6 ~~[~~.~~]~~ ***in the event of default by the builder, developer or owner of the water system.***

5. The applicant furnishes the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate ***, properly established and funded reserve account*** or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system:

(a) For 5 years following the date the system is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the system are sold,

➥ whichever is later.

6. The owners of the lands to be served by the water system ~~[~~record~~]~~ ***:***

(a) Furnish the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate, properly established and funded reserve account or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system and continued technical, financial and managerial capability of the water system; and

(b) Record a declaration of covenants, conditions and restrictions which is an equitable servitude running with the land and which must provide ~~[~~that~~]~~ ***:***

(1) That each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of ***replenishing or augmenting the surety required pursuant to paragraph (a) as necessary for the*** continued operation and maintenance of the water system if there is a default by the ~~[~~applicant or operator~~]~~ ***builder, developer or owner*** of the water system ~~[~~and a sufficient surety, as provided in subsection 5, is not available.~~]~~ ***;***

(2) That the owners of the lands will annually provide the local governing body with a financial audit of the water system, including, without limitation, any reserve account, if established, to ensure the adequacy of the financial management of the water system; and

(3) An acknowledgment of and agreement with the obligations of the local governing body pursuant to subsection 4 and subsection 3 of NRS 445A.905.

7. If the water system uses or stores ozone, the portion of the system where ozone is used or stored must be constructed not less than 100 feet from any existing residence, unless the owner and occupant of each residence located closer than 100 feet consent to the construction of the system at a closer distance.

8. The ***owners of the lands to be served by the water system record a*** declaration of covenants, conditions and restrictions ~~[recorded by the owners of the lands further]~~ ***, which is an equitable servitude running with the land, and*** provides that if the Division determines that:

(a) The water system is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available,

➥ the local governing body ***shall, in a county whose population is 700,000 or more, and*** may, ***in all other counties,*** pursuant to NRS 244.3655 or 268.4102, require all users of the water system to connect into the available water system provided by a public utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

9. Provision has been made for disposition of the water system and the land on which it is situated after the local governing body requires all users to connect into an available water system provided by a public utility or a municipality or other public entity.

Sec. 4.5. NRS 445A.905 is hereby amended to read as follows:

445A.905 1. The proceeds of any assessments upon lots or parcels ***and the sureties required pursuant to NRS 445A.895*** must be deposited with the treasurer of the local governing body which received them, and they may be expended only for the:

(a) Continued maintenance and operation of the water system;

(b) Replacement of the water system if necessary; and

(c) Payment of the costs, including, but not limited to, the direct costs of connection and the costs of necessary new or rehabilitated facilities and any necessary water rights, associated with connection to any water system provided by a public utility or a municipality or other public entity that becomes reasonably available.

2. If any surplus exists in the proceeds of assessments ***and the sureties required pursuant to NRS 445A.895*** after all purposes of the assessments ***and sureties*** have been fully met, the surplus must be refunded to the persons who paid the assessments ~~[.]~~ ***and sureties,*** in the proportion that their respective assessments ***and sureties*** bear to the gross proceeds of all assessments ***and sureties*** collected by the local governing body.

3. For the purposes set forth in subsection 1, the local governing body is not obligated to:

(a) Expend money from any source other than the assessments and surety deposited pursuant to NRS 445A.895;

(b) Extend credit on behalf of a builder, developer or owner of land to be served by the water system; or

(c) Collect any unpaid assessment, unless the local governing body has agreed to assume the duty for the assessments pursuant to subsection 4 of NRS 445A.895.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 461.175 is hereby amended to read as follows:

461.175 1. Each manufactured building on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured building on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured building on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

5. Each manufactured building on which construction begins on or after January 1, 2024, and each existing manufactured building which is expanded or renovated on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product

specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape irrigation fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 7. NRS 244.3655 is hereby amended to read as follows:

244.3655 1. If the State Environmental Commission determines that:

(a) A water system which is located in a county and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ ***may be accessed within 1,250 feet of any lot of parcel served by the water system,***

➥ the board of county commissioners of that county ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 8. ~~[NRS 244.366 is hereby amended to read as follows:~~

~~244.366 1. The board of county commissioners of any county whose population is 700,000 or more has the power, outside of the limits of incorporated cities and towns:~~

~~(a) To construct, acquire by gift, purchase or the exercise of eminent domain, otherwise acquire, reconstruct, improve, extend, better and repair water and sewer facilities, such as:~~

~~(1) A water system, including but not limited to water mains, conduits, aqueducts, pipelines, ditches, canals, pumping stations, and all appurtenances and machinery necessary or useful and convenient for obtaining, transporting or transferring water.~~

~~(2) A water treatment plant, including but not limited to reservoirs, storage facilities, and all appurtenances necessary or useful and convenient thereto for the collection, storage and treatment, purification and disposal of water for domestic uses and purposes.~~

~~(3) A storm sewer or sanitary sewage collection system, including but not limited to intercepting sewers, outfall sewers, force mains, collecting sewers, storm sewers, combined sanitary and storm sewers, pumping stations, ejector stations, and all other appurtenances necessary, useful or convenient for the collection, transportation and disposal of sewage.~~

~~(4) A sewage treatment plant, including but not limited to structures, buildings, machinery, equipment, connections and all appurtenances necessary, useful or convenient for the treatment, purification or disposal of sewage.~~

~~(b) To acquire, by gift, purchase or the exercise of the right of eminent domain, lands or rights in land or water rights in connection therewith, including but not limited to easements, rights-of-way, contract rights, leases, franchises, approaches, dams and reservoirs.~~

~~(c) To operate and maintain those water facilities, sewer facilities, lands, rights in land and water rights.~~

~~(d) To sell, lease, donate for public use and otherwise dispose of those water facilities, sewer facilities, lands, rights in land and water rights.~~

~~(e) To prescribe and collect rates, fees, tolls or charges, including but not limited to the levy or assessments of such rates, fees, tolls or charges against governmental units, departments or agencies, including the State of Nevada and political subdivisions thereof, for the services, facilities and commodities furnished by those water facilities and sewer facilities, and to provide methods of collections, and penalties, including but not limited to denial of service, for nonpayment of the rates, fees, tolls or charges.~~

~~(f) To provide it is unlawful for any persons, associations and corporations owning, occupying or in any way controlling any building or other structure, any part of which is within 400 feet of any street, alley, court, passageway, other public highway, right-of-way, easement or other alley owned or occupied by the county in which a public sewer is then in existence and use, to construct, otherwise acquire, to cause or permit to be constructed or otherwise acquired, or to use or continue to use any private sewage disposal plant, privy vault, *septic system,* septic tank, cesspool or other private sewage system, upon such terms and conditions as the board of county commissioners may provide.~~

~~(g) To provide for the disconnection of plumbing facilities from any~~ **[**~~of those~~**]** ***private sewage disposal plant, privy vault, septic system, septic tank, cesspool or other*** ~~private sewage~~ **[**~~facilities~~**]** ***system or facility*** ~~and for the discontinuance and elimination of~~ **[**~~those~~**]** ***such a*** ~~private sewage~~ **[**~~facilities.~~**]** ***system or facility.***

~~*(h) To require any building or other structure that uses or is served by any private sewage disposal plant, privy vault, septic system, septic tank, cesspool or other private sewage system or facility to connect to a public sewage system if the building or other structure is served by a municipal water system and is within 400 feet of the service lines and appurtenances of public sewage system provided by a public utility, municipality or other public entity.*~~

~~2. The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.~~

~~3. This section, being necessary to secure and preserve the public health, safety and convenience and welfare, must be liberally construed to effect its purpose.~~

~~4. Any person, association or corporation violating any of the provisions of any ordinance adopted pursuant to this section is guilty of a misdemeanor.~~

~~*5. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~[Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If the governing body of a city in a county whose population is 700,000 or more determines that:*~~

~~*(a) A private septic system or a package plant for sewage treatment is located within the city limits; and*~~

~~*(b) A user of the private septic system or package plant for sewage treatment receives water from a municipal water system,*~~

~~*↪ the governing body shall require all users of the private septic system or package plant for sewage treatment to connect into the available sewers provided by the public utility, the city or another municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the cost of connecting into such sewers. These assessments are not subject to the jurisdiction of the Public Utilities Commission of Nevada.*~~

~~*2. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system.]*~~ **(Deleted by amendment.)**

Sec. 10. NRS 268.4102 is hereby amended to read as follows:

268.4102 1. If the State Environmental Commission determines that:

(a) A water system which is located within the boundaries of a city and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ ***may be accessed within 1,250 feet of any lot or parcel served by the water system,***

↪ the governing body of that city ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel

served for its share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 11. **[**~~NRS 268.4105 is hereby amended to read as follows:~~

~~268.4105 1. If the governing body of the city determines that:~~

~~(a) A package plant for sewage treatment which is located within the city limits and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is not satisfactorily serving the needs of its users; and~~

~~(b)~~ **[**~~Sewerage provided by a public utility, the city or another municipality or other public entity is reasonably available to those users,~~**]** ***A user of the private septic system or package plant for sewage treatment receives water from a municipal water system,***

~~*~~ the governing body ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** ~~require all users of the plant to connect into the available sewers provided by~~ **[**~~a~~**]** ***the*** ~~public utility, the city or another municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the cost of connecting into those sewers. These assessments are not subject to the jurisdiction of the Public Utilities Commission of Nevada.~~

~~2. If the State Department of Conservation and Natural Resources has found that a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is violating any of the conditions of NRS 445A.465 to 445A.515, inclusive, and has notified the holder of the permit that he or she must bring the plant into compliance, but the holder of the permit has failed to comply within a reasonable time after the date of the notice, the governing body of the city in which the plant is located may take the following actions independently of any further action by the State Department of Conservation and Natural Resources:~~

~~(a) Give written notice, by certified mail, to the owner of the plant and the owners of the property served by the plant that if the violation is not corrected within 30 days after the date of the notice, the governing body of the city will seek a court order authorizing it to assume control; and~~

~~(b) After the 30-day period has expired, if the plant has not been brought into compliance, apply to the district court for an order authorizing the governing body to assume control of the plant and assess the property for the continued operation and maintenance of the plant as provided in subsection 4.~~

~~3. If the governing body of the city determines at any time that immediate action is necessary to protect the public health and welfare, it may assume physical control and operation of a package plant for sewage treatment which is located within the city limits and is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, without complying with any of the requirements set forth in subsection 2. The governing body may not maintain~~

~~control of the plant pursuant to this subsection for a period greater than 30 days unless it obtains an order from the district court authorizing an extension.~~

~~4. Each lot and parcel served by a package plant for sewage treatment which is exempt from the provisions of NRS 445A.540 to 445A.560, inclusive, is subject to assessment by the governing body of the city in which the plant is located for its proportionate share of the cost of continued operation and maintenance of the plant if there is a default or the city assumes control and operation of the plant pursuant to subsection 2 or 3.~~**]** **(Deleted by amendment.)**

Sec. 12. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ***In a county whose population is 700,000 or more, when any subdivider proposes to subdivide land that will be served by a public water system, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body, shall file a copy of the subdivider's tentative map with the supplier of water. The supplier of water shall, within 30 days, review and comment in writing upon the tentative map to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.***

Sec. 14. ***A final map presented for filing which is subject to the provisions of NRS 278.347 or section 13 of this act must include a certificate by the supplier of water showing that the final map is approved by the supplier of water with regard to the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.***

Sec. 15. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and sections 13 and 14 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 16. NRS 278.347 is hereby amended to read as follows:

278.347 ***1.*** When any subdivider proposes to subdivide land, any part of which is located within the boundaries of any general improvement district organized or reorganized pursuant to chapter 318 of NRS, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with **[**~~the~~**]** ***:***

(a) The board of trustees of the district **[**~~. The board of trustees may within~~**]** ***; and***

(b) If the subdivision will be served by a public water system, the supplier of water in the district.

2. Within 30 days ***:***

(a) The board of trustees may review and comment in writing upon the ***tentative*** map ***filed pursuant to subsection 1*** to the planning commission or governing body ~~[.]~~ ***; and***

(b) If applicable, the supplier of water shall review and comment in writing upon the tentative map filed pursuant to subsection 1 to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

3. The planning commission or governing body shall take any such comments ***submitted pursuant to subsection 2 by the board of trustees and the supplier of water, if applicable,*** into consideration before approving the tentative map.

Sec. 17. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands;

(k) The potential impacts to wildlife and wildlife habitat; and

(l) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless ~~[the]~~ ***:***

(a) The subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest ~~[.]~~ ***; and***

(b) For any tentative map subject to the requirements of NRS 278.347 or section 13 of this act, the supplier of water that will serve the subdivision has determined that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

➥ Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 18. NRS 278.373 is hereby amended to read as follows:

278.373 The certificates and acknowledgments required by NRS 116.2109 and 278.374 to 278.378, inclusive, ***and section 14 of this act, if applicable,*** must appear on a final map and may be combined where appropriate.

Sec. 19. NRS 278.4955 is hereby amended to read as follows:

278.4955 1. The map of reversion submitted pursuant to NRS 278.490 must contain the appropriate certificates required by NRS 278.376 ***,*** ~~[and]~~ 278.377 ***and section 14 of this act, if applicable,*** for the original division of the land, any agreement entered into for a required improvement pursuant to NRS 278.380 for the original division of the land, and the certificates required by NRS 278.496 and 278.4965. If the map includes the reversion of any street or easement owned by a city, a county or the State, the provisions of NRS 278.480 must be followed before approval of the map.

2. The final map of reversion must:

(a) Be prepared by a professional land surveyor licensed pursuant to chapter 625 of NRS. The professional land surveyor shall state in his or her certificate that the map has been prepared from information on a recorded map or maps

that are being reverted. The professional land surveyor may state in the certificate that he or she assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in the certificate information which is sufficient to identify clearly the recorded map or maps being reverted.

(b) Be clearly and legibly drawn in black permanent ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with black permanent ink.

3. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

4. The scale of the final map must be large enough to show all details clearly, and enough sheets must be used to accomplish this end.

5. The particular number of the sheet and the total number of sheets comprising the final map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

6. Each future conveyance of the reverted property must contain a metes and bounds legal description of the property and must include the name and mailing address of the person who prepared the legal description.

Sec. 20. NRS 278.582 is hereby amended to read as follows:

278.582 1. Each county and city shall include in its respective building code the requirements of this section. If a county or city has no building code, it shall adopt those requirements by ordinance and provide for their enforcement by its own officers or employees or through interlocal agreement by the officers or employees of another local government. Additionally, each county and city shall prohibit by ordinance the sale and installation of any plumbing fixture ***or landscape irrigation fixture*** which does not meet the standards made applicable for the respective county or city pursuant to this section.

2. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A urinal which continually flows or flushes water must not be installed.

3. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. ***Except as otherwise provided in subsection 7, each residential, commercial or industrial structure on which construction begins on or after January 1, 2024, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2024:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product

specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of ~~[~~subsection~~]~~ ***subsections*** 4 ~~[~~:~~]~~ ***and 5:***

(a) A plumbing fixture ***or landscape irrigation fixture*** is considered certified under the WaterSense program if the fixture has been:

(1) Tested by an accredited third-party certifying body or laboratory in accordance with the United States Environmental Protection Agency's WaterSense program or an analogous successor program;

(2) Certified by the certifying body or laboratory as meeting the performance and efficiency requirements of the WaterSense program or an analogous successor program; and

(3) Authorized by the WaterSense program or an analogous successor program to use the WaterSense label or the label of an analogous successor program.

(b) If the WaterSense program modifies the requirements for a plumbing fixture ***or landscape irrigation fixture*** to be certified under the WaterSense program, a plumbing fixture ***or landscape irrigation fixture*** that was certified under the previous requirements shall be deemed certified for use under the WaterSense program for a period of 12 months following the modification of the requirements for certification.

~~[~~6.~~]~~ ***7.*** The requirements of this section ~~[~~for~~]~~ ***:***

(a) For the installation of certain plumbing fixtures do not apply to any portion of:

~~[~~(a)~~]~~ ***(1)*** An existing residential, commercial or industrial structure which is not being expanded or renovated; or

~~[~~(b)~~]~~ ***(2)*** An existing residential, commercial or industrial structure if the structure was constructed 50 years or more before the current year, regardless of whether that structure has been expanded or renovated since its original construction.

(b) Except as otherwise provided in federal law, do not prohibit the governing body of a county or city from adopting more stringent requirements for plumbing fixtures or landscape irrigation fixtures.

Sec. 21. NRS 278A.570 is hereby amended to read as follows:

278A.570 1. A plan which has been given final approval by the city or county must be certified without delay by the city or county and filed of record in the office of the appropriate county recorder before any development occurs in accordance with that plan. A county recorder shall not file for record any final plan unless it includes:

(a) A final map of the entire final plan or an identifiable phase of the final plan if required by the provisions of NRS 278.010 to 278.630, inclusive ~~[.]~~ ***, and sections 13 and 14 of this act;***

(b) The certifications required pursuant to NRS 116.2109; and

(c) The same certificates of approval as are required under NRS 278.377 ***and section 14 of this act, if applicable,*** or evidence that:

(1) The approvals were requested more than 30 days before the date on which the request for filing is made; and

(2) The agency has not refused its approval.

2. Except as otherwise provided in this subsection, after the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. The zoning and subdivision regulations cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.

3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of any landowners affected by the modification and in accordance with the provisions of NRS 278A.410.

4. For the recording or filing of any final map, plat or plan, the county recorder shall collect a fee of $50 for the first sheet of the map, plat or plan plus $10 for each additional sheet. The fee must be deposited in the general fund of the county where it is collected.

Sec. 22. NRS 338.193 is hereby amended to read as follows:

338.193 1. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.

2. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing public building which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.

3. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing public building which is

expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after January 1, 2020, and each existing public building which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. For the purposes of subsection 4, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

6. ***Each public building, other than a prison or jail, on which construction begins on or after January 1, 2024, and each existing public building which is expanded or renovated on or after January 1, 2024:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must

not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

7. For the purposes of subsection 6, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

8. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of:

(a) An existing public building which is not being expanded or renovated; or

(b) A public building if the public building was constructed 50 years or more before the current year, regardless of whether that public building has been expanded or renovated since its original construction.

Sec. 23. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

(1) Piping or lining of an irrigation canal;

(2) Recovery or recycling of wastewater or tailwater;

(3) Scheduling of irrigation;

(4) Measurement or metering of the use of water;

(5) Improving the efficiency of irrigation operations; and

(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a temporary permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental

Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) An eligible recipient to pay the following costs associated with ***plugging and abandoning a well and*** connecting ~~[a]~~ ***the property formerly served by the*** well to a municipal water system, ***if the State Engineer requires the plugging of the well pursuant to subsection 3 of NRS 534.180 or*** if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(3) The cost of plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system.

(f) A governing body to pay the costs associated with developing and maintaining a water resource plan.

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant is solely within the discretion of the Board.

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section:

(a) "Eligible recipient" means:

(1) A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

(2) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

(b) "Governing body" has the meaning ascribed to it in NRS 278.015.

(c) "Water resource plan" means a water resource plan created pursuant to NRS 278.0228.

Sec. 24. NRS 489.706 is hereby amended to read as follows:

489.706 1. Each manufactured home or mobile home on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured home or mobile home on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured home or mobile home on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

5. Each manufactured home or mobile home on which construction begins on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 24.5. NRS 533.027 is hereby amended to read as follows:

533.027 1. The provisions of this chapter do not apply to ~~[~~the~~]~~ ***:***

(a) The use of water in emergency situations to extinguish fires by a public agency or a volunteer fire department; or

(b) The de minimus collection of precipitation:

~~[~~(a)~~]~~ ***(1)*** From the rooftop of a single-family dwelling for nonpotable domestic use; or

~~[~~(b)~~]~~ ***(2)*** If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. The guzzler must:

~~[~~(1)~~]~~ ***(I)*** Have a capacity of 20,000 gallons or less;

~~[~~(2)~~]~~ ***(II)*** Have a capture area of 1 acre or less;

~~[~~(3)~~]~~ ***(III)*** Have a pipe length of 1/4 mile or less;

~~[~~(4)~~]~~ ***(IV)*** Be developed by a state or federal agency responsible for wildlife management or by any other person in consultation with the Department of Wildlife; and

~~[~~(5)~~]~~ ***(V)*** Be approved for use by the Department of Wildlife.

2. As used in this section:

(a) "Domestic use" has the meaning ascribed to it in NRS 534.013 ***.*** ~~[~~; and~~]~~

(b) "Guzzler" has the meaning ascribed to it in NRS 501.121.

(c) "Public agency" means an agency, bureau, board, commission, department or division of this State or a political subdivision of this State.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. ~~[Except as otherwise provided in subsection 5, the]~~ ***The*** State Engineer may ~~[:~~

~~(a) Issue]~~ ***only issue*** temporary permits to appropriate groundwater ~~[which]~~ ***if water cannot be furnished by a public entity such as a water district or municipality presently engaged in furnishing water to the inhabitants thereof. Such temporary permits*** can be limited as to time and ~~[which]~~ may, ~~[except as limited by subsection 4,]~~ be revoked if and when ~~[water]~~ ***:***

(a) Water can be furnished by ~~[an]~~ ***a public*** entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof ~~[.]~~ ***; and***

(b) ***The property served is within 1,250 feet of the water furnished pursuant to paragraph (a).***

➥ ***The holder of a temporary permit that is revoked pursuant to this subsection must be given 730 days from the date of revocation to connect to the public entity furnishing water.***

4. In a basin designated pursuant to NRS 534.030, the State Engineer may:

(a) Deny applications to appropriate groundwater for any use in areas served by ~~[such an]~~ ***a public*** entity ~~[.~~

~~(c)]~~ ***such as a water district or a municipality presently engaged in furnishing water to the inhabitants of the area.***

(b) Limit the depth of domestic wells.

~~[(d)]~~ ***(c)*** Prohibit the drilling of wells for domestic use ~~[, as defined in NRS 534.013,]~~ in areas where water can be furnished by ~~[an]~~ ***a public*** entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

~~[(e)]~~ ***(d)*** In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

~~[4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such as~~

~~a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well-drilling rig.~~]

5. ~~[The State Engineer may, in]~~ ***In*** an area in which have been issued temporary permits pursuant to subsection 3, ~~[limit]~~ ***the State Engineer:***

(a) Shall:

(1) Deny any applications to appropriate groundwater for use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water;

(2) Limit the depth of a domestic well ~~[pursuant to paragraph (c) of subsection 3 or]~~ ***; or***

(3) Prohibit the drilling of wells for domestic use in areas where water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants; and

(b) May prohibit repairs from being made to a ***domestic*** well, and may require the person proposing to deepen or repair the ***domestic*** well to obtain water from ~~[an]~~ ***a public*** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

~~[(a)]~~ ***(1)*** The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

~~[(b)]~~ ***(2)*** The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. The provisions of this section do not prohibit the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water from ~~[an]~~ ***a public*** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 27. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed 2 acre-feet per year.

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information

required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

(a) A political subdivision of this State; or

(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada,

➥ but only if ~~[the charge for making the connection to the service is less than $200.]~~ ***such a well is within 1,250 feet of a municipal water system.***

4. If the development and use of underground water from a well for an accessory dwelling unit of a single-family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose:

(a) The owner of the well shall:

(1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;

(2) Install a water meter capable of measuring the total withdrawal of water from the well; and

(3) Ensure the total withdrawal of water from the well does not exceed 2 acre-feet per year;

(b) The local governing body or planning commission shall report the approval of the accessory dwelling unit on a form provided by the State Engineer;

(c) The State Engineer shall monitor the annual withdrawal of water from the well; and

(d) The date of priority for the use of the domestic well to supply water to the accessory dwelling unit is the date of approval of the accessory dwelling unit by the local governing body or planning commission.

Sec. 27.5. NRS 538.171 is hereby amended to read as follows:

538.171 1. The Commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other rights, interests or benefits in and to the waters described in NRS 538.041 to 538.251, inclusive, and to the power generated thereon, held by or which may accrue to the State of Nevada under and by virtue of any Act of the Congress of the United States or any agreements, compacts or treaties to which the State of Nevada may become a party, or otherwise.

2. Except as otherwise provided in this subsection, applications for the original appropriation of such waters, or to change the ***holder of the entitlement to appropriate water,*** place of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the Commission in accordance with the regulations of the Commission. In considering such an application, the Commission shall use the criteria set forth in ~~[subsection 3 of]~~ NRS 533.370. The Commission's action on the application constitutes the recommendation of the State of Nevada to the United States for

the purposes of any federal action on the matter required by law. The provisions of this subsection do not apply to supplemental water.

3. The Commission shall furnish to the State Engineer a copy of all agreements entered into by the Commission concerning the original appropriation and use of such waters. It shall also furnish to the State Engineer any other information it possesses relating to the use of water from the Colorado River which the State Engineer deems necessary to allow the State Engineer to act on applications for permits for the subsequent appropriation of these waters after they fall within the State Engineer's jurisdiction.

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the Commission or by any entity to whom or with whom the Commission has contracted the water is not subject to regulation by the State Engineer.

5. Any use of water from the Muddy River or the Virgin River for the creation of any developed shortage supply or intentionally created surplus does not require the submission of an application to the State Engineer to change the place of diversion, manner of use or place of use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in NRS 533.030.

(b) "Intentionally created surplus" has the meaning ascribed to it in NRS 533.030.

Sec. 28. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 37.5, immediately following section 37, to read as follows:

Sec. 37.5. "General Manager" means the General Manager of the Southern Nevada Water Authority.

Sec. 29. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto new sections to be designated as sections 38.2, 38.4 and 38.6, respectively, immediately following section 38, to read as follows:

Sec. 38.2. 1. If the Federal Government declares a shortage on the Colorado River for the upcoming year, the Board of Directors may limit each single-family residence that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or a member agency of the Southern Nevada Water Authority to not more than 0.5 acre-feet of water for that upcoming year. Any limitation imposed by the Board of Directors may not go into effect before December 31 of the year before the year for which the shortage is declared.

2. If the Board of Directors limits water usage of single-family residences pursuant to subsection 1, the Southern Nevada Water Authority and the member agencies of the Southern Nevada Water Authority shall notify all customers of the action of the Board of

Directors to limit water usage by not later than October 1 of the year before the year for which the shortage is declared.

3. The Board of Directors shall establish a process to approve a waiver of any limitations imposed pursuant to subsection 1 for certain properties.

Sec. 38.4. 1. Except as otherwise provided in this section, on and after the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority [:

~~(a) No~~ no new septic system may be installed . [; and

~~(b) If the parcel of property has an existing septic system installed and a connection to a municipal water system, the owner of the property shall be required to connect to the public sewer system and discontinue the use of the existing septic system.~~]

2. The General Manager may, in his or her discretion, approve a waiver of the [~~prohibitions~~] prohibition set forth in subsection 1.

3. The provisions of this section do not apply to any decreed, certificated or permitted right to appropriate water that is diverted from the Virgin River or Muddy River.

4. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground which is typically composed of a septic tank and a subsurface fluid distribution or disposal system.

Sec. 38.6. 1. Except as otherwise provided in this subsection, beginning on the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, and ending on December 31, 2023, new turf may not be installed on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority. The provisions of this subsection do not apply to the installation of warm-season turf in parks, schools or cemeteries.

2. Except as otherwise provided in subsection 4, on and after January 1, 2024, any new turf that is installed on a parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority must be installed in accordance with any requirements for turf adopted by the Board of Directors pursuant to subsection 3.

3. The Board of Directors shall adopt requirements for the installation of new turf on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority.

4. The General Manager or his or her designee may approve a waiver from the prohibition set forth in subsection 2 or any turf requirements adopted by the Board of Directors pursuant to subsection 3.

Sec. 30. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 39.5, immediately following section 39, to read as follows:

Sec. 39.5. 1. Except as otherwise provided in this section, the Southern Nevada Water Authority shall require the owner of any parcel of property that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority to participate in an irrigation water efficiency monitoring program established by the Southern Nevada Water Authority, if the parcel of property:

(a) Is not used exclusively as a single-family residence; and

(b) Consists of 20,000 square feet or more of turf.

2. The Board of Directors shall:

(a) Develop and establish policies and guidelines for an irrigation water efficiency monitoring program;

(b) Establish deadlines within the service area of the Southern Nevada Water Authority for any owner subject to the requirements of subsection 1 to begin participating in the irrigation water efficiency monitoring program; and

(c) Not later than January 1, 2025, notify the owner of any parcel of property subject to the requirements of subsection 1 that he or she is required to participate in the irrigation water efficiency monitoring program by the deadline established pursuant to paragraph (b).

3. The General Manager or his or her designee may approve an extension or waiver from:

(a) The provisions of subsection 1; or

(b) The provisions of the policies and guidelines developed pursuant to subsection 2.

Sec. 31. Section 39 of the Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2180, is hereby amended to read as follows:

Sec. 39. 1. Except as otherwise provided in this section, on and after January 1, 2027, the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority may not be used to irrigate nonfunctional turf on any ***parcel of*** property that is not ~~[~~zoned~~]~~ ***used*** exclusively ~~[~~for~~]~~ ***as*** a single-family residence.

2. The Board of Directors shall:

(a) Define "functional turf" and "nonfunctional turf" for the purposes of subsection 1 and promulgate the definitions in the service rules **,**

ordinances or codes of the member agencies of the Southern Nevada Water Authority; and

(b) Develop a plan to identify and facilitate the removal of existing nonfunctional turf within the service area of the Southern Nevada Water Authority on ***each parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence. The plan must, without limitation:

(1) Establish phases for the removal of nonfunctional turf based on categories of water users; and

(2) Establish deadlines within the service area of the Southern Nevada Water Authority for existing customers to remove nonfunctional turf on ***any parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence before December 31, 2026.

3. The ~~[Board of Directors]~~ ***General Manager or his or her designee*** may approve an extension or a waiver from:

(a) The prohibition set forth in subsection 1; and

(b) The provisions of the plan developed pursuant to subsection 2.

4. The provisions of this section do not prohibit a person from:

(a) Complying with any requirement adopted by the governing body of a county or city pursuant to chapter 278 of NRS to maintain open space or drought tolerant landscaping on any property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single family residence; or

(b) Using alternative sources of water to irrigate nonfunctional turf on and after January 1, 2027, on any property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence.

Sec. 32. Section 13 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 13. 1. The Southern Nevada Water Authority may establish and collect each calendar year a fee to be assessed on users of groundwater in the Basin. Money raised from the fees must be used as provided in section 14 of this act.

2. Except as otherwise provided in this section:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $13 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $13.

3. Except as otherwise provided in subsections 4 and 5, if the Southern Nevada Water Authority operates a project for the recharge and recovery or underground storage and recovery of water ***or a program for the conversion of properties served by a septic system*** pursuant to section 14.5 of this act:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $30 per acre-foot, or

its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $30.

4. The maximum fees specified in subsections 2 and 3 may be adjusted ***not more than*** once each year for inflation. The maximum amount of the adjustment must be determined by multiplying the respective amounts of the fees by the percentage of inflation, if any. The Consumer Price Index published by the United States Department of Labor for July preceding the year for which the adjustment is made must be used in determining the percentage of inflation.

5. The maximum fees may be increased by an amount that is greater than the amount of the adjustment for inflation as calculated pursuant to subsection 4 only if the increase is approved by the Legislature.

6. As used in this section, "water right" means the legal right to use water that has been appropriated pursuant to chapters 533 and 534 of NRS by means of application, permit, certificate, decree or claim of vested right.

Sec. 33. Section 14.5 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 14.5. ***1.*** The Southern Nevada Water Authority may, in consultation with the Advisory Committee, operate ~~[a]~~ ***:***

(a) A project for the recharge and recovery or underground storage and recovery of water pursuant to chapter 534 of NRS for the benefit of owners of wells in the Basin ~~[.]~~ ***; and***

(b) A program for the conversion of properties served by a septic system to a municipal sewer system.

2. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.

Sec. 34. The Southern Nevada Water System Act of 1995, being chapter 393, Statutes of Nevada 1995, at page 963, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. 1. The Board of Directors of the Southern Nevada Water Authority may, by resolution, authorize the General Manager to restrict the use of water:

(a) During any period in which the Federal Government has declared a water shortage in the Colorado River;

(b) If emergency conditions exist; or

(c) If the delivery system is unable to provide adequate volumes of water.

2. Any restrictions imposed by the General Manager pursuant to subsection 1 must be ratified by the Board of Directors of the Southern Nevada Water Authority not more than 15 calendar days after the date the restrictions are imposed.

3. The provisions of this section shall not be construed to authorize the Board of Directors to restrict the use of any water rights held by the United States Department of Defense.

Sec. 34.5. **On or before December 31, 2024, a district board of health that creates a voluntary financial assistance program pursuant to section 1 of this act shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Natural Resources and the 83rd Session of the Legislature which sets forth the number of property owners that are participating in the voluntary financial assistance program and any recommendations for legislation.**

Sec. 35. ~~[The provisions of NRS 354.599 do not apply to any additional expense of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 36. This act becomes effective upon passage and approval.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 712 to Assembly Bill No. 220.

Motion carried by a constitutional majority.

The following Senate amendment was read:

Amendment No. 735.

AN ACT relating to water; authorizing a district board of health to establish a program to pay the costs for property owners with a septic system to connect to a community sewerage disposal system under certain circumstances; revising provisions relating to a permit to operate a water system; revising provisions relating to water systems; revising provisions relating to tentative maps and final maps for a subdivision of land; establishing minimum standards for certain landscaping irrigation fixtures in new construction and expansions and renovations in certain structures; revising provisions relating to grants of money for water conservation; exempting the use of water by certain entities to extinguish fires in an emergency from provisions governing the appropriation of water; revising provisions relating to groundwater in certain designated areas; revising conditions under which the State Engineer may require the plugging of certain wells used for domestic purposes; defining certain terms relating to the Conservation of Colorado River Water Act; authorizing the Board of Directors of the Southern Nevada Water Authority to enact certain restrictions on water use for single-family residences under certain circumstances; prohibiting, with certain exceptions, the use of the waters of the Colorado River for certain purposes; establishing requirements relating to an irrigation water efficiency monitoring program; revising certain provisions relating to the use of the waters of the Colorado River to irrigate

nonfunctional turf; authorizing the Authority to operate a program to convert properties using a septic system to a municipal sewer system and to impose a fee for such a program; authorizing the Board of Directors to authorize the General Manager of the Authority to restrict the use of water under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a district board of health may adopt regulations to control the use of a residential individual system for disposal of sewage in the district. (NRS 444.650) Existing law also authorizes a district board of health, upon approval of the State Board of Health, to adopt regulations to regulate sanitation and the sanitary protection of water and food supplies. (NRS 439.366, 439.410) **Section 1** of this bill authorizes a district board of health to create a voluntary financial assistance program to pay 100 percent of the costs for property owners with an existing septic system whose property is served by a municipal water system to connect to the community sewerage disposal system. **Section 1** also: (1) authorizes such a district board of health to, upon an affirmative vote of two-thirds of the members of the board, impose a voluntary fee on owners of such septic systems to carry out such requirements; and (2) if such a voluntary fee is imposed, prohibits the district board of health from paying the costs of connecting to the community sewerage disposal system for any property owner who does not pay the voluntary fee. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes. **Section 34.5** of this bill requires a district board of health that creates such a voluntary financial assistance program to, on or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau a report setting forth the number of participants in the program and recommendations for legislation.

Under existing law, a permit to operate a water system may not be issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources or certain district boards of health unless certain conditions are met, including, without limitation, that: (1) the local governing body assumes responsibility in case of default and assumes the duty of assessing the lands served; (2) the applicant furnishes the local governing body sufficient surety; (3) the owners of the lands to be served by the water system agree to be assessed by the local governing body for the cost of the water system if there is a default; and (4) the owners agree that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users may be required to connect to the water system provided by the public utility, municipality or other public entity and be assessed the costs for the connection. (NRS 445A.895) **Section 4** of this bill revises these conditions to: (1) provide that, with certain exceptions, the sole and exclusive obligation of the local governing body is to use the surety in the event of a default to contract and pay the operator responsible for the continued operation and maintenance of the water system; (2) require the owners of property served by the water system to also provide

a surety to the local governing body; and (3) provide that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users of the water system in certain counties are required to connect. **Section 4.5** of this bill makes conforming changes to revise certain provisions relating to the disposition of the proceeds of assessments and sureties imposed by a local governing body for a public water system in the event of a default. **Section 3** of this bill revises a reference to certain findings. **Section 2.3** of this bill defines "local governing body" for the purposes of the provisions of **sections 4 and 4.5**. **Section 2.6** of this bill makes a conforming change to indicate the proper placement of **section 2.3** in the Nevada Revised Statutes.

Under existing law, if the State Environmental Commission determines that, in relevant part, water provided by a public utility or a municipality or other public entity is reasonably available to users of a water system, the board of county commissioners of that county may require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity. (NRS 244.3655) **Section 7** of this bill provides instead that if the Commission determines that water provided by a public utility or a municipality or other public entity may be accessed within 1,250 feet of any lot or parcel served by the water system, the board of county commissioners shall, in a county whose population is 700,000 or more (currently only Clark County), and may, in all other counties, require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity.

Under existing law, if the State Environmental Commission or the governing body of certain cities determines certain water systems within the city limits are not serving the needs of its users and water provided by a public utility, the city or another municipality or public entity is reasonably available to those users, the governing body may require all users of the system to connect into the available water system and assess each lot or parcel for its share of the cost. (NRS 268.4102) **Section 10** of this bill provides instead that if the water system may be accessed within 1,250 feet of the property of such users, the governing body of a county whose population is 700,000 or more (currently only Clark County) shall require all users to connect. **Section 10** also provides that all other governing bodies of a county may require all users to connect in such circumstances.

Existing law sets forth an approval process for the subdivision of land that requires: (1) a subdivider of land to submit a tentative map to the planning commission or the governing body of a county or city, as applicable; and (2) the planning commission or governing body to forward a copy of the tentative map to certain other state and local agencies for review and comment. (NRS 278.330-278.460) **Sections 13 and 16** of this bill require that if a proposed subdivision will be served by a public water system: (1) in a county whose population is 700,000 or more, the planning commission or the governing body, as applicable, must file the tentative map with the supplier of water for

review and comment; and (2) if the subdivision is located in a general improvement district, the planning commission or the governing body must file the tentative map with the supplier of water in the district. **Section 17** of this bill provides that such a governing body of a county or city may not approve a tentative map, unless the supplier of water determines that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

Under existing law, a final map presented for filing must include certificates and acknowledgments from certain entities. (NRS 278.374-278.378) **Section 14** of this bill requires that if a subdivision in a county whose population is 700,000 or more or in a general improvement district will be served by a public water system, the final map presented for filing must include a certificate of approval from the supplier of water.

Section 15 of this bill makes conforming changes to indicate the proper placement of **sections 13 and 14** in the Nevada Revised Statutes. **Section 18** of this bill makes a conforming change to require the certificate of approval required by **section 14** to appear on the final map. **Sections 19 and 21** of this bill make conforming changes to also require a map of reversion and a final map for a planned development to have such a certificate of approval, if applicable.

Existing law establishes certain minimum standards for plumbing fixtures in new construction, expansions and renovations in residential, commercial, industrial or manufactured structures, public buildings, manufactured homes and mobile homes and requires the use of certain plumbing fixtures that have been certified under the WaterSense program established by the United States Environmental Protection Agency if a final product specification has been developed by the WaterSense program. (NRS 278.582, 338.193, 461.175, 489.706) **Sections 6, 20, 22 and 24** of this bill require that, with certain exceptions, if the WaterSense program has established a final product specification for an irrigation controller or spray sprinkler body, any new construction, expansions and renovations on such structures, buildings and homes must install irrigation controllers and spray sprinkler bodies that have been certified under the WaterSense program.

Existing law establishes a program to provide grants of money for water conservation and capital improvements to certain water systems, including grants to an eligible recipient to pay certain costs associated with connecting a well to a municipal water system under certain circumstances. (NRS 349.981) **Section 23** of this bill provides instead for grants of money to pay certain costs associated with plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system under certain circumstances.

Existing law exempts, under certain circumstances, the de minimus collection of precipitation from the requirements of the Nevada Revised Statutes relating to the appropriation of water. (NRS 533.027) **Section 24.5** of

this bill also exempts the use of water by public agencies or volunteer fire departments to extinguish fires in an emergency.

Under existing law, the State Engineer may issue temporary permits to appropriate groundwater in certain designated areas which may be revoked if the property served by the permit is within 180 feet of water furnished by an entity such as a water district or a municipality and the well needs to be redrilled or have certain repairs made. (NRS 534.120) **Section 26** of this bill instead provides that the State Engineer: (1) may only issue a temporary permit if water cannot be furnished by a public entity that furnishes water; and (2) authorizes the State Engineer to revoke such a temporary permit if the property served by the temporary permit is within 1,250 feet of water furnished by a public entity such as a water district or a municipality. **Section 26** also requires the State Engineer to, in an area in which such temporary permits have been issued: (1) deny applications to appropriate groundwater if a public entity that furnishes water serves the area; (2) limit the depth of domestic wells; and (3) prohibit the drilling of wells for domestic use.

