

# NEVADA LEGISLATURE

Eighty-Second Session, 2023

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## ASSEMBLY DAILY JOURNAL

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### THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), June 1, 2023

Assembly called to order at 1:14 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Sean Savoy.

Before reading the familiar lines, I ask each of you to take a moment in silence to be reminded of your calling, of the mandate to the people—individually and as a whole—of the great state of Nevada. I ask you as you listen to the prayer to imagine yourself as the person reading the words, invoking the Creator to imbue you with the faculties of heart and mind and with the conscience, compassion, and charity to embody a person of high nature to fulfill your most sacred duties and obligations.

Let us pray.

Lord, make me an instrument of Your peace; where there is hatred, let me sow love; where there is injury, pardon; where there is doubt, faith; where there is despair, hope; where there is darkness, light; where there is sadness, joy.

O divine Master, grant that I may not so much seek to be consoled as to console, to be understood as to understand, to be loved as to love. For it is in giving that we receive, it is in pardoning that we are pardoned, and it is in dying that we are born to eternal life.

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 Ways and Means, to which was referred Assembly Bill No. 58, 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 Assembly Bill No. 487, 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 Assembly Bill No. 507, 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. 6, 37, 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. 28, 255, 383, 422, 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. 259, 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*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2023

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 62, 403, 463.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 319, 425, 428.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 107, 246, 277, 327, 364, 439, 443.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendments Nos. 543, 711 to Senate Bill No. 34; Assembly Amendment No. 590 to Senate Bill No. 61; Assembly Amendment No. 632 to Senate Bill No. 63; Assembly Amendment No. 668 to Senate Bill No. 76; Assembly Amendment No. 704 to Senate Bill No. 293; Assembly Amendment No. 589 to Senate Bill No. 309; Assembly Amendment No. 653 to Senate Bill No. 317; Assembly Amendment No. 670 to Senate Bill No. 336; Assembly Amendment No. 705 to Senate Bill No. 391; Assembly Amendment No. 702 to Senate Bill No. 417; Assembly Amendment No. 699 to Senate Bill No. 418; Assembly Amendment No. 536 to Senate Joint Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendments Nos. 634, 737 to Senate Bill No. 104; Assembly Amendment No. 648 to Senate Bill No. 161; Assembly Amendment No. 602 to Senate Bill No. 196; Assembly Amendment No. 681 to Senate Bill No. 283; Assembly Amendment No. 596 to Senate Bill No. 334; Assembly Amendments Nos. 679, 742 to Senate Bill No. 370.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

#### INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 107.

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

Motion carried.

Senate Bill No. 246.

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

Motion carried.

Senate Bill No. 277.

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

Motion carried.

Senate Bill No. 319.

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

Motion carried.

Senate Bill No. 327.

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

Motion carried.

Senate Bill No. 364.

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

Motion carried.

Senate Bill No. 425.

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

Motion carried.

Senate Bill No. 428.

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

Motion carried.

Senate Bill No. 439.

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

Motion carried.

Senate Bill No. 443.

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

Motion carried.

#### GENERAL FILE AND THIRD READING

Assembly Bill No. 137.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 819.

AN ACT relating to fetal alcohol spectrum disorders; making certain provisions applicable to fetal alcohol spectrum disorders; requiring the

Medicaid program to provide coverage of certain services to persons with fetal alcohol spectrum disorders; providing that fetal alcohol spectrum disorder is a developmental disability; **making an appropriation and authorizing certain expenditures;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the Advisory Board on Maternal and Child Health, the Division of Public and Behavioral Health of the Department of Health and Human Services and the University of Nevada School of Medicine to take certain actions to monitor, prevent, identify and treat fetal alcohol syndrome. (NRS 442.137, 442.385, 442.390, 442.420) Existing law also provides that, if a pregnant woman is referred to the Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol syndrome, any report relating to the referral or other associated documentation is confidential and not to be used in any criminal prosecution of the woman. (NRS 442.395) **Sections 2-6** of this bill expand the applicability of those provisions to apply to all fetal alcohol spectrum disorders. **Section 1** of this bill defines the term “fetal alcohol spectrum disorder” for the purposes of provisions relating to maternal and child health to mean a continuum of birth defects caused by maternal consumption of alcohol during pregnancy.