Under existing law, the State Engineer may require the plugging of certain domestic wells drilled in a basin in which such wells must be registered if water can be furnished by certain entities, but only if the charge for connecting to the furnished water is less than $200. (NRS 534.180) **Section 27** of this bill: (1) removes the requirement that the charge for connecting be less than $200; and (2) requires plugging of a well if the well is within 1,250 feet of a municipal water system.

Existing law requires that applications for the appropriation of water or to change the place of diversion, manner of use or place of use of certain waters must be made to the Colorado River Commission. (NRS 538.171) **Section 27.5** of this bill also requires that applications to change the holder of the entitlement to appropriate certain waters be submitted to the Colorado River Commission.

The Conservation of Colorado River Water Act prohibits, with certain exceptions, the waters of the Colorado River that are distributed by the Southern Nevada Water Authority or one of the member agencies of the Authority from being used to irrigate nonfunctional turf on any property that is not zoned exclusively for a single-family residence on and after January 1, 2027. (Section 39 of chapter 364, Statutes of Nevada 2021, at page 2180) **Section 31** of this bill prohibits the use of such waters of the Colorado River for irrigating nonfunctional turf on any parcel of property that is not used exclusively as a single-family residence.

Section 28 of this bill defines "General Manager" for the purposes of the Conservation of Colorado River Water Act. **Section 29** of this bill: (1) authorizes the Board of Directors of the Authority to restrict the use of water by a single-family residence to not more than 0.5 acre-feet of water during any year in which ~~[a shortage on the Colorado River has been declared by]~~ the Federal Government **~~[,]~~ reduces Nevada's allocation of the Colorado River to 270,000 acre-feet or less;** and (2) requires the Board of Directors to

establish a process to approve a waiver of such restrictions on the use of water. **Section 29** also prohibits, with certain exceptions, the installation of new turf on any parcel of property that uses such waters of the Colorado River for irrigation beginning on the effective date of this bill and ending on December 31, 2023. Any new turf installed on and after January 1, 2024, must meet the requirements established by the Board of Directors, unless the General Manager approves a waiver.

Section 29 further prohibits the installation of a new septic system on any parcel of property that uses such waters of the Colorado River.

Section 30 of this bill requires certain parcels of property which use such waters of the Colorado River to participate in an irrigation water efficiency monitoring program if the property: (1) is not used exclusively as a single-family residence; and (2) consists of 20,000 square feet or more of turf. **Section 30** also: (1) requires the Board of Directors to develop and establish policies, guidelines and deadlines for participation in such an irrigation water efficiency monitoring program; and (2) authorizes the General Manager to approve an extension or waiver from the irrigation water efficiency monitoring program.

The Southern Nevada Water Authority Act authorizes the Authority, in consultation with the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin, to operate a project for the recharge and recovery or underground storage and recovery of groundwater for the benefit of owners of wells in the Las Vegas Valley Groundwater Basin. (Section 14.5 of chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387) The Act also authorizes the Authority to assess certain fees on users of groundwater and owners of domestic wells, including a fee if the Authority operates such a project. (Section 13 of chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387) **Section 33** of this bill also authorizes the Authority, in consultation with the Advisory Committee, to operate a program to convert any property served by a septic system to a municipal sewer system. **Section 32** of this bill authorizes the Authority to assess a fee on users of groundwater and owners of domestic wells for the program to convert septic systems.

The Southern Nevada Water System Act of 1995 establishes certain powers and duties of the Authority. (Section 2 of chapter 393, Statutes of Nevada 1995, at page 963) **Section 34** of this bill authorizes the Board of Directors of the Authority, by resolution, to authorize the General Manager of the Authority to restrict water usage during certain water emergencies and shortages and provides that the Board of Directors must ratify any such restrictions imposed by the General Manager.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district board of health may create a voluntary financial assistance program to pay 100 percent of the cost for a property owner with an existing septic system whose property is served by a municipal water system to abandon the septic system and connect to the community sewerage disposal system.

2. Upon an affirmative vote of two-thirds of all the members of the district board of health, the district board of health may impose a voluntary annual fee on property owners with existing septic systems whose property is served by a municipal water system to carry out the provisions of this section.

3. If the district board of health imposes a voluntary annual fee pursuant to subsection 2:

(a) The fee must not exceed the annual sewer rate charged by the largest community sewerage disposal system in the county or counties, as applicable, in which the district board of health has been established; and

(b) The district board of health shall not provide financial assistance to any property owner who does not pay the voluntary fee.

4. As used in this section:

(a) "Community sewerage disposal system" means a public system of sewage disposal which is operated for the benefit of a county, city, district or other political subdivision of this State.

(b) "Septic system" means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system. The term includes a residential individual system for disposal of sewage.

Sec. 2. NRS 439.361 is hereby amended to read as follows:

439.361 The provisions of NRS 439.361 to 439.3685, inclusive, ***and section 1 of this act,*** apply to a county whose population is 700,000 or more.

Sec. 2.3. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

"Local governing body" means:

1. The governing body of an incorporated city in which is located within the limits of the incorporated city all or any part of an area serviced by a water system; or

2. The board of county commissioners of a county in which is located within the unincorporated area of the county all of an area serviced by a water system.

Sec. 2.6. NRS 445A.805 is hereby amended to read as follows:

445A.805 As used in NRS 445A.800 to 445A.955, inclusive, ***and section 2.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 445A.807 to 445A.850, inclusive, ***and section 2.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 445A.890 is hereby amended to read as follows:

445A.890 Before making the finding specified in NRS 445A.910 and before making the determinations specified in NRS 244.3655, 268.4102 and 445A.895, the ***Commission or*** Division ***, as applicable,*** shall request comments from the:

1. Public Utilities Commission of Nevada;
2. State Engineer;
3. Local government within whose jurisdiction the water system is located; and
4. Owner of the water system.

Sec. 4. NRS 445A.895 is hereby amended to read as follows:

445A.895 A permit to operate a water system may not be issued pursuant to NRS 445A.885 unless all of the following conditions are met:

1. Neither water provided by a public utility nor water provided by a municipality or other public entity is available to the persons to be served by the water system.
2. The applicant fully complies with all of the conditions of NRS 445A.885 to 445A.915, inclusive.
3. The applicant submits to the Division or the district board of health designated by the Commission documentation issued by the State Engineer which sets forth that the applicant holds water rights that are sufficient to operate the water system.
4. The local governing body ~~[assumes:]~~ ***agrees:***

(a) ~~[Responsibility in case of]~~ ***That, except as otherwise provided in paragraph (b), in the event of a*** default by the builder ***,*** ~~[or]~~ developer ***or owner*** of the water system ***, the sole and exclusive obligation of the local governing body shall be to use the surety furnished to the local governing body pursuant to subsection 5 to contract with and pay the operator of the water system*** for ~~[its]~~ ***the*** continued operation and maintenance ~~[in accordance with all the terms and conditions of the permit.]~~ ***of the water system.***

(b) ~~[The]~~ ***To assume the*** duty of assessing the lands served as provided in subsection 6 ~~[.]~~ ***in the event of default by the builder, developer or owner of the water system.***

5. The applicant furnishes the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate ***, properly established and funded reserve account*** or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system:

(a) For 5 years following the date the system is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the system are sold,

➥ whichever is later.

6. The owners of the lands to be served by the water system ~~[record]~~ ***:***

(a) Furnish the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate, properly established and funded reserve account or any other form acceptable to the governing body,

to ensure the continued maintenance and operation of the water system and continued technical, financial and managerial capability of the water system; and

(b) Record a declaration of covenants, conditions and restrictions which is an equitable servitude running with the land and which must provide ~~[that]~~ ***:***

(1) That each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of ***replenishing or augmenting the surety required pursuant to paragraph (a) as necessary for the*** continued operation and maintenance of the water system if there is a default by the ~~[applicant or operator]~~ ***builder, developer or owner*** of the water system ~~[and a sufficient surety, as provided in subsection 5, is not available.]~~ ***;***

(2) That the owners of the lands will annually provide the local governing body with a financial audit of the water system, including, without limitation, any reserve account, if established, to ensure the adequacy of the financial management of the water system; and

(3) An acknowledgment of and agreement with the obligations of the local governing body pursuant to subsection 4 and subsection 3 of NRS 445A.905.

7. If the water system uses or stores ozone, the portion of the system where ozone is used or stored must be constructed not less than 100 feet from any existing residence, unless the owner and occupant of each residence located closer than 100 feet consent to the construction of the system at a closer distance.

8. The ***owners of the lands to be served by the water system record a*** declaration of covenants, conditions and restrictions ~~[recorded by the owners of the lands further]~~ ***, which is an equitable servitude running with the land, and*** provides that if the Division determines that:

(a) The water system is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available,

➥ the local governing body ***shall, in a county whose population is 700,000 or more, and*** may, ***in all other counties,*** pursuant to NRS 244.3655 or 268.4102, require all users of the water system to connect into the available water system provided by a public utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

9. Provision has been made for disposition of the water system and the land on which it is situated after the local governing body requires all users to connect into an available water system provided by a public utility or a municipality or other public entity.

Sec. 4.5. NRS 445A.905 is hereby amended to read as follows:

445A.905 1. The proceeds of any assessments upon lots or parcels ***and the sureties required pursuant to NRS 445A.895*** must be deposited with the treasurer of the local governing body which received them, and they may be expended only for the:

(a) Continued maintenance and operation of the water system;

(b) Replacement of the water system if necessary; and

(c) Payment of the costs, including, but not limited to, the direct costs of connection and the costs of necessary new or rehabilitated facilities and any necessary water rights, associated with connection to any water system provided by a public utility or a municipality or other public entity that becomes reasonably available.

2. If any surplus exists in the proceeds of assessments ***and the sureties required pursuant to NRS 445A.895*** after all purposes of the assessments ***and sureties*** have been fully met, the surplus must be refunded to the persons who paid the assessments ~~[.]~~ ***and sureties,*** in the proportion that their respective assessments ***and sureties*** bear to the gross proceeds of all assessments ***and sureties*** collected by the local governing body.

3. For the purposes set forth in subsection 1, the local governing body is not obligated to:

(a) Expend money from any source other than the assessments and surety deposited pursuant to NRS 445A.895;

(b) Extend credit on behalf of a builder, developer or owner of land to be served by the water system; or

(c) Collect any unpaid assessment, unless the local governing body has agreed to assume the duty for the assessments pursuant to subsection 4 of NRS 445A.895.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 461.175 is hereby amended to read as follows:

461.175 1. Each manufactured building on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured building on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured building on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

5. Each manufactured building on which construction begins on or after January 1, 2024, and each existing manufactured building which is expanded or renovated on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape irrigation fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 7. NRS 244.3655 is hereby amended to read as follows:

244.3655 1. If the State Environmental Commission determines that:

(a) A water system which is located in a county and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ ***may be accessed within 1,250 feet of any lot of parcel served by the water system,***

➥ the board of county commissioners of that county ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all

users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 268.4102 is hereby amended to read as follows:

268.4102 1. If the State Environmental Commission determines that:

(a) A water system which is located within the boundaries of a city and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~[is reasonably available to those users,]~~ ***may be accessed within 1,250 feet of any lot or parcel served by the water system,***

➥ the governing body of that city ***shall, in a county whose population is 700,000 or more, and*** may ***, in all other counties,*** require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 11. (Deleted by amendment.)

Sec. 12. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 13 and 14 of this act.

Sec. 13. ***In a county whose population is 700,000 or more, when any subdivider proposes to subdivide land that will be served by a public water system, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body, shall file a copy of the subdivider's tentative map with the supplier of water. The supplier of water shall, within 30 days, review and comment in writing upon the tentative map to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.***

Sec. 14. ***A final map presented for filing which is subject to the provisions of NRS 278.347 or section 13 of this act must include a certificate by the supplier of water showing that the final map is approved by the***

supplier of water with regard to the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

Sec. 15. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, ***and sections 13 and 14 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 16. NRS 278.347 is hereby amended to read as follows:

278.347 ***1.*** When any subdivider proposes to subdivide land, any part of which is located within the boundaries of any general improvement district organized or reorganized pursuant to chapter 318 of NRS, the planning commission or its designated representative, or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with ~~[the]~~ ***:***

(a) The board of trustees of the district ~~[. The board of trustees may within]~~ ***; and***

(b) If the subdivision will be served by a public water system, the supplier of water in the district.

2. Within 30 days ***:***

(a) The board of trustees may review and comment in writing upon the ***tentative*** map ***filed pursuant to subsection 1*** to the planning commission or governing body ~~[.]~~ ***; and***

(b) If applicable, the supplier of water shall review and comment in writing upon the tentative map filed pursuant to subsection 1 to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

3. The planning commission or governing body shall take any such comments ***submitted pursuant to subsection 2 by the board of trustees and the supplier of water, if applicable,*** into consideration before approving the tentative map.

Sec. 17. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➥ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;

(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands;

(k) The potential impacts to wildlife and wildlife habitat; and

(l) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless ~~[~~the~~]~~ ***:***

(a) The subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest ~~[.]~~ ***; and***

(b) For any tentative map subject to the requirements of NRS 278.347 or section 13 of this act, the supplier of water that will serve the subdivision has determined that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

➥ Any disapproval or conditional approval must include a statement of the reason for that action.

Sec. 18. NRS 278.373 is hereby amended to read as follows:

278.373 The certificates and acknowledgments required by NRS 116.2109 and 278.374 to 278.378, inclusive, ***and section 14 of this act, if applicable,*** must appear on a final map and may be combined where appropriate.

Sec. 19. NRS 278.4955 is hereby amended to read as follows:

278.4955 1. The map of reversion submitted pursuant to NRS 278.490 must contain the appropriate certificates required by NRS 278.376 **, [**~~and~~**]** 278.377 ***and section 14 of this act, if applicable,*** for the original division of the land, any agreement entered into for a required improvement pursuant to NRS 278.380 for the original division of the land, and the certificates required by NRS 278.496 and 278.4965. If the map includes the reversion of any street or easement owned by a city, a county or the State, the provisions of NRS 278.480 must be followed before approval of the map.

2. The final map of reversion must:

(a) Be prepared by a professional land surveyor licensed pursuant to chapter 625 of NRS. The professional land surveyor shall state in his or her certificate that the map has been prepared from information on a recorded map or maps that are being reverted. The professional land surveyor may state in the certificate that he or she assumes no responsibility for the existence of the monuments or for correctness of other information shown on or copied from the document. The professional land surveyor shall include in the certificate information which is sufficient to identify clearly the recorded map or maps being reverted.

(b) Be clearly and legibly drawn in black permanent ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with black permanent ink.

3. The size of each sheet of the final map must be 24 by 32 inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of 1 inch at the top, bottom and right edges, and of 2 inches at the left edge along the 24-inch dimension.

4. The scale of the final map must be large enough to show all details clearly, and enough sheets must be used to accomplish this end.

5. The particular number of the sheet and the total number of sheets comprising the final map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.

6. Each future conveyance of the reverted property must contain a metes and bounds legal description of the property and must include the name and mailing address of the person who prepared the legal description.

Sec. 20. NRS 278.582 is hereby amended to read as follows:

278.582 1. Each county and city shall include in its respective building code the requirements of this section. If a county or city has no building code, it shall adopt those requirements by ordinance and provide for their enforcement by its own officers or employees or through interlocal agreement by the officers or employees of another local government. Additionally, each county and city shall prohibit by ordinance the sale and installation of any plumbing fixture ***or landscape irrigation fixture*** which does not meet the standards made applicable for the respective county or city pursuant to this section.

2. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A urinal which continually flows or flushes water must not be installed.

3. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water

has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection ~~[6,]~~ ***7,*** each residential, commercial or industrial structure on which construction begins on or after January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. ***Except as otherwise provided in subsection 7, each residential, commercial or industrial structure on which construction begins on or after January 1, 2024, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2024:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of ~~[subsection]~~ ***subsections*** 4 ~~[.]~~ ***and 5:***

(a) A plumbing fixture ***or landscape irrigation fixture*** is considered certified under the WaterSense program if the fixture has been:

(1) Tested by an accredited third-party certifying body or laboratory in accordance with the United States Environmental Protection Agency's WaterSense program or an analogous successor program;

(2) Certified by the certifying body or laboratory as meeting the performance and efficiency requirements of the WaterSense program or an analogous successor program; and

(3) Authorized by the WaterSense program or an analogous successor program to use the WaterSense label or the label of an analogous successor program.

(b) If the WaterSense program modifies the requirements for a plumbing fixture ***or landscape irrigation fixture*** to be certified under the WaterSense program, a plumbing fixture ***or landscape irrigation fixture*** that was certified

under the previous requirements shall be deemed certified for use under the WaterSense program for a period of 12 months following the modification of the requirements for certification.

~~[6.]~~ ***7.*** The requirements of this section ~~[for]~~ ***:***

(a) For the installation of certain plumbing fixtures do not apply to any portion of:

~~[(a)]~~ ***(1)*** An existing residential, commercial or industrial structure which is not being expanded or renovated; or

~~[(b)]~~ ***(2)*** An existing residential, commercial or industrial structure if the structure was constructed 50 years or more before the current year, regardless of whether that structure has been expanded or renovated since its original construction.

(b) Except as otherwise provided in federal law, do not prohibit the governing body of a county or city from adopting more stringent requirements for plumbing fixtures or landscape irrigation fixtures.

Sec. 21. NRS 278A.570 is hereby amended to read as follows:

278A.570 1. A plan which has been given final approval by the city or county must be certified without delay by the city or county and filed of record in the office of the appropriate county recorder before any development occurs in accordance with that plan. A county recorder shall not file for record any final plan unless it includes:

(a) A final map of the entire final plan or an identifiable phase of the final plan if required by the provisions of NRS 278.010 to 278.630, inclusive ~~[,]~~ ***, and sections 13 and 14 of this act;***

(b) The certifications required pursuant to NRS 116.2109; and

(c) The same certificates of approval as are required under NRS 278.377 ***and section 14 of this act, if applicable,*** or evidence that:

(1) The approvals were requested more than 30 days before the date on which the request for filing is made; and

(2) The agency has not refused its approval.

2. Except as otherwise provided in this subsection, after the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. The zoning and subdivision regulations cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.

3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of any landowners affected by the modification and in accordance with the provisions of NRS 278A.410.

4. For the recording or filing of any final map, plat or plan, the county recorder shall collect a fee of $50 for the first sheet of the map, plat or plan plus $10 for each additional sheet. The fee must be deposited in the general fund of the county where it is collected.

Sec. 22. NRS 338.193 is hereby amended to read as follows:

338.193 1. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.

2. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing public building which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.

3. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing public building which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after January 1, 2020, and each existing public building which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification

for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. For the purposes of subsection 4, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

6. ***Each public building, other than a prison or jail, on which construction begins on or after January 1, 2024, and each existing public building which is expanded or renovated on or after January 1, 2024:***

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

7. For the purposes of subsection 6, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

8. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of:

(a) An existing public building which is not being expanded or renovated; or

(b) A public building if the public building was constructed 50 years or more before the current year, regardless of whether that public building has been expanded or renovated since its original construction.

Sec. 23. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

(a) A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(b) An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

(1) Piping or lining of an irrigation canal;

(2) Recovery or recycling of wastewater or tailwater;

(3) Scheduling of irrigation;

(4) Measurement or metering of the use of water;

(5) Improving the efficiency of irrigation operations; and

(6) Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.

(c) An eligible recipient to pay the following costs associated with connecting a domestic well or well with a temporary permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

(d) An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the community sewage disposal system.

(2) The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) An eligible recipient to pay the following costs associated with ***plugging and abandoning a well and*** connecting ~~[a]~~ ***the property formerly served by the*** well to a municipal water system, ***if the State Engineer requires the plugging of the well pursuant to subsection 3 of NRS 534.180 or*** if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

(1) Any local or regional fee for connection to the municipal water system.

(2) The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

(3) The cost of plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system.

(f) A governing body to pay the costs associated with developing and maintaining a water resource plan.

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant is solely within the discretion of the Board.

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section:

(a) "Eligible recipient" means:

(1) A political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

(2) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

(b) "Governing body" has the meaning ascribed to it in NRS 278.015.

(c) "Water resource plan" means a water resource plan created pursuant to NRS 278.0228.

Sec. 24. NRS 489.706 is hereby amended to read as follows:

489.706 1. Each manufactured home or mobile home on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured home or mobile home on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured home or mobile home on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~[5]~~ ***6*** of NRS 278.582.

5. Each manufactured home or mobile home on which construction begins on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 24.5. NRS 533.027 is hereby amended to read as follows:

533.027 1. The provisions of this chapter do not apply to ~~[the]~~ ***:***

(a) The use of water in emergency situations to extinguish fires by a public agency or a volunteer fire department; or

(b) The de minimus collection of precipitation:

~~[(a)]~~ ***(1)*** From the rooftop of a single-family dwelling for nonpotable domestic use; or

~~[(b)]~~ ***(2)*** If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. The guzzler must:

~~[(1)]~~ ***(I)*** Have a capacity of 20,000 gallons or less;

~~[(2)]~~ ***(II)*** Have a capture area of 1 acre or less;

~~[(3)]~~ ***(III)*** Have a pipe length of 1/4 mile or less;

~~[(4)]~~ ***(IV)*** Be developed by a state or federal agency responsible for wildlife management or by any other person in consultation with the Department of Wildlife; and

~~[(5)]~~ ***(V)*** Be approved for use by the Department of Wildlife.

2. As used in this section:

(a) "Domestic use" has the meaning ascribed to it in NRS 534.013 **.** ~~[; and]~~

(b) "Guzzler" has the meaning ascribed to it in NRS 501.121.

(c) "Public agency" means an agency, bureau, board, commission, department or division of this State or a political subdivision of this State.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

(a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and

(b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

3. ~~[Except as otherwise provided in subsection 5, the]~~ ***The*** State Engineer may ~~[:~~

~~(a) Issue]~~ ***only issue*** temporary permits to appropriate groundwater ~~[which]~~ ***if water cannot be furnished by a public entity such as a water district or municipality presently engaged in furnishing water to the inhabitants thereof. Such temporary permits*** can be limited as to time and ~~[which]~~ may, ~~[except as limited by subsection 4,]~~ be revoked if and when ~~[water]~~ ***:***

(a) Water can be furnished by ~~[an]~~ ***a public*** entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof ~~[.]~~ ***; and***

(b) ***The property served is within 1,250 feet of the water furnished pursuant to paragraph (a).***

➥ ***The holder of a temporary permit that is revoked pursuant to this subsection must be given 730 days from the date of revocation to connect to the public entity furnishing water.***

4. In a basin designated pursuant to NRS 534.030, the State Engineer may:

(a) Deny applications to appropriate groundwater for any use in areas served by ~~[such an]~~ ***a public*** entity ~~[.~~

~~(c)]~~ ***such as a water district or a municipality presently engaged in furnishing water to the inhabitants of the area.***

(b) Limit the depth of domestic wells.

~~[(d)]~~ ***(c)*** Prohibit the drilling of wells for domestic use ~~[, as defined in NRS 534.013,]~~ in areas where water can be furnished by ~~[an]~~ ***a public*** entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

~~[(e)]~~ ***(d)*** In connection with the approval of a parcel map in which any parcel is proposed to be served by a domestic well, require the dedication to a city or county or a designee of a city or county, or require a relinquishment to the State Engineer, of any right to appropriate water required by the State Engineer to ensure a sufficient supply of water for each of those parcels, unless the dedication of the right to appropriate water is required by a local ordinance.

~~[4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:~~

~~(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and~~

~~(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well drilling rig.]~~

5. ~~[The State Engineer may, in]~~ ***In*** an area in which have been issued temporary permits pursuant to subsection 3, ~~[limit]~~ ***the State Engineer:***

(a) Shall:

(1) Deny any applications to appropriate groundwater for use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water;

(2) Limit the depth of a domestic well ~~[pursuant to paragraph (c) of subsection 3 or]~~ ***; or***

(3) Prohibit the drilling of wells for domestic use in areas where water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants; and

(b) May prohibit repairs from being made to a ***domestic*** well, and may require the person proposing to deepen or repair the ***domestic*** well to obtain

water from ~~[an]~~ ***a public*** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

~~[(a)]~~ ***(1)*** The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

~~[(b)]~~ ***(2)*** The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. The provisions of this section do not prohibit the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water from ~~[an]~~ ***a public*** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 27. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed 2 acre-feet per year.

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

(a) A political subdivision of this State; or

(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada,

➥ but only if ~~[the charge for making the connection to the service is less than $200.]~~ ***such a well is within 1,250 feet of a municipal water system.***

4. If the development and use of underground water from a well for an accessory dwelling unit of a single-family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose:

(a) The owner of the well shall:

(1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;

(2) Install a water meter capable of measuring the total withdrawal of water from the well; and

(3) Ensure the total withdrawal of water from the well does not exceed 2 acre-feet per year;

(b) The local governing body or planning commission shall report the approval of the accessory dwelling unit on a form provided by the State Engineer;

(c) The State Engineer shall monitor the annual withdrawal of water from the well; and

(d) The date of priority for the use of the domestic well to supply water to the accessory dwelling unit is the date of approval of the accessory dwelling unit by the local governing body or planning commission.

Sec. 27.5. NRS 538.171 is hereby amended to read as follows:

538.171 1. The Commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other rights, interests or benefits in and to the waters described in NRS 538.041 to 538.251, inclusive, and to the power generated thereon, held by or which may accrue to the State of Nevada under and by virtue of any Act of the Congress of the United States or any agreements, compacts or treaties to which the State of Nevada may become a party, or otherwise.

2. Except as otherwise provided in this subsection, applications for the original appropriation of such waters, or to change the ***holder of the entitlement to appropriate water,*** place of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the Commission in accordance with the regulations of the Commission. In considering such an application, the Commission shall use the criteria set forth in ~~[subsection 3 of]~~ NRS 533.370. The Commission's action on the application constitutes the recommendation of the State of Nevada to the United States for the purposes of any federal action on the matter required by law. The provisions of this subsection do not apply to supplemental water.

3. The Commission shall furnish to the State Engineer a copy of all agreements entered into by the Commission concerning the original appropriation and use of such waters. It shall also furnish to the State Engineer any other information it possesses relating to the use of water from the Colorado River which the State Engineer deems necessary to allow the State Engineer to act on applications for permits for the subsequent appropriation of these waters after they fall within the State Engineer's jurisdiction.

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the Commission or by any entity to whom or with whom the Commission has contracted the water is not subject to regulation by the State Engineer.

5. Any use of water from the Muddy River or the Virgin River for the creation of any developed shortage supply or intentionally created surplus does not require the submission of an application to the State Engineer to change the place of diversion, manner of use or place of use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in NRS 533.030.

(b) "Intentionally created surplus" has the meaning ascribed to it in NRS 533.030.

Sec. 28. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 37.5, immediately following section 37, to read as follows:

Sec. 37.5. "General Manager" means the General Manager of the Southern Nevada Water Authority.

Sec. 29. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto new sections to be designated as sections 38.2, 38.4 and 38.6, respectively, immediately following section 38, to read as follows:

Sec. 38.2. 1. If the Federal Government ~~[declares a shortage on]~~ reduces Nevada's allocation of the Colorado River for the upcoming year ~~[,]~~ to 270,000 acre-feet or less, the Board of Directors may limit each single-family residence that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or a member agency of the Southern Nevada Water Authority to not more than 0.5 acre-feet of water for that upcoming year. Any limitation imposed by the Board of Directors may not go into effect before December 31 of the year before the year for which the ~~[shortage is declared.]~~ Federal Government has reduced Nevada's allocation of the Colorado River to 270,000 acre-feet or less.

2. If the Board of Directors limits water usage of single-family residences pursuant to subsection 1, the Southern Nevada Water Authority and the member agencies of the Southern Nevada Water Authority shall notify all customers of the action of the Board of Directors to limit water usage by not later than October 1 of the year before the year for which the ~~[shortage is declared.]~~ Federal Government has reduced Nevada's allocation of the Colorado River to 270,000 acre-feet or less.

3. The Board of Directors shall establish a process to approve a waiver of any limitations imposed pursuant to subsection 1 for certain properties.

Sec. 38.4. 1. Except as otherwise provided in this section, on and after the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority no new septic system may be installed.

2. The General Manager may, in his or her discretion, approve a waiver of the prohibition set forth in subsection 1.

3. The provisions of this section do not apply to any decreed, certificated or permitted right to appropriate water that is diverted from the Virgin River or Muddy River.

4. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground which is typically composed of a septic tank and a subsurface fluid distribution or disposal system.

Sec. 38.6. 1. Except as otherwise provided in this subsection, beginning on the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, and ending on December 31, 2023, new turf may not be installed on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority. The provisions of this subsection do not apply to the installation of warm-season turf in parks, schools or cemeteries.

2. Except as otherwise provided in subsection 4, on and after January 1, 2024, any new turf that is installed on a parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority must be installed in accordance with any requirements for turf adopted by the Board of Directors pursuant to subsection 3.

3. The Board of Directors shall adopt requirements for the installation of new turf on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority.

4. The General Manager or his or her designee may approve a waiver from the prohibition set forth in subsection 2 or any turf requirements adopted by the Board of Directors pursuant to subsection 3.

Sec. 30. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 39.5, immediately following section 39, to read as follows:

Sec. 39.5. 1. Except as otherwise provided in this section, the Southern Nevada Water Authority shall require the owner of any parcel of property that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority to participate in an irrigation water efficiency monitoring program established by the Southern Nevada Water Authority, if the parcel of property:

(a) Is not used exclusively as a single-family residence; and

(b) Consists of 20,000 square feet or more of turf.

2. The Board of Directors shall:

(a) Develop and establish policies and guidelines for an irrigation water efficiency monitoring program;

(b) Establish deadlines within the service area of the Southern Nevada Water Authority for any owner subject to the requirements of subsection 1 to begin participating in the irrigation water efficiency monitoring program; and

(c) Not later than January 1, 2025, notify the owner of any parcel of property subject to the requirements of subsection 1 that he or she is required to participate in the irrigation water efficiency monitoring program by the deadline established pursuant to paragraph (b).

3. The General Manager or his or her designee may approve an extension or waiver from:

(a) The provisions of subsection 1; or

(b) The provisions of the policies and guidelines developed pursuant to subsection 2.

Sec. 31. Section 39 of the Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2180, is hereby amended to read as follows:

Sec. 39. 1. Except as otherwise provided in this section, on and after January 1, 2027, the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority may not be used to irrigate nonfunctional turf on any ***parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence.

2. The Board of Directors shall:

(a) Define "functional turf" and "nonfunctional turf" for the purposes of subsection 1 and promulgate the definitions in the service rules ***, ordinances or codes*** of the member agencies of the Southern Nevada Water Authority; and

(b) Develop a plan to identify and facilitate the removal of existing nonfunctional turf within the service area of the Southern Nevada Water Authority on ***each parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence. The plan must, without limitation:

(1) Establish phases for the removal of nonfunctional turf based on categories of water users; and

(2) Establish deadlines within the service area of the Southern Nevada Water Authority for existing customers to remove nonfunctional turf on ***any parcel of*** property that is not ~~[zoned]~~ ***used*** exclusively ~~[for]~~ ***as*** a single-family residence before December 31, 2026.

3. The ~~[Board of Directors]~~ ***General Manager or his or her designee*** may approve an extension or a waiver from:

(a) The prohibition set forth in subsection 1; and

(b) The provisions of the plan developed pursuant to subsection 2.

4. The provisions of this section do not prohibit a person from:

(a) Complying with any requirement adopted by the governing body of a county or city pursuant to chapter 278 of NRS to maintain open space

or drought tolerant landscaping on any property that is not ~~[~~zoned~~]~~ ***used*** exclusively ~~[~~for~~]~~ ***as*** a single family residence; or

(b) Using alternative sources of water to irrigate nonfunctional turf on and after January 1, 2027, on any property that is not ~~[~~zoned~~]~~ ***used*** exclusively ~~[~~for~~]~~ ***as*** a single-family residence.

Sec. 32. Section 13 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 13. 1. The Southern Nevada Water Authority may establish and collect each calendar year a fee to be assessed on users of groundwater in the Basin. Money raised from the fees must be used as provided in section 14 of this act.

2. Except as otherwise provided in this section:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $13 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $13.

3. Except as otherwise provided in subsections 4 and 5, if the Southern Nevada Water Authority operates a project for the recharge and recovery or underground storage and recovery of water ***or a program for the conversion of properties served by a septic system*** pursuant to section 14.5 of this act:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than $30 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than $30.

4. The maximum fees specified in subsections 2 and 3 may be adjusted ***not more than*** once each year for inflation. The maximum amount of the adjustment must be determined by multiplying the respective amounts of the fees by the percentage of inflation, if any. The Consumer Price Index published by the United States Department of Labor for July preceding the year for which the adjustment is made must be used in determining the percentage of inflation.

5. The maximum fees may be increased by an amount that is greater than the amount of the adjustment for inflation as calculated pursuant to subsection 4 only if the increase is approved by the Legislature.

6. As used in this section, "water right" means the legal right to use water that has been appropriated pursuant to chapters 533 and 534 of NRS by means of application, permit, certificate, decree or claim of vested right.

Sec. 33. Section 14.5 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 14.5. ***1.*** The Southern Nevada Water Authority may, in consultation with the Advisory Committee, operate ~~[a]~~ ***:***

(a) A project for the recharge and recovery or underground storage and recovery of water pursuant to chapter 534 of NRS for the benefit of owners of wells in the Basin ~~[.]~~ ***; and***

(b) A program for the conversion of properties served by a septic system to a municipal sewer system.

2. As used in this section, "septic system" means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.

Sec. 34. The Southern Nevada Water System Act of 1995, being chapter 393, Statutes of Nevada 1995, at page 963, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. 1. The Board of Directors of the Southern Nevada Water Authority may, by resolution, authorize the General Manager to restrict the use of water:

(a) During any period in which the Federal Government has declared a water shortage in the Colorado River;

(b) If emergency conditions exist; or

(c) If the delivery system is unable to provide adequate volumes of water.

2. Any restrictions imposed by the General Manager pursuant to subsection 1 must be ratified by the Board of Directors of the Southern Nevada Water Authority not more than 15 calendar days after the date the restrictions are imposed.

3. The provisions of this section shall not be construed to authorize the Board of Directors to restrict the use of any water rights held by the United States Department of Defense.

Sec. 34.5. On or before December 31, 2024, a district board of health that creates a voluntary financial assistance program pursuant to section 1 of this act shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Natural Resources and the 83rd Session of the Legislature which sets forth the number of property owners that are participating in the voluntary financial assistance program and any recommendations for legislation.

Sec. 35. (Deleted by amendment.)

Sec. 36. This act becomes effective upon passage and approval.

Assemblywoman Cohen moved that the Assembly concur in the Senate Amendment No. 735 to Assembly Bill No. 220.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 465.

The following Senate amendment was read:

Amendment No. 747.

ASSEMBLYMEN YEAGER; AND GRAY

JOINT SPONSOR: SENATOR SPEARMAN

AN ACT relating to the state militia; revising the age requirements for enlisted personnel and commissioned officers; revising provisions governing the Adjutant General of the Office of the Military; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the position of the Adjutant General as an appointed member of the military staff of the Governor and grants the Adjutant General the authority to appoint two Assistant Adjutants General that are selected from the commissioned officers of the Armed Forces of the United States. (NRS 412.042, 412.044) **Section 2** of this bill requires that the two Assistant Adjutants General are instead selected from the commissioned officers of the Nevada National Guard.

Existing law further provides that to be eligible for appointment to the office of Adjutant General or Assistant Adjutant General, a person must be an officer of the Armed Forces of the United States and be federally recognized in the grade of colonel or higher. (NRS 412.044, 412.054) **Sections 3 and 4** of this bill require instead that to be eligible for appointment to the office of Adjutant General or Assistant Adjutant General, a person must be an officer of the Nevada National Guard, federally recognized in the grade of colonel or higher and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.

Existing law establishes the Nevada National Guard as an organized body of enlisted personnel between the ages of 17 and 64 years and commissioned officers between the ages of 18 and 64 years. (NRS 412.026) **Section 1** of this bill instead provides that enlisted personnel and commissioned officers serve in accordance with the age requirements set forth under federal law and any applicable regulations.

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

Section 1. NRS 412.026 is hereby amended to read as follows:

412.026 1. The militia of the State is composed of the Nevada National Guard and, when called into active service by the Governor, reservists to the Nevada National Guard and any volunteer military organizations licensed by the Governor.

2. The Nevada National Guard is an organized body of enlisted personnel **[**~~between the ages of 17 and 64 years~~**]** and commissioned officers **[**~~between the~~

~~ages of 18 and 64 years,~~] ***who serve in accordance with the age requirements set forth under federal law and any applicable regulations adopted pursuant thereto,*** divided into the Nevada Army National Guard and the Nevada Air National Guard.

3. If a volunteer military organization is formed and becomes licensed by the Governor, it shall consist of an organized body of able-bodied residents of the State between the ages of 17 and 64 years who are not serving in any force of the Nevada National Guard and who are or who have declared their intention to become citizens of the United States.

Sec. 2. NRS 412.042 is hereby amended to read as follows:

412.042 1. The military staff of the Governor consists of the Adjutant General and not more than two Assistant Adjutants General selected from the commissioned officers of the [~~Armed Forces of the United States.~~] ***Nevada National Guard.***

2. The military staff of the Governor shall perform such ceremonial functions and duties as the Governor may prescribe.

Sec. 3. NRS 412.044 is hereby amended to read as follows:

412.044 1. The Governor shall appoint an Adjutant General who shall serve at the pleasure of the Governor or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial. The service of the Adjutant General shall continue while such Adjutant General is serving in a federal active duty status under an order or call by the President of the United States.

2. To be eligible for appointment to the office of Adjutant General, a person must be an officer of the [~~Armed Forces of the United States~~] ***Nevada National Guard*** and federally recognized in the grade of colonel or higher [~~.~~] ***and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.***

3. The Adjutant General may be appointed in the grade of colonel or higher, but not exceeding that of major general. If appointed in a lower grade, the Adjutant General may be promoted by the Governor to any grade not exceeding that of major general.

Sec. 4. NRS 412.054 is hereby amended to read as follows:

412.054 1. The Adjutant General may appoint two Assistant Adjutants General, one each from the Nevada Army National Guard and the Nevada Air National Guard, who may serve as Chief of Staff for Army and Chief of Staff for Air, respectively, at the pleasure of the Adjutant General or until relieved by reason of resignation, withdrawal of federal recognition or for cause to be determined by a court-martial.

2. To be eligible for appointment to the office of Assistant Adjutant General, a person must be an officer of the [~~Armed Forces of the United States~~] ***Nevada National Guard*** and be federally recognized in the grade of colonel or higher [~~.~~] ***and must have completed at least 4 years of service in the Nevada National Guard as a federally recognized officer.***

3. An Assistant Adjutant General may be appointed in the grade of colonel or higher, but not exceeding that of brigadier general. An Assistant Adjutant General may be promoted by the Governor to any grade not exceeding that of brigadier general.

4. The Assistant Adjutants General shall perform such duties as may be assigned by the Adjutant General.

5. Whoever serves as Chief of Staff for Army is in the unclassified service of the State and, except as otherwise provided in NRS 284.143, shall not hold any other city, county, state or federal office of profit.

6. In the event of the absence or inability of the Adjutant General to perform his or her duties, the Adjutant General shall designate by Office regulations:

(a) One of the Assistant Adjutants General to perform the duties of his or her office as Acting Adjutant General.

(b) If neither Assistant Adjutant General is available, any national guard officer to be the Acting Adjutant General.

➥ The designated Assistant Adjutant General or designated officer may continue to receive his or her authorized salary while so serving as Acting Adjutant General, and shall so serve until the Adjutant General is again able to perform the duties of the office, or if the office is vacant, until an Adjutant General is regularly appointed and qualified.

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

Assemblywoman Monroe-Moreno moved that the Assembly concur in the Senate Amendment No. 747 to Assembly Bill No. 465.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 256.

The following Senate amendment was read:

Amendment No. 559.

AN ACT relating to education; revising the requirements to receive approval from the State Board of Education to offer a work-based learning program; requiring the Department of Education to adopt regulations prescribing a method for the board of trustees of a school district to determine whether the employment and supervision of a pupil in a work-based learning program is appropriate; authorizing the board of trustees of a school district to exempt certain volunteers participating in a work-based learning program from submitting fingerprints for the purpose of a criminal background check; deeming certain employees of a business, agency or organization that participates in a work-based learning program not to be volunteers at a school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each volunteer at a public school, including a charter school or university school for profoundly gifted pupils, and a private school who is likely to have unsupervised contact with pupils to submit his or her

fingerprints to the governing body of a charter school or university school for profoundly gifted pupils, the administrator of the private school or the board of trustees of the school district, as applicable, for the purposes of a criminal background check before beginning his or her service as a volunteer and at least once every 5 years thereafter. (NRS 388A.515, 388C.200, 391.104, 394.155) Existing law defines the term "volunteer" to mean any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by the school during or outside of school hours. (NRS 388A.510, 388C.190, 391.1035, 394.154)

Existing law authorizes the board of trustees of a school district or the governing body of a charter school to offer a work-based learning program upon application to and with the approval of the State Board of Education. Under existing law, a work-based learning program must include certain requirements to receive approval from the State Board to offer a work-based learning program. (NRS 389.167) **Section 1.5** of this bill requires a work-based learning program to additionally include a requirement that each pupil participating in the work-based learning program complete training on: (1) identifying and reporting harassment in the workplace; ~~[and]~~ (2) developing and maintaining healthy relationships in the workplace**_** ~~[.]~~ **; and (3) identifying the signs of certain predatory behavior.**

Section 2 of this bill requires the Department of Education to prescribe by regulation a method for the board of trustees of a school district to: (1) examine a business, agency or organization seeking to participate in a work-based learning program; and (2) determine if the employment and supervision of a pupil by the business, agency or organization would be appropriate. If the board of trustees of a school district determines the employment and supervision of a pupil in a work-based learning program by the business, agency or organization is appropriate, **section 2** authorizes a board of trustees of a school district to exempt a volunteer employed by the business, agency or organization from submitting his or her fingerprints for the purposes of a criminal background check. **Section 5** of this bill makes a conforming change to specifically exempt such a volunteer from submitting his or her fingerprints for the purposes of a criminal background check. **Section 3** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes.

Sections 1 and 4 of this bill revise the definition of the term "volunteer" for the purposes of public schools to exclude an employee of a business, agency or organization that participates in a work-based learning program, other than an employee who directly oversees the participation of **or has unsupervised contact with** a pupil in the work-based learning program.

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

Section 1. NRS 388A.510 is hereby amended to read as follows:

388A.510 "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a charter school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of any overnight trip.

2. Does not include ~~[~~a~~]~~ ***:***

(a) A student who is enrolled at an institution of higher education and is:

~~[~~(a)~~]~~ ***(1)*** Taking a course which requires the student to be present in the classroom of the charter school on a limited basis to observe and to be observed in the classroom; and

~~[~~(b)~~]~~ ***(2)*** Under direct supervision of a teacher or his or her professor at all times while in the classroom.

(b) An employee of a business, agency or organization that participates in a work-based learning program pursuant to NRS 389.167, other than an employee who directly oversees the participation of or has unsupervised contact with a pupil in the work-based learning program.

Sec. 1.5. NRS 389.167 is hereby amended to read as follows:

389.167 1. A pupil enrolled at a public school must be allowed to apply one or more credits toward the total number of credits required for graduation from high school if the pupil successfully completes the number of hours in a work-based learning program required by regulation of the State Board to earn such credits. Any credits earned for successful completion of a work-based learning program must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school.

2. The board of trustees of a school district or the governing body of a charter school may offer a work-based learning program upon application to and with the approval of the State Board. An application to offer a work-based learning program must include, without limitation:

(a) The fields, trades or occupations in which a work-based learning program will be offered.

(b) The qualifications of a pupil to participate in the work-based learning program. Such qualifications must allow a majority of pupils to be eligible to participate in the work-based learning program.

(c) A description of the process that will be used by pupils to apply to participate in a work-based learning program.

(d) A description of the manner in which participation in a work-based learning program and completion of the requirements of a work-based learning program will be verified.

(e) A description of the manner in which the performance of a pupil who participates in the work-based learning program will be evaluated, which must include, without limitation, an on-site evaluation of the performance of the pupil.

3. Upon approval by the State Board of an application to offer a work-based learning program submitted pursuant to subsection 2, the board of trustees or the governing body shall:

(a) Designate an employee of the school district or charter school, as applicable, to serve as a work-based learning coordinator to coordinate and oversee work-based learning programs. Such an employee must ensure that each business, agency or organization that will offer employment and supervision of a pupil as part of the work-based learning program is suitable for participation in a work-based learning program.

(b) Establish and maintain a list of businesses, agencies and organizations that have been found suitable by the work-based learning coordinator pursuant to paragraph (a).

4. To receive approval from the State Board to offer a work-based learning program, the work-based learning program must include, without limitation, requirements that:

(a) A detailed training agreement and training plan be completed for each pupil participating in the work-based learning program for credit that identifies the specific tasks in which the pupil will participate that will develop competency of the pupil in the workplace;

(b) A pupil participating in the work-based learning program be allowed to leave the public school in which he or she is enrolled during the school day to participate in such a program; ~~[and]~~

(c) Participation by a pupil in the work-based learning program will develop a broad range of skills and will allow a pupil to focus on his or her chosen career pathway ~~[.]~~ ***; and***

(d) Training be completed by each pupil participating in the work-based learning program on:

(1) Identifying and reporting harassment in the workplace; ~~[and]~~

(2) Developing and maintaining healthy relationships in the workplace ~~[.]~~ ; and

(3) Identifying the signs of a person engaging in predatory conduct to prepare a pupil for sexual activity or to foster an inappropriate personal or professional relationship with a pupil, including, without limitation, through communicating or attempting to befriend or establish a relationship or other connection with a parent or legal guardian of a pupil in furtherance of such conduct.

5. A school district or charter school may allow a pupil who successfully completes a work-based learning program to earn dual credit for participation in the work-based learning program.

6. On or before January 15 of each odd-numbered year, the board of trustees of a school district and the governing body of a charter school that offers a work-based learning program shall prepare a report concerning the manner in which the work-based learning program has been carried out and submit the report to the State Board and the Legislature. The report must include, without limitation:

(a) The number of pupils participating in the work-based learning program; and

(b) The types of work-based learning offered through the work-based learning program.

7. The number of pupils participating in the work-based learning program reported pursuant to paragraph (a) of subsection 6 must be disaggregated on the basis of the following characteristics:

(a) Pupils who are American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Pacific Islander, white or two or more races;

(b) Gender of pupils;

(c) Pupils who are migrants; and

(d) Pupils who are members of special populations, as defined in 20 U.S.C. § 2302(48).

Sec. 2. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall prescribe by regulation a method for the board of trustees of a school district to determine if a business, agency or organization that is seeking to employ and supervise a pupil as a part of a work-based learning program pursuant to NRS 389.167 should be subject to the provisions of NRS 391.104 requiring a volunteer who is likely to have unsupervised contact with pupils to submit his or her fingerprints for an investigation into the criminal background of the volunteer.

2. The method prescribed by the Department pursuant to subsection 1 must include, without limitation, a process outlining how the board of trustees of a school district shall:

(a) Examine a business, agency or organization seeking to participate in a work-based learning program pursuant to NRS 389.167; and

(b) Determine if the employment and supervision of a pupil in the work-based learning program by the business, agency or organization examined pursuant to paragraph (a) would be appropriate for the pupil.

3. If the board of trustees of a school district determines the employment of a pupil in a work-based learning program pursuant to this section is appropriate for the pupil pursuant to subsection 2, the board of trustees may exempt any volunteers employed by the business, agency or organization from the requirements of NRS 391.104 requiring a volunteer who is likely to have unsupervised contact with pupils to submit his or her fingerprints for an investigation into the criminal background of the volunteer.

Sec. 3. NRS 391.1025 is hereby amended to read as follows:

391.1025 As used in NRS 391.1025 to 391.106, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 391.103 and 391.1035 have the meanings ascribed to them in those sections.

Sec. 4. NRS 391.1035 is hereby amended to read as follows:

391.1035 "Volunteer" means any person who, without compensation, works at, assists with or oversees any activity or event conducted or sponsored by a public school during or outside of school hours. The term:

1. Includes, without limitation, a coach, assistant coach, director of in-school or extracurricular activities and chaperone of an overnight trip.

2. Does not include ~~[~~a~~]~~ ***:***

(a) A student who is enrolled at an institution of higher education and is:

~~[~~(a)~~]~~ ***(1)*** Taking a course which requires the student to be present in the classroom of the public school on a limited basis to observe and to be observed in the classroom; and

~~[~~(b)~~]~~ ***(2)*** Under direct supervision of a teacher or his or her professor at all times while in the classroom.

(b) An employee of a business, agency or organization that participates in a work-based learning program pursuant to NRS 389.167, other than an employee who directly oversees the participation of or has unsupervised contact with a pupil in the work-based learning program.

Sec. 5. NRS 391.104 is hereby amended to read as follows:

391.104 1. Except as otherwise provided in NRS 391.105 ~~[,]~~ ***and section 2 of this act,*** each applicant for employment pursuant to NRS 391.100 or employee, except a teacher or other person licensed by the Superintendent of Public Instruction, or volunteer who is likely to have unsupervised contact with pupils, must, before beginning his or her employment or service as a volunteer and at least once every 5 years thereafter, submit to the school district:

(a) A full set of the applicant's, employee's or volunteer's fingerprints and written permission authorizing the school district to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant, employee or volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant, employee or volunteer; and

(b) Written authorization for the board of trustees of the school district to obtain any information concerning the applicant, employee or volunteer that may be available from the Statewide Central Registry and any equivalent registry maintained by a governmental entity in a jurisdiction in which the applicant, employee or volunteer has resided within the immediately preceding 5 years.

2. In conducting an investigation into the background of an applicant, employee or volunteer, a school district may cooperate with any appropriate law enforcement agency to obtain information relating to the criminal history of the applicant, employee or volunteer, including, without limitation, any record of warrants for the arrest of or applications for protective orders against the applicant, employee or volunteer.

3. The board of trustees of a school district may use a substantiated report of the abuse or neglect of a child, as defined in NRS 392.281, or a violation of NRS 201.540, 201.560, 392.4633 or 394.366 obtained from the Statewide Central Registry or an equivalent registry maintained by a governmental agency in another jurisdiction:

(a) When making determinations concerning assignments, requiring retraining, imposing discipline, hiring, accepting a volunteer or termination; and

(b) In any proceedings to which the report is relevant, including, without limitation, an action for trespass or a restraining order.

4. Except as otherwise provided in subsection 5, the board of trustees of a school district shall not require a licensed teacher or other person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district, including, without limitation:

(a) Sick leave;

(b) Sabbatical leave;

(c) Personal leave;

(d) Leave for attendance at a regular or special session of the Legislature of this State if the employee is a member thereof;

(e) Maternity leave; and

(f) Leave permitted by the Family and Medical Leave Act of 1993, 29 U.S.C. §§ 2601 et seq.,

➥ to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the employee is in good standing when the employee began the leave.

5. A board of trustees of a school district may ask the Superintendent of Public Instruction to require a person licensed by the Superintendent of Public Instruction pursuant to NRS 391.033 who has taken a leave of absence from employment authorized by the school district to submit a set of his or her fingerprints as a condition of return to or continued employment with the school district if the board of trustees has probable cause to believe that the person has committed a felony or an offense involving moral turpitude during the period of his or her leave of absence.

6. The board of trustees of a school district:

(a) May accept any gifts, grants and donations to carry out the provisions of subsections 1 and 2 and NRS 391.105.

(b) May not be held liable for damages resulting from any action of the board of trustees authorized by subsection 2 or 3 or NRS 391.105.

Sec. 6. 1. This section becomes effective upon passage and approval.

2. Section 2 of this act becomes effective:

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

(b) On July 1, 2023, for all other purposes.

3. Sections 1, 1.5, 3, 4 and 5 of this act become effective on July 1, 2023.

Assemblywoman Bilbray-Axelrod moved that the Assembly concur in the Senate Amendment No. 559 to Assembly Bill No. 256.

Motion carried by a constitutional majority.
Bill ordered to enrollment.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 250.

Assemblywoman Jauregui moved that the Assembly recess until 7 p.m.
Motion carried.

Assembly in recess at 2:32 p.m.

ASSEMBLY IN SESSION

At 9:29 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:
Assembly Bill No. 525—AN ACT making appropriations for various purposes relating to health, education and employment; and providing other matters properly relating thereto.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 9.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Education.
Motion carried.

Senate Bill No. 24.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 166.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 222.
Assemblywoman Jauregui moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 232.

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

Motion carried.

Senate Bill No. 242.

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

Motion carried.

Senate Bill No. 279.

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

Motion carried.

Senate Bill No. 301.

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

Motion carried.

Senate Bill No. 305.

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

Motion carried.

Senate Bill No. 380.

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

Motion carried.

Senate Bill No. 390.

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

Motion carried.

Senate Bill No. 448.

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

Motion carried.

Senate Bill No. 453.

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

Motion carried.

Senate Bill No. 455.

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

Motion carried.

Senate Bill No. 456.

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

Motion carried.

Senate Bill No. 457.

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

Motion carried.

Senate Bill No. 458.

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

Motion carried.

Senate Bill No. 459.

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

Motion carried.

Senate Bill No. 460.

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

Motion carried.

Senate Bill No. 461.

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

Motion carried.

Senate Bill No. 462.

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

Motion carried.

Senate Bill No. 463.

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

Motion carried.

Senate Bill No. 464.

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

Motion carried.

Senate Bill No. 465.

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

Motion carried.

Senate Bill No. 466.

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

Motion carried.

Senate Bill No. 468.

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

Motion carried.

Senate Bill No. 470.

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

Motion carried.

Senate Bill No. 471.

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

Motion carried.

Senate Bill No. 472.

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

Motion carried.

Senate Bill No. 473.

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

Motion carried.

Senate Bill No. 474.

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

Motion carried.

Senate Bill No. 476.

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

Motion carried.

Senate Bill No. 477.

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

Motion carried.

Senate Bill No. 478.

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

Motion carried.

Senate Bill No. 479.

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

Motion carried.

Senate Bill No. 482.

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

Motion carried.

Senate Bill No. 483.

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

Motion carried.

Senate Bill No. 484.

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

Motion carried.

Senate Bill No. 485.

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

Motion carried.

Senate Bill No. 486.

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

Motion carried.

Senate Bill No. 487.

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

Motion carried.

Senate Bill No. 488.

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

Motion carried.

Senate Bill No. 489.

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

Motion carried.

Senate Bill No. 491.

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

Motion carried.

Senate Bill No. 493.

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

Motion carried.

Senate Bill No. 494.

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

Motion carried.

Senate Bill No. 497.

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

Motion carried.

Senate Bill No. 499.

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

Motion carried.

Senate Bill No. 500.

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

Motion carried.

Senate Bill No. 72.

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

Motion carried.

Senate Bill No. 103.

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

Motion carried.

Senate Bill No. 195.

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

Motion carried.

Senate Bill No. 240.

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

Motion carried.

Senate Bill No. 276.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 526—AN ACT relating to state financial administration; providing for the redistribution of certain money authorized for expenditure to certain nonprofit organizations; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 71, 282, 291, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 260, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 480, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 7, 201, 203, 310, 349, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which were referred Assembly Bills Nos. 130, 451, 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 Ways and Means, to which was rereferred Assembly Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that for the balance of the session, all measures with amendments reported out of committee be placed at the top of the appropriate reading file.

Motion carried.

Assembly Bill No. 16.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 785.

AN ACT relating to courts; prescribing the manner for increases in the annual base salary of the justices of the Nevada Supreme Court and the judges of the Nevada Court of Appeals; **making an appropriation for such increases;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets the annual base salary for justices of the Nevada Supreme Court at $170,000 and for judges of the Nevada Court of Appeals at $165,000. (NRS 2.050, 2A.080) ~~[This]~~ **Sections 1 and 2 of this** bill ~~[provides]~~ **provide** for increases in the annual base salary for justices of the Nevada Supreme Court and judges of the Nevada Court of Appeals every 6 years based upon the cumulative percentage increase in the salaries of the classified employees of this State. **Section 2.5 of this bill makes an appropriation for such increases.**

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

Section 1. NRS 2.050 is hereby amended to read as follows:

2.050 1. Until the first Monday in January ~~[2009,]~~ ***2025,*** the justices of the Supreme Court whose terms of office expire on the first Monday in January ~~[2009]~~ ***2025*** are entitled to receive an annual base salary of ~~[$140,000. From and after]~~ ***$170,000. On*** the first Monday in January ~~[2009,]~~ ***2025, the annual base salary must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 12 years. Every sixth year thereafter, the annual base salary of*** their successors in office ~~[are entitled to receive an annual base salary of $170,000.]~~ ***must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 6 years.***

2. Until the first Monday in January ~~[2011,]~~ ***2027,*** the justices of the Supreme Court whose terms of office expire on the first Monday in January ~~[2011]~~ ***2027*** are entitled to receive an annual base salary of ~~[$140,000. From and after]~~ ***$170,000. On*** the first Monday in January ~~[2011,]~~ ***2027, the annual base salary must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 12 years. Every sixth year thereafter, the annual base salary of*** their successors in office ~~[are entitled to receive an annual base salary of $170,000.]~~ ***must be increased by an amount equal to the***

cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 6 years.

3. Until the first Monday in January ~~[~~2013,~~]~~ ***2029,*** the justices of the Supreme Court whose terms of office expire on the first Monday in January ~~[~~2013~~]~~ ***2029*** are entitled to receive an annual base salary of ~~[~~$140,000. From and after~~]~~ ***$170,000. On*** the first Monday in January ~~[~~2013,~~]~~ ***2029, the annual base salary must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 12 years. Every sixth year thereafter, the annual base salary of*** their successors in office ~~[~~are entitled to receive an annual base salary of $170,000.~~]~~ ***must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 6 years.***

4. All salaries provided for in this section are payable in biweekly installments as other state officers are paid.

Sec. 2. NRS 2A.080 is hereby amended to read as follows:

2A.080 1. ~~[~~The~~]~~ ***Until the first Monday in January 2029, the*** annual base salary of each judge of the Court of Appeals is $165,000. ***On the first Monday in January 2029 and on the first Monday of every sixth year thereafter, the annual base salary of his or her successor in office must be increased by an amount equal to the cumulative percentage increase in the salaries of the classified employees of this State during the immediately preceding 6 years.***

2. A judge of the Court of Appeals who has served as a justice of the Supreme Court, judge of the Court of Appeals or judge of a district court, or any combination thereof, for at least 4 years is entitled to an additional salary of 2 percent of his or her annual base salary for each year of service. The additional salary must not exceed 22 percent of his or her annual base salary.

3. The salary provided for in this section is payable in biweekly installments as other state officers are paid.

Sec. 2.5. **1. There is hereby appropriated from the State General Fund to the State Judicial Elected Officials Account the sum of $86,113 for Fiscal Year 2024-2025 for increases in the salary of justices of the Supreme Court and judges of the Court of Appeals.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 3. **1.** This ~~[act becomes]~~ **section and sections 1 and 2 of this act become** effective on July 1, 2023.

2. Section 2.5 of this act becomes effective on July 1, 2024.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 130.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 808.

AN ACT relating to assisted living; revising provisions governing the program to award competitive grants from the Fund for a Healthy Nevada to certain assisted living facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Fund for a Healthy Nevada in the State Treasury and requires the State Treasurer to deposit in the Fund a portion of all money received by this State resulting from any settlement or judgment in a civil action against a manufacturer of tobacco products. (NRS 439.620) Existing law requires the Department of Health and Human Services to allocate $200,000 of all revenues deposited in the Fund each year for direct expenditure by the Director of the Department to award competitive grants to finance the establishment or expansion of assisted living facilities that provide certain services pursuant to a program established under Medicaid. (NRS 439.630) In order to provide such services, existing law requires an assisted living facility to be certified as meeting certain criteria relating to affordability, the provision of case management services and financing. (NRS 319.147, 422.3962) This bill ~~[: (1) increases the amount allocated from the Fund to support such grants to $1,000,000; and (2) additionally]~~ authorizes the use of such grants to fund the operation of such assisted living facilities. This bill also requires the Director, when awarding such grants, to prioritize assisted living facilities that meet certain criteria relating to affordability, the provision of case management services and financing.

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

Section 1. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Department shall:

(a) Conduct, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct, public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent alcohol and other substance use disorders; and

(4) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities, and report the results of the evaluation to the Joint Interim Standing Committee on Health and Human Services on an annual basis.

(c) Subject to legislative authorization, allocate money for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, for senior citizens and persons with disabilities pursuant to NRS 439.635 to 439.690, inclusive. From the money allocated pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens and persons with disabilities pursuant to NRS 439.635 to 439.690, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The Department shall submit a quarterly report to the Governor, the Interim Finance Committee, the Joint Interim Standing Committee on Health and Human Services and any other committees or commissions the Director deems appropriate regarding the general manner in which expenditures have been made pursuant to this paragraph.

(d) Subject to legislative authorization, allocate, by contract or grant, money for expenditure by the Aging and Disability Services Division of the Department in the form of grants for existing or new programs that assist senior citizens and other specified persons with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of informal caretakers, including, without limitation, informal caretakers of any person with Alzheimer's disease or other related dementia regardless of the age of the person;

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

➥ The Aging and Disability Services Division of the Department shall consider recommendations from the Grants Management Advisory Committee concerning the independent living needs of senior citizens.

(e) Allocate $200,000 ~~[$1,000,000]~~ of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Director to award competitive grants to finance the establishment ***,*** ~~[or]~~ expansion ***and operation*** of assisted living facilities that provide services pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.3962. The Director shall develop policies and procedures for awarding grants pursuant to this paragraph ~~[.]~~ ***that prioritize assisted living facilities that demonstrate the ability to meet the criteria for certification pursuant to NRS 319.147.*** If any money allocated pursuant to this paragraph remains after awarding grants to all eligible applicants, the Director must reallocate such money to the Aging and Disability Services Division of the Department to be used for the purposes described in paragraph (d).

(f) Subject to legislative authorization, allocate to the Division money for programs that are consistent with the guidelines established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services relating to evidence-based best practices to prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco. In making allocations pursuant to this paragraph, the Division shall allocate the money, by contract or grant:

(1) To the district board of health in each county whose population is 100,000 or more for expenditure for such programs in the respective county;

(2) For such programs in counties whose population is less than 100,000; and

(3) For statewide programs for tobacco cessation and other statewide services for tobacco cessation and for statewide evaluations of programs which receive an allocation of money pursuant to this paragraph, as determined necessary by the Division and the district boards of health.

(g) Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of residents of this State, including, without limitation, programs that improve health services for children.

(h) Subject to legislative authorization, allocate, by contract or grant, money for expenditure for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Department shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite care or relief of informal caretakers for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

(i) Maximize expenditures through local, federal and private matching contributions.

(j) Ensure that any money expended from the Fund will not be used to supplant existing methods of funding that are available to public agencies.

(k) Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

(l) To make the allocations required by paragraphs (f), (g) and (h):

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept applications for allocations;

(3) Review and consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;

(4) Conduct annual evaluations of programs to which allocations have been awarded; and

(5) Submit annual reports concerning the programs to the Governor, the Interim Finance Committee, the Joint Interim Standing Committee on Health and Human Services and any other committees or commissions the Director deems appropriate.

(m) Transmit a report of all findings, recommendations and expenditures to the Governor, each regular session of the Legislature, the Joint Interim Standing Committee on Health and Human Services and any other committees or commissions the Director deems appropriate.

(n) After considering the recommendations submitted to the Director pursuant to subsection 6, develop a plan each biennium to determine the percentage of available money in the Fund for a Healthy Nevada to be allocated from the Fund for the purposes described in paragraphs (c), (d), (f), (g) and (h). The plan must be submitted as part of the proposed budget submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210.

(o) On or before September 30 of each even-numbered year, submit to the Grants Management Advisory Committee, the Nevada Commission on Aging created by NRS 427A.032 and the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211 a report on the funding plan submitted to the Chief of the Budget Division of the Office of Finance pursuant to paragraph (n).

2. The Department may take such other actions as are necessary to carry out its duties.

3. To make the allocations required by paragraph (d) of subsection 1, the Aging and Disability Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens and other specified persons for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens and other specified persons upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging and Disability Services Division pursuant to paragraph (d) of subsection 1 to the Governor, the Interim Finance Committee, the Joint Interim Standing Committee on Health and Human Services and any other committees or commissions the Director deems appropriate.

4. The Aging and Disability Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging and Disability Services Division of the Department shall not expend or transfer any money allocated to the Aging and Disability Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens or persons with disabilities pursuant to NRS 439.635 to 439.690, inclusive.

5. A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities to the extent that the veteran does not receive other benefits or services provided to veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.

6. On or before June 30 of each even-numbered year, the Grants Management Advisory Committee, the Nevada Commission on Aging and the Nevada Commission on Services for Persons with Disabilities each shall submit to the Director a report that includes, without limitation, recommendations regarding community needs and priorities that are determined by each such entity after any public hearings held by the entity.

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 451.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 810.

SUMMARY—Revises provisions relating to certain employees in the ~~[Office of Finance in the Office of the Governor.]~~ **Executive Department of the State Government.** (BDR 23-1085)

AN ACT relating to state employees; providing that an employee in the unclassified service of the Budget Division of the Office of Finance is entitled to compensation for overtime under certain circumstances; **requiring the Division of Human Resource Management of the Department of Administration to conduct a study relating to the pay of certain positions within the Executive Department of the State Government; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Budget Division of the Office of Finance in the Office of the Governor. (NRS 223.400) Under existing law, the Budget Division has various duties and powers including, without limitation, the preparation of: (1) the executive budget report for the Governor's approval and submission to the Legislature; and (2) the proposed budget for the Executive Department of the State Government. (NRS 353.185) Under existing law, certain employees in the unclassified service are not entitled to compensation for overtime. (NRS 284.148) ~~[This]~~ **Section 1 of this** bill provides that such an employee in the Budget Division is entitled to compensation for overtime performed when the employee is doing work relating to the preparation of the executive budget report or proposed budget during the period beginning on September 1 of an even-numbered year and ending on January 31 of the following year. **Section 2 of this bill provides that the provisions of section 1 expire by limitation on June 30, 2025.**

Section 1.3 of this bill requires the Division of Human Resource Management of the Department of Administration to: (1) conduct a study, or contract with a third party to conduct a study, to evaluate the pay of all classified and unclassified positions within the Executive Department of the State Government; and (2) submit a report of the findings of the study to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and the Interim Finance Committee. Section 1.7 of this bill makes an appropriation to the Division of Human Resource Management for the costs of the study.

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

Section 1. NRS 284.148 is hereby amended to read as follows:

284.148 1. An elected officer or an employee in the unclassified service who is on the personal staff of an elected officer, an appointed head of a department or division who serves at the pleasure or discretion of an elected officer or an executive, administrative or professional employee within the meaning of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq.:

(a) Must be paid on a salary basis, within a maximum amount established by law;

(b) ~~[~~Is~~]~~ ***Except as otherwise provided in subsection 4, is*** not entitled to compensation for overtime; and

(c) Is not subject to disciplinary suspensions for less than 1 week.

2. An employee in the classified service who is an executive, administrative or professional employee within the meaning of the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., and who is either a head of a department, division or bureau, or a doctoral level professional:

(a) Must be paid on a salary basis;

(b) Is not entitled to compensation for overtime; and

(c) Is not subject to disciplinary suspensions for less than 1 week.

3. Unless otherwise specified by statute, the Division shall determine which positions in the classified and unclassified service are subject to the provisions of this section.

4. An employee in the unclassified service of the Budget Division of the Office of Finance is entitled to compensation for overtime performed when the employee is doing work relating to the preparation of the executive budget report or the proposed budget for the Executive Department of the State Government during the period beginning on September 1 of an even-numbered year and ending on January 31 of the following year.

Sec. 1.3. **1. The Division of Human Resource Management of the Department of Administration shall conduct a comprehensive salary study, or contract with a third party to conduct such a study, to evaluate the pay of all classified and unclassified positions within the Executive Department of the State Government, including, without limitation, a review of the feasibility or desirability of providing compensation for overtime for positions which are currently not entitled to such compensation.**

2. Not later than December 31, 2024, the Division of Human Resource Management shall prepare and submit a report of the findings of the study conducted pursuant to subsection 1 to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and the Interim Finance Committee.

Sec. 1.7. **1. There is hereby appropriated from the State General Fund to the Division of Human Resource Management of the Department of Administration the sum of $500,000 for the costs of conducting the study required by section 1.3 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently

granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

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

2. Sections 1.3 and 1.7 of this act ~~[becomes]~~ **become** effective on July 1, 2023.

3. Section 1 of this act becomes effective on July 1, 2023, and expires by limitation on June 30, 2025.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 460.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 788.

AN ACT relating to health care; revising the entities required to be licensed as nursing pools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) defines the term "nursing pool" to mean a person or agency which provides, through its employees or by a contractual arrangement with other persons, nursing services to any natural person, medical facility or facility for the dependent; and (2) requires the licensure and regulation of a nursing pool as a medical facility. (NRS 449.0151, 449.0153, 449.030) This bill revises the definition of the term "nursing pool" to only include a person or agency which provides, through its employees or by contractual arrangement with other persons, infusion or private duty nursing services to a natural person. This bill also exempts from that definition: (1) a nursing pool providing staff for a medical facility or facility for the dependent; (2) **an entity that assists a medical facility in contracting with or hiring a provider of health care or other person involved in the provision of health care under certain circumstances; (3)** a licensed private employment agency; and ~~[(3)]~~ **(4)** a licensed professional employer organization. This bill thus exempts such entities from licensure and regulation as medical facilities.

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

Section 1. NRS 449.0153 is hereby amended to read as follows:

449.0153 1. "Nursing pool" means a person or agency which provides for compensation, through its employees or by contractual arrangement with other persons, ***infusion or private duty*** nursing services to any natural person **.** ~~[, medical facility or facility for the dependent.]~~

2. The term does not include:

(a) An independent contractor who provides such services without the assistance of employees;

(b) A nursing pool based in ***or providing staff for*** a medical facility or facility for the dependent;

(c) A provider of community-based living arrangement services during any period in which the provider of community-based living arrangement services is engaged in providing community-based living arrangement services; ~~[or]~~

(d) A provider of supported living arrangement services during any period in which the provider of supported living arrangement services is engaged in providing supported living arrangement services ~~[.]~~ ***;***

(e) An entity that assists a medical facility in contracting with or hiring a provider of health care or other person involved in the provision of health care if:

(1) The provider of health care or other person is not an employee of the entity assisting in the hiring or contracting of the provider of health care or other person; and

(2) The medical facility sets the terms of employment of the provider of health care or other person, including, without limitation, compensation;

(f) A private employment agency licensed pursuant to NRS 611.045; or

~~*[(f)]*~~ ***(g) A professional employer organization licensed pursuant to NRS 611.410.***

Sec. 2. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 480.

Bill read second time and ordered to third reading.

Assembly Bill No. 485.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 775.

SUMMARY—Makes an appropriation to the Legislative Fund for ~~[capital improvement projects for facilities]~~ **annual dues for national organizations, a passenger van** and information technology services projects. (BDR S-1141)

AN ACT making an appropriation to the Legislative Fund for ~~[capital improvement projects for facilities]~~ **annual dues for national organizations, a passenger van** and information technology services projects; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of ~~[$25,587,290 for capital improvement projects for facilities]~~ **$3,974,486 for annual dues for national organizations, a passenger van** and information technology services projects.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 493.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 772.

AN ACT making an appropriation to the Nevada System of Higher Education for an interim study of the funding formula for the System; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$5,000,000]~~ **$2,000,000** for the System Administration budget account for an interim study of the funding formula for the System.

2. The Nevada System of Higher Education shall submit a report of the results of the study, including any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmission to the 83rd Session of the Nevada Legislature.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 495.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 773.

AN ACT making appropriations to the Nevada Highway Patrol Division of the Department of Public Safety for the replacement or purchase of vehicles, motorcycles, weapons and certain equipment and a staffing study; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $11,948,770 for the replacement of fleet vehicles and associated special equipment.

Sec. 2. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $275,859 for the replacement of fleet motorcycles and associated special equipment.

Sec. 3. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of ~~[$66,620]~~ **$77,120** for the replacement of vehicle hoists, tire changing machines and a forklift.

Sec. 4. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $987,548 for the replacement of ballistic rifle vests, helmets, patrol rifles and red dot sights.

Sec. 5. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $702,720 for the replacement of taser weapons.

Sec. 6. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $438,385 for the replacement of mobile data computers.

Sec. 7. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $43,370 for the replacement of radar certification systems.

Sec. 8. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $1,783,667 for the replacement of portable event recording devices and associated software.

Sec. 9. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $39,990 for the replacement of equipment for weighing vehicles.

Sec. 10. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum

of $422,122 for the replacement of computer hardware and associated software.

Sec. 11. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $13,004 for the purchase of oil filter crushers and a steel shipping container for use as a fabrication workspace.

Sec. 12. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $415,525 for the purchase of oral fluid mobile testing devices and cartridges.

Sec. 13. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of ~~[$50,000]~~ **$74,889** for a staffing study of the Division.

Sec. 14. Any remaining balance of the appropriations made by sections 1 to 13, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 19, 2025.

Sec. 15. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 774.

AN ACT making a supplemental appropriation to the Division of Public and Behavioral Health of the Department of Health and Human Services for an unanticipated revenue shortfall and an increase in operating costs; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of ~~[$589,999]~~ **$471,798** for an unanticipated revenue shortfall and an increase in operating costs. This appropriation is supplemental

to that made by section 17 of chapter 310, Statutes of Nevada 2021, at page 1804.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 503.

Bill read second time.

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

Amendment No. 811.

The Title of Assembly Bill No. 503 is hereby amended as follows:

AN ACT relating to background checks; ~~**[**revising provisions authorizing a person to petition certain professional or occupational licensing boards or public officers to review his or her criminal history and determine whether the person is able to obtain a particular license, permit, certificate, registration or qualification; prohibiting certain professional or occupational licensing boards, public officers and regulatory bodies from including information concerning the criminal history of a person in certain reports submitted to the Director of the Legislative Counsel Bureau and the Sunset Subcommittee of the Legislative Commission, as applicable;**]**~~ establishing requirements relating to investigations into the criminal backgrounds of volunteers of a charter school, university school for profoundly gifted pupils or school district who are likely to have unsupervised contact with pupils; removing provisions authorizing the disclosure of information relating to the criminal history of an applicant for a license as a teacher or another educational personnel position to the administrator of a private school; removing certain requirements imposed on the Department of Education regarding persons whose applications for a license are denied because of a conviction of a sexual offense involving a minor; revising provisions concerning applicants for employment with a school district who are required to submit fingerprints to the school district; removing provisions requiring an applicant for employment with or employee of a private school or volunteer to submit fingerprints to the administrator of the private school and accordingly repealing provisions concerning exceptions to such a requirement; requiring applicants for ~~**[**various**]**~~ **certain** licenses, certificates ~~**[**, registrations,**]**~~ **or** permits ~~**[**or similar types of authorization**]**~~ to submit to the applicable regulatory body a complete set of fingerprints and written permission authorizing the applicable regulatory body to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant; removing the applicability of certain requirements to applicants for a license to practice any of the special branches of dental hygiene, dental therapy or dentistry; defining the term “dentistry”; revising

provisions of the Psychology Interjurisdictional Compact concerning the disclosure of certain information relating to licensed psychologists; defining certain terms relating to reports on the criminal history of certain persons associated with ~~[~~medical laboratories,~~]~~ medical cannabis establishments and adult-use cannabis establishments; ~~[~~repealing certain provisions relating to regulatory bodies;~~]~~ and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

~~[~~Existing law authorizes a regulatory body to develop and implement a process by which a person with a criminal history is able to petition the regulatory body to review such criminal history and determine whether the person is disqualified from obtaining a license from the regulatory body because of such criminal history. Existing law also authorizes the regulatory body to request the criminal history record of a person who petitions the regulatory body for such a determination and requires the person to submit his or her criminal history record which includes reports from the Central Repository for Nevada Records of Criminal History (hereinafter "Central Repository") and the Federal Bureau of Investigation (hereinafter "FBI"). (NRS 622.085) Existing law replicates these provisions for various professional or occupational licensing boards and public officers that issue licenses, permits, certificates, registrations or qualifications. (NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, 435.3395, 445B.7776, 449.03008, 449.4316, 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 622.085, 678B.630, 706.4626) Section 89 of this bill repeals such provisions concerning a regulatory body and repeals certain other provisions that impose requirements on regulatory bodies in general. Sections 1, 3-6, 14-18, 21-23, 26-46, 86 and 87 of this bill provide that a person who petitions a particular professional or occupational licensing board or public officer to review the criminal history of the person and make a determination regarding the ability of the person to obtain a license, permit, certificate, registration or qualification is : (1) required to submit to the applicable board or public officer a complete set of fingerprints and written permission authorizing the board or public officer to forward the fingerprints to the Central Repository for its report on the criminal history of the person and for submission to the FBI for its report on the criminal history of the person; and (2) prohibited from receiving the reports from the Central Repository and the FBI.~~]~~

~~[~~Existing law requires certain professional or occupational licensing boards and public officers to whom a person submits a petition to review the criminal history of the person and make a determination regarding the ability of the person to obtain a license, permit, certificate, registration or qualification to submit to the Director of the Legislative Counsel Bureau, on a quarterly basis,

~~a report that includes: (1) the number of such petitions submitted to the professional or occupational licensing board or public officer; (2) the number of determinations of disqualification made; (3) the reasons for such determinations; and (4) any other information requested by the Director or which the professional or occupational licensing board or public officer determines would be helpful. (NRS 1.545, 240A.275, 244.33504, 361.2212, 379.00785, 435.3395, 445B.7776, 449.03008, 449.4316, 450B.169, 455C.125, 457.1825, 458.0258, 477.2233, 482.163, 487.006, 489.298, 490.195, 502.375, 503.5831, 504.391, 505.013, 534.1405, 544.147, 555.305, 557.225, 576.037, 581.1033, 582.035, 584.2165, 587.014, 599A.057, 599B.127, 618.357, 678B.630, 706.4626) Sections 1, 3-6, 14-18, 21-23, 26-46, 86 and 87 prohibit professional or occupational licensing boards and public officers from including in such a report any information concerning the criminal history of a person that is obtained from a report received from the Central Repository or the FBI. Section 47 of this bill similarly prohibits a regulatory body from including any information concerning a person that is obtained from a report received from the Central Repository or the FBI in certain quarterly reports submitted to the Director of the Legislative Counsel Bureau.~~

~~Existing law requires the Sunset Subcommittee of the Legislative Commission to conduct a review of each professional or occupational licensing board and regulatory body in this State to determine whether the restrictions on the criminal history of an applicant for an occupational or professional license are appropriate. For the purposes of such a review, each professional or occupational licensing board and regulatory body subject to review is required to submit certain information to the Sunset Subcommittee. (NRS 232B.237) Section 2 of this bill prohibits a professional or occupational licensing board or regulatory body from including any information concerning the criminal history of a person that is obtained from a report received from the Central Repository or the FBI as part of the information submitted to the Sunset Subcommittee.~~**]**

Existing law establishes certain circumstances in which a volunteer who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the governing body of a charter school, the governing body of a university school for profoundly gifted pupils or the board of trustees of a school district. (NRS 388A.516, 388C.205, 391.105) **Sections 7, 8 and 11** of this bill establish requirements relating to investigations into the criminal background of such volunteers that are conducted in such circumstances.

Existing law requires an applicant for a license as a teacher or another educational personnel position to submit to the Superintendent of Public Instruction a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for its report on the criminal history of the applicant and for submission to the ~~[~~FBI~~]~~ **Federal Bureau of Investigation (hereinafter "FBI")** for its report on the criminal history of the applicant. Existing law

requires the Superintendent to forward the information obtained from an investigation of the applicant to the board of trustees of a school district, the governing body of a charter school or the university school for profoundly gifted pupils or the administrator of a private school where the applicant is employed or seeking employment. (NRS 391.033) **Section 9** of this bill removes such a requirement. Existing law also requires the Department of Education to: (1) maintain a list of the names of persons whose applications for a license are denied due to conviction of a sexual offense involving a minor; (2) update the list monthly; and (3) provide the list to the board of trustees of a school district or the governing body of a charter school upon request. (NRS 391.033) **Section 9** removes such provisions.

Existing law authorizes the board of trustees of a school district to employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children. (NRS 391.100) **Section 10** of this bill replaces the term "other auxiliary, nonprofessional personnel" with the term "paraprofessionals."