Existing law requires the Department to administer Medicaid. (NRS 442.270) **Section 6.7** of this bill requires the Director of the Department, to the extent that federal financial participation is available, to include under Medicaid coverage for certain supports and services provided to recipients of Medicaid with fetal alcohol spectrum disorders. **Section 6.7** also authorizes the Department to apply to the Federal Government for any waiver granted pursuant to federal law or amendment necessary to the State Plan for Medicaid to receive federal funding to include such coverage in the State Plan. **Section 6.3** of this bill makes a conforming change to indicate that the provisions of **section 6.7** will be administered in the same manner as the provisions of existing law governing Medicaid. **Section 7.5 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services and authorizes certain related expenditures to carry out the provisions of section 6.7.**

Existing law defines “developmental disability” for the purpose of provisions governing services for persons with developmental disabilities as a neurological condition that manifests before a person attains the age of 22 years, is likely to continue indefinitely and results in substantial functional limitations. (NRS 435.007) **Section 7** of this bill provides that a fetal alcohol spectrum disorder is a developmental disability.

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

**Section 1.** NRS 442.003 is hereby amended to read as follows:  
442.003 As used in this chapter, unless the context requires otherwise:

1. “Advisory Board” means the Advisory Board on Maternal and Child Health.
2. “Department” means the Department of Health and Human Services.
3. “Director” means the Director of the Department.
4. “Division” means the Division of Public and Behavioral Health of the Department.
5. “Fetal alcohol ~~[syndrome]~~ ~~includes fetal alcohol effects.]~~ **spectrum disorder” has the meaning ascribed to it in NRS 432B.0655.**
6. “Freestanding birthing center” has the meaning ascribed to it in NRS 449.0065.
7. “Laboratory” has the meaning ascribed to it in NRS 652.040.
8. “Midwife” means:
  - (a) A person certified as:
    - (1) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or
    - (2) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or
  - (b) Any other type of midwife.
9. “Provider of health care or other services” means:
  - (a) A clinical alcohol and drug counselor who is licensed, or an alcohol and drug counselor who is licensed or certified, pursuant to chapter 641C of NRS;
  - (b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;
  - (c) A licensed nurse;
  - (d) A licensed psychologist;
  - (e) A licensed marriage and family therapist;
  - (f) A licensed clinical professional counselor;
  - (g) A licensed social worker;
  - (h) A licensed dietitian; or
  - (i) The holder of a certificate of registration as a pharmacist.

**Sec. 2.** NRS 442.137 is hereby amended to read as follows:

442.137 The purpose of the Advisory Board is to advise the Administrator of the Division concerning perinatal care to enhance the survivability and health of infants and persons who are pregnant, are giving birth and have given birth, and concerning programs to improve the health of preschool children, to achieve the following objectives:

1. Ensuring the availability and accessibility of primary care health services;
2. Reducing the rate of infant mortality;
3. Reducing the incidence of preventable diseases and handicapping conditions among children;
4. Identifying the most effective methods of preventing fetal alcohol ~~[syndrome]~~ **spectrum disorder** and collecting information relating to the incidence of fetal alcohol ~~[syndrome]~~ **spectrum disorders** in this state;

5. Preventing the consumption of alcohol by women during pregnancy;
6. Reducing the need for inpatient and long-term care services;
7. Increasing the number of children who are appropriately immunized against disease;
8. Increasing the number of children from low-income families who are receiving assessments of their health;
9. Ensuring that services to follow up the assessments are available, accessible and affordable to children identified as in need of those services;
10. Assisting the Division in developing a program of public education that it is required to develop pursuant to NRS 442.385, including, without limitation, preparing and obtaining information relating to fetal alcohol ~~[syndrome]~~ **spectrum disorders**;
11. Assisting the University of Nevada School of Medicine in reviewing, amending and distributing the guidelines it is required to develop pursuant to NRS 442.390; and
12. Promoting the health of infants and persons who are pregnant, are giving birth or have given birth by ensuring the availability and accessibility of affordable perinatal services.