Existing law requires certain applicants for employment with and employees of a private school and volunteers at a private school who are likely to have unsupervised contact with pupils to submit to the administrator of the private school, before beginning employment and at least once every 5 years thereafter, a complete set of fingerprints of the applicant, employee or volunteer and written permission authorizing the administrator to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant, employee or volunteer and for submission to the FBI for its report on the criminal history of the applicant, employee or volunteer. (NRS 394.155) Existing law also provides exceptions to such a requirement in certain circumstances for volunteers at a private school who are likely to have unsupervised contact with pupils. (NRS 394.157) **Section 13** of this bill removes such provisions requiring the submission of fingerprints to the administrator of a private school, and **section 89** of this bill accordingly repeals the exceptions to such a requirement. **Section 12** of this bill makes a conforming change to remove a reference to the repealed section containing the exceptions to such a requirement.

~~**[**Sections 19 and 20 of this bill require an applicant for licensure to operate a crematory, or certain specific persons if the applicant is a partnership, corporation or other form of business organization, and an applicant for a certificate of authority to engage in the business of operating a cemetery, and certain other persons named in the application, to submit to the Nevada Funeral and Cemetery Services Board a complete set of fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant or other person, as applicable, and for submission to the FBI for its report on the criminal history of the applicant or other person, as applicable.~~

~~Existing law requires the Nevada Gaming Commission to provide by regulation for the registration of club venue employees and associated matters~~

~~and authorizes such regulations to require the registration of certain third-party contractors who provide services to club venues. (NRS 463.15999) Existing law also requires the Nevada Gaming Commission to adopt regulations which require certain persons who manufacture or distribute associated equipment for use in this State to register with the Nevada Gaming Control Board. (NRS 463.665) Sections 24 and 25 of this bill require an applicant for registration as a club venue employee, a third party contractor required to apply for registration and an applicant for registration to manufacture or distribute associated equipment in this State to submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant or third-party contractor, as applicable, and for submission to the FBI for its report on the criminal history of the applicant or third party contractor, as applicable.~~

~~Existing law establishes the requirements for the application for and issuance of professional and occupational licenses, certificates, registrations, permits or similar types of authorization by various state agencies, boards and commissions. (Title 54 of NRS) Sections 48-50, 54-58, 61, 65-67 and 69-79 of this bill provide that an applicant for certain licenses, certificates, registrations, permits or similar types of authorization, in addition to satisfying any other requirements, is: (1) required to submit to the applicable regulatory body a complete set of fingerprints and written permission authorizing the body to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant and for submission to the FBI for its report on the criminal history of the applicant; and (2) prohibited from receiving the reports from the Central Repository and the FBI. Sections 59, 62 and 63 of this bill make a conforming change to indicate the proper placement of section 58 in the Nevada Revised Statutes, and section 68 of this bill makes a conforming change to indicate the proper placement of section 67 in the Nevada Revised Statutes.~~**]**

Existing law requires every applicant for a license to practice dental hygiene, dental therapy or dentistry, or any of its special branches, to satisfy certain requirements as part of the application process. (NRS 631.220) **Section 53** of this bill removes the applicability of the requirements to such special branches. **Section 51** of this bill defines the term "dentistry," and **section 52** of this bill makes a conforming change to indicate the proper placement of **section 51** in the Nevada Revised Statutes.

Existing law enacts the Psychology Interjurisdictional Compact, which is designed, in general, to allow telepsychological practice across state lines and temporary in-person, face-to-face services into a state in which a psychologist is not licensed to practice psychology. The Compact requires the Psychology Interjurisdictional Compact Commission to provide for the development and maintenance of a Coordinated Licensure Information System (hereinafter "Coordinated Database") to which a compact state is required to submit certain information concerning licensees. The Compact also authorizes the

Commission to convene in a closed, nonpublic meeting if the Commission must discuss certain information, including the disclosure of investigatory records compiled for law enforcement purposes. (NRS 641.227) **Section 60** of this bill: (1) prohibits a compact state from submitting to the Coordinated Database any information concerning the criminal history of a licensee that is included in a report from the Central Repository or the FBI; and (2) removes the ability of the Commission to discuss the disclosure of investigatory records compiled for law enforcement purposes.

~~[Existing law prohibits, in general, a person from operating, conducting, issuing a report from or maintaining a medical laboratory without first obtaining a license to do so issued by the Division of Public and Behavioral Health of the Department of Health and Human Services and sets forth the application requirements for such a license. (NRS 652.080, 652.090) Section 77 of this bill requires, as part of the application process, each applicant for a license and certain persons associated with a medical laboratory to submit a complete set of fingerprints and written permission authorizing the Division to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant or other person, as applicable, and for submission to the FBI for its report on the criminal history of the applicant or other person, as applicable. Sections 72-77 of this bill define certain terms relating to such an application process.]~~

Existing law establishes the requirements for the licensing of marriage and family therapists, clinical professional counselors, marriage and family therapist interns and clinical professional counselor interns. (NRS 641A.210-641A.2888) Section 61 of this bill provides that an applicant for a license to practice as a marriage and family therapist or clinical professional counselor, a license by endorsement to practice as a marriage and family therapist or clinical professional counselor or a license as a marriage and family therapist intern or clinical professional counselor intern, in addition to satisfying any other requirements, is required to submit to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors a complete set of fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for its report on the criminal history of the applicant and for submission to the FBI for its report on the criminal history of the applicant.

Existing law requires an applicant for any license, permit or certificate issued by the Nevada Funeral and Cemetery Services Board to submit a complete set of his or her fingerprints to the Board. (NRS 642.511) Section 65 of this bill sets forth the specific licenses, permits and certificates for which an applicant is applying that require the submission of his or her fingerprints to the Board.

Existing law requires each applicant for a license to engage in the business of a medical cannabis establishment or an adult-use cannabis establishment and certain other persons associated with the proposed medical cannabis

establishment or adult-use cannabis establishment to submit a complete set of the person's fingerprints and written permission authorizing the Cannabis Compliance Board to forward the fingerprints to the Central Repository for submission to the FBI for its report on the criminal history of the applicant or other person, as applicable. (NRS 678B.210, 678B.250) **Sections 81-84** of this bill define certain terms for the purposes of such provisions. **Section 85** of this bill makes a conforming change to indicate the proper placement of **sections 81-84** in the Nevada Revised Statutes.

~~**[**Section 64 of this bill revises certain language concerning applicants for a license as a behavior analyst or assistant behavior analyst or registration as a registered behavior technician to reflect, consistent with the language used in this bill, that the written authorization of the applicant for his or her fingerprints to be forwarded to the Central Repository and to the FBI is for the purpose of obtaining a report of the criminal history of the applicant from the Central Repository and a report of the criminal history of the applicant from the FBI. Section 88 of this bill requires the Legislative Counsel, when preparing the reprint and supplements to the Nevada Revised Statutes, to appropriately revise any references to a person providing written permission for his or her fingerprints to be forwarded to the Central Repository and the FBI in the same manner or in a manner that is otherwise consistent with the revisions made in this bill.**]**~~

Section 1 of Assembly Bill No. 503 is hereby amended as follows:

Section 1. (Deleted by amendment.)

Section 2 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 2. (Deleted by amendment.)

Section 3 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 3. (Deleted by amendment.)

Section 4 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 4. (Deleted by amendment.)

Section 5 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 5. (Deleted by amendment.)

Section 6 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 6. (Deleted by amendment.)

Section 14 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 14. (Deleted by amendment.)

Section 15 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 15. (Deleted by amendment.)

Section 16 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 16. (Deleted by amendment.)

Section 17 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 17. (Deleted by amendment.)

Section 18 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 18. (Deleted by amendment.)

Section 19 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 19. (Deleted by amendment.)

Section 20 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 20. (Deleted by amendment.)

Section 21 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 21. (Deleted by amendment.)

Section 22 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 22. (Deleted by amendment.)

Section 23 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 23. (Deleted by amendment.)

Section 24 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 24. (Deleted by amendment.)

Section 25 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 25. (Deleted by amendment.)

Section 26 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 26. (Deleted by amendment.)

Section 27 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 27. (Deleted by amendment.)

Section 28 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 28. (Deleted by amendment.)

Section 29 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 29. (Deleted by amendment.)

Section 30 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 30. (Deleted by amendment.)

Section 31 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 31. (Deleted by amendment.)

Section 32 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 32. (Deleted by amendment.)

Section 33 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 33. (Deleted by amendment.)

Section 34 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 34. (Deleted by amendment.)

Section 35 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 35. (Deleted by amendment.)

Section 36 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 36. (Deleted by amendment.)

Section 37 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 37. (Deleted by amendment.)

Section 38 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 38. (Deleted by amendment.)

Section 39 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 39. (Deleted by amendment.)

Section 40 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 40. (Deleted by amendment.)

Section 41 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 41. (Deleted by amendment.)

Section 42 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 42. **(Deleted by amendment.)**

Section 43 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 43. **(Deleted by amendment.)**

Section 44 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 44. **(Deleted by amendment.)**

Section 45 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 45. **(Deleted by amendment.)**

Section 46 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 46. **(Deleted by amendment.)**

Section 47 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 47. **(Deleted by amendment.)**

Section 48 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 48. **(Deleted by amendment.)**

Section 49 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 49. **(Deleted by amendment.)**

Section 50 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 50. **(Deleted by amendment.)**

Section 54 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 54. **(Deleted by amendment.)**

Section 55 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 55. **(Deleted by amendment.)**

Section 56 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 56. **(Deleted by amendment.)**

Section 57 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 57. **(Deleted by amendment.)**

Section 58 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 58. **(Deleted by amendment.)**

Section 59 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 59. **(Deleted by amendment.)**

Section 61 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 61. Chapter 641A of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other requirements set forth in this chapter, an applicant for a license to practice as a marriage and family therapist or clinical professional counselor, a license by endorsement to practice as a marriage and family therapist or clinical professional counselor, a license as a marriage and family therapist intern or a license as a clinical professional counselor intern that is issued pursuant to this chapter ***[:***

1. Shall] ***shall*** ***submit to the Board a complete set of fingerprints and written permission authorizing the Board to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant*** ***. [; and***

~~*2. Is prohibited from receiving the reports obtained pursuant to subsection 1.]*~~

Section 62 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 62. **(Deleted by amendment.)**

Section 63 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 63. **(Deleted by amendment.)**

Section 64 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 64. **(Deleted by amendment.)**

Section 65 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 65. NRS 642.511 is hereby amended to read as follows:

642.511 ~~[An]~~ ***In addition to any other requirements set forth in this chapter, an*** applicant for ~~[any]~~ ***a*** license ~~[, permit or]~~ ***to practice the profession of embalming, a*** certificate ***of registration to serve as a registered apprentice to a licensed embalmer, a funeral director's license, a license as a funeral arranger, a permit to operate a funeral establishment or a permit to operate a direct cremation facility that is*** issued ~~[by the Board must]~~ ***pursuant to this chapter*** ~~*[:*~~

~~*1. Shall]*~~ ***shall*** submit ~~[as part of his or her application]~~ ***to the Board*** a complete set of fingerprints and written permission authorizing the Board to forward ~~[the]~~ ***those*** fingerprints to the Central Repository for Nevada Records of Criminal History ***for its report on the criminal history of the applicant and*** for submission to the Federal Bureau of Investigation for its report ~~[.]~~ ***on the criminal history of the applicant*** ~~*. [; and*~~

~~*2. Is prohibited from receiving the reports obtained pursuant to subsection 1.]*~~

Section 66 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 66. **(Deleted by amendment.)**

Section 67 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 67. **(Deleted by amendment.)**

Section 68 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 68. **(Deleted by amendment.)**

Section 69 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 69. **(Deleted by amendment.)**

Section 70 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 70. **(Deleted by amendment.)**

Section 71 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 71. **(Deleted by amendment.)**

Section 72 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 72. **(Deleted by amendment.)**

Section 73 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 73. **(Deleted by amendment.)**

Section 74 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 74. **(Deleted by amendment.)**

Section 75 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 75. **(Deleted by amendment.)**

Section 76 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 76. (Deleted by amendment.)

Section 77 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 77. (Deleted by amendment.)

Section 78 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 78. (Deleted by amendment.)

Section 79 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 79. (Deleted by amendment.)

Section 82 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 82. ***"Officer" means a natural person who:***

1. Is proposed to hold the title of, or be designated by a proposed cannabis establishment as, ~~[an officer of the cannabis establishment, including, without limitation,]~~ a president, vice president, secretary, treasurer, manager, chief executive officer, chief operating officer or chief financial officer of the cannabis establishment ; ~~[or anyone in charge of a principal business unit or function of the cannabis establishment;]~~ and

2. May or may not be an owner of the proposed cannabis establishment.

Section 83 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 83. ***"Owner" means a natural person who is the holder of any ownership interest in a proposed cannabis establishment.***

Section 86 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 86. (Deleted by amendment.)

Section 87 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 87. (Deleted by amendment.)

Section 88 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 88. (Deleted by amendment.)

Section 89 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 89. NRS 394.157 **~~[~~, 622.085, 622.360, 622.530~~]~~** and 644A.465 are hereby repealed.

Section 91 of Assembly Bill No. 503 is hereby amended as follows:

Sec. 91. **~~[~~1.~~]~~** This act becomes effective upon passage and approval.

~~[~~~~2. Section 68 of this act expires by limitation 2 years after the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.~~]~~**

Amend the bill as a whole by adding the text of the repealed section(s) to read as follows:

~~[~~LEADLINES~~]~~ TEXT OF REPEALED SECTIONS

394.157 Conditions under which volunteer not required to submit fingerprints.

1. A volunteer at a private school who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the administrator of the private school pursuant to NRS 394.155 if:

(a) The volunteer submits a statement from an entity described in this subsection that is acceptable to the administrator or other sufficient evidence to the administrator of the private school or the administrator otherwise determines that, within a time period deemed acceptable by the administrator, another entity determined the volunteer to be eligible for employment or licensure or to serve as a volunteer;

(b) It is the policy of the entity to conduct an investigation into the criminal background of an employee, licensee or volunteer, as applicable, and that investigation includes the submission of fingerprints to the Federal Bureau of Investigation; and

(c) The administrator accepts the investigation. An administrator may, in his or her discretion, accept or reject an investigation described in this section for any reason.

2. In addition to the exceptions described in subsection 1, a volunteer at a private school who is likely to have unsupervised contact with pupils is not required to submit fingerprints to the administrator of the private school pursuant to NRS 394.155 if the volunteer submits to another entity authorized to forward fingerprints to the Central Repository for Nevada Records of Criminal History a complete set of the volunteer's fingerprints and written permission authorizing the entity to forward the fingerprints to the Central Repository for its report on the criminal history of the volunteer and for submission to the Federal Bureau of Investigation for its report on the criminal history of the volunteer.

~~[622.085 Development and implementation of process for preliminary determination of whether person's criminal history will disqualify person from obtaining license; fee; posting of requirements and list of disqualifying crimes for licensure on Internet website; request for criminal history record; prohibition on submission of false or misleading information.~~

~~622.360 Disciplinary proceedings: Authority to require licensee to submit fingerprints; additional grounds for disciplinary action; supplemental provision.~~

~~622.530 Regulatory body to adopt regulations for license by endorsement for qualified persons; restrictions; issuance of license by endorsement; conflicts with other license by endorsement provisions.]~~

644A.465 Reduction of duplication in licensing and registration procedure for applicant who also applies to local governmental entity to practice massage therapy, reflexology or structural integration.

1. The Board and a local governmental entity shall, to the extent practicable, reduce duplication in the licensing or registration procedure for a qualified applicant who is applying to the Board for a license or certificate of registration to practice pursuant to this chapter and who is also applying to the local governmental entity for a license to practice massage therapy,

reflexology or structural integration, if both applications are filed not more than 60 days apart.

2. If a qualified applicant submits an application to a local governmental entity for a license to practice massage therapy, reflexology or structural integration and, not later than 60 days after that application, the applicant also submits an application to the Board for a license or certificate of registration to practice pursuant to this chapter:

(a) The applicant is not required to submit a set of fingerprints to the Board if the applicant submitted a set of fingerprints with his or her application to the local governmental entity;

(b) The Board shall request from the local governmental entity a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the local governmental entity shall provide to the Board any reports relating to a background investigation of the applicant; and

(d) The Board shall use the reports provided by the local governmental entity in reviewing the application for a license or certificate of registration to practice pursuant to this chapter.

3. If a qualified applicant submits an application to the Board for a license or certificate of registration to practice pursuant to this chapter and, not later than 60 days after that application, the applicant also submits an application to a local governmental entity for a license to practice massage therapy, reflexology or structural integration:

(a) The applicant is not required to submit a set of fingerprints to the local governmental entity if the applicant submitted a set of fingerprints with his or her application to the Board;

(b) The local governmental entity shall request from the Board a copy of any reports relating to a background investigation of the applicant;

(c) Upon receiving such a request, the Board shall provide to the local governmental entity any reports relating to a background investigation of the applicant; and

(d) The local governmental entity shall use the reports provided by the Board in reviewing the application for a license to practice massage therapy, reflexology or structural integration, except that the local governmental entity may conduct its own background investigation of the applicant if the local governmental entity deems it to be necessary.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 505.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 771.

AN ACT making appropriations to and authorizing the expenditure of money by the Department of Veterans Services and the Veterans Home Account for the replacement of computer hardware and associated software, the purchase of information technology peripheral devices and the performance of certain projects; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Veterans Services the sum of $48,295 for the replacement of computer hardware and associated software.

2. Expenditure of $44,758 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2023-2024 and Fiscal Year 2024-2025 by the Department of Veterans Services for the same purpose as set forth in subsection 1.

Sec. 2. 1. There is hereby appropriated from the State General Fund to the Department of Veterans Services the sum of $4,152 for the purchase of information technology peripheral devices.

2. Expenditure of $3,848 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2023-2024 and Fiscal Year 2024-2025 by the Department of Veterans Services for the same purpose as set forth in subsection 1.

Sec. 3. There is hereby appropriated from the State General Fund to the Veterans Home Account established pursuant to NRS 417.145 the sum of $148,210 for the replacement of computer hardware and associated software and the purchase of information technology peripheral devices for the Northern Nevada Veterans Home.

Sec. 4. There is hereby appropriated from the State General Fund to the Veterans Home Account established pursuant to NRS 417.145 the sum of **[**~~$66,640~~**]** **$34,769** for the **[**~~installation of water backflow prevention devices and the~~**]** widening of an interior door at the Northern Nevada Veterans Home.

Sec. 5. Any remaining balance of the appropriations made by sections 1 to 4, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 510.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 770.

AN ACT making appropriations to the Department of Motor Vehicles for the replacement or purchase of computer hardware and software, office furniture and equipment; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $274,079 for the Automation budget account for the replacement of office furniture and equipment.

Sec. 2. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $1,790,857 for the Automation budget account for the replacement of computer hardware, software, printers and network switches and for the upgrade of fiber connections.

Sec. 3. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of ~~[$200,181]~~ **$205,610** for the Department Transformation Effort budget account for the replacement of office furniture and equipment.

Sec. 4. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of ~~[$15,456]~~ **$15,208** for the Department Transformation Effort budget account for the replacement of computer hardware and associated software.

Sec. 5. There is hereby appropriated from the State Highway Fund to the Motor Carrier Division of the Department of Motor Vehicles the sum of $8,632 for the replacement of office furniture and equipment.

Sec. 6. There is hereby appropriated from the State Highway Fund to the Motor Carrier Division of the Department of Motor Vehicles the sum of $33,666 for the replacement of computer hardware and associated software.

Sec. 7. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $2,590 for the Hearings Office budget account for the replacement of office furniture and equipment.

Sec. 8. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $7,568 for the Hearings Office budget account for the replacement of computer hardware and associated software and the renewal of software licenses.

Sec. 9. There is hereby appropriated from the State Highway Fund to the Division of Field Services of the Department of Motor Vehicles the sum of $475,886 for the replacement of office furniture and equipment.

Sec. 10. There is hereby appropriated from the State Highway Fund to the Division of Field Services of the Department of Motor Vehicles the sum of $719,292 for the replacement of computer hardware and associated software.

Sec. 11. There is hereby appropriated from the State Highway Fund to the Division of Compliance Enforcement of the Department of Motor Vehicles the sum of $190,074 for the replacement of office furniture and equipment.

Sec. 12. There is hereby appropriated from the State Highway Fund to the Division of Compliance Enforcement of the Department of Motor Vehicles the sum of ~~[$167,546]~~ **$168,041** for the replacement of computer hardware and associated software.

Sec. 13. There is hereby appropriated from the State Highway Fund to the Division of Central Services and Records of the Department of Motor Vehicles the sum of $21,912 for the replacement of office furniture and equipment.

Sec. 14. There is hereby appropriated from the State Highway Fund to the Division of Central Services and Records of the Department of Motor Vehicles the sum of $294,069 for the replacement of computer hardware and associated software.

Sec. 15. There is hereby appropriated from the State Highway Fund to the Division of Research and Project Management of the Department of Motor Vehicles the sum of ~~[$28,369]~~ **$27,985** for the replacement of office furniture and equipment.

Sec. 16. There is hereby appropriated from the State Highway Fund to the Division of Research and Project Management of the Department of Motor Vehicles the sum of $15,978 for the replacement of computer hardware and associated software.

Sec. 17. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $6,147 for the Office of the Director budget account for the replacement of office furniture and equipment.

Sec. 18. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $46,682 for the Office of the Director budget account for the replacement of computer hardware and associated software.

Sec. 19. There is hereby appropriated from the State Highway Fund to the Administrative Services Division of the Department of Motor Vehicles the sum of $167,730 for the replacement of office furniture and equipment.

Sec. 20. There is hereby appropriated from the State Highway Fund to the Administrative Services Division of the Department of Motor Vehicles the sum of $159,146 for the replacement of computer hardware and associated software.

Sec. 21. There is hereby appropriated from the State Highway Fund to the Administrative Services Division of the Department of Motor Vehicles the sum of $4,021 for the purchase of equipment for expedited mailings.

Sec. 22. Any remaining balance of the appropriations made by sections 1 to 21, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 19, 2025.

Sec. 23. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 511.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 769.

AN ACT making appropriations to the Division of Public and Behavioral Health of the Department of Health and Human Services for the replacement of computer hardware and associated software, the replacement of office furniture and equipment and deferred maintenance projects; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $2,552 for the Family Planning budget account for the replacement of computer hardware and associated software.

Sec. 2. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $13,347,212 for the Southern Nevada Adult Mental Health Services budget account for deferred maintenance projects.

Sec. 3. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $790,431 for the Southern Nevada Adult Mental Health Services budget account for the replacement of computer hardware and associated software.

Sec. 4. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $312,817 for the Southern Nevada Adult Mental Health Services budget account for the replacement of laboratory equipment.

Sec. 5. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $179,035 for the Southern Nevada Adult Mental Health Services budget account for the replacement of utility carts and ice makers.

Sec. 6. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of ~~[$611,310]~~ **$264,870** for the Northern Nevada Adult Mental Health Services budget account for deferred maintenance projects.

Sec. 7. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $398,960 for the Northern Nevada Adult Mental Health Services budget account for the replacement of computer hardware and associated software.

Sec. 8. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $159,355 for the Community Health Services budget account for the replacement of computer hardware and associated software.

Sec. 9. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $88,121 for the Lakes Crossing Center budget account for the replacement of computer hardware and associated software.

Sec. 10. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $151,500 for the Lakes Crossing Center budget account for deferred maintenance projects.

Sec. 11. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $347,494 for the Rural Clinics budget account for the replacement of computer hardware and associated software.

Sec. 12. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $96,183 for the Rural Clinics budget account for the replacement of office furniture and equipment.

Sec. 13. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services the sum of $35,736 for the Rural Clinics budget account for the replacement of telephone system equipment.

Sec. 14. Any remaining balance of the appropriations made by sections 1 to 13, inclusive, of this act must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be

spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 15. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 516.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 777.

AN ACT relating to Indian affairs; creating the Department of Native American Affairs; transferring the Nevada Indian Commission from the Department of Tourism and Cultural Affairs to the Department of Native American Affairs; transferring responsibility for administering the Account for the Protection and Rehabilitation of the Stewart Indian School to the Executive Director of the Department; **revising provisions relating to the Account for the Protection and Rehabilitation of the Stewart Indian School;** establishing certain duties of the Executive Director and the Department; revising certain duties of the Commission; revising the membership of certain boards on which a representative of the Commission serves; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Indian Commission in the Department of Tourism and Cultural Affairs. (NRS 231.167, 233.020) **Section 8** of this bill creates the Department of Native American Affairs, which consists of the Executive Director of the Department, the Nevada Indian Commission and the Stewart Indian School Cultural Center and Museum.

Section 7 of this bill sets forth a legislative declaration that the creation of the Department of Native American Affairs and the provisions of the Nevada Revised Statutes relating to the Department are not intended to infringe upon the sovereignty of Indian tribes.

Sections 1 and 11 of this bill transfer the Nevada Indian Commission from the Department of Tourism and Cultural Affairs to the Department of Native American Affairs. **Sections 2 and 3** of this bill make conforming changes to remove certain responsibilities of the Chair of the Nevada Indian Commission relating to the Department of Tourism and Cultural Affairs.

Section 10 of this bill defines certain terms relating to the Department of Native American Affairs.

Section 6 of this bill indicates the proper placement of **sections 7-9** in the Nevada Revised Statutes.

Existing law requires the Governor to appoint an Executive Director of the Commission who is jointly responsible to the Governor and the Commission and establishes certain responsibilities for the Executive Director. (NRS 233A.055, 233A.065) **Section 12** of this bill instead requires the Governor to appoint an Executive Director of the Department of Native American Affairs. **Section 13** of this bill: (1) assigns the responsibilities of the Executive Director of the Commission to the Executive Director of the Department; (2) removes language providing that the Executive Director is jointly responsible to the Governor and the Commission; and (3) requires the Executive Director to oversee the functions of the Department. **Section 14** of this bill authorizes the Executive Director to appoint such staff as the execution of his or her duties and the operation of the Department may require.

Existing law creates the Account for the Protection and Rehabilitation of the Stewart Indian School which is administered by the Director of the State Department of Conservation and Natural Resources. (NRS 232.159) **Sections 4, 5, 9 and 33** of this bill transfer the responsibility for administering the Account to the Executive Director.

Existing law authorizes the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources to make a direct sale of two parcels of state land located within Carson City and requires the money from such a sale, less any costs, to be deposited in the Account. (NRS 232.159) Section 9 authorizes the Administrator to also lease such parcels of state land and requires the money from any such lease, less any costs, to be deposited in the Account.

Existing law sets forth various duties of the Nevada Indian Commission which include: (1) acting as the coordinating agency for discussions regarding activities at and the uses of the buildings and grounds of the former Stewart Indian School; and (2) scheduling and coordinating certain activities relating to "Nevada Tribes Legislative Day." (NRS 233A.090-233A.100) **Sections 15 and 16** of this bill instead assign such duties to the Department.

Section 15 of this bill directs the Commission to: (1) provide recommendations and advice to the Executive Director concerning the administration of the Department and any other matter relating to the social and economic welfare and well-being of American Indians residing in this State; (2) provide direction to the Executive Director concerning any reports prepared by the Department and review drafts of such reports; and (3) receive reports from the Executive Director and provide direction to the Executive Director to ensure any measures taken by the Department are effective.

Section 19 of this bill authorizes the Department of Native American Affairs to appoint advisory committees to assist and advise the Commission, negotiate and contract with other agencies, cooperate with and secure the cooperation of various entities and provide certain information or assistance to the Department of Wildlife. **Section 28** of this bill makes a conforming change to provide that the Department of Native American Affairs may provide certain information or assistance to the Department of Wildlife.

Existing law creates the Nevada Indian Commission's Gift Fund as a special revenue fund administered by the Executive Director of the Commission. (NRS 233A.097) **Section 18** of this bill revises the name of the Fund to the Department of Native American Affairs' Gift Fund and requires the Executive Director of the Department to administer the Fund. **Section 22** of this bill makes a conforming change to revise the name of the Fund.

Existing law requires the Commission to develop and implement certain policies to promote communication and collaboration between state agencies and Indian tribes. (NRS 233A.200-233A.280) **Section 20** of this bill instead requires the Department to develop and implement such policies.

Existing law requires: (1) all heads of state agencies and managers and employees of state agencies to take certain training which is provided in consultation with the Commission relating to communication and collaboration with Indian tribes; and (2) each state agency that communicates with Indian tribes on a regular basis to submit a report to the Commission on the activities of the state agency. (NRS 233A.270) **Section 21** of this bill assigns such responsibilities to the Department.

Existing law provides for the appointment of a Museum Director of the Stewart Indian School Cultural Center and Museum. (NRS 233A.065, 233A.310) **Section 23** of this bill provides that the Museum Director is responsible to and under the direction of the Executive Director.

Existing law requires a representative or the Chair of the Nevada Indian Commission to serve on the Nevada State Board on Geographic Names, the Advisory Board on Outdoor Recreation, the Interagency Council on Veterans Affairs and the Regional Transmission Coordination Task Force. (NRS 327.120, 407A.575, 417.0191, 704.79887) **Sections 24-27 and 29** of this bill instead require the Executive Director or his or her designee to serve on such boards.

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

Section 1. NRS 231.167 is hereby amended to read as follows:

231.167 The Department of Tourism and Cultural Affairs is hereby created, consisting of:

1. The Division of Tourism;
2. The Division of Museums and History, created by NRS 381.004;
3. The Board of Museums and History, created by NRS 381.002;
4. The Nevada Arts Council, created by NRS 233C.025;
5. ~~[~~The Nevada Indian Commission, created by NRS 233A.020;
~~6.]~~ The Board of the Nevada Arts Council, created by NRS 233C.030; and
~~[7.]~~ ***6.*** The Commission on Tourism.

Sec. 2. NRS 231.170 is hereby amended to read as follows:

231.170 1. The Commission on Tourism is composed of:

(a) Eleven voting members as follows:

(1) The Lieutenant Governor, who is its Chair;

(2) Eight members, appointed by the Governor, who are informed on and have experience in travel and tourism, including the business of gaming; and

(3) The chief administrative officers of the county fair and recreation boards or, if there is no county fair and recreation board in the county, the chair of the board of county commissioners, of the two counties that paid the largest amount of the proceeds from the taxes imposed on the revenue from the rental of transient lodging to the Department of Taxation for deposit with the State Treasurer for credit to the Fund for the Promotion of Tourism created by NRS 231.250 for the previous fiscal year.

(b) The following ex officio, nonvoting members:

(1) The Chair of the Board of Museums and History; ***and***

(2) ~~[The Chair of the Nevada Indian Commission; and~~

~~(3)]~~ The Chair of the Board of the Nevada Arts Council.

2. A change in any member of the Commission who serves pursuant to subparagraph (3) of paragraph (a) of subsection 1 that is required because of a change in the amount of the proceeds paid to the Department of Taxation by each county must be effective on January 1 of the calendar year immediately following the fiscal year in which the proceeds were paid to the Department of Taxation.

3. Of the members appointed by the Governor pursuant to subparagraph (2) of paragraph (a) of subsection 1:

(a) At least one member must be a resident of a county whose population is 700,000 or more.

(b) At least one member must be a resident of a county whose population is 100,000 or more but less than 700,000.

(c) At least two members must be residents of counties whose population is less than 100,000.

(d) Four members may be residents of any county in this State.

Sec. 3. NRS 231.210 is hereby amended to read as follows:

231.210 The Director:

1. Must be appointed by the Governor from a list of three persons submitted to the Governor by the Lieutenant Governor from recommendations made to the Lieutenant Governor by the:

(a) Voting members of the Commission on Tourism;

(b) Chair of the Board of Museums and History; ***and***

(c) ~~[Chair of the Nevada Indian Commission; and~~

~~(d)]~~ Chair of the Board of the Nevada Arts Council.

2. Is in the unclassified service of the State.

3. Shall, except as otherwise provided in NRS 284.143, devote his or her entire time to the duties of his or her office and shall not follow any other gainful employment or occupation.

Sec. 4. NRS 232.070 is hereby amended to read as follows:

232.070 1. As executive head of the Department, the Director is responsible for the administration, through the divisions and other units of the Department, of all provisions of law relating to the functions of the

Department, except functions assigned by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles or the Sagebrush Ecosystem Council.

2. Except as otherwise provided in subsection 4, the Director shall:

(a) Establish departmental goals, objectives and priorities.

(b) Approve divisional goals, objectives and priorities.

(c) Approve divisional and departmental budgets, legislative proposals, contracts, agreements and applications for federal assistance.

(d) Coordinate divisional programs within the Department and coordinate departmental and divisional programs with other departments and with other levels of government.

(e) Appoint the executive head of each division within the Department.

(f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.

(g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.

(h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.

(i) Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:

(1) Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;

(2) Matters relating to the park and recreational policy of the State;

(3) The use of land within this State which is under the jurisdiction of the Federal Government;

(4) The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and

(5) The preservation, protection and use of this State's natural resources.

3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.

4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles or the Sagebrush Ecosystem Council, but the Director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the Commissions and the Council.

5. Except as otherwise provided in NRS ~~[232.159 and]~~ 232.161, all gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.

Sec. 5. NRS 232.140 is hereby amended to read as follows:

232.140 1. Except as otherwise provided in NRS ~~[232.159 and]~~ 232.161, money to carry out the provisions of NRS 232.010 to 232.162, inclusive, and to support the Department and its various divisions and other units must be provided by direct legislative appropriation from the State General Fund.

2. All money so appropriated must be paid out on claims approved by the Director in the same manner as other claims against the State are paid.

Sec. 6. Chapter 233A of NRS is hereby amended by adding thereto the provisions set forth as sections 7, 8 and 9 of this act.

Sec. 7. ***The Legislature hereby finds and declares that nothing in this chapter, including, without limitation, the creation of the Department of Native American Affairs, is intended to infringe upon the sovereignty of Indian tribes who are recognized by the United States as possessing powers of self-government.***

Sec. 8. ***1. The Department of Native American Affairs is hereby created.***

2. The Department consists of:

(a) The Executive Director;

(b) The Nevada Indian Commission created pursuant to NRS 233A.020; and

(c) The Stewart Indian School Cultural Center and Museum established pursuant to NRS 233A.300.

Sec. 9. ***1. The Account for the Protection and Rehabilitation of the Stewart Indian School is hereby created in the State General Fund. The Executive Director shall administer the Account.***

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

3. In addition to any money deposited into the Account from the sale of real property pursuant to subsection 6, the Executive Director may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source for the purpose of funding the Account.

4. The Executive Director may expend the money in the Account only for the purposes of repairing and maintaining the historic state buildings and grounds of the Stewart Indian School.

5. The Executive Director shall, before expending any money pursuant to subsection 4, consult with an advisory committee that provides a

prioritized list of projects that may be funded from the Account. The advisory committee consists of:

(a) The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources;

(b) The Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources;

(c) The Administrator of the State Public Works Division of the Department of Administration; and

(d) The Executive Director or his or her designee.

6. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources may lease or make a direct sale of two parcels of land of approximately 100 acres located within Carson City, and generally described as follows:

(a) The northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of Section 33, Township 15 N., Range 19 E., M.D.B. & M.

(b) The southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of Section 33 and the southwest quarter (SW 1/4) of the southwest quarter (SW 1/4) of Section 34, Township 15 N., Range 19 E., M.D.B. & M.

➥ Money received from the lease or sale, less any costs related to the lease or sale, must be deposited in the Account.

Sec. 10. NRS 233A.010 is hereby amended to read as follows:

233A.010 As used in this chapter:

1. ~~[“Chair” means the Chair of the Nevada Indian Commission.~~

~~2.]~~ “Commission” means the Nevada Indian Commission.

~~[3.]~~ ***2.*** “Commissioner” means a commissioner of the Nevada Indian Commission.

~~[4.]~~ ***3. “Department” means the Department of Native American Affairs.***

4. “Executive Director” means the Executive Director of the Department.

5. “Museum” means the Stewart Indian School Cultural Center and Museum established pursuant to NRS 233A.300.

Sec. 11. NRS 233A.020 is hereby amended to read as follows:

233A.020 ***1.*** The Nevada Indian Commission ~~[, consisting of five members appointed by the Governor,]~~ is hereby created ~~[.]~~ ***within the Department.***

2. The Commission consists of five members appointed by the Governor pursuant to NRS 233A.030.

Sec. 12. NRS 233A.055 is hereby amended to read as follows:

233A.055 1. The Governor, upon recommendation of the Commission, shall appoint an Executive Director of the ~~[Commission]~~ ***Department*** who has had successful experience in the administration and promotion of a program comparable to that provided by this chapter.

2. The Executive Director ~~[of the Commission]~~ is in the unclassified service of the State.

3. Except as otherwise provided in NRS 284.143, the Executive Director ~~[of the Commission]~~ shall devote his or her entire time to the duties of his or her office and shall not follow any other gainful employment or occupation.

Sec. 13. NRS 233A.065 is hereby amended to read as follows:

233A.065 The Executive Director ~~[of the Commission]~~ shall:

1. ~~[Be jointly responsible to the Governor and the Commission.]~~ ***Oversee all of the functions of the Department.***

2. Direct and supervise all the technical and administrative activities of the Commission.

3. Attend all Commission meetings and act as ***Executive*** Secretary, keeping minutes and audio recordings or transcripts of the proceedings.

4. Report to the Governor and the Commission all matters concerning the ~~[administration]~~ ***work*** of ~~[his or her office.]~~ ***the Department.*** The Executive Director shall request the advice of the Commission regarding matters of policy, but is responsible, unless otherwise provided by law, for the conduct of the administrative functions of the ~~[Commission office.]~~ ***Department.***

5. Compile, for ~~[Commission approval and]~~ submission to the Governor, a biennial report regarding the work of the ~~[Commission]~~ ***Department*** and such other matters as the Executive Director may consider desirable.

6. Serve as contracting officer to receive funds from the Federal Government or other sources for such studies ~~[as]~~ the Commission deems necessary ~~[.]~~ ***pursuant to NRS 233A.090.***

7. Attend all meetings of any special study committee appointed by the Governor pursuant to this chapter and act as ***Executive*** Secretary, keeping minutes and audio recordings or transcripts of the proceedings.

8. Appoint, supervise and establish the powers and duties of a Museum Director.

9. Perform any lawful act which the Executive Director considers necessary or desirable to carry out the purposes and provisions of this chapter.

Sec. 14. NRS 233A.070 is hereby amended to read as follows:

233A.070 The Executive Director ~~[of the Commission]~~ may appoint such professional, technical, clerical and operational staff as the execution of his or her duties and the operation of the ~~[Commission]~~ ***Department*** may require.

Sec. 15. NRS 233A.090 is hereby amended to read as follows:

233A.090 ***1.*** The purpose of the Commission shall be to study matters affecting the social and economic welfare and well-being of American Indians residing in Nevada, including, but not limited to, matters and problems relating to Indian affairs and to federal and state control, responsibility, policy and operations affecting such Indians.

2. The Commission shall ~~[recommend]~~ ***:***

(a) Recommend to the Executive Director necessary or appropriate action, policy and legislation or revision of legislation and administrative agency regulations pertaining to ~~[such Indians. The Commission shall make]~~ ***American Indians residing in Nevada;***

(b) Provide recommendations and advice to the Executive Director concerning the administration of the Department and on any other matter affecting the social and economic welfare and well-being of American Indians residing in Nevada;

(c) Provide direction to the Executive Director concerning any reports prepared by the Department and review drafts of such reports;

(d) Receive reports from the Executive Director and provide direction to the Executive Director concerning measures taken by the Department to ensure that any such measures taken relating to the duties of the Commission are effective; and

(e) Make and report from time to time ~~[its]~~ ***the*** findings and recommendations ***of the Commission*** to the ~~[Legislature, to the Governor]~~ ***Department*** and to the public ~~[and shall so report]~~ at least biennially.

Sec. 16. NRS 233A.092 is hereby amended to read as follows:

233A.092 The ~~[Commission]~~ ***Department*** is hereby designated as the coordinating agency for discussions among the ~~[Commission,]~~ ***Department,*** state agencies and local governmental entities regarding activities at and uses of the buildings and grounds of the former Stewart Indian School.

Sec. 17. NRS 233A.095 is hereby amended to read as follows:

233A.095 In observance of "Nevada Tribes Legislative Day" established pursuant to NRS 236.038, the ~~[Nevada Indian Commission]~~ ***Department*** shall:

1. Invite the Legislature, the Governor and other elected officials to recognize and pay tribute to the history and culture of American Indians and their contributions to the prosperity and cultural diversity of Nevada and the United States.