**Sec. 3.** NRS 442.385 is hereby amended to read as follows:

442.385 The Division shall develop and carry out a program of public education to increase public awareness about the dangers of fetal alcohol ~~[syndrome]~~ **spectrum disorders** and other adverse effects on a fetus that may result from the consumption of alcohol during pregnancy. The program must include, without limitation:

1. Educational messages that are directed toward the general public and specific geographical areas and groups of persons in this State that are identified pursuant to subsection 1 of NRS 442.420 as having women who are at a high risk of consuming alcohol during pregnancy.
2. Providing training materials to school personnel to assist them in identifying pupils who may be suffering from *a* fetal alcohol ~~[syndrome]~~ **spectrum disorder** and offering to provide the parents of those pupils with a referral for diagnostic services and treatment.
3. If a toll-free telephone service is otherwise provided by the Division, the use of that telephone service for providing information relating to programs for the treatment of substance use disorders, providers of health care or other services and other available resources, and referrals to those programs, if appropriate. The telephone number must be disclosed in the educational messages provided pursuant to this section.

**Sec. 4.** NRS 442.390 is hereby amended to read as follows:

442.390 The University of Nevada School of Medicine shall develop guidelines to assist a provider of health care or other services in identifying:

1. Pregnant women who are at a high risk of consuming alcohol during pregnancy; and
2. Children who are suffering from fetal alcohol ~~[syndrome]~~ **spectrum disorders**.

**Sec. 5.** NRS 442.395 is hereby amended to read as follows:

442.395 Except as otherwise provided in NRS 239.0115 and 439.538, if a pregnant woman is referred to the Division by a provider of health care or other services for information relating to programs for the prevention and treatment of fetal alcohol ~~syndrome~~ **spectrum disorders**, any report relating to the referral or other associated documentation is confidential and must not be used in any criminal prosecution of the woman.

**Sec. 6.** NRS 442.420 is hereby amended to read as follows:

442.420 The Division shall develop and maintain a system for monitoring fetal alcohol ~~syndrome~~ **spectrum disorders** that may include, without limitation, a method of:

1. Identifying the geographical areas in this state in which women are at a high risk of consuming alcohol during pregnancy and groups of persons in this state that include such women;
2. Identifying and evaluating deficiencies in existing systems for delivering perinatal care; and
3. Collecting and analyzing data relating to systems for delivering perinatal care.

**Sec. 6.3.** NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

- (1) The Administrator of the Aging and Disability Services Division;
- (2) The Administrator of the Division of Welfare and Supportive Services;
- (3) The Administrator of the Division of Child and Family Services;
- (4) The Administrator of the Division of Health Care Financing and Policy; and
- (5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 6.7 of this act**, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan

biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

**Sec. 6.7.** Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *The Director shall, to the extent that federal financial participation is available, include under Medicaid coverage for supports and services provided to recipients of Medicaid with fetal alcohol spectrum disorders that are aimed at allowing such recipients to remain living in the home of the recipient or in a community-based setting.***

**2. *The Department may apply to the Secretary of Health and Human Services for any waiver granted pursuant to federal law, amendment to the State Plan for Medicaid or other federal authority that authorizes the Department to receive federal funding to provide the coverage described in subsection 1. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.***

**3. *"Fetal alcohol spectrum disorder" has the meaning ascribed to it in NRS 432B.0655.***



**Sec. 7.** NRS 435.007 is hereby amended to read as follows:

435.007 As used in this chapter, unless the context otherwise requires:

1. “Administrative officer” means a person with overall executive and administrative responsibility for those state or nonstate intellectual and developmental disability centers designated by the Administrator.

2. “Administrator” means the Administrator of the Division.

3. “Child” means any person under the age of 18 years who may be eligible for intellectual disability services or developmental disability services.

4. “Department” means the Department of Health and Human Services.

5. “Developmental disability” means autism, cerebral palsy, epilepsy, *a fetal alcohol spectrum disorder* or any other neurological condition diagnosed by a qualified professional that:

(a) Is manifested before the person affected attains the age of 22 years;

(b) Is likely to continue indefinitely;

(c) Results in substantial functional limitations, as measured by a qualified professional, in three or more of the following areas of major life activity:

(1) Taking care of oneself;

(2) Understanding and use of language;

(3) Learning;

(4) Mobility;

(5) Self-direction; and

(6) Capacity for independent living; and

(d) Results in the person affected requiring a combination of individually planned and coordinated services, support or other assistance that is lifelong or has an extended duration.