2. Schedule activities and discussions between state and tribal leaders on issues of common interest.

Sec. 18. NRS 233A.097 is hereby amended to read as follows:

233A.097 1. Except for gifts or grants specifically accounted for in another fund, all gifts or grants of money, revenues generated or other property which the ~~[Commission]~~ ***Department*** is authorized to accept must be accounted for in the ~~[Nevada Indian Commission's]~~ ***Department of Native American Affairs'*** Gift Fund, which is hereby created as a special revenue fund. The Fund is a continuing fund without reversion. The ~~[Commission]~~ ***Department*** may establish such accounts in the Fund as are necessary to account properly for gifts, grants and revenues received and money received pursuant to NRS 233A.300. All such money received by the ~~[Commission]~~ ***Department*** must be deposited in the State Treasury for credit to the Fund. The money in the Fund must be paid out on claims as other claims against the State are paid. Unless otherwise specifically provided by statute, claims against the Fund must be approved by the Executive Director ~~[of the Commission]~~ or his or her designee.

2. Gifts of property other than money may be sold or exchanged when this is deemed by the ~~[Commission]~~ ***Department*** to be in the best interest of the ~~[Commission.]~~ ***Department.*** The sale price must not be less than 90 percent of

the value determined by a qualified appraiser appointed by the ~~[Commission.]~~ ***Department.*** All money received from the sale must be deposited in the State Treasury to the credit of the appropriate gift account in the ~~[Nevada Indian Commission's]~~ ***Department of Native American Affairs'*** Gift Fund. The money may be spent only for the purposes of the ~~[Commission.]~~ ***Department.*** The property may not be sold or exchanged if to do so would violate the terms of the gift.

Sec. 19. NRS 233A.100 is hereby amended to read as follows:

233A.100 The ~~[Commission]~~ ***Department*** may:

1. Appoint advisory committees whenever necessary or appropriate to assist and advise the ~~[Commission]~~ ***Department*** in the performance of its duties and responsibilities under this chapter.

2. Negotiate and contract with such other agencies, public or private, as it deems necessary or appropriate for such services, facilities, studies and reports to the ~~[Commission]~~ ***Department*** as will best enable it to carry out the purposes for which it is created.

3. Cooperate with and secure the cooperation of state, county, city and other agencies, including Indian tribes, bands, colonies and groups and intertribal organizations in connection with ~~[its]~~ ***the*** study or investigation of any matter within the scope of this chapter or NRS 383.150 to 383.190, inclusive.

4. Provide any information or assistance requested by the Department of Wildlife pursuant to NRS 502.280.

Sec. 20. NRS 233A.260 is hereby amended to read as follows:

233A.260 1. The ~~[Commission]~~ ***Department*** shall develop and implement a policy that:

(a) Promotes effective communication and collaboration between a state agency and Indian tribes;

(b) Promotes positive government-to-government relations between this State and Indian tribes;

(c) Promotes cultural competency in providing effective services to Indian tribes; and

(d) Establishes a method for notifying employees of a state agency of the provisions of NRS 233A.200 to 233A.280, inclusive, and the policy that the ~~[Commission]~~ ***Department*** develops pursuant to this section.

2. In the process of developing the policy pursuant to subsection 1, the ~~[Commission]~~ ***Department*** shall consult with representatives of Indian tribes and of state agencies.

3. A state agency shall make a reasonable effort to collaborate with Indian tribes in the development and implementation of policies, agreements and programs of the state agency that directly affect Indian tribes.

4. Each state agency that communicates with Indian tribes on a regular basis shall designate a tribal liaison who reports directly to the office of the head of the agency. The tribal liaison shall:

(a) Assist the head of the state agency with ensuring the implementation of the policy developed pursuant to subsection 1;

(b) Serve as a contact person who shall maintain ongoing communication between the state agency and affected Indian tribes; and

(c) Ensure that training is provided to the staff of the state agency pursuant to subsection 2 of NRS 233A.270.

➥ Nothing in this subsection precludes a tribal liaison from providing or facilitating additional training.

5. If a representative of an Indian tribe, on tribal business, contacts a state agency to resolve an issue with a policy, agreement or program of the state agency that affects that Indian tribe, the tribal liaison of the state agency shall notify the head of the state agency of the issue. The head of the state agency, or his or her designee, and the tribal liaison must follow the policy developed pursuant to subsection 1 to attempt to resolve the issue in collaboration with the Indian tribe.

6. The ~~[Commission]~~ ***Department*** shall publish on its Internet website an accurate list of the names and contact information for the leaders of the Indian tribes and for the tribal liaison of each state agency that communicates with Indian tribes on a regular basis.

Sec. 21. NRS 233A.270 is hereby amended to read as follows:

233A.270 1. At least once each year, the Governor shall meet with the leaders of Indian tribes in a state-tribal summit to address matters of mutual concern.

2. All heads of a state agency and state agency managers and employees who have ongoing communication with Indian tribes shall complete a training provided by the Division of Human Resource Management of the Department of Administration, in consultation with the ~~[Commission.]~~ ***Department.*** Such training must be designed to support:

(a) The promotion of effective communication and collaboration between state agencies and Indian tribes;

(b) The development of positive government-to-government relations between this State and Indian tribes; and

(c) Cultural competency in providing effective services to Indian tribes.

3. On or before July 1 of each year, each state agency that communicates with Indian tribes on a regular basis shall submit a report to the ~~[Commission]~~ ***Department*** on the activities of the state agency pursuant to NRS 233A.200 to 233A.280, inclusive. The report must include:

(a) The name and contact information of each person in the state agency who is responsible for developing and implementing programs of the state agency that directly affect Indian tribes;

(b) Any actions taken or planned by the state agency to carry out the policy implemented pursuant to NRS 233A.260;

(c) A certification by the Division of Human Resource Management of the Department of Administration of the number of managers and employees of

the state agency who have completed the training required pursuant to subsection 2;

(d) A description of current and planned programs and services provided to or directly affecting Indian tribes and the amount of funding for each program; and

(e) A description of the method the state agency established for notifying employees of the state agency of the provisions of NRS 233A.200 to 233A.280, inclusive.

4. The ~~[Commission]~~ ***Department*** shall periodically submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission:

(a) A compilation of the reports submitted pursuant to subsection 3; and

(b) A report on the activities and any findings and recommendations of the ~~[Commission.]~~ ***Department.***

Sec. 22. NRS 233A.300 is hereby amended to read as follows:

233A.300 1. The buildings and grounds of the former Stewart Indian School that are designated by the ~~[Commission]~~ ***Department*** are under the management of the Museum Director for the purpose of establishing and maintaining the Stewart Indian School Cultural Center and Museum.

2. The Museum Director shall enter into an agreement with the State Land Registrar or any other state agency that receives an assignment from the State Land Registrar of the buildings and grounds of the former Stewart Indian School. The agreement must, without limitation:

(a) Designate which buildings and grounds of the former Stewart Indian School under the management of the Museum Director pursuant to subsection 1 are appropriate for holding special events; and

(b) Authorize the Museum Director to grant special use permits to hold special events at or on the buildings and grounds of the former Stewart Indian School designated pursuant to paragraph (a).

3. Any money received for any special events held at or on the buildings and grounds of the former Stewart Indian School in accordance with the agreement entered into pursuant to subsection 2 must be:

(a) Paid into the State Treasury for credit to the ~~[Nevada Indian Commission's]~~ ***Department of Native American Affairs'*** Gift Fund created by NRS 233A.097; and

(b) Used by the ~~[Commission]~~ ***Department*** to carry out programs to preserve and maintain the operations and cultural integrity of the former Stewart Indian School.

Sec. 23. NRS 233A.310 is hereby amended to read as follows:

233A.310 The Museum Director appointed pursuant to NRS 233A.065:

1. Is in the classified service of the State ***;*** ~~[.]~~

2. ***Is responsible to and under the direction of the Executive Director; and***

3. Shall exercise such powers and carry out such duties pursuant to NRS 233A.320 and as are assigned to the Museum Director by the Executive Director pursuant to NRS 233A.065.

Sec. 24. NRS 321.740 is hereby amended to read as follows:

321.740 1. The Land Use Planning Advisory Council is hereby created. The Advisory Council consists of:

(a) Eighteen voting members appointed by the Governor, as follows:

(1) One member from each county in this State who represents that county; and

(2) **[**~~One member who represents the Nevada Indian Commission.~~**]** ***The Executive Director of the Department of Native American Affairs or his or her designee.***

(b) One nonvoting member appointed by the Nevada Association of Counties, or its successor organization.

(c) One nonvoting member appointed by the Nevada League of Cities and Municipalities, or its successor organization.

2. The provisions of subsection 6 of NRS 232A.020 do not apply to members of the Advisory Council who also serve as county commissioners, and the Governor may appoint any such member of the Advisory Council to one other board, commission or similar body.

3. Each board of county commissioners **[**~~and the Nevada Indian Commission~~**]** shall, at least 30 days before the beginning of any term of the representative of the county **[**~~or the Nevada Indian Commission,~~**]** or **,** within 30 days after the position of that representative becomes vacant, submit to the Governor the name of its nominee or a list of the names of not more than three nominees who are elected officials or other representatives of the county **[**~~or of the Nevada Indian Commission, as applicable,~~**]** for the position to be filled. If a board of county commissioners **[**~~or the Nevada Indian Commission~~**]** submits the names of two or more nominees, the board **[**~~or the Nevada Indian Commission, as applicable,~~**]** shall number its nominees in order of preference. That order of preference is not binding upon the Governor. The Governor shall appoint the person so nominated or, if more than one person is nominated, one of the persons from the list of nominees.

4. If:

(a) A board of county commissioners fails to submit the name of its nominee or a list of nominees within the time required by this subsection or subsection 3, the Governor may appoint to the Advisory Council any resident of that county as the representative of the county.

(b) **[**~~The Nevada Indian Commission fails to submit the name of its nominee or a list of nominees within the time required by subsection 3, the Governor may appoint any resident of the State who has experience working with tribal governments in this State and who has knowledge of natural resource issues pertaining to tribal lands in this State as the representative of the Nevada Indian Commission.~~

~~(c)~~ A board of county commissioners ~~[or the Nevada Indian Commission]~~ has timely submitted the name of its nominee or a list of nominees pursuant to subsection 3 and the Governor fails to appoint a person so nominated:

(1) If one person has been nominated, that person; or

(2) If two or more persons have been nominated, the person listed by the board ~~[or the Nevada Indian Commission, as applicable,]~~ first in order of preference,

➥ shall be deemed to be a voting member of the Advisory Council as of the beginning of the new term or, in the case of an appointment to fill a vacancy, the first meeting of the Advisory Council that is held not less than 30 days after the submission of the nomination unless, before that date, the Governor notifies the board ~~[or the Nevada Indian Commission, as applicable,]~~ in writing that none of its nominees will be appointed to the Advisory Council. Within 30 days after the date of any such notice, the board ~~[or the Nevada Indian Commission, as applicable,]~~ shall submit to the Governor the name of a new nominee or a list of new nominees.

5. Except as otherwise provided in this subsection, each voting member serves a term of 3 years. If a voting member appointed pursuant to subparagraph (1) of paragraph (a) of subsection 1 is an elected official of the county that he or she represents on the Advisory Council and he or she does not become a candidate for reelection or is defeated for reelection, the board of county commissioners of that county may end the person's membership on the Advisory Council before the expiration of his or her 3-year term. If the board of county commissioners ends the person's membership on the Advisory Council pursuant to this subsection:

(a) That person's membership on the Advisory Council ends on the date on which his or her term of office as an elected official of the county ends; and

(b) A vacancy exists in the membership of the Advisory Council that must be filled for the remainder of the unexpired term pursuant to subsection 3 or 4, as applicable.

6. Any voting member is eligible for reappointment to the Advisory Council.

7. The nonvoting members of the Advisory Council serve at the pleasure of the appointing authority.

8. At its first meeting each year, the Advisory Council shall elect a Chair and Vice Chair from among its voting members.

9. A majority of the voting members of the Advisory Council constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Advisory Council.

10. A board of county commissioners may provide that, while engaged in the business of the Advisory Council, a voting member of the Advisory Council is entitled to receive from the county he or she represents the per diem allowance and travel expenses provided by law for state officers and employees generally.

Sec. 25. NRS 327.120 is hereby amended to read as follows:

327.120 The Board consists of:

1. Twelve voting members, which include one representative of each of the following agencies or organizations:

(a) Bureau of Mines and Geology of the State of Nevada.

(b) Faculty of the University of Nevada, Reno.

(c) Faculty of the University of Nevada, Las Vegas.

(d) Division of State Library, Archives and Public Records of the Department of Administration.

(e) Department of Transportation of the State.

(f) State Department of Conservation and Natural Resources.

(g) Nevada Historical Society.

(h) ~~[Nevada Indian Commission.]~~ ***Department of Native American Affairs.***

(i) United States Bureau of Land Management.

(j) United States Forest Service.

(k) United States National Park Service.

(l) Inter-Tribal Council of Nevada, Inc., or its successor organization.

➥ Each agency or organization shall designate a representative and one alternative representative for this purpose.

2. An Executive Secretary who is a nonvoting member of the Board. The voting members of the Board shall select the Executive Secretary.

Sec. 26. 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;]~~ ***Executive Director of the Department of Native American Affairs or his or her designee;***

(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 the Administrator on any matter concerning outdoor recreation in this State.

Sec. 27. NRS 417.0191 is hereby amended to read as follows:

417.0191 1. The Interagency Council on Veterans Affairs is hereby created. The Council consists of:

(a) The Director of the Department of Business and Industry;

(b) The Director of the Department of Corrections;

(c) The Director of the Department of Employment, Training and Rehabilitation;

(d) The Director of the Department of Health and Human Services;

(e) The Director of the Department of Public Safety;

(f) The Director of the Department of Veterans Services;

(g) The Adjutant General;

(h) The Chancellor of the Nevada System of Higher Education;

(i) The Executive Director of the Office of Economic Development;

(j) The Executive Director of the ~~[Nevada Indian Commission;]~~ ***Department of Native American Affairs;***

(k) The Administrator of the Division of Human Resource Management of the Department of Administration; and

(l) Any other persons appointed by the Governor, including, without limitation, representatives of federal and local governmental agencies and private entities that provide services to veterans. Members appointed pursuant to this paragraph serve at the pleasure of the Governor.

2. A member of the Council may designate a person to represent him or her at any meeting of the Council. The person designated may exercise all the duties, rights and privileges of the member that he or she represents.

Sec. 28. NRS 502.280 is hereby amended to read as follows:

502.280 1. Any resident Native American of the State of Nevada may apply for a specialty combination fishing and hunting license. When applying for a specialty combination fishing and hunting license, the resident Native American shall exhibit a document issued in this State by the chair of a tribal council or chief of a Native American tribe, or an officer of a reservation, colony or educational institution, stating that the bearer is a resident Native American of the State of Nevada.

2. The Department shall issue a specialty combination fishing and hunting license to a resident Native American pursuant to subsection 5 of NRS 502.240 pursuant to the same methods as the Department issues a specialty combination fishing and hunting license to a person pursuant to subsection 4 of NRS 502.240.

3. Before hunting for deer or big game off an Indian reservation in this State, all Native Americans must secure resident deer tags or other resident big game tags and pay the fee provided therefor in NRS 502.250.

4. If the Department is considering whether to make any recommendations for proposed legislation relating to any fishing and hunting rights of a resident Native American or any Native American tribe in this State, the Department shall, in accordance with regulations adopted by the Commission:

(a) Provide notice of the proposed action to each of those tribes or any other person specified in those regulations; and

(b) Consult with each of those tribes and persons concerning the proposed action.

5. Upon request by the Department, the ~~[Nevada Indian Commission]~~ ***Department of Native American Affairs*** may provide information or assistance to the Department in carrying out the provisions of this section.

6. The Commission shall adopt regulations to carry out the provisions of this section.

Sec. 29. NRS 704.79887 is hereby amended to read as follows:

704.79887 1. The Regional Transmission Coordination Task Force is hereby created.

2. The Governor shall appoint a person to act as the Chair of the Task Force who serves at the pleasure of the Governor. The Chair is a voting member of the Task Force.

3. In addition to the Chair, the Task Force consists of:

(a) The following voting members, appointed by the Governor:

(1) A representative of an electric utility that primarily serves densely populated counties, as defined in NRS 704.110;

(2) A representative of an organization that represents rural electric cooperatives and municipally owned electric utilities in this State;

(3) A representative of the Colorado River Commission of Nevada;

(4) A representative of a transmission line development company operating in this State;

(5) A representative of the large-scale solar energy industry in this State;

(6) A representative of the geothermal energy industry in this State;

(7) A representative of the data center businesses in this State;

(8) A representative of an organization that represents the mining industry in this State;

(9) A representative of an organization that represents the gaming and resort businesses in this State;

(10) A representative of a labor organization in this State;

(11) A representative of an organization in this State that advocates on behalf of environmental or public lands issues who has expertise in or knowledge of environmental or public lands issues;

(12) A representative of the ~~[Nevada Indian Commission;]~~ ***Department of Native American Affairs;***

(13) A representative of the Office of Energy;

(14) A representative of the Office of Economic Development;

(15) Two members of the Senate, nominated by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;

(16) Two members of the Assembly, nominated by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and

(17) Not more than three persons who represent the general public.

(b) The following nonvoting members, appointed by the Governor:

(1) A representative of the Public Utilities Commission of Nevada; and

(2) A representative of the Bureau of Consumer Protection in the Office of the Attorney General.

4. The members of the Task Force serve at the pleasure of the Governor.

5. The members of the Task Force serve without compensation.

Sec. 30. 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. 31. 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. 32. 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. 33. NRS 232.159 is hereby repealed.

Sec. 34. This act becomes effective on July 1, 2024.

TEXT OF REPEALED SECTION

232.159 Account for the Protection and Rehabilitation of the Stewart Indian School: Creation; powers and duties of Director; limitations on use of money in Account; advisory committee; authorization of sale of certain land.

1. The Account for the Protection and Rehabilitation of the Stewart Indian School is hereby created in the State General Fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. The money in the Account does not revert to the State General Fund at the end of any fiscal year, and the balance in the Account must be carried forward to the next fiscal year.

2. In addition to any money deposited into the Account from the sale of real property pursuant to subsection 5, the Director may apply for and accept any available grants and may accept any bequests, devises, donations or gifts from any public or private source for the purpose of funding the Account.

3. The Director may expend the money in the Account only for the purposes of repairing and maintaining the historic state buildings and grounds of the Stewart Indian School.

4. The Director shall, before expending any money pursuant to subsection 3, consult with an advisory committee that provides a prioritized list of projects that may be funded from the Account. The advisory committee consists of:

(a) The Administrator of the Division of State Lands of the Department;

(b) The Administrator of the Office of Historic Preservation of the Department;

(c) The Administrator of the State Public Works Division of the Department of Administration; and

(d) The Executive Director of the Nevada Indian Commission.

5. The Administrator of the Division of State Lands of the Department may make a direct sale of two parcels of land of approximately 100 acres located within Carson City, and generally described as follows:

(a) The northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of Section 33, Township 15 N., Range 19 E., M.D.B. & M.

(b) The southeast quarter (SE 1/4) of the southeast quarter (SE 1/4) of Section 33 and the southwest quarter (SW 1/4) of the southwest quarter (SW 1/4) of Section 34, Township 15 N., Range 19 E., M.D.B. & M.

➥ Money received from the sale, less any costs related to the sale, must be deposited in the Account.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 743.

AN ACT relating to the Legislative Counsel Bureau; ~~[requiring the Research Director of the Research Division of the Legislative Counsel Bureau to appoint an employee to act as a liaison between the Legislature and the public regarding public education; requiring the Research Division to establish a method to report certain information regarding the system of public education;]~~ requiring the Legislative Auditor to conduct performance audits of certain school districts and the State Public Charter School Authority; authorizing the Chair of the Interim Finance Committee to request certain additional audits of school districts; establishing provisions governing such performance audits; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Legislative Counsel Bureau which consists of a Legislative Commission, an Interim Finance Committee, a Director, an Audit Division, a Fiscal Analysis Division, a Legal Division, a Research Division and an Administrative Division. (NRS 218F.100) ~~[Section 3 of this bill requires the Research Division to establish and maintain a method for persons to report waste, abuse or fraud that is occurring in the system of public education and authorizes information regarding waste, abuse and fraud which is so reported to be conveyed to law enforcement or the Legislative Auditor, at the discretion of the Research Director of the Research Division. Section 2 of this bill requires the Research Director, who is the chief of the Research Division, consistent with the budget approved by the Legislative Commission and within the limits of legislative appropriations and other available funds, to appoint an employee of the Research Division to act as a liaison between members of the public and the Legislature with respect to issues and concerns~~

~~regarding public education and requires the employee so appointed to monitor the method of reporting established pursuant to section 3.]~~

Existing law requires the Legislative Auditor, who is the chief of the Audit Division, to conduct certain audits of accounts, funds and other records of agencies of the State to determine certain information. (NRS 218F.100, 218G.200) **Section 5** of this bill requires the Legislative Auditor to conduct a performance audit of the two school districts with the largest number of enrolled pupils in this State and the State Public Charter School Authority not later than August 31, 2026, and not less than once every 4 years thereafter. **Section 5** authorizes the Legislative Auditor to evaluate certain matters as part of such a performance audit and to exercise his or her professional judgment in determining the scope and manner of work to be conducted and the objectives of each such audit. **Sections 5, 8 and 9** of this bill require the final written report of each audit to be presented to the Legislative Commission, the Interim Finance Committee or a subcommittee of the Interim Finance Committee and, under certain circumstances, the Audit Subcommittee of the Legislative Commission, by certain dates.

Section 6 of this bill authorizes the Chair of the Interim Finance Committee, not later than January 1, 2026, and every 4 years thereafter, to request that the Legislative Auditor conduct a performance audit of up to three additional school districts. **Sections 6, 8 and 9** of this bill require the final written report of each such audit to be presented to the Legislative Commission, the Interim Finance Committee or a subcommittee of the Interim Finance Committee and, under certain circumstances, the Audit Subcommittee of the Legislative Commission, by certain dates.

Section 7 of this bill requires the Legislative Auditor or the authorized representative of the Legislative Auditor to furnish a copy of the preliminary report of a performance audit to the superintendent of the respective school district or the Executive Director of the State Public Charter School Authority, as applicable. **Section 7** requires the superintendent of the respective school district or the Executive Director of the State Public Charter School Authority, as applicable, to submit to the Legislative Auditor a written statement of explanation or rebuttal concerning any findings for inclusion in the final report. **Section 8** of this bill requires the Legislative Auditor to furnish copies of the final written report to certain persons and prohibits the Legislative Auditor from disclosing the contents of an audit before it has been presented to certain legislative bodies. **Section 8** authorizes the Legislative Commission to adopt certain regulations regarding the presentation and distribution of the final written report.

Section 9 of this bill requires the Legislative Commission or Audit Subcommittee to notify the respective school district or the State Public Charter School Authority, as applicable, of its acceptance of a final written report of an audit that contains a recommendation for corrective action and requires the school district or the State Public Charter School Authority, as applicable, to submit a plan for corrective action to the Legislative Auditor.

Section 9 requires a person who submits a plan for corrective action to submit to the Legislative Auditor a report regarding the implementation of any recommendations of the Legislative Auditor.

Section 10 of this bill requires the officers and employees of a school district or the State Public Charter School Authority to provide certain assistance to the Legislative Auditor or the authorized representative of the Legislative Auditor in the inspection, examination and audit of books, accounts, records, reports or other documents. **Section 10** requires each school district or the State Public Charter School Authority to cooperate fully with the Legislative Auditor or the authorized representative of the Legislative Auditor in the performance of his or her duties with respect to a performance audit conducted pursuant to **sections 5-10** of this bill.

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

Section 1. ~~[Chapter 218F of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[*The Research Director shall, consistent with the budget approved by the Legislative Commission and within the limits of legislative appropriations and other available funds, appoint an employee of the Research Division to act as a liaison between members of the public and the Legislature with respect to issues and concerns regarding public education in this State. The employee appointed pursuant to this section:*~~

~~*1. Shall monitor the electronic mail address, online form or telephone number established pursuant to section 3 of this act.*~~

~~*2. May, at the direction of the Research Director, submit a report to the Audit Subcommittee or the Interim Finance Committee regarding any issues or concerns with respect to public education which are relevant to the work of those bodies.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~[*1. The Research Division shall establish and maintain an electronic mail address, online form or telephone number for persons to report waste, abuse or fraud that is occurring in the system of public education.*~~

~~*2. At the discretion of the Research Director, information regarding waste, abuse or fraud which is reported to the Research Division using a method established pursuant to this section may be conveyed to law enforcement or the Legislative Auditor. The Legislative Counsel Bureau and its employees may not be held liable in any civil or criminal action for any disclosure of information to law enforcement or the Legislative Auditor pursuant to this subsection.*~~

~~*3. The Legislative Counsel Bureau shall make information regarding the electronic mail address, online form or telephone number established pursuant to subsection 1 available on the Internet website of the Legislature.]*~~ **(Deleted by amendment.)**

Sec. 4. Chapter 218G of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 10, inclusive, of this act.

Sec. 5. ***1. The Legislative Auditor shall, not later than August 31, 2026, and not less than once every 4 years thereafter, conduct a performance audit of each of the following entities:***

(a) The school district in this State with the largest number of pupils enrolled;

(b) The school district in this State with the second largest number of pupils enrolled; and

(c) The State Public Charter School Authority.

2. As part of a performance audit conducted pursuant to this section, the Legislative Auditor may evaluate, without limitation:

(a) Compliance with statutory requirements concerning annual reports of accountability, as well as consistency, or lack thereof, in the methodology used for such reporting;

(b) Compliance with state or local laws relating to contracting with outside entities to provide goods or services;

(c) Whether any plans presented by the school district or the State Public Charter School Authority to the Legislature or the Interim Finance Committee, including, without limitation, any subcommittee of the Interim Finance Committee, have been implemented and whether any such plan is achieving or has achieved the desired outcome;

(d) The efficacy of any strategy or program implemented at one or more schools to:

(1) Improve the proficiency of pupils in the subject areas of reading, mathematics, science or writing;

(2) Improve the educational outcomes of pupils who are English learners, at-risk pupils or receiving special education;

(3) Improve the academic performance of pupils enrolled in a Title I school, as defined in NRS 385A.040; or

(4) Increase parental involvement and family and community engagement in public schools.

(e) The efficacy of any strategy or program of recruitment or retention designed to ensure the availability of qualified teachers and other educational personnel and support staff, including, without limitation, mental health professionals.

(f) The efficacy of any strategy or program implemented by a school district or the State Public Charter School Authority to reduce class sizes.

(g) Any other matter which the Legislative Auditor is requested to evaluate by the Interim Finance Committee.

3. The Legislative Auditor, in performing his or her duties pursuant to this section and section 6 of this act, may exercise his or her professional judgment in determining the scope and manner of work to be conducted and the objectives of each audit.

4. The Legislative Auditor shall, on or before September 1, 2026, and every 4 years thereafter, present to the Legislative Commission a final written report of each audit conducted pursuant to this section during the immediately preceding 4 years.

5. The Legislative Auditor shall present a final written report of each audit conducted pursuant to this section to the Interim Finance Committee, or the appropriate subcommittee of the Interim Finance Committee, as directed by the Chair of the Interim Finance Committee, after the report is presented to the Legislative Commission but in no event later than December 31 of the year in which the final report was presented to the Legislative Commission.

6. As used in this section, "at-risk pupil" has the meaning ascribed to it in NRS 387.1211.

Sec. 6. *1. The Chair of the Interim Finance Committee may, not later than January 1, 2026, and every 4 years thereafter, request that, in addition to the entities set forth in subsection 1 of section 5 of this act, the Legislative Auditor conduct a performance audit of up to three additional school districts selected by the Chair. Within the limits of legislative appropriations, the Legislative Auditor shall conduct each performance audit requested by the Chair pursuant to this section.*

2. The Legislative Auditor shall, on or before September 1, 2030, and every 4 years thereafter, present a final written report of each audit conducted pursuant to this section during the immediately preceding 4 years to the Legislative Commission.

3. The Legislative Auditor shall present a final written report of each audit conducted pursuant to this section to the Interim Finance Committee, or the appropriate subcommittee of the Interim Finance Committee, as directed by the Chair of the Interim Finance Committee, after the report is presented to the Legislative Commission but in no event later than December 31 of the year in which the final report was presented to the Legislative Commission.

Sec. 7. *The Legislative Auditor or the Legislative Auditor's authorized representative shall furnish a copy of the preliminary report of an audit conducted pursuant to section 5 or 6 of this act to the superintendent of the respective school district or the Executive Director of the State Public Charter School Authority, as applicable, and discuss the report with the superintendent of the school district or the Executive Director of the State Public Charter School Authority. The superintendent of the school district or the Executive Director of the State Public Charter School Authority, as applicable, shall submit to the Legislative Auditor, within 10 days after the discussion, a written statement of explanation or rebuttal concerning any of the findings, and the Legislative Auditor shall include in the final written report prepared pursuant to section 5 or 6 of this act the explanation or rebuttal of the superintendent of the school district or the Executive Director*

of the State Public Charter School Authority to any of the findings contained in the final report.

Sec. 8. *1. Except as otherwise provided in subsection 2, the Legislative Auditor shall furnish copies of the final written report of each audit conducted pursuant to section 5 or 6 of this act to all Legislators, other appropriate state officers and the superintendent of the respective school district or the Executive Director of the State Public Charter School Authority, as applicable, following the presentation of the final written report to the Legislative Commission.*

2. The Legislative Commission may by regulation provide for the:

(a) Presentation of the final written report of each audit to the Audit Subcommittee before the report is presented to the Legislative Commission.

(b) Distribution of copies of the final written report of an audit to each member of the Legislative Commission or Audit Subcommittee, or both, before the report is presented to the Legislative Commission.

(c) Distribution of copies of the final written report or a summary of the final report to all Legislators, other appropriate state officers and the superintendent of the respective school district or the Executive Director of the State Public Charter School Authority after the final report is presented to the Audit Subcommittee.

3. Except as otherwise provided by chapters 218A to 218H, inclusive, of NRS, the Legislative Auditor shall not disclose the content of any audit conducted pursuant to section 5 or 6 of this act before it is presented to the:

(a) Audit Subcommittee, if the final written report is presented to the Audit Subcommittee pursuant to regulations adopted by the Legislative Commission.

(b) Legislative Commission, if the final written report is not presented to the Audit Subcommittee pursuant to regulations adopted by the Legislative Commission.

Sec. 9. *1. The Legislative Commission or the Audit Subcommittee shall notify the respective school district or the State Public Charter School Authority, as applicable, of its acceptance of a final written report of an audit by the Legislative Auditor that concerns the school district or the State Public Charter School Authority and contains any recommendations for corrective action. Within 60 working days after the receipt of notification, if corrective action is recommended, the school district or State Public Charter School Authority, as applicable, shall submit a plan for corrective action to the Legislative Auditor. The school district or State Public Charter School Authority, as applicable, shall commence corrective action pursuant to the plan immediately after its submission.*

2. The Legislative Auditor shall notify the:

(a) Audit Subcommittee, if the final written report was first presented to the Audit Subcommittee pursuant to regulations adopted by the Legislative Commission; or

(b) Legislative Commission, if the final written report was first presented to the Legislative Commission,

↳ of any failure to submit a plan pursuant to subsection 1.

3. Each person who submits a plan pursuant to subsection 1 shall, within 6 months after submission of the plan, submit to the Legislative Auditor a report specifying the extent to which the recommendations of the Legislative Auditor have been carried out, the extent to which the recommendations have not been carried out and the reasons for any failure to carry out the recommendations.

4. The Legislative Auditor shall submit each report received pursuant to subsection 3 to the Legislative Commission and the Interim Finance Committee.

5. The Legislative Auditor shall notify the:

(a) Audit Subcommittee, if so authorized by regulations adopted by the Legislative Commission; or

(b) Legislative Commission,

↳ of any failure to submit a report pursuant to subsection 3.

6. The Legislative Commission may by regulation:

(a) Provide that reports received by the Legislative Auditor pursuant to subsection 3 must be submitted to the Audit Subcommittee before they are submitted to the Legislative Commission.

(b) Authorize the Audit Subcommittee to:

(1) Review the reports;

(2) Conduct hearings to examine any justification for a failure to carry out the recommendations of the Legislative Auditor; and

(3) Report its findings to the Legislative Commission.

Sec. 10. ***1. Every officer and employee of a school district or the State Public Charter School Authority shall aid and assist the Legislative Auditor at such times as the Legislative Auditor requires in the inspection, examination and audit of any books, accounts, records, reports or other documents in their possession.***

2. Upon the request of the Legislative Auditor or the Legislative Auditor's authorized representative, all officers and employees of a school district or the State Public Charter School Authority shall make available to the Legislative Auditor all their books, accounts, records, reports or other documents, confidential or otherwise, necessary, irrespective of their form or location in performing authorized audits or investigations.

3. Each school district or the State Public Charter School Authority shall cooperate fully with the Legislative Auditor or the Legislative Auditor's authorized representative in the performance of his or her duties pursuant to sections 5 to 10, inclusive, of this act.

Sec. 11. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320,

75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800,

484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 8 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

3. A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested

public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 12. NRS 239C.210 is hereby amended to read as follows:

239C.210 1. A document, record or other item of information described in subsection 2 that is prepared and maintained for the purpose of preventing or responding to an act of terrorism is confidential, not subject to subpoena or discovery, not subject to inspection by the general public and may only be inspected by or released to:

(a) Public safety and public health personnel; and

(b) Except as otherwise provided in this subsection, the Legislative Auditor conducting a postaudit pursuant to NRS 218G.010 to 218G.555, inclusive, ***and sections 5 to 10, inclusive, of this act,***

➥ if the Governor determines, by executive order, that the disclosure or release of the document, record or other item of information would thereby create a substantial likelihood of compromising, jeopardizing or otherwise threatening the public health, safety or welfare. Any information that is inspected by or released to the Legislative Auditor pursuant to this subsection is not subject to the exception from confidentiality set forth in NRS 218G.130. The Legislative Auditor may confirm that vulnerability assessments have been submitted to or are in the possession of a state agency that is the subject of a postaudit, but the assessments must not be inspected by or released to the Legislative Auditor. An employee of the Audit Division of the Legislative Counsel Bureau who is

conducting a postaudit that includes access to documents or information subject to the provisions of this section must be properly cleared through federal criteria or state or local background investigation and instructed, trained or certified, as applicable, regarding the security sensitivity of the documents or information.

2. The types of documents, records or other items of information subject to executive order pursuant to subsection 1 are as follows:

(a) Assessments, plans or records that evaluate or reveal the susceptibility of fire stations, police stations and other law enforcement stations to acts of terrorism or other related emergencies.

(b) Drawings, maps, plans or records that reveal the critical infrastructure of primary buildings, facilities and other structures used for storing, transporting or transmitting water or electricity, natural gas or other forms of energy, fiber optic cables, microwave towers or other vertical assets used for the transmission or receipt of data or communications used by response agencies and public safety and public health personnel.

(c) Documents, records or other items of information which may reveal the details of a specific emergency response plan or other tactical operations by a response agency and any training relating to such emergency response plans or tactical operations.

(d) Handbooks, manuals or other forms of information detailing procedures to be followed by response agencies in the event of an act of terrorism or other related emergency.

(e) Documents, records or other items of information that reveal information pertaining to specialized equipment used for covert, emergency or tactical operations of a response agency, other than records relating to expenditures for such equipment.

(f) Documents, records or other items of information regarding critical telecommunications facilities and the infrastructure and security of radio frequencies for transmissions used by response agencies, including, without limitation:

(1) Access codes, passwords or programs used to ensure the security of radio frequencies for transmissions used by response agencies;

(2) Procedures and processes used to ensure the security of radio frequencies for transmissions used by response agencies; and

(3) Plans used to re-establish security and service with respect to radio frequencies for transmissions used by response agencies after security has been breached or service has been interrupted.

(g) Vulnerability assessments and emergency response plans of utilities, public entities and private businesses in this State. As used in this paragraph, "public entities" means departments, agencies or instrumentalities of the State, any of its political subdivisions or tribal governments. The term includes general improvement districts.

3. If a person knowingly and unlawfully discloses a document, record or other item of information subject to an executive order issued pursuant to

subsection 1 or assists, solicits or conspires with another person to disclose such a document, record or other item of information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

4. The Governor shall review the documents, records and other items of information determined by executive order pursuant to subsection 1 to be confidential every 10 years to assess the continued need for the documents, records and other items of information to remain confidential.

5. As used in this section, "public safety and public health personnel" includes:

(a) State, county, city and tribal emergency managers;

(b) Members and staff of terrorism early warning centers or fusion intelligence centers in this State;

(c) Employees of fire-fighting or law enforcement agencies, if the head of the agency has designated the employee as having an operational need to know of information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism; and

(d) Employees of a public health agency, if the agency is one that would respond to a disaster and if the head of the agency has designated the employee as having an operational need to know of information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism. As used in this paragraph, "disaster" has the meaning ascribed to it in NRS 414.0335.

Sec. 13. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 16, 2023.

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

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 36.

Bill read second time and ordered to third reading.

Senate Bill No. 71.

Bill read second time and ordered to third reading.

Senate Bill No. 167.

Bill read second time and ordered to third reading.

Senate Bill No. 273.
Bill read second time and ordered to third reading.

Senate Bill No. 281.
Bill read second time and ordered to third reading.

Senate Bill No. 282.
Bill read second time and ordered to third reading.

Senate Bill No. 291.
Bill read second time and ordered to third reading.

Senate Bill No. 367.
Bill read second time and ordered to third reading.

Senate Bill No. 371.
Bill read second time and ordered to third reading.

Senate Bill No. 387.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 77.
Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 786.

AN ACT relating to economic development; creating the Office of Entrepreneurship within the Office of Economic Development; setting forth the powers and duties of the Office of Entrepreneurship; providing that the records, files and communications of the Office of Entrepreneurship are confidential; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Office of Economic Development within the Office of the Governor and which consists of the Division of Economic Development and the Nevada Film Office. (NRS 231.043) **Sections 6 and 12** of this bill create the Office of Entrepreneurship within the Office of Economic Development and require state agencies to cooperate with and assist the Office of Entrepreneurship. **Section 6** also authorizes the Office of Entrepreneurship to employ any necessary personnel to perform the functions and duties of the Office of Entrepreneurship. **Section 7** of this bill requires the Office of Entrepreneurship to: (1) work to strengthen policies and programs supporting the growth of entrepreneurship in the State; (2) work with stakeholders and organizations supporting entrepreneurship in the State to enhance the skills of, provide technical support to and expand resources for entrepreneurs across the State; and (3) serve as a point of contact to assist businesses in operation for 5 years or less in their interactions with state agencies and, where appropriate,

refer businesses to other state and local agencies that provide assistance to businesses. **Section 8** of this bill requires the Office of Entrepreneurship to submit annually to the Legislative Commission a report that includes, without limitation: (1) the number and total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years, including a breakdown by demographic segments and geographical areas throughout the State; (2) the percentage of the number of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total number of contracts awarded; (3) the number of businesses owned by women, minorities or veterans that have been in operation for not more than 5 years and awarded a state contract; (4) the percentage of the total dollar amount of state contracts awarded to businesses that have been in operation for not more than 5 years compared to the total dollar amount of contracts awarded; (5) the types of businesses awarded a state contract; (6) recommendations on improving access to state contracts for Nevada businesses that have been in operation for not more than 5 years, including those businesses in statistically underrepresented demographic segments and geographic areas of Nevada; (7) recommendations on improving overall entrepreneurship in this State including, without limitation, identifying regional challenges to entrepreneurship; and (8) any additional information deemed necessary by the Office of Economic Development to provide an accurate depiction of the condition of entrepreneurship in Nevada. **Section 9** of this bill authorizes the Office of Economic Development to encourage 5 percent of the total number of state contracts to be awarded to businesses that have been in operation for not more than 5 years and whose principal place of business is in this State. **Sections 10 and 13** of this bill provide that the records, files and communications of the Office of Entrepreneurship are confidential and are not public records.

Section 13.5 of this bill makes an appropriation to the Office of Economic Development for operating, equipment, marketing, travel costs, the creation of an Internet website and two full-time staff positions to carry out the functions of the Office of Entrepreneurship.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. The types of businesses awarded a state contract;

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

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

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

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

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

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

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

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

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

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

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

(c) The Office of Entrepreneurship.

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

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

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300,

239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191,

641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 10 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 13.5. **1. There is hereby appropriated from the State General Fund to the Office of Economic Development for operating, equipment, marketing, travel costs, the creation of an Internet website and two full-time staff positions to carry out the functions of the Office of Entrepreneurship created by section 6 of this act the following sums:**

For the Fiscal Year 2023-2024..... $249,626

For the Fiscal Year 2024-2025..... $269,153

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 14. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

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

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 135.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 787.

AN ACT relating to homelessness; revising the process for persons who are homeless to apply for a certified or official copy of a birth certificate; **revising certain information required to be included on an identification card**

issued to a pupil; requiring the Nevada Housing Crisis Response System to assist persons in crisis who are applying for a state identification card; revising requirements for the issuance of a state identification card to certain homeless children and youth; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to provide, and the State Registrar of Vital Statistics to carry out, a system for the registration of births and deaths in this State. (NRS 440.120) Existing law requires the State Registrar, and authorizes certain other entities, to issue a certified copy of a certificate of birth to an applicant if the applicant meets certain requirements. (NRS 440.175, 440.650) Existing law prohibits: (1) the State Registrar from charging a fee for a certified copy of a record of birth to a homeless person who submits on a form prescribed by the State Registrar a statement signed under penalty of perjury that the person is homeless; and (2) another person or governmental organization from charging a fee for a certified or official copy of a certificate of birth to a homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless. (NRS 440.175, 440.700) Existing law prohibits the State Registrar from requiring the signed statement that a person is homeless be notarized. (NRS 440.700) **Section 1** of this bill: (1) requires a homeless person who wishes to obtain a certified or official copy of a certificate of birth from a person or governmental organization, other than the State Registrar, to submit a statement signed under penalty of perjury that the person is homeless rather than a signed affidavit; and (2) prohibits such a person or governmental entity from requiring that such a signed statement be notarized.

Sections 1 and 2 of this bill require the State Registrar and other entities who issue certified or official copies of birth certificates to notify an applicant for a certified or official copy of a birth certificate upon determining that required documents are missing from the application. If the applicant is homeless, **sections 1 and 2** require the State Registrar or other entity to allow the applicant at least 30 days after the notice was provided to submit the missing documents.

Existing law requires the board of trustees of a school district or the governing body of a charter school to ensure that information relating to mental health resources appears on the back of any identification card issued to a pupil at a school within the school district or the charter school. (NRS 388.1335) Existing federal law establishes the National Suicide Prevention Lifeline program, including the establishment of a national suicide prevention and mental health crisis hotline that may be accessed by dialing the digits 9-8-8. (42 U.S.C. §§ 290bb-36c) Existing state law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain activities to support the implementation of a hotline for persons who are considering suicide or are otherwise in a behavioral health crisis that may be accessed by dialing the digits 9-8-8. (NRS 433.704) Section 2.5 of this bill requires the board

of trustees of a school district or the governing body of a charter school to include the number 9-8-8, or any successor number for such a hotline established pursuant to the National Suicide Prevention Lifeline program, on the back of any identification card issued to a pupil at a school within the school district or the charter school.

Existing law allows certain residents or seasonal residents of this State who do not hold a valid driver's license or identification card to apply for an identification card in this State. (NRS 483.810-483.890) Existing law requires the Department of Health and Human Services to establish and administer the Nevada Housing Crisis Response System to provide certain types of assistance to persons who are transient, at imminent risk of homelessness or homeless. (NRS 422A.680) **Section 3** of this bill requires the System to collaborate with the Department of Motor Vehicles to facilitate assistance to persons in crisis who wish to apply for such an identification card.

Existing law requires the Department of Motor Vehicles to waive, not more than one time, all fees and costs for the issuance of an original or duplicate identification card to a homeless child or youth less than 25 years of age. (NRS 483.825) **Section 4** of this bill removes the limitation that such fees and costs may be waived only once, thus requiring the Department to waive all fees and costs for the issuance of any identification card issued to a homeless child or youth less than 25 years of age.

Existing law requires an applicant for an identification card to provide to the Department of Motor Vehicles: (1) proof of his or her full legal name and age; and (2) if he or she has been issued a social security number, proof of that social security number. (NRS 483.850, 483.860) **Section 5** of this bill removes the requirement to provide proof of a social security number for any applicant who is a homeless child or youth less than 25 years of age. **Section 6** of this bill authorizes an applicant who is a homeless child or youth less than 25 years of age to prove his or her legal name and age by providing: (1) a school identification card that meets certain requirements; and (2) an unofficial transcript from the respective school that contains the date of birth of the applicant.

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

Section 1. NRS 440.175 is hereby amended to read as follows:

440.175 1. Upon request, the State Registrar may furnish statistical data to any federal, state, local or other public or private agency, upon such terms or conditions as may be prescribed by the Board.

2. No person may prepare or issue any document which purports to be an original, certified copy, certified abstract or official copy of:

(a) A certificate of birth, death or fetal death, except as authorized in this chapter or by the Board.

(b) A certificate of marriage, except a county clerk, county recorder or a person so required pursuant to NRS 122.120.

(c) A decree of divorce or annulment of marriage, except a county clerk or the judge of a court of record.

3. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall:

(a) Not charge a fee for issuing a certified or official copy of a certificate of birth to:

(1) A homeless person who submits ~~[a signed affidavit]~~ on a form prescribed by the State Registrar ~~[stating]~~ ***a statement signed under penalty of perjury*** that the person is homeless. ***The issuing person or governmental organization shall not require such a statement to be notarized.***

(2) A person who submits documentation from the Department of Corrections verifying that the person is imprisoned or was released from prison within the immediately preceding 90 days.

(b) Remit to the State Registrar fees collected which are charged in an amount established by the State Registrar by regulation:

(1) For each registration of a birth or death in its district.

(2) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a).

(3) For each copy issued of a certificate of death in its district.

4. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall, upon determining that required documents are missing from an application for a certified or official copy of a certificate of birth, notify the applicant of the deficiency. Such notice must include, without limitation, notice of the additional documents that the applicant must submit. If the applicant is a homeless person who submits on a form prescribed by the State Registrar a statement signed under penalty of perjury that the person is homeless, the person or governmental organization shall allow the applicant at least 30 days after the date of the notice to submit the missing documents. The issuing person or governmental organization shall not require the signed statement to be notarized.

Sec. 2. NRS 440.650 is hereby amended to read as follows:

440.650 1. Upon request, the State Registrar shall furnish any applicant a certified copy of the record of any birth or death registered under the provisions of this chapter.

2. The State Registrar shall not issue a certified copy of a certificate or parts thereof unless the State Registrar is satisfied that the applicant therefor has a direct and tangible interest in the matter recorded, subject, however, to review by the Board or a court of competent jurisdiction under the limitations of NRS 440.170.

3. The State Registrar shall, upon determining that required documents are missing from an application for a certified copy of a certificate of birth, notify the applicant of the deficiency. Such notice must include, without limitation, notice of the additional documents that the applicant must submit. If the applicant is a homeless person who submits on a form prescribed by

the State Registrar a statement signed under penalty of perjury that the person is homeless, the State Registrar shall allow the applicant at least 30 days after the date of the notice to submit the missing documents. The State Registrar shall not require the signed statement to be notarized.

Sec. 2.5. **NRS 388.1335 is hereby amended to read as follows:**

388.1335 ***1.*** The board of trustees of a school district or the governing body of a charter school shall ensure that information relating to mental health resources, including, without limitation, the ~~[telephone]~~ number ***9-8-8 which may be dialed to access the hotline described in NRS 433.704*** for ~~[a local or national]~~ ***persons who are considering*** suicide ~~[prevention]~~ ***or otherwise in a behavioral health crisis, or any successor number for a*** hotline ~~[,]~~ ***established pursuant to the National Suicide Prevention Lifeline program,*** appears on the back of any identification card issued to a pupil at a school within the school district or the charter school.

2. As used in this section, "National Suicide Prevention Lifeline program" has the meaning ascribed to it in NRS 433.702.

Sec. 3. NRS 422A.680 is hereby amended to read as follows:

422A.680 1. To the extent that money is available for this purpose, the Department shall establish and administer the Nevada Housing Crisis Response System.

2. The System must:

(a) Coordinate with social service agencies, local governments and nonprofit organizations to, as quickly as possible, identify, assess, refer and connect persons in crisis to housing, assistance and services, including, without limitation, emergency services, emergency shelters, interim housing and permanent housing.

(b) Provide and operate a system for responding to a crisis that is accessible by a person in crisis 24 hours a day, 7 days a week, including holidays, through which a person in crisis may be identified, assessed, referred and connected to housing, assistance and services pursuant to paragraph (a).

(c) Provide education or information on how persons in crisis may access and use the System for responding to a crisis that is provided pursuant to paragraph (b).

(d) To prevent homelessness, develop prevention assistance programs that assist persons who are:

(1) Transient or at imminent risk of homelessness in:

(I) Preserving their current housing situation;

(II) Identifying housing arrangements as an alternative to their current housing situation; or

(III) Immediately finding housing arrangements for persons who are leaving a housing situation that is not safe; and

(2) Homeless in finding housing arrangements.

(e) Collaborate with the Department of Motor Vehicles to facilitate assistance to persons in crisis who wish to apply for an identification card in accordance with the provisions of NRS 483.810 to 483.890, inclusive.

3. The System may perform any other action that:

(a) Assists persons in crisis; and

(b) Helps prevent or address homelessness in this State.

4. The Department may adopt such regulations as are necessary to carry out the provisions of this section and NRS 422A.690, including, without limitation, regulations requiring a person or entity that accepts money from the Department or a division thereof to participate in the System.

5. As used in this section, "person in crisis" means a person who is transient, at imminent risk of homelessness or homeless.

Sec. 4. NRS 483.825 is hereby amended to read as follows:

483.825 1. Except as otherwise provided in subsection 4, the Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to:

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(c) A person who submits documentation from a county, city or town jail or detention facility verifying that the person was released from the county, city or town jail, as applicable, within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person or person released from prison, a county, city or town jail or detention facility for a duplicate identification card.

3. Except as otherwise provided in subsection 4, if the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a person pursuant to subsection 1, the person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the person:

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

4. The Department shall waive the fee prescribed by NRS 483.820, the increase in the fee required by NRS 483.347 and the reimbursement required by subsection 3 ~~[not more than one time]~~ for furnishing an original identification card or a duplicate identification card to a homeless child or youth less than 25 years of age who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and less than 25 years of age.

5. The Department may accept gifts, grants and donations of money to fund the provision of original and duplicate identification cards without a fee to persons pursuant to subsections 1 and 4.

6. As used in this section:

(a) "Homeless child or youth" has the meaning ascribed to ~~[it]~~ ***"homeless children and youths"*** in 42 U.S.C. § 11434a.

(b) "Photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 5. NRS 483.850 is hereby amended to read as follows:

483.850 1. Every application for an identification card must be made upon a form provided by the Department and include, without limitation:

(a) The applicant's:

(1) Full legal name.

(2) Date of birth.

(3) State of legal residence.

(4) Current address of principal residence and mailing address, if different from his or her address of principal residence, in this State, unless the applicant is on active duty in the military service of the United States.

(b) A statement from:

(1) A resident stating that he or she does not hold a valid driver's license or identification card from any state or jurisdiction; or

(2) A seasonal resident stating that he or she does not hold a valid Nevada driver's license.

2. When the form is completed, the applicant must sign the form and verify the contents before a person authorized to administer oaths.

3. ~~[An]~~ ***Except as otherwise provided in subsection 6, an*** applicant who has been issued a social security number must provide to the Department for inspection:

(a) An original card issued to the applicant by the Social Security Administration bearing the social security number of the applicant; or

(b) Other proof acceptable to the Department bearing the social security number of the applicant, including, without limitation, records of employment or federal income tax returns.

4. At the time of applying for an identification card, an applicant may, if eligible, preregister or register to vote pursuant to NRS 293.5727 or 293.5742.

5. A person who possesses a driver's license or identification card issued by another state or jurisdiction who wishes to apply for an identification card pursuant to this section shall surrender to the Department the driver's license or identification card issued by the other state or jurisdiction at the time the person applies for an identification card pursuant to this section.

6. The provisions of subsection 3 do not apply to a homeless child or youth less than 25 years of age who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and less than 25 years of age.

7. As used in this section, "homeless child or youth" has the meaning ascribed to "homeless children and youths" in 42 U.S.C. § 11434a.

Sec. 6. NRS 483.860 is hereby amended to read as follows:

483.860 1. ~~[Every]~~ ***Except as otherwise provided in subsection 4, every*** applicant for an identification card must furnish proof of his or her full legal name and age by presenting:

(a) An original or certified copy of the required documents as prescribed by regulation; or

(b) A photo identification card issued by the Department of Corrections pursuant to NRS 209.511 which indicates that the Director of the Department of Corrections has verified the full legal name and age of the applicant pursuant to subsection 5 of that section.

2. The Director shall adopt regulations:

(a) Prescribing the documents an applicant may use to furnish proof of his or her full legal name and age to the Department pursuant to paragraph (a) of subsection 1, including, without limitation, a document issued by the Department pursuant to NRS 483.375 or 483.8605; and

(b) Setting forth criteria pursuant to which the Department will issue or refuse to issue an identification card in accordance with this section to a person who is a citizen of a state or a foreign country. The criteria pursuant to which the Department shall issue or refuse to issue an identification card to a citizen of a foreign country must be based upon the purpose for which that person is present within the United States.

3. Notwithstanding any other provision of this section, the Department shall not accept a consular identification card as proof of the age or identity of an applicant for an identification card. As used in this subsection, "consular identification card" has the meaning ascribed to it in NRS 232.006.

4. If an applicant is a homeless child or youth less than 25 years of age who submits a signed affidavit on a form prescribed by the Department stating that the child or youth is homeless and less than 25 years of age, the applicant may satisfy the requirements of subsection 1 by presenting a school identification card and an unofficial transcript from the respective school that includes the date of birth of the applicant. A school identification card presented pursuant to this subsection must include, without limitation:

(a) The name of the school that issued the card;

(b) The first and last name of the applicant; and

(c) A photograph of the applicant.

5. As used in this section:

(a) "Homeless child or youth" has the meaning ascribed to "homeless children and youths" in 42 U.S.C. § 11434a.

(b) "Photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. **1. This section becomes effective upon passage and approval.**

2. Sections 1 to 3, inclusive, 7 and 8 of this act become effective on October 1, 2023.

3. Sections 4, 5 and 6 of this act become effective on January 1, 2026.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 161.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 802.

AN ACT relating to governmental administration; requiring, under certain circumstances, that the Department of Motor Vehicles place a designation on a vehicle registration, driver's license or identification card for a person with a communication ~~[impairment,]~~ **need;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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) Existing law further requires, upon the application of a person with a disability which limits or impairs the ability to walk, that the Department place a designation on any driver's license or identification card issued to the person indicating that the person is a person with such disability. (NRS 483.349, 483.865) Existing law: (1) authorizes the Director of the Department to adopt and enforce certain regulations relating to the registration of motor vehicles; and (2) requires, with certain exceptions, every owner of a motor vehicle, trailer or semitrailer to apply to the Department or a registered dealer for registration thereof. (NRS 482.160, 482.205) ~~[Sections 1,]~~ **Effective January 1, 2024, sections 1.5 and 1.7** of this bill require, upon the application of a person with a communication ~~[impairment,]~~ **need,** that the Department place on any ~~[vehicle registration,]~~ driver's license or identification card issued to the person a designation indicating that the person is a person with a communication ~~[impairment.]~~ **need. Effective January 1, 2026, section 3.5 of this bill requires, upon the application of a person with a communication need, that the Department place on any vehicle registration issued to the person a designation indicating that the person is a person with a communication need.**

Sections 1, 1.5 and 1.7 ~~[further]~~ prohibit the Department from requiring any person to disclose that the person is a person with a communication ~~[impairment.]~~ **need.** ~~[As used in]~~ **For the purposes of sections 1, 1.5 and 1.7**, the term "a person with a communication ~~[impairment"]~~ **need"** means a person who: (1) is deaf; (2) has a speech disorder; (3) has a language disorder; (4) has an auditory processing disorder; (5) is neurodivergent; or (6) has any other condition that impairs the ability of the person to comprehend language.

Sections 2 and 3 of this bill make conforming changes to indicate the proper placement of **section 1.5** in the Nevada Revised Statutes.

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Upon the application of a person with a communication impairment, the Department shall place on any vehicle registration issued to the person pursuant to the provisions of this chapter a designation that the person is a person with a communication impairment.~~

~~2.]~~ The Department shall not require any person to disclose that the person is a person with a communication ~~[impairment.~~

~~3.]~~ need.

2. As used in this section, "a person with a communication ~~[impairment"]~~ need" means a person who:

(a) Is deaf, as defined in NRS 426.084;

(b) Has a speech disorder that impairs the ability of the person to articulate speech sounds, speak fluently or use the person's voice;

(c) Has a language disorder that impairs the ability of the person to comprehend language;

(d) Has an auditory processing disorder that impairs the ability of the person to comprehend language;

(e) Is neurodivergent; or

(f) Has any other condition that impairs the ability of the person to comprehend language.

Sec. 1.3. Chapter 483 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5 and 1.7 of this act.

Sec. 1.5. ***1. Upon the application of a person with a communication ~~[impairment,]~~ need, the Department shall place on any driver's license issued to the person pursuant to the provisions of this chapter a designation that the person is a person with a communication ~~[impairment.]~~ need.***

2. The Department shall not require any person to disclose that the person is a person with a communication ~~[impairment.]~~ need.

3. As used in this section, "a person with a communication ~~[impairment"]~~ need" has the meaning ascribed to it in section 1 of this act.

Sec. 1.7. ***1. Upon the application of a person with a communication ~~[impairment,]~~ need, the Department shall place on any identification card issued to the person pursuant to the provisions of NRS 483.810 to 483.890, inclusive, a designation that the person is a person with a communication ~~[impairment.]~~ need.***

2. The Department shall not require any person to disclose that the person is a person with a communication ~~[impairment.]~~ need.

3. As used in this section, "a person with a communication ~~[impairment"]~~ need" has the meaning ascribed to it in section 1 of this act.

Sec. 2. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, ***and section 1.5 of this act*** apply only with respect to noncommercial drivers' licenses.

Sec. 3. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, ***and section 1.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 3.5. **Section 1 of this act is hereby amended to read as follows:**

1. ***Upon the application of a person with a communication need, the Department shall place on any vehicle registration issued to the person pursuant to the provisions of this chapter a designation that the person is a person with a communication need.***

2. The Department shall not require any person to disclose that the person is a person with a communication need.

~~[2.]~~ ***3.*** As used in this section, "a person with a communication need" means a person who:

(a) Is deaf, as defined in NRS 426.084;

(b) Has a speech disorder that impairs the ability of the person to articulate speech sounds, speak fluently or use the person's voice;

(c) Has a language disorder that impairs the ability of the person to comprehend language;

(d) Has an auditory processing disorder that impairs the ability of the person to comprehend language;

(e) Is neurodivergent; or

(f) Has any other condition that impairs the ability of the person to comprehend language.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 3, 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.

3. Section 3.5 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, 2026, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 184.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 800.

AN ACT relating to air pollution; creating the Account for Clean Trucks and Buses; creating the Clean Trucks and Buses Incentive Program; establishing various requirements for the Program; ~~[making an appropriation;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Environmental Commission to prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines. (NRS 445B.760) Existing law also requires the Commission to establish, by regulation, a program for the regulation of smoke and other emissions by inspection of heavy-duty motor vehicles that are powered by diesel fuel or motor vehicle fuel. (NRS 445B.780) This bill establishes a voucher incentive program called the Clean Trucks and Buses Incentive Program in which the Division of Environmental Protection of the State Department of Conservation and Natural Resources will, within the limits of money available for such purposes, issue vouchers to approved contractors to redeem with the Division for offering certain price incentives to certain entities for the sale of eligible zero-emission medium-duty and heavy-duty vehicles.

Sections 2-15 of this bill define various terms related to the Clean Trucks and Buses Incentive Program.

Section 16 of this bill creates the Account for Clean Trucks and Buses, which is administered by the Division to carry out the Clean Trucks and Buses Incentive Program. **Section 16** requires the Department of Transportation to enter into an agreement with the Division to: (1) enable the Division to administer 35 percent of the apportionment of federal money to this State for the federal Carbon Reduction Program, 23 U.S.C. § 175, beginning in January 2024 ~~[,]~~ **, unless federal guidance on the federal Carbon Reduction Program determines that such federal money may not be used for the Clean Trucks and Buses Incentive Program;** (2) coordinate with the Division to ensure that the use of the money is consistent with all requirements of federal law; and (3) ensure that any necessary waivers for the Clean Trucks and Buses **Incentive** Program are obtained from the federal government.

Section 17 of this bill creates the Clean Trucks and Buses Incentive Program and sets forth the base incentives and **, unless otherwise inconsistent with federal law or guidance,** incentive increases that are available to eligible entities for the purchase of a clean truck or bus. To be eligible for an incentive from the Program, **section 17** requires that an entity: (1) own or operate a diesel-powered or gasoline-powered medium-duty or heavy-vehicle or a fleet of medium-duty or heavy-duty vehicles; and (2) be domiciled in this State.

Section 20.5 of this bill requires the Commission to adopt regulations to carry out the Program, which must include requirements for: (1) the Division to approve a clean truck or bus or repowered vehicle as eligible for purchase

using an incentive from the Program; (2) a contractor to submit an application to be approved to sell eligible clean trucks or buses using an incentive from the Program; and (3) an eligible entity to work with an approved contractor to submit an application to receive an incentive from the Program ~~[.]~~ **and be awarded such an incentive from the Program.**

Section 21 of this bill requires the Division to review applications on a quarterly basis. Upon approval of an application, **section 21** requires the Division to reserve the amount of the incentive from the Program offered to the entity in the Account for Clean Trucks and Buses and, with certain exceptions, issue the approved contractor a voucher for that amount, which is valid for 1 year and may be extended for an additional 1 year upon the request of the approved contractor. Once the clean truck or bus has been purchased, delivered and placed into operation by the entity, **section 21** authorizes the contractor to redeem the voucher with the Division.

Section 22 of this bill requires an entity that receives an incentive for the purchase of a clean truck or bus from the Clean Trucks and Buses Incentive Program to submit written reports to the Division in accordance with regulations adopted by the Commission. **Section 22** further requires the Division to submit an annual summary of these reports to the Director of the Legislative Counsel Bureau.

~~[Section 22.5 of this bill makes an appropriation to the Account for Clean Trucks and Buses created by section 16 for carrying out the Clean Trucks and Buses Program.]~~

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

Section 1. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 22, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 15, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Clean truck or bus" means a medium-duty or heavy-duty vehicle that:***

1. Is powered by electricity that is stored in a battery or produced by a hydrogen fuel cell; and

2. Produces zero exhaust emissions.

Sec. 4. ***"Clean Trucks and Buses Incentive Program" or "Program" means the Clean Trucks and Buses Incentive Program created by section 17 of this act.***

Sec. 5. ***"Commission" means the State Environmental Commission.***

Sec. 6. ***"Contractor" means:***

1. An original equipment manufacturer;

2. An upfit manufacturer; or

3. A vehicle dealership that sells clean trucks or buses and that has an agreement with an original equipment manufacturer or upfit manufacturer

to sell eligible clean trucks or buses using incentives from the Clean Trucks and Buses Incentive Program.

Sec. 7. *"Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*

Sec. 8. *"Eligible entity" or "entity" means:*

1. A local government, which includes, without limitation, any county, city, district, agency, regional transportation commission, school district or other political subdivision of this State;

2. A state agency that operates a medium-duty or heavy-duty vehicle or a fleet of medium-duty or heavy-duty vehicles;

3. A nonprofit organization;

4. A commercial entity that owns a medium-duty or heavy-duty vehicle or a fleet of medium-duty or heavy-duty vehicles; or

5. An independent truck operator.

Sec. 9. *"Gross vehicle weight rating" means the maximum weight specified by the manufacturer of a vehicle at which a vehicle can be operated safely.*

Sec. 10. *"Historically underserved community" has the meaning ascribed to it in NRS 445B.834.*

Sec. 11. *"Independent truck operator" means a person who is the owner or operator of a medium-duty or heavy-duty vehicle that is hired as a third-party contractor to transport goods for a commercial entity.*

Sec. 12. *"Medium-duty or heavy-duty vehicle" means any medium-duty vehicle or heavy-duty vehicle that:*

1. Has a gross vehicle weight rating of more than 8,500 pounds; or

2. Is classified as having a gross vehicle weight rating class established by the United States Environmental Protection Agency of 2b or higher.

Sec. 13. *"Original equipment manufacturer" means a company that builds or assembles the completed drivetrain and chassis of a medium-duty or heavy-duty vehicle.*

Sec. 14. *"Repowered vehicle" means a medium-duty or heavy-duty vehicle that was previously powered by diesel or gasoline which has been upfitted or retrofitted by an upfit manufacturer to be powered by a battery electric or fuel cell electric powertrain.*

Sec. 15. *"Upfit manufacturer" means a company that installs equipment on the rolling chassis of a medium-duty or heavy-duty vehicle that was purchased from an original equipment manufacturer to switch the power source of the vehicle from diesel or gasoline to a battery electric or a fuel cell electric powertrain in order to create a repowered vehicle.*

Sec. 16. *1. The Account for Clean Trucks and Buses is hereby created in the State Treasury to be administered by the Division.*

2. The interest and income earned on the money in the Account must, after deducting any applicable charges, be credited to the Account. All claims against the Account must be paid as other ~~[claims]~~ claims against the State are paid.

3. ~~[Any]~~ Except as otherwise provided in subsection 7, any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund , ~~[remaining,]~~ and the balance in the Account must be carried forward to the next fiscal year.

4. All money that is deposited or paid into the Account must be used by the Division to carry out the Clean Trucks and Buses Incentive Program created pursuant to section 17 of this act.

5. Beginning in fiscal year 2024, and for the duration of the time in which apportionments are made to the State of Nevada by the Federal Government pursuant to the federal Carbon Reduction Program, 23 U.S.C. § 175, and available for such purposes, the Department of Transportation shall:

(a) Enter into an agreement with the Division under which :

(1) Except as otherwise provided in subparagraph 2, the Division will administer 35 percent of the federal money apportioned to this State pursuant to the federal Carbon Reduction Program, 23 U.S.C. § 175, and the Department of Transportation will make such federal money available for use by the Division to carry out the provisions of sections 2 to 22, inclusive, of this act, including, without limitation, to the extent authorized by federal law, for the costs of administering the Clean Trucks and Buses Incentive Program and staffing costs.

(2) If federal guidance on the federal Carbon Reduction Program, 23 U.S.C. § 175, determines that federal money apportioned pursuant to the federal Carbon Reduction Program cannot be used to carry out the provisions of sections 2 to 22, inclusive, of this act, the agreement must provide for the federal money to revert to the Department of Transportation for eligible uses of such federal money.

(b) Coordinate with the Division to ensure all requirements of federal law are met in developing the Clean Trucks and Buses Incentive Program created by section 17 of this act and administering any federal money apportioned under federal law.

(c) Assist the Division to request and obtain any waivers from the Federal Highway Administration that are necessary to comply with federal law and any conditions for any federal money.

6. The Division may apply for and accept gifts, grants, donations, bequests and any other source of money available under federal law, including, without limitation, the Clean Heavy-Duty Vehicle Program, 42 U.S.C. § 7432 ~~[,]~~ or the Greenhouse Gas Reduction Fund, 42 U.S.C. § 7434 , ~~[or the Diesel Emissions Reduction Act, 42 U.S.C. §§ 16131-16139, inclusive,]~~ and from private sources for deposit in the Account to carry out the provisions of the Clean Trucks and Buses Incentive Program created by section 17 of this act.

7. Any money deposited in the Account pursuant to the federal Carbon Reduction Program, 23 U.S.C. § 175, that is scheduled to expire in 1 year or

less must revert to the Department of Transportation for other eligible uses of such federal money.

Sec. 17. ***1. The Clean Trucks and Buses Incentive Program is hereby created for the purpose of awarding incentives to eligible entities for the purchase of eligible clean trucks and buses from approved contractors. Except as otherwise provided in subsection 2, the Division shall administer the Program in accordance with the provisions of sections 2 to 22, inclusive, of this act.***

2. In accordance with subsection 5 of section 16 of this act, the Department of Transportation shall oversee the use of federal money for the Clean Trucks and Buses Incentive Program, ensure all requirements of federal law are met for such federal money and administer payments of federal money to the Division to carry out the Program.

3. In administering the Clean Trucks and Buses Incentive Program, the Division shall establish, in accordance with the regulations adopted by the Commission pursuant to section 20.5 of this act:

(a) The clean trucks and buses that are eligible for purchase using an incentive from the Program;

(b) The contractors that are approved to sell eligible clean trucks and buses;

(c) A process for reviewing applications submitted by an approved contractor to determine which entities will receive an incentive in accordance with the requirements set forth in this section; and

(d) A process for issuing vouchers to approved contractors who have sold an eligible clean truck or bus to an eligible entity to redeem the incentive offered to the entity.

4. To receive an incentive for the purchase of an eligible clean truck or bus, an entity must:

(a) Own or operate a diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle or a fleet of medium-duty or heavy-duty vehicles; and

(b) Be domiciled in this State.

5. The base incentive that is available to an eligible entity from the Program for a clean truck or bus is based on the gross vehicle weight rating class established by the United States Environmental Protection Agency as follows:

(a) For a gross vehicle weight rating class of 2b, $20,000;

(b) For a gross vehicle weight rating class of 3, $50,000;

(c) For a gross vehicle weight rating class of 4, $65,000;

(d) For a gross vehicle weight rating class of 5, $75,000;

(e) For a gross vehicle weight rating class of 6, $90,000;

(f) For a gross vehicle weight rating class of 7, $135,000; and

(g) For a gross vehicle weight rating class of 8, $175,000.

6. If an eligible entity demonstrates that the entity meets one of the following criteria, the base incentives set forth in subsection 4 may be

increased if the increase is consistent with any federal law and guidance on the federal Carbon Reduction Program, 23 U.S.C. § 175, as follows:

(a) For a disadvantaged small business, including, without limitation, a disadvantaged minority-owned, veteran-owned, LGBTQ-owned or woman-owned business ~~[,]~~ or disadvantaged business owned by a resident of an Indian reservation or Indian colony, a 5 percent increase to the base incentive.

(b) For a small business, a 20 percent increase to the base incentive.

(c) For an independent truck operator, a 33 percent increase to the base incentive. An independent truck operator may not also apply to receive the small business increase to the base incentive.

(d) For a regional transportation commission, a 10 percent increase to the base incentive.

(e) For a school district, charter school or university school for profoundly gifted pupils:

(1) A 10 percent increase to the base incentive; or

(2) If the school district, charter school or university school for profoundly gifted pupils is located in a historically underserved community, a 20 percent increase to the base incentive.

(f) For a tribal government, a 20 percent increase to the base incentive.

~~[(g) For a business owned by a resident of an Indian reservation or Indian colony, a 20 percent increase to the base incentive.]~~

7. An eligible entity:

(a) May not receive more than 2 increases to the base incentive pursuant to subsection 6;

(b) Except as otherwise provided in paragraph (c), may not receive more than 10 incentives in one year; and

(c) That is a school district or regional transportation commission in a county whose population is 700,000 or more may not receive more than 15 incentives in a year.

8. As used in this section:

(a) "LGBTQ" means lesbian, gay, bisexual, transgender, queer or intersex or of any other nonheterosexual or noncisgender orientation or gender identity or expression.

(b) "LGBTQ-owned business" means a business that:

(1) Is owned by a natural person who identifies as LGBTQ; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who identify as LGBTQ.

(c) "Minority group" means:

(1) A racial or ethnic minority group; or

(2) A group of persons with disabilities.

(d) "Minority-owned business" means a business that:

(1) Is owned by a natural person who is a member of a minority group; or

(2) Has at least 51 percent of its ownership interest held by one or more natural persons who is a member of a minority group.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 20.5. ***The Commission shall adopt regulations to carry out the Clean Trucks and Buses Incentive Program in accordance with the provisions of sections 2 to 22, inclusive of this act. Any such regulations adopted by the Commission pursuant to this section must be consistent with all applicable requirements of federal law and must include, without limitation:***

1. The requirements to approve a clean truck or bus as eligible for an incentive, including, without limitation:

(a) The process by which applications must be submitted to the Division to approve a clean truck or bus as eligible to receive an incentive;

(b) The contents of an application required for approval of a clean truck or bus as eligible to receive an incentive;

(c) Any specific requirements relating to the manufacturing and final assembly of clean trucks or buses that are necessary to meet any requirements of federal law for the use of federal money;

(d) Any specific requirements for repowered vehicles; [and]

(e) Any performance requirements for eligible vehicles to meet in order to participate in the Program; and

(f) Any other necessary requirements relating to approving a clean truck or bus, as determined by the Commission.

2. The requirements to approve a contractor to participate as an approved contractor in the Program, including, without limitation:

(a) The process by which applications must be submitted by contractors to the Division;

(b) The contents of the application required to be submitted by a contractor to participate as an approved contractor;

(c) Any activities in which an approved contractor may engage under the Program; and

(d) Any other necessary requirements relating to approving a contractor, as determined by the Commission.

3. The requirements relating to entities which are eligible to receive an incentive for the purchase of an eligible clean truck or bus, including, without limitation:

(a) The process to determine the eligibility of entities to receive an incentive;

(b) Any requirements for eligible entities;

(c) The contents of the application submitted by an entity who may be eligible for an incentive and an approved contractor for a voucher from the Program;

(d) The process by which applications for a voucher are submitted and processed by the Division;

(e) ~~[Any performance requirements for eligible vehicles to meet in order to participate in the Program;]~~ The process for awarding incentives to eligible entities; and

(f) Any other necessary requirements relating to applications for and awards of incentives, as determined by the Commission.

Sec. 21. *1. The Division shall review the applications submitted in accordance with the regulations adopted pursuant to section 20.5 of this act on a rolling basis beginning on January 1, March 1, June 1 and September 1 of each year and, within the limits of money available from the Account for Clean Trucks and Buses for that quarter, grant applications for incentives. If an eligible entity meets the requirements for an incentive but does not receive an incentive after submitting an application, the entity must be waitlisted and granted priority to receive an incentive during the next application cycle.*

2. Upon approving an application, the Division shall reserve the amount of the incentive in the Account for Clean Trucks and Buses and, except as otherwise provided in subsection 4, issue the approved contractor a voucher for that amount, which, except as otherwise provided in this subsection, is valid for a period of 1 year from the date of issuance. The approved contractor may redeem the voucher by submitting proof to the Division that the clean truck or bus has been purchased, delivered and placed into operation by the entity who received the incentive. The approved contractor may submit a request to the Division for an extension of the voucher for an additional period of 1 year.

3. The approved contractor must reduce the price of the clean truck or bus by the full amount of the voucher issued to the approved contractor and must not charge any additional fees for selling the clean truck or bus, including, without limitation, any fees associated with processing the voucher.

4. If the incremental cost of an eligible clean truck or bus is less than the incentive which an entity is eligible to receive, the Division shall reduce the value of the voucher to the incremental cost of purchasing the clean truck or bus instead of a comparable diesel-powered or gasoline-powered medium-duty or heavy-duty vehicle.

Sec. 22. *1. An entity that receives an incentive for the purchase of a clean truck or bus from the Clean Trucks and Buses Incentive Program must submit written reports to the Division in accordance with the regulations adopted by the Commission pursuant to subsection 2.*

2. The Commission shall adopt regulations establishing reporting requirements in accordance with this section for recipients of an incentive from the Program. Such regulations:

(a) May not require a recipient to submit a report more than two times each year; and

(b) May not require a recipient to submit a report for more than 3 years, unless otherwise required to comply with federal law.

3. On or before December 31 of each year, the Division shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session to the Legislative Commission, a summary of the reports submitted to the Division pursuant to this section.

Sec. 22.5. ~~[There is hereby appropriated from the State General Fund to the Account for Clean Trucks and Buses, created by section 16 of this act, the sum of $4,000,000 for carrying out the Clean Trucks and Buses Incentive Program created by section 17 of this act.]~~ **(Deleted by amendment.)**

Sec. 23. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 24. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 20.5, inclusive, 22 and 23 of this act become effective:

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

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

3. Section 21 of this act becomes effective on the date that the permanent regulations required to be adopted by the State Environmental Commission pursuant to section 20.5 of this act are filed with the Secretary of State pursuant to NRS 233B.070.

4. Section 22.5 of this act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 192.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 799.

AN ACT relating to elections; establishing requirements relating to the purchase of ~~[mail]~~ ballots and return envelopes used in certain elections in this State; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; **making an appropriation to the Office of the Secretary of State to enter into a contract for the purchase of ballots and return envelopes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe: (1) the form of all mail ballots; and (2) the placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout

the State. (NRS 293.250) **Sections 1.5 and 4** of this bill require the form of all envelopes in which mail ballots are sent to voters and all return envelopes for mail ballots to, with certain exceptions, be uniform throughout the State. **Sections 1.5 and 4** also require the Secretary of State to prescribe a method for distinguishing the return envelopes of each county or city, as applicable.

Section 1 of this bill requires the Secretary of State to enter into a statewide contract for the purchase of all ballots and return envelopes used in a presidential preference primary election, primary election and general election in this State. **Section 5.3 of this bill makes an appropriation to the Office of the Secretary of State to enter into such a contract.**

Section 1 further requires each county and city clerk to use the ballots and return envelopes purchased by the Secretary of State for such elections. **Section 5.5** of this bill provides that a county or city clerk may request from the Secretary of State an exemption from this requirement for the presidential preference primary election, primary election and general election held in 2024.

Existing law requires a county clerk and city clerk to keep continuously posted certain signs and notices which indicate that electioneering is prohibited between the boundary marked by the sign and the entrance to a polling place. (NRS 293.361, 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the county clerk and city clerk to ensure that any signs and notices posted are: (1) at least 17 inches by 11 inches in size; (2) placed on a window or door of the polling place or freestanding; and (3) visible to a person approaching the boundary marked by the sign.

Existing law defines "electioneering" to include buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to provide instead that "electioneering" includes buying, selling, wearing or displaying any badge, button or other insigne which expressly refers to any political party or a candidate or ballot question to be voted upon at that election.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

The Secretary of State shall enter into a contract for the purchase of all ballots, including, without limitation, mail ballots, and return envelopes for use in all presidential preference primary elections, primary elections and general elections held in this State. Such a contract is subject to the provisions of chapter 333 of NRS. Each county clerk and city clerk in this State shall use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the

contract entered into pursuant to this section for all presidential preference primary elections, primary elections and general elections.

Sec. 1.5. NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

Sec. 2. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early ~~[Voting"; and]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[a]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No

electioneering between this point and the entrance to the polling place." ***The county clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 3. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. ***The county clerk shall ensure that any notice posted pursuant to subsection 1 is:***

(a) At least 17 inches by 11 inches in size;

(b) Placed on a window or door of the polling place or a freestanding sign; and

(c) Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.

3. The provisions of ~~[subsection]~~ ***subsections*** 1 ***and 2*** do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

~~[3.]~~ ***4.*** Any person who violates any provision of this section is guilty of a gross misdemeanor.

~~[4.]~~ ***5.*** As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which ~~[is designed or tends to aid or promote the success or defeat of]~~ ***expressly refers to*** any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 4. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

Sec. 5. NRS 293C.361 is hereby amended to read as follows:

293C.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[~~a~~]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The city clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 5.3. **1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State to enter into a contract pursuant to section 1 of this act for the purchase of ballots, including, without limitation, mail ballots and return envelopes, the following sums:**

For the Fiscal Year 2023-2024..... $7,805,011

For the Fiscal Year 2024-2025..... $3,902,506

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 5.5. Upon the request of a county clerk or city clerk, the Secretary of State may grant an exemption from the requirement to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract entered into pursuant to

section 1 of this act for the presidential preference primary election, primary election and general election that is held in 2024.

Sec. 6. 1. This section and section 5.5 of this act become effective upon passage and approval.

2. **Section 5.3 of this act becomes effective on July 1, 2023.**

3. Sections 1 to 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 Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblywoman González:

Amendment No. 820.

AN ACT relating to elections; establishing requirements relating to the purchase of mail ballots and return envelopes used in certain elections in this State; revising requirements for the form of all envelopes and return envelopes for mail ballots; revising certain requirements relating to electioneering; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Secretary of State to prescribe: (1) the form of all mail ballots; and (2) the placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State. (NRS 293.250) **Sections 1.5 and 4** of this bill require the form of all envelopes in which mail ballots are sent to voters and all return envelopes for mail ballots to, with certain exceptions, be uniform throughout the State. **Sections 1.5 and 4** also require the Secretary of State to prescribe a method for distinguishing the return envelopes of each county or city, as applicable.

Section 1 of this bill requires the Secretary of State to enter into a statewide contract for the purchase of all ballots and return envelopes used in a presidential preference primary election, primary election and general election in this State. **Section 1 provides that if such a contract requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract must require the vendor to deposit the mail ballots for mailing at a location within this State.** **Section 1** further requires each county and city clerk to use the ballots and return envelopes purchased by the Secretary of State for such elections. **Section 5.5** of this bill provides that a county or city clerk may request from the Secretary of State an exemption from this requirement for the presidential preference primary election, primary election and general election held in 2024.