6. “Director of the Department” means the administrative head of the Department.

7. “Division” means the Aging and Disability Services Division of the Department.

8. “Division facility” means any unit or subunit operated by the Division for the care, treatment and training of consumers.

9. ***“Fetal alcohol spectrum disorder” has the meaning ascribed to it in NRS 432B.0655.***

10. “Intellectual disability” means significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

~~{10}~~ 11. “Intellectual and developmental disability center” means an organized program for providing appropriate services and treatment to persons with intellectual disabilities and persons with developmental disabilities. An intellectual and developmental disability center may include facilities for residential treatment and training.

~~{11}~~ 12. “Medical director” means the chief medical officer of any program of the Division for persons with intellectual disabilities or developmental disabilities.

~~{12}~~ 13. “Mental illness” has the meaning ascribed to it in NRS 433.164.

~~{13-}~~ 14. “Parent” means the parent of a child. The term does not include the parent of a person who has attained the age of 18 years.

~~{14-}~~ 15. “Person” includes a child and any other consumer with an intellectual disability and a child or any other consumer with a developmental disability who has attained the age of 18 years.

~~{15-}~~ 16. “Person professionally qualified in the field of psychiatric mental health” has the meaning ascribed to it in NRS 433.209.

~~{16-}~~ 17. “Residential facility for groups” means a structure similar to a private residence which will house a small number of persons in a homelike atmosphere.

~~{17-}~~ 18. “Training” means a program of services directed primarily toward enhancing the health, welfare and development of persons with intellectual disabilities or persons with developmental disabilities through the process of providing those experiences that will enable the person to:

(a) Develop his or her physical, intellectual, social and emotional capacities to the fullest extent;

(b) Live in an environment that is conducive to personal dignity; and

(c) Continue development of those skills, habits and attitudes essential to adaptation in contemporary society.

~~{18-}~~ 19. “Treatment” means any combination of procedures or activities, of whatever level of intensity and whatever duration, ranging from occasional counseling sessions to full-time admission to a residential facility.

**Sec. 7.5. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide the Medicaid coverage described in subsection 1 of section 6.7 of this act, for updates to the Medicaid Management Information System and for personnel, travel, operating, equipment and information services expenses associated with implementing the provisions of section 6.7 of this act the following sums:**

**For the Fiscal Year 2023-2024..... \$114,642**

**For the Fiscal Year 2024-2025..... \$158,672**

**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.**

**3. Expenditure of \$149,362 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2023-2024 by the Division of Health Care Financing and Policy of the**

**Department of Health and Human Services for the same purposes as set forth in subsection 1.**

**4. Expenditure of \$403,165 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2024-2025 by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1.**

**Sec. 8.** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 9.** 1. This section becomes effective upon passage and approval.

2. Sections 1 to 6, inclusive, 7, **7.5** and 8 of this act become effective on July 1, 2023.

3. Sections 6.3 and 6.7 of this act become effective:

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

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

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 252.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 838.

AN ACT relating to governmental administration; creating the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund; revising the membership of the Board of Museums and History; requiring the Administrator of the Division of Museums and History of the Department of Tourism and Cultural Affairs to develop and maintain an Internet website related to institutions of the Division and ensure that the Internet website is accessible to persons with disabilities; authorizing the Administrator to authorize or require a museum director of an institution of the Division to establish certain procedures that enable the accessibility of the exhibits in the institution to persons who are blind or visually impaired; requiring the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to study during the 2023-2024 interim any issues that exist that limit the ability of persons with disabilities to access the institutions of the Division; **making an appropriation**; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Division of Museums and History of the Department of Tourism and Cultural Affairs, which consists of the Office of the Administrator and certain museums and historical societies which are

established as institutions of the Division. (NRS 381.004) Existing law further sets forth various duties of the Administrator. (NRS 381.006, 381.0063) **Section 3** of this bill requires the Administrator to also: (1) develop and maintain an Internet website related to the institutions of the Division and ensure that the Internet website is accessible to persons with disabilities, including, without limitation, persons who are blind or visually impaired; and (2) consult with certain organizations regarding the accessibility of institutions of the Division to persons with disabilities, including, without limitation, persons who are blind or visually impaired. **Section 4.5 of this bill makes