Existing law requires a county clerk and city clerk to keep continuously posted certain signs and notices which indicate that electioneering is prohibited between the boundary marked by the sign and the entrance to a polling place. (NRS 293.361, 293.740, 293C.361) **Sections 2, 3 and 5** of this bill require the

county clerk and city clerk to ensure that any signs and notices posted are: (1) at least 17 inches by 11 inches in size; (2) placed on a window or door of the polling place or freestanding; and (3) visible to a person approaching the boundary marked by the sign.

Existing law defines "electioneering" to include buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at an election. (NRS 293.740) **Section 3** revises this definition to provide instead that "electioneering" includes buying, selling, wearing or displaying any badge, button or other insigne which expressly refers to any political party or a candidate or ballot question to be voted upon at that election.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Secretary of State shall enter into a contract for the purchase of all ballots, including, without limitation, mail ballots, and return envelopes for use in all presidential preference primary elections, primary elections and general elections held in this State. Such a contract is subject to the provisions of chapter 333 of NRS. Each county clerk and city clerk in this State shall use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract entered into pursuant to this section for all presidential preference primary elections, primary elections and general elections.

2. If a contract entered into pursuant to this section requires the vendor to distribute mail ballots on behalf of a county or city clerk, the contract must require the vendor to deposit the mail ballots for mailing at a location within this State.

Sec. 1.5. NRS 293.269913 is hereby amended to read as follows:

293.269913 1. Except as otherwise provided in subsection 2, NRS 293.269911 and chapter 293D of NRS, the county clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the county clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the county clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the county clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each county which must be prominently displayed on the outside of the return envelope.

Sec. 2. NRS 293.361 is hereby amended to read as follows:

293.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the county clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[~~a~~]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The county clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 3. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection ~~[~~2,~~]~~ ***3,*** it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. ***The county clerk shall ensure that any notice posted pursuant to subsection 1 is:***

(a) At least 17 inches by 11 inches in size;

(b) Placed on a window or door of the polling place or a freestanding sign; and

(c) Visible to a person approaching the outer limits of the area within which electioneering is prohibited pursuant to subsection 1.

3. The provisions of ~~[subsection]~~ ***subsections*** 1 ***and 2*** do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

~~[3.]~~ ***4.*** Any person who violates any provision of this section is guilty of a gross misdemeanor.

~~[4.]~~ ***5.*** As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which ~~[is designed or tends to aid or promote the success or defeat of]~~ ***expressly refers to*** any political party or a candidate or ballot question to be voted upon at that election; or

(e) Soliciting signatures to any kind of petition.

Sec. 4. NRS 293C.26312 is hereby amended to read as follows:

293C.26312 1. Except as otherwise provided in subsection 2, NRS 293C.263 and chapter 293D of NRS, the city clerk shall send to each active registered voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed:

(a) A mail ballot;

(b) A return envelope;

(c) An envelope or sleeve into which the mail ballot is inserted to ensure its secrecy; and

(d) Instructions.

2. In sending a mail ballot to an active registered voter, the city clerk shall use an envelope that may not be forwarded to an address of the voter that is different from the address to which the mail ballot is mailed.

3. The return envelope must include postage prepaid by first-class mail if the active registered voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Before sending a mail ballot to an active registered voter, the city clerk shall record:

(a) The date the mail ballot is issued;

(b) The name of the voter to whom the mail ballot is issued, his or her precinct or district and his or her political affiliation, if any, unless all the offices on the mail ballot are nonpartisan offices;

(c) The number of the mail ballot; and

(d) Any remarks the city clerk finds appropriate.

5. The Secretary of State shall prescribe:

(a) The form of all envelopes in which mail ballots are sent to voters and return envelopes, which must, except as otherwise provided in paragraph (b), be uniform throughout the State; and

(b) A method for distinguishing the return envelopes of each city which must be prominently displayed on the outside of the return envelope.

Sec. 5. NRS 293C.361 is hereby amended to read as follows:

293C.361 1. During the time a polling place for early voting is open for voting, a person may not electioneer for or against any candidate, measure or political party in or within 100 feet from the entrance to the voting area.

2. During the period of early voting, the city clerk shall keep continuously posted:

(a) At the entrance to the room or area, as applicable, in which the polling place for early voting is located, a sign on which is printed in large letters "Polling Place for Early ~~[~~Voting"; and~~]~~ ***Voting."***

(b) At the outer limits of the area within which electioneering is prohibited, ~~[~~a~~]~~ ***at least one*** sign on which is printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place." ***The city clerk shall ensure that any sign posted pursuant to this paragraph is:***

(1) At least 17 inches by 11 inches in size;

(2) Placed on a window or door of the polling place or a freestanding sign; and

(3) Visible to a person approaching the outer limits of the area within which electioneering is prohibited.

3. Ropes or other suitable objects may be used at the polling place to ensure compliance with this section. Persons who are not expressly permitted

by law to be in a polling place must be excluded from the polling place to the extent practicable.

4. Any person who willfully violates the provisions of this section is guilty of a gross misdemeanor.

Sec. 5.5. Upon the request of a county clerk or city clerk, the Secretary of State may grant an exemption from the requirement to use the ballots, including, without limitation, mail ballots, and return envelopes purchased by the Secretary of State in accordance with the contract entered into pursuant to section 1 of this act for the presidential preference primary election, primary election and general election that is held in 2024.

Sec. 6. 1. This section and section 5.5 of this act become effective upon passage and approval.

2. Sections 1 to 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 González moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 246.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 797.

AN ACT relating to elections; requiring, under certain circumstances, the Secretary of State, county clerks and city clerks to ensure that voting materials and certain other elections information are posted on certain Internet websites and made available in certain languages; requiring the Secretary of State to establish a toll-free telephone number which may be used for a person to receive language interpretation or translation assistance relating to an election; requiring such telephone number to be posted at each polling place and on certain Internet websites and included on sample ballots; requiring the Secretary of State to include certain information related to a registered voter's preferred language on an application to register to vote; requiring county and city clerks to make a good faith effort to appoint election board officers who are bilingual; revising the information relating to registered voters that is required to be included on the statewide voter registration list; requiring, under certain circumstances, a mechanical voting system to list offices, candidates and ballot measures in a voter's preferred language; creating and setting forth the membership and duties of the Language Access Advisory Committee; **making an appropriation to the Office of the Secretary of State for certain expenses relating to language access and the establishment of a toll-free telephone number;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each voting system used by a county or city to provide voting materials in English and every language in which voting materials are required to be prepared pursuant to federal law. (52 U.S.C. § 10503; NRS 293.2699) **Section 5** of this bill requires the Secretary of State to ensure that voting materials and other elections information are posted or made available at a polling place in certain languages. **Section 5** further requires the Secretary of State, on or before January 1 of each odd-numbered year, to review certain data on persons who are members of a minority group and are of limited-English proficiency in the State. Based on the review of such data, under certain circumstances, the Secretary of State and certain county and city clerks are required to ensure that voting materials and other information are provided in certain other languages. **Sections 11-16, 18, 19 and 26-28.5** of this bill make conforming changes to require that certain elections materials be available in such languages.

Section 37.5 of this bill requires the Secretary of State to review certain data in sufficient time for voting materials to be prepared for the 2024 General Election.

Sections 2-4 of this bill, respectively, define the terms "limited-English proficiency," "minority group" and "voting materials." **Section 9** of this bill makes a conforming change to indicate the proper placement of **sections 2-4** in the Nevada Revised Statutes.

Section 6 of this bill requires the Secretary of State and authorizes a county clerk to establish a toll-free telephone number which may be used by any person to receive language interpretation or translation assistance relating to an election. **Sections 7, 14-16, 18, 22, 27 and 28** of this bill require each polling place, sample ballot and Internet website of the county or city clerk, as applicable, to include such telephone number.

Section 8 of this bill requires the Secretary of State to include on all forms for an application to preregister or register to vote certain language authorizing a person who registers to vote to request a sample ballot in a language other than English.

Existing law requires each county and city clerk to appoint registered voters to act as election board officers for the various polling places in the county or city, as applicable. (NRS 293.217, 293C.220) **Sections 10 and 25** of this bill require the county or city clerk to make a good faith effort to appoint election board officers who are bilingual.

Existing law requires the Secretary of State to prescribe forms for applications to preregister or register to vote. (NRS 293.507) **Section 17** of this bill requires the Secretary of State to include on each such application a line on which to enter the applicant's state or country of birth and a language preference. **Section 20** of this bill requires such information to be included on the statewide voter registration list.

Existing law requires the Secretary of State to establish a system on the Internet website of the Office of the Secretary of State to allow persons by

computer to preregister and register to vote, cancel such preregistration or registration, update such preregistration or registration and determine at what polling place or places he or she is entitled to vote. The system is required to be user friendly. (NRS 293.671) **Section 19** of this bill requires the system to also be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to **section 5**.

Section 21 of this bill provides that if the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statement of ballot measures for which the voter is entitled to vote is in that preferred language.

Section 34 of this bill creates the Language Access Advisory Committee within the Office of the Secretary of State, consisting of the Secretary of State or his or her designee, and certain other members. **Section 35** of this bill requires the Advisory Committee to: (1) identify certain programs and services that address language accessibility of elections and voting materials; (2) coordinate with community organizations to determine language accessibility of elections and voting materials; (3) act as a liaison between the Office of the Secretary of State and community organizations; (4) make certain annual assessments relating to language accessibility; and (5) make certain recommendations to the Office of the Secretary of State relating to language accessibility. **Section 36** of this bill sets forth certain requirements for meetings of the Advisory Committee. **Section 37** of this bill: (1) requires the Secretary of State to appoint the initial members of the Advisory Committee before January 1, 2024; and (2) staggers the terms of the initial members.

Section 36.7 of this bill makes an appropriation to the Office of the Secretary of State to carry out certain provisions of this bill relating to language access and the establishment of the toll-free telephone number required pursuant to section 6.

Sections 23 and 24 of this bill make conforming changes to indicate the proper placement of **section 22** in the Nevada Revised Statutes.

Section 29 of this bill makes a conforming change to indicate the proper placement of **section 7** in the Nevada Revised Statutes.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***"Limited-English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.***

Sec. 3. ***"Minority group" includes, without limitation, United States citizens of Chinese heritage.***

Sec. 4. ***"Voting materials" means any material related to voter registration, elections and the electoral process, including, without***

limitation, applications to register to vote, ballots, mail ballots, sample ballots, instructions and other forms.

Sec. 5. *1. The Secretary of State shall ensure that voting materials and other elections information that is posted on the Internet website of the Office of the Secretary of State or the system of approved electronic transmission established pursuant to NRS 293D.200 is available on such website and system of approved electronic transmission in any language in which voting materials are required to be prepared pursuant to 52 U.S.C. § 10503. If any such language does not have a standard writing system, the information required to be posted must be set forth in an audio recording in the language. Except as otherwise provided in this subsection, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this subsection. If such a certified translator is not available to translate the information required pursuant to this subsection, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.*

2. Each county clerk and city clerk shall ensure that the Internet website of the county or city clerk, as applicable, has posted in a prominent location a link to the information on the website of the Office of the Secretary of State required pursuant to subsection 1.

3. The Secretary of State shall, on or before January 1 of each odd-numbered year, review data on persons who are members of a minority group and are of limited-English proficiency in the State, based on the American Community Survey conducted by the Bureau of the Census of the United States Department of Commerce or language preference information collected by the Secretary of State. In addition to the requirements set forth in subsections 1 and 2, if, based on such data:

(a) The Secretary of State finds that there are at least 5,000 qualified electors in this State who are members of a minority group and are of limited-English proficiency, the Secretary of State shall ensure that voting materials and other elections information that are posted on the Internet website of the Office of the Secretary of State or set forth in the system of approved electronic transmission
established pursuant to NRS 293D.200 are available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

(b) Except as otherwise provided in this paragraph, the Secretary of State finds that there are at least 20,000 qualified electors in this State who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify each county clerk and each county clerk shall cooperate with the Secretary of State to ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, each county clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the county clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance. The cost of preparing and providing voting materials and other elections information in any language required pursuant to this paragraph is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners. The provisions of this paragraph do not apply to the extent that a county clerk is required pursuant to paragraph (c) to ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group.

(c) The Secretary of State finds that there are at least 5,000 qualified electors in a county who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify the county clerk and the county clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the county clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the county clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

(d) The Secretary of State finds that there are at least 5,000 qualified electors in a city who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify the city clerk and the

city clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the city clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the city clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the city clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

Sec. 6. *1. The Secretary of State shall:*

(a) Establish a toll-free telephone number which may be used by any person in this State to receive language interpretation or translation assistance relating to an election, including, without limitation, voter registration or other voter assistance; and

(b) Post the toll-free telephone number established pursuant to paragraph (a) on the Internet website of the Office of the Secretary of State.

2. A county clerk:

(a) May establish a toll-free telephone number which may be used by any person in the county to receive language interpretation or translation assistance relating to an election, including, without limitation, voter registration or other voter assistance; and

(b) If such a toll-free telephone number is established pursuant to paragraph (a), post the toll-free telephone number on the Internet website of the county clerk.

3. Each county and city clerk shall post the toll-free telephone number established by the Secretary of State pursuant to subsection 1 on the Internet website of the county or city clerk, as applicable.

Sec. 7. *The county clerk shall ensure that at each polling place for early voting the toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.*

Sec. 8. *1. The Secretary of State shall include on all forms for an application to preregister or register to vote prescribed by the Secretary of State, including, without limitation, a paper application and the form set forth on the system established by the Secretary of State pursuant to NRS 293.671 to allow persons to register to vote by computer, the following language in at least 14-point bold type:*

[ ] CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH AND INCLUDE THE PREFERRED LANGUAGE HERE _____

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE, COUNTY AND CITY.

2. Except as otherwise provided in this subsection, the county clerk and city clerk of the county and city where the voter is registered to vote must provide the voter who has indicated a preferred language other than English with a sample ballot in the preferred language. If, pursuant to section 5 of this act, a county or city clerk is not required to provide voting materials in the preferred language of the voter, the county or city clerk, as applicable, must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.

Sec. 9. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.016 to 293.121, inclusive, ***and sections 2, 3 and 4 of this act,*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various polling places in the county as provided in NRS 293.220 to 293.227, inclusive, and NRS 293.269929. ***The county clerk shall make a good faith effort to appoint election board officers who are bilingual in a language that voting materials are required to be provided in pursuant to section 5 of this act.*** The registered voters appointed as election board officers for any polling place must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the mail ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the mail ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

➥ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 11. NRS 293.2549 is hereby amended to read as follows:

293.2549 1. The Secretary of State, each county clerk and each city clerk shall:

(a) Make the Voters' Bill of Rights readily available to the public;

(b) Maintain a copy of the Voters' Bill of Rights in his or her office for reproduction and distribution to the public; ~~[and]~~

(c) Ensure that the Voters' Bill of Rights is posted in a conspicuous place, in at least 12-point type, at each polling place ~~[.]~~ ***; and***

(d) Ensure that the Voters' Bill of Rights is available in all of the languages that voting materials are required to be provided in pursuant to section 5 of this act.

2. The Secretary of State shall ensure that the Voters' Bill of Rights is posted on the Secretary of State's Internet website ~~[.]~~ ***and available in all of the languages that voting materials are required to be provided in pursuant to section 5 of this act.***

Sec. 12. NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in:

(a) English; ~~[and]~~

(b) Every language in which voting materials are required to be prepared in the county or city pursuant to 52 U.S.C. § 10503 ~~[.]~~ ***; and***

(c) Every other language in which voting materials are required to be prepared in the county or city pursuant to section 5 of this act.

2. In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial need for voting materials of the county or city, as applicable, to be provided in the language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited-English proficiency.

~~[3. As used in this section:~~

~~(a) "Limited English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.~~

~~(b) "Minority group" includes, without limitation, United States citizens of Chinese heritage.~~

~~(c) "Voting materials" has the meaning ascribed to it in 52 U.S.C. § 10503.]~~

Sec. 13. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use

of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled. ***If a county clerk is required to provide voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the county clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.***

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 14. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, or a provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive;

4. Instructions concerning the identification required for persons who registered by mail or computer and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities;

6. ***Instructions concerning how a registered voter may obtain a copy of voting materials in each of the languages that voting materials are required to be prepared in pursuant to section 5 of this act;***

7. The toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act for obtaining language interpretation or translation assistance relating to the election;

8. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and

~~[7.]~~ ***9.*** Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 15. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; ~~[and]~~

(e) All reports submitted to the Secretary of State pursuant to the provisions of chapter 294A of NRS ~~[.]~~ ***; and***

(f) The toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.

2. ***The information required to be maintained by the Secretary of State pursuant to subsection 1 shall be available in all of the languages that voting materials are required to be prepared in pursuant to section 5 of this act.***

3. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

~~[3.]~~ ***4.*** If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State

may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 16. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; ~~[and]~~

(b) The abstract of votes required pursuant to the provisions of NRS 293.388 ~~[.]~~ ***; and***

(c) The toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. ***The information required to be maintained by a county clerk pursuant to subsection 1 shall be available on the website in all of the languages that voting materials are required to be prepared in the county pursuant to section 5 of this act.***

4. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 17. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

(a) Standard forms for applications to preregister or register to vote;

(b) Special forms for preregistration and registration to be used in a county where registrations are performed and records of registration are kept by computer; and

(c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to preregister or register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to preregister or register to vote must include a:

(a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to preregister or register to vote must include:

(a) A line for use by the applicant to enter:

(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

(e) A line on which to enter the applicant's state or country of birth and a language preference.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 18. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or

political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type **.** ~~[; and]~~

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

(c) Include on the front page, in a separate box created by bold lines, a notice that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH, CALL (Insert appropriate telephone number)

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE AND COUNTY

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. ***If a person requests a sample ballot in a language other than English and the county clerk is required to provide voting materials in such language pursuant to section 5 of this act, the county clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a county clerk is not required to provide voting materials in the preferred language of the voter, the county clerk must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.***

13. The county clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting in each language in which the county clerk is required to provide information and voting materials pursuant to section 5 of this act.

14. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or

disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

~~[13.]~~ ***15.*** The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 19. NRS 293.671 is hereby amended to read as follows:

293.671 1. The Secretary of State shall establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to:

(a) Preregister and register to vote;

(b) Cancel his or her preregistration or voter registration;

(c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address ***,*** ~~[and]~~ party affiliation ~~[;]~~ and ***language preference; and***

(d) Determine at what polling place or places he or she is entitled to vote.

2. The system established pursuant to subsection 1 must:

(a) Be user friendly;

(b) ***Be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to section 5 of this act;***

(c) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 and 293.4855; and

~~[(c)]~~ ***(d)*** Inform any person who uses the system to register to vote for an election pursuant to NRS 293.5837, 293.5842 and 293.5847 that the person may vote in the election only if the person complies with the applicable requirements established by those sections.

3. The Secretary of State shall include on the system, in black lettering and not more than 14-point type, the following information:

(a) The qualifications to register or preregister to vote;

(b) That if the applicant does not meet the qualifications, he or she is prohibited from registering or preregistering to vote; and

(c) The penalties for submitting a false application.

4. The Secretary of State shall not include on the system:

(a) Any additional warnings regarding the penalties for submitting a false application; or

(b) The notice set forth in NRS 225.083.

Sec. 20. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is qualified to register to vote. Each county clerk shall use the database created by the Secretary of State pursuant to this subsection to collect and maintain all records of preregistration and registration to vote.

2. The Secretary of State shall use the voter registration information collected in the database created pursuant to subsection 1 to create the official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

3. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name ***, state or country of birth, language preference*** and ***other*** registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection 9, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection 10, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

4. Each county and city clerk shall:

(a) Electronically enter into the database created pursuant to subsection 1 all information related to voter preregistration and registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

5. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department

of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

6. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

7. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

8. The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database of the statewide voter registration list with information in the records of the State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.

9. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

10. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 21. Chapter 293B of NRS is hereby amended by adding thereto a new section to read as follows:

If the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statements of measures for which the voter is entitled to vote is in that preferred language.

Sec. 22. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

The city clerk shall ensure that at each polling place for early voting the applicable toll-free telephone number established by the Secretary of State pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.

Sec. 23. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in NRS 293.5817 and 293C.263 to 293C.26337, inclusive, the conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. The governing body of the city may provide for the conduct of early voting by personal appearance in a city election pursuant to NRS 293.5772 to 293.5887, inclusive, and 293C.355 to 293C.361, inclusive ~~[.]~~ ***and section 22 of this act.***

Sec. 24. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail in accordance with the provisions of NRS 293C.263 to 293C.26337, inclusive, if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293.5772 to 293.5887, inclusive, 293C.265 to 293C.302, inclusive, and 293C.355 to 293C.361, inclusive, ***and section 22 of this act,*** do not apply to an election conducted pursuant to this section.

Sec. 25. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various polling places and precincts in the city as provided in NRS 293.225, 293.227, 293C.227, 293C.228 and 293C.26329. ***The city clerk shall make a good faith effort to appoint election board officers who are bilingual in a language that voting materials are required to be provided in pursuant to section 5 of this act.*** No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board and the mail ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board and the mail ballot central

counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➥ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 26. NRS 293C.263 is hereby amended to read as follows:

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled. ***If a city clerk is required to provide voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the city clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.***

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 27. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type **. [;]**

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217 **. [; and]**

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

(d) Include on the front page, in a separate box created by bold lines, a notice that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH, CALL (Insert appropriate telephone number)

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE AND CITY

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. ***If a person requests a sample ballot in a language other than English and the city clerk is required to provide voting materials in such language pursuant to section 5 of this act, the city clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a city clerk is not required to provide voting materials in the preferred language of the voter, the city clerk must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.***

11. The city clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting in each language in which the city clerk is required to provide information and voting materials pursuant to section 5 of this act.

12. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting

locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

~~[11.]~~ ***13.*** The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 28. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; ~~[and]~~

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387 ~~[.]~~ ***; and***

(c) The toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. ***The information required to be maintained by a city clerk pursuant to subsection 1 shall be available on the website in all of the languages that voting materials are required to be prepared in the city pursuant to section 5 of this act.***

4. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 28.5. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic

signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter. ***The Secretary of State shall ensure that the system is available in all languages in which voting materials are required to be prepared and made available pursuant to 52 U.S.C. § 10503 or section 5 of this act.***

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

6. The Secretary of State shall prescribe the form and content of an application for a United States citizen who is outside the United States to preregister to vote if:

(a) The person would have been able to preregister to vote pursuant to NRS 293.4855 except for the residency requirement; and

(b) The last place where a parent or legal guardian of the person was, or under this chapter would have been, eligible to vote before leaving the United States is within this State.

Sec. 29. NRS 298.700 is hereby amended to read as follows:

298.700 1. Except as otherwise provided in this section, the provisions of NRS 293.356 to 293.361, inclusive, ***and section 7 of this act,*** apply to a presidential preference primary election.

2. The period for early voting for a presidential preference primary election begins 10 calendar days before the date of the presidential preference primary election and extends through the Friday before the day of the presidential preference primary election.

3. The county clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

4. A permanent polling place for early voting must remain open:

(a) On Monday through Friday during the period for early voting, for at least 8 hours during such hours as the county clerk may establish.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours during such hours as the county clerk may establish.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 3, during such hours as the county clerk may establish.

Sec. 30. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 31 to 36, inclusive, of this act.

Sec. 31. ***As used in sections 31 to 36, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 32 and 33 of this act have the meanings ascribed to them in those sections.***

Sec. 32. ***"Advisory Committee" means the Language Access Advisory Committee created by section 34 of this act.***

Sec. 33. ***"Language access programs" means a program or service that focuses on communication barriers between persons who cannot read, speak or write English fluently.***

Sec. 34. ***1. The Language Access Advisory Committee is hereby created within the Office of the Secretary of State.***

2. The Advisory Committee consists of the following members who represent the diversity of this State, including:

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

(b) The registrar of voters of each county that has created the office of registrar of voters pursuant to NRS 244.164;

(c) A county clerk of a county whose population is less than 100,000, appointed by the Secretary of State; and

(d) Three other members of the public appointed by the Secretary of State.

3. The Secretary of State shall:

(a) Consider members who have knowledge of language access programs when appointing members of the Advisory Committee;

(b) Select the Chair of the Advisory Committee from among its members; and

(c) Designate an employee of the Office of the Secretary of State to serve as Secretary for the Advisory Committee.

4. The Secretary of State may assign such other employees of his or her Office as he or she deems necessary to assist the Advisory Committee in its duties.

5. The Chair of the Advisory Committee shall appoint a Vice Chair from among the members of the Advisory Committee.

6. After the initial term, each member of the Advisory Committee shall serve for a term of 2 years. Each member of the Advisory Committee serves at the pleasure of the Secretary of State. If a vacancy occurs, the Secretary of State shall appoint a new member to fill the vacancy for the remainder of the unexpired term.

7. Members of the Advisory Committee serve without compensation. While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 35. ***1. The Advisory Committee shall:***

(a) Identify programs and services that address problems concerning language accessibility of elections and voting materials;

(b) Coordinate with community organizations to determine language accessibility needs for elections and voting materials;

(c) Act as liaison between the Office of the Secretary of State and community organizations;

(d) Make annual assessments to determine language accessibility programs and services that could be implemented for the election process;

(e) Make recommendations to the Office of the Secretary of State relating to language accessibility programs and services that should be implemented in elections.

2. As used in this section, "voting materials" has the meaning ascribed to it in section 4 of this act.

Sec. 36. ***1. The Advisory Committee shall meet at least four times in a calendar year. One meeting must be in person. The Advisory Committee may conduct all other meetings through the use of remote technology systems. A special meeting of the Advisory Committee may be called by the Secretary of State and the Chair of the Advisory Committee at such additional times as they deem necessary.***

2. The Chair of the Advisory Committee or, in the absence of the Chair, the Vice Chair of the Advisory Committee, shall preside at each meeting of the Advisory Committee.

3. A majority of the members of the Advisory Committee constitute a quorum.

4. As used in this section, "remote technology system" has the meaning ascribed to it in NRS 241.015.

Sec. 36.5. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.253, 293.405, 298.710, 304.230, 353.120, 353.262, 412.154 and 475.235 ~~[.]~~ ***and section 5 of this act;***

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 36.7. **1. There is hereby appropriated from the State General Fund to the Office of the Secretary of State for personnel, travel expenses, operating expenses, equipment and information services expenses, vendor services relating to the expansion of language access and the establishment of a toll-free telephone number required by section 6 of this act the following sums:**

For the Fiscal Year 2023-2024..... $240,244

For the Fiscal Year 2024-2025..... $209,332

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

Sec. 37. 1. The Secretary of State shall appoint the members of the Language Access Advisory Committee created by section 34 of this act before January 1, 2024.

2. Notwithstanding the provisions of section 34 of this act, the members of the Language Access Advisory Committee must be appointed to serve initial terms as follows:

(a) The member who is a county clerk of a county whose population is less than 100,000 and one of the members who are members of the public must be appointed to serve a term of 2 years.

(b) Two of the members who are members of the public must be appointed to serve a term of 3 years.

Sec. 37.5. 1. The Secretary of State shall ensure that the review of data that the Secretary of State is required to perform pursuant to section 5 of this act is completed in sufficient time so that voting materials may be made available by the Secretary of State and any affected county or city clerk in any required language for the 2024 General Election.

2. As used in this section, "voting materials" has the meaning ascribed to it in section 4 of this act.

Sec. 38. 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. 39. 1. This section and sections 37, 37.5 and 38 of this act become effective upon passage and approval.

2. **Section 36.7 of this act becomes effective on July 1, 2023.**

3. Sections 1 to 36.5, 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 Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 798.

ASSEMBLYMEN TORRES, MARZOLA, WATTS, GONZÁLEZ; ANDERSON, BACKUS, BILBRAY-AXELROD, BROWN-MAY, CARTER, COHEN, CONSIDINE, D'SILVA, DURAN, BRITTNEY MILLER, C.H. MILLER, **MONROE-MORENO,** MOSCA, NEWBY, NGUYEN, PETERS, SUMMERS-ARMSTRONG AND TAYLOR

AN ACT relating to elections; requiring, under certain circumstances, the Secretary of State, county clerks and city clerks to ensure that voting materials and certain other elections information are posted on certain Internet websites and made available in certain languages; requiring the Secretary of State to establish a toll-free telephone number which may be used for a person to receive language interpretation or translation assistance relating to an election; requiring such telephone number to be posted at each polling place and on certain Internet websites and included on sample ballots; requiring the

Secretary of State to include certain information related to a registered voter's preferred language on an application to register to vote; requiring county and city clerks to make a good faith effort to appoint election board officers who are bilingual; revising the information relating to registered voters that is required to be included on the statewide voter registration list; requiring, under certain circumstances, a mechanical voting system to list offices, candidates and ballot measures in a voter's preferred language; creating and setting forth the membership and duties of the Language Access Advisory Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each voting system used by a county or city to provide voting materials in English and every language in which voting materials are required to be prepared pursuant to federal law. (52 U.S.C. § 10503; NRS 293.2699) **Section 5** of this bill requires the Secretary of State to ensure that voting materials and other elections information are posted or made available at a polling place in certain languages. **Section 5** further requires the Secretary of State, on or before January 1 of each odd-numbered year, to review certain data on persons who are members of a minority group and are of limited-English proficiency in the State. Based on the review of such data, under certain circumstances, the Secretary of State and certain county and city clerks are required to ensure that voting materials and other information are provided in certain other languages. **Sections 11-16, 18, 19 and 26-28.5** of this bill make conforming changes to require that certain elections materials be available in such languages.

Section 37.5 of this bill requires the Secretary of State to review certain data in sufficient time for voting materials to be prepared for the 2024 General Election.

Sections 2-4 of this bill, respectively, define the terms "limited-English proficiency," "minority group" and "voting materials." **Section 9** of this bill makes a conforming change to indicate the proper placement of **sections 2-4** in the Nevada Revised Statutes.

Section 6 of this bill requires the Secretary of State and authorizes a county clerk to establish a toll-free telephone number which may be used by any person to receive language interpretation or translation assistance relating to an election. **Sections 7, 14-16, 18, 22, 27 and 28** of this bill require each polling place, sample ballot and Internet website of the county or city clerk, as applicable, to include such telephone number.

Section 8 of this bill requires the Secretary of State to include on all forms for an application to preregister or register to vote certain language authorizing a person who registers to vote to request a sample ballot in a language other than English.

Existing law requires each county and city clerk to appoint registered voters to act as election board officers for the various polling places in the county or city, as applicable. (NRS 293.217, 293C.220) **Sections 10 and 25** of this bill

require the county or city clerk to make a good faith effort to appoint election board officers who are bilingual.

Existing law requires the Secretary of State to prescribe forms for applications to preregister or register to vote. (NRS 293.507) **Section 17** of this bill requires the Secretary of State to include on each such application a line on which to enter the applicant's state or country of birth and a language preference. **Section 20** of this bill requires such information to be included on the statewide voter registration list.

Existing law requires the Secretary of State to establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to preregister and register to vote, cancel such preregistration or registration, update such preregistration or registration and determine at what polling place or places he or she is entitled to vote. The system is required to be user friendly. (NRS 293.671) **Section 19** of this bill requires the system to also be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to **section 5**.

Section 21 of this bill provides that if the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statement of ballot measures for which the voter is entitled to vote is in that preferred language.

Section 34 of this bill creates the Language Access Advisory Committee within the Office of the Secretary of State, consisting of the Secretary of State or his or her designee, and certain other members. **Section 35** of this bill requires the Advisory Committee to: (1) identify certain programs and services that address language accessibility of elections and voting materials; (2) coordinate with community organizations to determine language accessibility of elections and voting materials; (3) act as a liaison between the Office of the Secretary of State and community organizations; (4) make certain annual assessments relating to language accessibility; and (5) make certain recommendations to the Office of the Secretary of State relating to language accessibility. **Section 36** of this bill sets forth certain requirements for meetings of the Advisory Committee. **Section 37** of this bill: (1) requires the Secretary of State to appoint the initial members of the Advisory Committee before January 1, 2024; and (2) staggers the terms of the initial members.

Sections 23 and 24 of this bill make conforming changes to indicate the proper placement of **section 22** in the Nevada Revised Statutes.

Section 29 of this bill makes a conforming change to indicate the proper placement of **section 7** in the Nevada Revised Statutes.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *"Limited-English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.*

Sec. 3. *"Minority group" includes, without limitation, United States citizens of Chinese heritage.*

Sec. 4. *"Voting materials" means ~~[any material related to voter registration, elections and the electoral process, including, without limitation, applications]~~ the following written materials:*

1. Applications to preregister or register to vote ~~[, ballots,]~~ ;

2. Ballots and the instructions for the use of such ballots, including, without limitation, mail ballots, sample ballots ~~[,]~~ and provisional ballots;

3. Voting instructions ~~[and other forms.]~~ ;

4. Information and instructions relating to the location of polling places, including, without limitation, vote centers, permanent polling places for early voting and temporary branch polling places and the hours during which such polling places will be open;

5. Any notices required to be provided for an election pursuant to title 24 of NRS;

6. Ballot questions;

7. Any forms prepared for an election to assist voters; and

8. Any other voting materials the Secretary of State requires to be translated by a regulation adopted pursuant to section 5 of this act.

Sec. 5. *1. The Secretary of State shall ensure that voting materials and other elections information that is posted on the Internet website of the Office of the Secretary of State or the system of approved electronic transmission established pursuant to NRS 293D.200 is available on such website and system of approved electronic transmission in any language in which voting materials are required to be prepared pursuant to 52 U.S.C. § 10503. If any such language does not have a standard writing system, the information required to be posted must be set forth in an audio recording in the language. Except as otherwise provided in this subsection, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this subsection. If such a certified translator is not available to translate the information required pursuant to this subsection, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.*

2. Each county clerk and city clerk shall ensure that the Internet website of the county or city clerk, as applicable, has posted in a prominent location a link to the information on the website of the Office of the Secretary of State required pursuant to subsection 1.

3. The Secretary of State shall, on or before January 1 of each odd-numbered year, review data on persons who are members of a minority group and are of limited-English proficiency in the State, based on the American Community Survey conducted by the Bureau of the Census of the United States

Department of Commerce or language preference information collected by the Secretary of State. In addition to the requirements set forth in subsections 1 and 2, if, based on such data:

(a) The Secretary of State finds that there are at least 5,000 qualified electors in this State who are members of a minority group and are of limited-English proficiency, the Secretary of State shall ensure that voting materials and other elections information that are posted on the Internet website of the Office of the Secretary of State or set forth in the system of approved electronic transmission established pursuant to NRS 293D.200 are available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

(b) Except as otherwise provided in this paragraph, the Secretary of State finds that there are at least 20,000 qualified electors in this State who are members of a minority group and are of limited-English proficiency, the Secretary of State shall ~~[notify]~~ collaborate with each county clerk ~~[and each county clerk shall cooperate with the Secretary of State]~~ to ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, ~~[each county clerk]~~ the Secretary of State shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the ~~[county clerk]~~ Secretary of State shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance. The cost of preparing and providing voting materials and other elections information in any language required pursuant to this paragraph is a charge against the State and must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners. The provisions of this paragraph do not apply to the extent that a county clerk is required pursuant to paragraph (c) to ensure that voting materials and other elections information that are required to be posted or made available at a polling

place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group.

(c) The Secretary of State finds that there are at least 5,000 qualified electors in a county who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify the county clerk and the county clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the county clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the county clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the county clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

(d) The Secretary of State finds that there are at least 5,000 qualified electors in a city who are members of a minority group and are of limited-English proficiency, the Secretary of State shall notify the city clerk and the city clerk shall ensure that voting materials and other elections information that are required to be posted or made available at a polling place or on the Internet website of the city clerk are posted or available in the language or languages of the minority group. If any such language does not have a standard writing system, the information required to be posted or made available must be set forth in an audio recording in the language. Except as otherwise provided in this paragraph, the city clerk shall use a translator who is certified in the specific language to translate the information required pursuant to this paragraph. If such a certified translator is not available to translate the information required pursuant to this paragraph, the city clerk shall make a continuous effort to find such a certified translator or coordinate with the minority group for translation assistance.

4. The Secretary of State may adopt regulations requiring any additional voting material that must be translated pursuant to this section.

Sec. 6. *1. The Secretary of State shall:*

(a) Establish a toll-free telephone number which may be used by any person in this State to receive language interpretation or translation assistance relating to an election, including, without limitation, voter registration or other voter assistance; and

(b) Post the toll-free telephone number established pursuant to paragraph (a) on the Internet website of the Office of the Secretary of State.

2. A county clerk:

(a) May establish a toll-free telephone number which may be used by any person in the county to receive language interpretation or translation

assistance relating to an election, including, without limitation, voter registration or other voter assistance; and

(b) If such a toll-free telephone number is established pursuant to paragraph (a), post the toll-free telephone number on the Internet website of the county clerk.

3. Each county and city clerk shall post the toll-free telephone number established by the Secretary of State pursuant to subsection 1 on the Internet website of the county or city clerk, as applicable.

Sec. 7. ***The county clerk shall ensure that at each polling place for early voting the toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.***

Sec. 8. ***1. The Secretary of State shall include on all forms for an application to preregister or register to vote prescribed by the Secretary of State, including, without limitation, a paper application and the form set forth on the system established by the Secretary of State pursuant to NRS 293.671 to allow persons to register to vote by computer, the following language in at least 14-point bold type:***

[ ] CHECK THIS BOX TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH AND INCLUDE THE PREFERRED LANGUAGE HERE _____

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE, COUNTY AND CITY.

2. Except as otherwise provided in this subsection, the county clerk and city clerk of the county and city where the voter is registered to vote must provide the voter who has indicated a preferred language other than English with a sample ballot in the preferred language. If, pursuant to section 5 of this act, a county or city clerk is not required to provide voting materials in the preferred language of the voter, the county or city clerk, as applicable, must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.

Sec. 9. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.016 to 293.121, inclusive, ***and sections 2, 3 and 4 of this act,*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 293.217 is hereby amended to read as follows:

293.217 1. The county clerk of each county shall appoint and notify registered voters to act as election board officers for the various polling places in the county as provided in NRS 293.220 to 293.227, inclusive, and NRS 293.269929. ***The county clerk shall make a good faith effort to appoint election board officers who are bilingual in a language that voting materials are required to be provided in pursuant to section 5 of this act.*** The registered voters appointed as election board officers for any polling place must not all be of the same political party. No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the county clerk, the sheriff shall:

(a) Appoint a deputy sheriff for each polling place in the county and for the central election board or the mail ballot central counting board; or

(b) Deputize as a deputy sheriff for the election an election board officer of each polling place in the county and for the central election board or the mail ballot central counting board. The deputized officer shall receive no additional compensation for services rendered as a deputy sheriff during the election for which the officer is deputized.

➥ Deputy sheriffs so appointed and deputized shall preserve order during hours of voting and attend closing of the polls.

2. The county clerk may appoint a trainee for the position of election board officer as set forth in NRS 293.2175.

Sec. 11. NRS 293.2549 is hereby amended to read as follows:

293.2549 1. The Secretary of State, each county clerk and each city clerk shall:

(a) Make the Voters' Bill of Rights readily available to the public;

(b) Maintain a copy of the Voters' Bill of Rights in his or her office for reproduction and distribution to the public; ~~[and]~~

(c) Ensure that the Voters' Bill of Rights is posted in a conspicuous place, in at least 12-point type, at each polling place ~~[.]~~ ***; and***

(d) Ensure that the Voters' Bill of Rights is available in all of the languages that voting materials are required to be provided in pursuant to section 5 of this act.

2. The Secretary of State shall ensure that the Voters' Bill of Rights is posted on the Secretary of State's Internet website ~~[.]~~ ***and available in all of the languages that voting materials are required to be provided in pursuant to section 5 of this act.***

Sec. 12. NRS 293.2699 is hereby amended to read as follows:

293.2699 1. Each voting system used by a county or city shall provide voting materials in:

(a) English; ~~[and]~~

(b) Every language in which voting materials are required to be prepared in the county or city pursuant to 52 U.S.C. § 10503 ~~[.]~~ ***; and***

(c) Every other language in which voting materials are required to be prepared in the county or city pursuant to section 5 of this act.

2. In addition to the requirements set forth in subsection 1, if a county clerk or city clerk determines that there is a significant and substantial need for voting materials of the county or city, as applicable, to be provided in the language or languages of a minority group, the county clerk or city clerk may prepare voting materials in such language or languages. For the purposes of this subsection, there is a significant and substantial need for voting materials to be provided in the language or languages of a minority group if, without limitation, the minority group has been subject to historical discrimination and unequal educational opportunities, and, as a result, members of the minority group are of limited-English proficiency.

~~[3. As used in this section:~~

~~(a) "Limited English proficiency" means being unable to speak or understand English adequately to participate in the electoral process.~~

~~(b) "Minority group" includes, without limitation, United States citizens of Chinese heritage.~~

~~(c) "Voting materials" has the meaning ascribed to it in 52 U.S.C. § 10503.]~~

Sec. 13. NRS 293.269911 is hereby amended to read as follows:

293.269911 1. Except as otherwise provided in this section, the county clerk shall prepare and distribute to each active registered voter in the county and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The county clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is elderly or disabled. ***If a county clerk is required to provide voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the county clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.***

2. The county clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the county clerk a written notice in the form prescribed by the county clerk which must be received by the county clerk not later than 60 days before the day of the election.

3. The county clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (c), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 14. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot pursuant to NRS 293.3078 to 293.3086, inclusive, or a provisional ballot pursuant to NRS 293.5772 to 293.5887, inclusive;

4. Instructions concerning the identification required for persons who registered by mail or computer and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities;

6. ***Instructions concerning how a registered voter may obtain a copy of voting materials in each of the languages that voting materials are required to be prepared in pursuant to section 5 of this act;***

7. The toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act for obtaining language interpretation or translation assistance relating to the election;

8. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation; and

~~[7.]~~ ***9.*** Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 15. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; ~~[and]~~

(e) All reports submitted to the Secretary of State pursuant to the provisions of chapter 294A of NRS ~~[.]~~ ***; and***

(f) The toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.

2. ***The information required to be maintained by the Secretary of State pursuant to subsection 1 shall be available in all of the languages that voting materials are required to be prepared in pursuant to section 5 of this act.***

3. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

~~[3.]~~ ***4.*** If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 16. NRS 293.4689 is hereby amended to read as follows:

293.4689 1. If a county clerk maintains a website on the Internet for information related to elections, the website must contain public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; ~~[and]~~

(b) The abstract of votes required pursuant to the provisions of NRS 293.388 ~~[.]~~ ***; and***

(c) The toll-free telephone number established by the Secretary of State and, if applicable, the toll-free number established by the county clerk pursuant to section 6 of this act.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. ***The information required to be maintained by a county clerk pursuant to subsection 1 shall be available on the website in all of the languages that voting materials are required to be prepared in the county pursuant to section 5 of this act.***

4. If the information required to be maintained by a county clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, another county clerk or a city clerk, the county clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 17. NRS 293.507 is hereby amended to read as follows:

293.507 1. The Secretary of State shall prescribe:

(a) Standard forms for applications to preregister or register to vote;

(b) Special forms for preregistration and registration to be used in a county where registrations are performed and records of registration are kept by computer; and

(c) A standard form for the affidavit described in subsection 5.

2. The county clerks shall provide forms for applications to preregister or register to vote to field registrars in the form and number prescribed by the Secretary of State.

3. Each form for an application to preregister or register to vote must include a:

(a) Unique control number assigned by the Secretary of State; and

(b) Receipt which:

(1) Includes a space for a person assisting an applicant in completing the form to enter the person's name; and

(2) May be retained by the applicant upon completion of the form.

4. The form for an application to preregister or register to vote must include:

(a) A line for use by the applicant to enter:

(1) The number indicated on the applicant's current and valid driver's license issued by the Department of Motor Vehicles, if the applicant has such a driver's license;

(2) The last four digits of the applicant's social security number, if the applicant does not have a driver's license issued by the Department of Motor Vehicles and does have a social security number; or

(3) The number issued to the applicant pursuant to subsection 5, if the applicant does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number.

(b) A line on which to enter the address at which the applicant actually resides, as set forth in NRS 293.486.

(c) A notice that the applicant may not list a business as the address required pursuant to paragraph (b) unless the applicant actually resides there.

(d) A line on which to enter an address at which the applicant may receive mail, including, without limitation, a post office box or general delivery.

(e) A line on which to enter the applicant's state or country of birth and a language preference.

5. If an applicant does not have the identification set forth in subparagraph (1) or (2) of paragraph (a) of subsection 4, the applicant shall sign an affidavit stating that he or she does not have a current and valid driver's license issued by the Department of Motor Vehicles or a social security number. Upon receipt of the affidavit, the county clerk shall issue an identification number to the applicant which must be the same number as the unique identifier assigned to the applicant for purposes of the statewide voter registration list.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsections 3, 4 and 5.

Sec. 18. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection 3, sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.015, 295.095 or 295.230 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 295.121 or 295.230, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

4. A county clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation,

electronic mail or electronic access through an Internet website. If a county clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the county clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

5. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 4, the county clerk shall distribute the sample ballot to the registered voter by mail.

6. Except as otherwise provided in subsection 7, before the period for early voting for any election begins, the county clerk shall distribute to each registered voter in the county by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

7. If a person registers to vote less than 20 days before the date of an election, the county clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

8. Except as otherwise provided in subsection 9, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type**.** ~~[; and]~~

(b) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

(c) Include on the front page, in a separate box created by bold lines, a notice that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH, CALL (Insert appropriate telephone number)

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE AND COUNTY

9. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

10. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

11. If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots distributed to that person from the county are in large type.

12. ***If a person requests a sample ballot in a language other than English and the county clerk is required to provide voting materials in such language pursuant to section 5 of this act, the county clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a county clerk is not required to provide voting materials in the preferred language of the voter, the county clerk must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.***

13. The county clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting in each language in which the county clerk is required to provide information and voting materials pursuant to section 5 of this act.

14. The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place or places.

~~[13.]~~ ***15.*** The cost of distributing sample ballots for any election other than a primary election, presidential preference primary election or general election must be borne by the political subdivision holding the election.

Sec. 19. NRS 293.671 is hereby amended to read as follows:

293.671 1. The Secretary of State shall establish a system on the Internet website of the Office of the Secretary of State to allow persons by computer to:

(a) Preregister and register to vote;

(b) Cancel his or her preregistration or voter registration;

(c) Update his or her preregistration or voter registration information, including, without limitation, the person's name, address ***,*** ~~[and]~~ party affiliation ~~[;]~~ and ***language preference; and***

(d) Determine at what polling place or places he or she is entitled to vote.

2. The system established pursuant to subsection 1 must:

(a) Be user friendly;

(b) ***Be accessible in each language in which the Secretary of State is required to provide information and voting materials pursuant to section 5 of this act;***

(c) Comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250 and 293.4855; and

~~[(c)]~~ ***(d)*** Inform any person who uses the system to register to vote for an election pursuant to NRS 293.5837, 293.5842 and 293.5847 that the person may vote in the election only if the person complies with the applicable requirements established by those sections.

3. The Secretary of State shall include on the system, in black lettering and not more than 14-point type, the following information:

(a) The qualifications to register or preregister to vote;

(b) That if the applicant does not meet the qualifications, he or she is prohibited from registering or preregistering to vote; and

(c) The penalties for submitting a false application.

4. The Secretary of State shall not include on the system:

(a) Any additional warnings regarding the penalties for submitting a false application; or

(b) The notice set forth in NRS 225.083.

Sec. 20. NRS 293.675 is hereby amended to read as follows:

293.675 1. The Secretary of State shall establish and maintain a centralized, top-down database that collects and stores information related to the preregistration of persons and the registration of electors from all the counties in this State. The Secretary of State shall ensure that the database is capable of storing preregistration information separately until a person is qualified to register to vote. Each county clerk shall use the database created by the Secretary of State pursuant to this subsection to collect and maintain all records of preregistration and registration to vote.

2. The Secretary of State shall use the voter registration information collected in the database created pursuant to subsection 1 to create the official statewide voter registration list, which may be maintained on the Internet, in consultation with each county and city clerk.

3. The statewide voter registration list must:

(a) Be a uniform, centralized and interactive computerized list;

(b) Serve as the single method for storing and managing the official list of registered voters in this State;

(c) Serve as the official list of registered voters for the conduct of all elections in this State;

(d) Contain the name ***, state or country of birth, language preference*** and ***other*** registration information of every legally registered voter in this State;

(e) Include a unique identifier assigned by the Secretary of State to each legally registered voter in this State;

(f) Except as otherwise provided in subsection 9, be coordinated with the appropriate databases of other agencies in this State;

(g) Be electronically accessible to each state and local election official in this State at all times;

(h) Except as otherwise provided in subsection 10, allow for data to be shared with other states under certain circumstances; and

(i) Be regularly maintained to ensure the integrity of the registration process and the election process.

4. Each county and city clerk shall:

(a) Electronically enter into the database created pursuant to subsection 1 all information related to voter preregistration and registration obtained by the county or city clerk at the time the information is provided to the county or city clerk; and

(b) Provide the Secretary of State with information concerning the voter registration of the county or city and other reasonable information requested by the Secretary of State in the form required by the Secretary of State to establish or maintain the statewide voter registration list.

5. In establishing and maintaining the statewide voter registration list, the Secretary of State shall enter into a cooperative agreement with the Department of Motor Vehicles to match information in the database of the statewide voter registration list with information in the appropriate database of the Department of Motor Vehicles to verify the accuracy of the information in an application to register to vote.

6. The Department of Motor Vehicles shall enter into an agreement with the Social Security Administration pursuant to 52 U.S.C. § 21083, to verify the accuracy of information in an application to register to vote.

7. The Department of Motor Vehicles shall ensure that its database:

(a) Is capable of processing any information related to an application to register to vote, an application to update voter registration information or a request to verify the accuracy of voter registration information as quickly as is feasible; and

(b) Does not limit the number of applications to register to vote, applications to update voter registration information or requests to verify the accuracy of voter registration information that may be processed by the database in any given day.

8. The Secretary of State shall enter into a cooperative agreement with the State Registrar of Vital Statistics to match information in the database of the statewide voter registration list with information in the records of the State Registrar of Vital Statistics concerning the death of a resident of this State to maintain the statewide voter registration list. The Secretary of State must compare the records of the State Registrar of Vital Statistics to those in the statewide voter registration list at least once per month.

9. Except as otherwise provided in NRS 481.063 or any provision of law providing for the confidentiality of information, the Secretary of State may enter into an agreement with an agency of this State pursuant to which the agency provides to the Secretary of State any information in the possession of the agency that the Secretary of State deems necessary to maintain the statewide voter registration list.

10. The Secretary of State may:

(a) Request from the chief officer of elections of another state any information which the Secretary of State deems necessary to maintain the statewide voter registration list; and

(b) Provide to the chief officer of elections of another state any information which is requested and which the Secretary of State deems necessary for the chief officer of elections of that state to maintain a voter registration list, if the Secretary of State is satisfied that the information provided pursuant to this paragraph will be used only for the maintenance of that voter registration list.

Sec. 21. Chapter 293B of NRS is hereby amended by adding thereto a new section to read as follows:

If the mechanical voting system used in a county or city is capable of providing a registered voter's ballot in the preferred language of the voter other than English, the county or city clerk, as applicable, shall ensure that the list of offices and candidates and the statements of measures for which the voter is entitled to vote is in that preferred language.

Sec. 22. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

The city clerk shall ensure that at each polling place for early voting the applicable toll-free telephone number established by the Secretary of State pursuant to section 6 of this act for a voter to receive voter registration and other voter assistance during the period for early voting is posted in a conspicuous place.

Sec. 23. NRS 293C.110 is hereby amended to read as follows:

293C.110 1. Except as otherwise provided in NRS 293.5817 and 293C.263 to 293C.26337, inclusive, the conduct of any city election is under the control of the governing body of the city, and it shall, by ordinance, provide for the holding of the election, appoint the necessary election officers and election boards and do all other things required to carry the election into effect.

2. The governing body of the city may provide for the conduct of early voting by personal appearance in a city election pursuant to NRS 293.5772 to

293.5887, inclusive, and 293C.355 to 293C.361, inclusive ~~[.]~~ ***and section 22 of this act.***

Sec. 24. NRS 293C.112 is hereby amended to read as follows:

293C.112 1. The governing body of a city may conduct a city election in which all ballots must be cast by mail in accordance with the provisions of NRS 293C.263 to 293C.26337, inclusive, if:

(a) The election is a special election; or

(b) The election is a primary city election or general city election in which the ballot includes only:

(1) Offices and ballot questions that may be voted on by the registered voters of only one ward; or

(2) One office or ballot question.

2. The provisions of NRS 293.5772 to 293.5887, inclusive, 293C.265 to 293C.302, inclusive, and 293C.355 to 293C.361, inclusive, ***and section 22 of this act,*** do not apply to an election conducted pursuant to this section.

Sec. 25. NRS 293C.220 is hereby amended to read as follows:

293C.220 1. The city clerk shall appoint and notify registered voters to act as election board officers for the various polling places and precincts in the city as provided in NRS 293.225, 293.227, 293C.227, 293C.228 and 293C.26329. ***The city clerk shall make a good faith effort to appoint election board officers who are bilingual in a language that voting materials are required to be provided in pursuant to section 5 of this act.*** No candidate for nomination or election or a relative of the candidate within the second degree of consanguinity or affinity may be appointed as an election board officer. Immediately after election board officers are appointed, if requested by the city clerk, the chief law enforcement officer of the city shall:

(a) Appoint an officer for each polling place in the city and for the central election board and the mail ballot central counting board; or

(b) Deputize, as an officer for the election, an election board officer for each polling place and for the central election board and the mail ballot central counting board. The deputized officer may not receive any additional compensation for the services he or she provides as an officer during the election for which the officer is deputized.

➥ Officers so appointed and deputized shall preserve order during hours of voting and attend the closing of the polls.

2. The city clerk may appoint a trainee for the position of election board officer as set forth in NRS 293C.222.

Sec. 26. NRS 293C.263 is hereby amended to read as follows:

293C.263 1. Except as otherwise provided in this section, the city clerk shall prepare and distribute to each active registered voter in the city and each person who registers to vote or updates his or her voter registration information not later than the 14 days before the election a mail ballot for every election. The city clerk shall make reasonable accommodations for the use of the mail ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the mail ballot in 12-point type to a person who is

elderly or disabled. ***If a city clerk is required to provide voting materials pursuant to section 5 of this act in a language that a registered voter has indicated is his or her preferred language, the city clerk shall prepare and distribute a mail ballot and all relevant materials and instructions for voting the mail ballot in the preferred language of the voter.***

2. The city clerk shall allow a voter to elect not to receive a mail ballot pursuant to this section by submitting to the city clerk a written notice in the form prescribed by the city clerk which must be received by the city clerk not later than 60 days before the day of the election.

3. The city clerk shall not distribute a mail ballot to any person who:

(a) Registers to vote for the election pursuant to the provisions of NRS 293.5772 to 293.5887, inclusive; or

(b) Elects not to receive a mail ballot pursuant to subsection 2.

4. The mail ballot must include all offices, candidates and measures upon which the voter is entitled to vote at the election.

5. Except as otherwise provided in subsections 2 and 3, the mail ballot must be distributed to:

(a) Each active registered voter who:

(1) Resides within the State, not later than 20 days before the election; and

(2) Except as otherwise provided in paragraph (b), resides outside the State, not later than 40 days before the election.

(b) Each active registered voter who registers to vote after the dates set for distributing mail ballots pursuant to paragraph (a) but who is eligible to receive a mail ballot pursuant to subsection 1, not later than 13 days before the election.

(c) Each covered voter who is entitled to have a military-overseas ballot transmitted pursuant to the provisions of chapter 293D of NRS or the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. §§ 20301 et seq., not later than the time required by those provisions.

6. In the case of a special election where no candidate for federal office will appear on the ballot, the mail ballot must be distributed to each active registered voter not later than 15 days before the special election.

7. Any untimely legal action which would prevent the mail ballot from being distributed to any voter pursuant to this section is moot and of no effect.

Sec. 27. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. A city clerk may establish a system for distributing sample ballots by electronic means to each registered voter who elects to receive a sample ballot by electronic means. Such a system may include, without limitation, electronic mail or electronic access through an Internet website. If a city clerk establishes such a system and a registered voter elects to receive a sample ballot by electronic means, the city clerk shall distribute the sample ballot to the registered voter by electronic means pursuant to the procedures and requirements set forth by regulations adopted by the Secretary of State.

2. If a registered voter does not elect to receive a sample ballot by electronic means pursuant to subsection 1, the city clerk shall distribute the sample ballot to the registered voter by mail.

3. Except as otherwise provided in subsection 4, before the period for early voting for any election begins, the city clerk shall distribute to each registered voter in the city by mail or electronic means, as applicable, the sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place or places. If the location of the polling place or places has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before distributing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE OR PLACES HAS CHANGED SINCE THE LAST ELECTION

4. If a person registers to vote less than 20 days before the date of an election, the city clerk is not required to distribute to the person the sample ballot for that election by mail or electronic means.

5. Except as otherwise provided in subsection 7, a sample ballot required to be distributed pursuant to this section must:

(a) Be prepared in at least 12-point type **. [;]**

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 295.205 or 295.217 **. [; and]**

(c) Include on the front page, in a separate box created by bold lines, a notice prepared in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN LARGE TYPE, CALL (Insert appropriate telephone number)

(d) Include on the front page, in a separate box created by bold lines, a notice that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN A LANGUAGE OTHER THAN ENGLISH, CALL (Insert appropriate telephone number)

PLEASE NOTE THAT NOT ALL LANGUAGES ARE AVAILABLE, BUT LANGUAGE INFORMATION THAT IS COLLECTED WILL HELP DETERMINE THE LANGUAGE NEEDS OF VOTERS AND THE SERVICES PROVIDED BY THE STATE AND CITY

6. The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.

7. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

8. The sample ballot distributed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be prepared in at least 14-point type, or larger when practicable.

9. If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots distributed to that person from the city are in large type.

10. ***If a person requests a sample ballot in a language other than English and the city clerk is required to provide voting materials in such language pursuant to section 5 of this act, the city clerk shall ensure that all sample ballots distributed to that person in the future are provided in the preferred language. If, pursuant to section 5 of this act, a city clerk is not required to provide voting materials in the preferred language of the voter, the city clerk must provide the voter with a sample ballot in English until the clerk is required, pursuant to section 5 of this act, to provide voting materials in such language.***

11. The city clerk shall ensure that a sample ballot is available at each polling place, including, without limitation, a polling place for early voting in each language in which the city clerk is required to provide information and voting materials pursuant to section 5 of this act.

12. The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place or places and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place or places.

~~[11.]~~ ***13.*** The cost of distributing sample ballots for a city election must be borne by the city holding the election.

Sec. 28. NRS 293C.715 is hereby amended to read as follows:

293C.715 1. If a city clerk maintains a website on the Internet for information relating to elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:

(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place or places at which the registered voter is entitled to cast a ballot; ~~[and]~~

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387 ~~[.]~~ ***; and***

(c) The toll-free telephone number established by the Secretary of State pursuant to section 6 of this act.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. ***The information required to be maintained by a city clerk pursuant to subsection 1 shall be available on the website in all of the languages that voting materials are required to be prepared in the city pursuant to section 5 of this act.***

4. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 28.5. NRS 293D.200 is hereby amended to read as follows:

293D.200 1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for, receive and send documents and other information pursuant to this chapter. The system of approved electronic transmission must include, without limitation, a method by which a covered voter may provide his or her digital signature or electronic signature on any document or other material that is necessary for the covered voter to register to vote, apply for a military-overseas ballot or cast a military-overseas ballot pursuant to this chapter. ***The Secretary of State shall ensure that the system is available in all languages in which voting materials are required to be prepared and made available pursuant to 52 U.S.C. § 10503 or section 5 of this act.***

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter

authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

5. The Secretary of State shall prescribe by regulation the duties of a local elections official upon receipt of a military-overseas ballot, including, without limitation, the procedures to be used by a local elections official in accepting, handling and counting a military-overseas ballot.

6. The Secretary of State shall prescribe the form and content of an application for a United States citizen who is outside the United States to preregister to vote if:

(a) The person would have been able to preregister to vote pursuant to NRS 293.4855 except for the residency requirement; and

(b) The last place where a parent or legal guardian of the person was, or under this chapter would have been, eligible to vote before leaving the United States is within this State.

Sec. 29. NRS 298.700 is hereby amended to read as follows:

298.700 1. Except as otherwise provided in this section, the provisions of NRS 293.356 to 293.361, inclusive, ***and section 7 of this act,*** apply to a presidential preference primary election.

2. The period for early voting for a presidential preference primary election begins 10 calendar days before the date of the presidential preference primary election and extends through the Friday before the day of the presidential preference primary election.

3. The county clerk may:

(a) Include any Sunday or federal holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

4. A permanent polling place for early voting must remain open:

(a) On Monday through Friday during the period for early voting, for at least 8 hours during such hours as the county clerk may establish.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours during such hours as the county clerk may establish.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 3, during such hours as the county clerk may establish.

Sec. 30. Chapter 225 of NRS is hereby amended by adding thereto the provisions set forth as sections 31 to 36, inclusive, of this act.

Sec. 31. ***As used in sections 31 to 36, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 32 and 33 of this act have the meanings ascribed to them in those sections.***

Sec. 32. ***"Advisory Committee" means the Language Access Advisory Committee created by section 34 of this act.***

Sec. 33. ***"Language access programs" means a program or service that focuses on communication barriers between persons who cannot read, speak or write English fluently.***

Sec. 34. ***1. The Language Access Advisory Committee is hereby created within the Office of the Secretary of State.***

2. The Advisory Committee consists of the following members who represent the diversity of this State, including:

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

(b) The registrar of voters of each county that has created the office of registrar of voters pursuant to NRS 244.164;

(c) A county clerk of a county whose population is less than 100,000, appointed by the Secretary of State; and

(d) Three other members of the public appointed by the Secretary of State.

3. The Secretary of State shall:

(a) Consider members who have knowledge of language access programs when appointing members of the Advisory Committee;

(b) Select the Chair of the Advisory Committee from among its members; and

(c) Designate an employee of the Office of the Secretary of State to serve as Secretary for the Advisory Committee.

4. The Secretary of State may assign such other employees of his or her Office as he or she deems necessary to assist the Advisory Committee in its duties.

5. The Chair of the Advisory Committee shall appoint a Vice Chair from among the members of the Advisory Committee.

6. After the initial term, each member of the Advisory Committee shall serve for a term of 2 years. Each member of the Advisory Committee serves at the pleasure of the Secretary of State. If a vacancy occurs, the Secretary of State shall appoint a new member to fill the vacancy for the remainder of the unexpired term.

7. Members of the Advisory Committee serve without compensation. While engaged in the business of the Advisory Committee, each member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 35. ***1. The Advisory Committee shall:***

(a) Identify programs and services that address problems concerning language accessibility of elections and voting materials;

(b) Coordinate with community organizations to determine language accessibility needs for elections and voting materials;

(c) Act as liaison between the Office of the Secretary of State and community organizations;

(d) Make annual assessments to determine language accessibility programs and services that could be implemented for the election process;

(e) Make recommendations to the Office of the Secretary of State relating to language accessibility programs and services that should be implemented in elections.

2. As used in this section, "voting materials" has the meaning ascribed to it in section 4 of this act.

Sec. 36. ***1. The Advisory Committee shall meet at least four times in a calendar year. One meeting must be in person. The Advisory Committee may conduct all other meetings through the use of remote technology systems. A special meeting of the Advisory Committee may be called by the Secretary of State and the Chair of the Advisory Committee at such additional times as they deem necessary.***

2. The Chair of the Advisory Committee or, in the absence of the Chair, the Vice Chair of the Advisory Committee, shall preside at each meeting of the Advisory Committee.

3. A majority of the members of the Advisory Committee constitute a quorum.

4. As used in this section, "remote technology system" has the meaning ascribed to it in NRS 241.015.

Sec. 36.5. NRS 353.264 is hereby amended to read as follows:

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.253, 293.405, 298.710, 304.230, 353.120, 353.262, 412.154 and 475.235 ~~[.]~~ ***and section 5 of this act;***

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

➥ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 37. 1. The Secretary of State shall appoint the members of the Language Access Advisory Committee created by section 34 of this act before January 1, 2024.

2. Notwithstanding the provisions of section 34 of this act, the members of the Language Access Advisory Committee must be appointed to serve initial terms as follows:

(a) The member who is a county clerk of a county whose population is less than 100,000 and one of the members who are members of the public must be appointed to serve a term of 2 years.

(b) Two of the members who are members of the public must be appointed to serve a term of 3 years.

Sec. 37.5. 1. The Secretary of State shall ensure that the review of data that the Secretary of State is required to perform pursuant to section 5 of this act is completed in sufficient time so that voting materials may be made available by the Secretary of State and any affected county or city clerk in any required language for the 2024 General Election.

2. As used in this section, "voting materials" has the meaning ascribed to it in section 4 of this act.

Sec. 38. 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. 39. 1. This section and sections 37, 37.5 and 38 of this act become effective upon passage and approval.

2. Sections 1 to 36.5, 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 Torres moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 304.

Bill read third time.

The following amendment was proposed by Assemblywoman Anderson:

Amendment No. 804.

AN ACT relating to special license plates; **exempting special license plates that encourage the donation of human organs from certain provisions limiting the number of designs of special license plates issued by the Department of Motor Vehicles;** eliminating the requirement to provide proof of current or former employment as a professional full-time salaried firefighter or current or former service as a volunteer firefighter in an application for the renewal of certain special license plates recognizing such employment or service; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to issue special license plates that encourage the donation of human organs. (NRS 482.37905) Under existing law, certain special license plates, including special license plates that encourage the donation of human organs, are subject to a limitation of the number of separate designs of special license plates which the Department may issue at any one time. (NRS 482.367008) Section 1 of this bill exempts the special license plates that encourage the donation of human organs from the limitation on the number of separate designs of special license plates which the Department may issue at any one time.

Existing law authorizes the Department ~~[of Motor Vehicles]~~ to issue special license plates recognizing: (1) current or former employment as a professional full-time salaried firefighter; and (2) current or former service as a volunteer firefighter. Existing law requires an application for the issuance or renewal of such special license plates to include documentation providing reasonable proof of the applicant's eligibility to receive the special plates. (NRS 482.3753, 482.3754) ~~[This]~~ **Sections 2 and 3 of this** bill ~~[eliminates]~~ **eliminate** the requirement to include such documentation in an application for the renewal of such special license plates.

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

Section 1. **NRS 482.367008 is hereby amended to read as follows:**

482.367008 1. As used in this section, "special license plate" means:

(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application described in that section;

(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, ~~[482.37905,]~~ 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938, 482.37939, 482.37945 or 482.37947; and

(c) Except for a license plate that is issued pursuant to NRS 482.3746, 482.3751, 482.3752, 482.3757, 482.3783, 482.3785, 482.3787, 482.37901, 482.37902, 482.37906, 482.3791, 482.3794, 482.37941 or 482.3817, a license plate that is approved by the Legislature after July 1, 2005.

2. Notwithstanding any other provision of law to the contrary, and except as otherwise provided in subsection 3, the Department shall not, at any one time, issue more than 30 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 30, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Department pursuant to NRS 482.367002, not to exceed a total of 30 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval by the Department.

3. In addition to the special license plates described in subsection 2, the Department may issue not more than five separate designs of special license plates in excess of the limit set forth in that subsection. To qualify for issuance pursuant to this subsection:

(a) The Department must approve the design, preparation and issuance of the special plates as described in NRS 482.367002; and

(b) The special license plates must have been applied for, designed, prepared and issued pursuant to NRS 482.367002, except that:

(1) The application for the special license plates must be accompanied by a surety bond posted with the Department in the amount of $20,000; and

(2) Pursuant to the assessment of the viability of the design of the special license plates that is conducted pursuant to this section, it is determined that at least 3,000 special license plates have been issued.

4. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:

(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and

(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.

5. If, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall provide notice of that fact in the manner described in subsection 6.

6. The notice required pursuant to subsection 5 must be provided:

(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.

(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.

7. If, on December 31 of the same year in which notice was provided pursuant to subsections 5 and 6, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:

(a) In the case of special license plates not described in subsection 3, less than 1,000; or

(b) In the case of special license plates described in subsection 3, less than 3,000,

➥ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Except as otherwise provided in subsection 2 of NRS 482.265, such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.

~~[Section 1.]~~ ***Sec. 2.*** NRS 482.3753 is hereby amended to read as follows:

482.3753 1. Except as otherwise provided in this section, the Department, in cooperation with professional full-time salaried firefighters in the State of Nevada, shall design, prepare and issue license plates that recognize current or former employment as a professional full-time salaried firefighter using any colors and designs which the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department shall issue license plates that recognize current or former employment as a professional full-time salaried firefighter for a passenger car or a light commercial vehicle upon application by a qualified person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that recognize current or former employment as a professional full-time salaried firefighter if that person pays the fees for the personalized prestige

license plates in addition to the fees for the license plates that recognize current or former employment as a professional full-time salaried firefighter.

3. An application for the issuance ~~[or renewal]~~ of license plates that recognize current or former employment as a professional full-time salaried firefighter is void unless it is accompanied by documentation which, in the determination of the Department, provides reasonable proof of the identity of the applicant and proof of the applicant's:

(a) Current employment as a professional full-time salaried firefighter; or

(b) Status as a former professional full-time salaried firefighter who retired from employment after completing at least 10 years of creditable service as a firefighter within this State or any other jurisdiction with:

(1) A fire department; or

(2) A federal or state agency, the duties of which involve the prevention and suppression of fires, including, without limitation, the Bureau of Land Management and the Division of Forestry of the State Department of Conservation and Natural Resources.

4. Proof of an applicant's current or former employment as a professional full-time salaried firefighter must consist of:

(a) An identification card issued by the Professional Fire Fighters of Nevada or its successor;

(b) An identification card issued by the Nevada Fire Chiefs Association or its successor;

(c) An identification card issued by a professional firefighters' or chiefs' organization or association from any other jurisdiction that is acceptable to the Department; or

(d) A letter certifying the applicant's current or former employment as a professional full-time salaried firefighter, which letter must be from:

(1) The Professional Fire Fighters of Nevada or its successor;

(2) The Nevada Fire Chiefs Association or its successor;

(3) A professional firefighters' or chiefs' organization or association from any other jurisdiction that is acceptable to the Department; or

(4) The chief officer of a federal or state agency or any other jurisdiction, the duties of which involve the prevention and suppression of fires, including, without limitation, the Bureau of Land Management and the Division of Forestry of the State Department of Conservation and Natural Resources.

5. ***An application for the renewal of license plates issued pursuant to this section is not required to be accompanied by proof of the applicant's current or former employment as a professional full-time salaried firefighter.***

6. The fee payable to the Department for license plates that recognize current or former employment as a professional full-time salaried firefighter is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10 in addition to all other applicable registration and license fees and governmental services taxes.

~~[~~6.~~]~~ ***7.*** In addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection ~~[~~5,~~]~~ ***6,*** a person who requests a set of license plates that recognize current or former employment as a professional full-time salaried firefighter must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to support the Professional Fire Fighters of Nevada Benevolent Association.

~~[~~7.~~]~~ ***8.*** The Department shall deposit the fees collected pursuant to subsection ~~[~~6~~]~~ ***7*** with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the Professional Fire Fighters of Nevada Benevolent Association.

~~[~~8.~~]~~ ***9.*** If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[~~9.~~]~~ ***10.*** As used in this section:

(a) "Any other jurisdiction" means any governmental or quasi-governmental entity within the United States which employs professional full-time salaried firefighters and includes, without limitation, any city, county, state, territory, Indian tribe or branch of the Armed Forces of the United States.

(b) "Professional full-time salaried firefighter" means a person employed in this State or any other jurisdiction in a full-time salaried occupation of fire fighting for the benefit or safety of the public.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 482.3754 is hereby amended to read as follows:

482.3754 1. Except as otherwise provided in this section, the Department, in cooperation with the Nevada State Firefighters' Association or its successor, shall design, prepare and issue license plates that recognize current or former service as a volunteer firefighter using any colors and designs which the Department deems appropriate. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department shall issue license plates that recognize current or former service as a volunteer firefighter for a passenger car or a light commercial vehicle upon application by a qualified person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates that recognize current or former service as a volunteer firefighter if that person pays the fees for the

personalized prestige license plates in addition to the fees for the license plates that recognize current or former service as a volunteer firefighter.

3. An application for the issuance ~~[or renewal]~~ of license plates that recognize current or former service as a volunteer firefighter is void unless it is accompanied by documentation which, in the determination of the Department, provides reasonable proof of the identity of the applicant and proof of the applicant's current service as a volunteer firefighter or status as a former volunteer firefighter who retired from service as a volunteer firefighter within this State after completing at least 10 years of active service. Proof of an applicant's current or former service as a volunteer firefighter must consist of:

(a) An identification card which indicates that the applicant currently serves as a volunteer firefighter; or

(b) A letter from the chief officer of a volunteer or combination fire department certifying the applicant's current or former service as a volunteer firefighter.

4. ***An application for the renewal of license plates issued pursuant to this section is not required to be accompanied by proof of the applicant's current or former service as a volunteer firefighter.***

5. The fee payable to the Department for license plates that recognize current or former service as a volunteer firefighter is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment to the Department of $10 in addition to all other applicable registration and license fees and governmental services taxes.

~~[5.]~~ ***6.*** In addition to all other applicable registration and license fees and governmental services taxes and the fees prescribed in subsection ~~[4,]~~ ***5,*** a person who requests a set of license plates that recognize current or former service as a volunteer firefighter must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20 to support the training of volunteer firefighters.

~~[6.]~~ ***7.*** The Department shall deposit the fees collected pursuant to subsection ~~[5]~~ ***6*** with the State Treasurer for credit to the State General Fund. The State Treasurer shall account separately for the money deposited pursuant to this subsection and reserve such money for expenditure by the State Fire Marshal in accordance with this subsection. The State Fire Marshal may expend the money reserved pursuant to this subsection solely for the support of, and to pay expenses related to, training for volunteer firefighters provided by or as directed by the Board of Directors of the Nevada State Firefighters' Association or its successor.

~~[7.]~~ ***8.*** If, during a registration period, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle that meets the requirements of this section if the transfer and registration fees are paid as set out in this chapter; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

~~[8.]~~ ***9.*** As used in this section:

(a) "Combination fire department" means a fire department that is:

(1) Served by both volunteer and full-time salaried firefighters; and

(2) Recognized as such by the State Fire Marshal.

(b) "Volunteer fire department" means a fire department recognized as a bona fide volunteer fire department by the State Fire Marshal.

(c) "Volunteer firefighter" means a person who serves actively in an unpaid capacity in a volunteer or combination fire department within this State as a firefighter for the benefit or safety of the public.

~~[Sec. 3.]~~ ***Sec. 4.*** 1. This section becomes effective upon passage and approval.

2. Sections 1**,** ~~[and]~~ 2 **and 3** of this act become effective:

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

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

Assemblywoman Anderson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 15.

Bill read third time.

Roll call on Assembly Bill No. 15:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 46.

Bill read third time.

Roll call on Assembly Bill No. 46:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 140.

Bill read third time.

Roll call on Assembly Bill No. 140:
YEAS—40.
NAYS—Gray.
EXCUSED—Kasama.
Assembly Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 147.
Bill read third time.
Roll call on Assembly Bill No. 147:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 148.
Bill read third time.
Roll call on Assembly Bill No. 148:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 151.
Bill read third time.
Roll call on Assembly Bill No. 151:
YEAS—39.
NAYS—Bilbray-Axelrod, Newby—2.
EXCUSED—Kasama.
Assembly Bill No. 151 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 239.
Bill read third time.
Roll call on Assembly Bill No. 239:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 257.
Bill read third time.

Roll call on Assembly Bill No. 257:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

Bill read third time.

Roll call on Assembly Bill No. 277:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 281.

Bill read third time.

Roll call on Assembly Bill No. 281:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O'Neill, Yurek—13.

EXCUSED—Kasama.

Assembly Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299.

Bill read third time.

Roll call on Assembly Bill No. 299:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

Remarks by Assemblyman Orentlicher.

Conflict of interest declared by Assemblyman Orentlicher.

ASSEMBLYMAN ORENTLICHER:

I would like to disclose that I am employed at UNLV [University of Nevada, Las Vegas] to teach at the William S. Boyd School of Law. The only appropriation contained in Assembly Bill 328 would appropriate money directly to the legal clinic at the School of Law. Because this bill has a direct and distinct impact on my employer, I am hereby making this disclosure for the purpose of Assembly Standing Rule No. 23, and I will abstain from voting on Assembly Bill 328.

Roll call on Assembly Bill No. 328:
YEAS—29.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, McArthur, O'Neill—11.
NOT VOTING—Orentlicher.
EXCUSED—Kasama.
Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 345.
Bill read third time.
Roll call on Assembly Bill No. 345:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O'Neill, Yurek—13.
EXCUSED—Kasama.
Assembly Bill No. 345 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 389.
Bill read third time.
Roll call on Assembly Bill No. 389:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 399.
Bill read third time.
Roll call on Assembly Bill No. 399:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 461.
Bill read third time.
Roll call on Assembly Bill No. 461:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 462.
Bill read third time.
Roll call on Assembly Bill No. 462:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 469.
Bill read third time.
Roll call on Assembly Bill No. 469:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 470.
Bill read third time.
Roll call on Assembly Bill No. 470:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 471.
Bill read third time.
Roll call on Assembly Bill No. 471:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 472.
Bill read third time.
Roll call on Assembly Bill No. 472:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 473.
Bill read third time.
Roll call on Assembly Bill No. 473:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 474.
Bill read third time.
Roll call on Assembly Bill No. 474:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 475.
Bill read third time.
Roll call on Assembly Bill No. 475:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 476.
Bill read third time.
Roll call on Assembly Bill No. 476:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 477.
Bill read third time.
Roll call on Assembly Bill No. 477:
YEAS—41.
NAYS—None.
EXCUSED—Kasama.
Assembly Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 478.

Bill read third time.

Roll call on Assembly Bill No. 478:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 479.

Bill read third time.

Roll call on Assembly Bill No. 479:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481.

Bill read third time.

Roll call on Assembly Bill No. 481:

YEAS—41.

NAYS—None.

EXCUSED—Kasama.

Assembly Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 223 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 29, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 223 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 223 ("AB 223"), which is titled as follows:

> AN ACT relating to collection agencies; requiring a collection agency to provide a payoff letter upon the request of a debtor; requiring a collection agency to provide a satisfaction letter to a debtor after a claim has been satisfied; authorizing a debtor to bring a civil action against a collection agency that violates the requirement to provide a payoff letter or a satisfaction letter to the debtor; revising the method by which a collection agency must notify a medical debtor before taking any action to collect a medical debt; and providing other matters properly relating thereto.

AB 223 is well intended in that it presumably aims to increase transparency and accessibility to information in Nevada's debt-collection process. However, it is problematic that this bill creates a private right of action. There are already established complaint processes for these types of claims through the Financial Institutions Division ("FID"), which protects Nevadan debtors, and more generally, the Department of Business and Industry, which are less expensive and more streamlined than traditional litigation. While debtor protection is an important goal, the policy changes contemplated in this bill should instead be deliberated and executed upon through the Department of Business and Industry's regulatory processes.

As such, since the FlD's mechanism for resolving debt-collection disputes better serves the needs of Nevadans without the need for costly litigation, I cannot support this bill.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 223 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 265 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 29, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 265 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 265 ("AB 265"), which is titled as follows:

> AN ACT relating to mental health; adding certain members to the subcommittee on the mental health of children of the Commission on Behavioral Health; creating a statewide mental health consortium; prescribing the membership, powers and duties of the statewide mental health consortium; authorizing the statewide mental health consortium to request the drafting of not more than 1 legislative measure for each regular session of the Legislature; and providing other matters properly relating thereto.

The intent of AB 265–to promote the mental health of children–is noble. The mental health of our children is, and should be, a priority for all of us. However, this bill includes an unfunded mandate on the Executive Branch. Last session, a nearly identical bill (Assembly Bill 273), included a fiscal note for one full-time employee and the related costs to do the work required under the provisions of the bill. In 2023, there were no fiscal notes submitted on the bill, nor were there any appropriations to fund the resources necessary to implement the provisions of this bill. It is inappropriate to ask over-worked State agencies to do more without providing additional funding to ensure existing employees do not simply have to absorb the work for "other duties as assigned".

Furthermore, AB 265 adds an unnecessary layer of bureaucracy to State government and increases the number of bill drafts submitted to the Legislature.

Since AB 265 does little to address the primary issue plaguing our mental health crisis–that we do not have enough beds to adequately serve those struggling with mental health issues–I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 265 be placed on the Chief Clerk's Desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 7, 50, 72, 201, 203, 260, 310, 349, 457, 486, 492, 496, 498, 500, 504, 508, 509, 512, and 523 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Considine, the privilege of the floor of the Assembly Chamber for this day was extended to Andrew Arballo, Sandra Arballo, and Richard Melito.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Zamora.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Burgans.

Assemblywoman Jauregui moved that the Assembly adjourn until Wednesday, May 31, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:05 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly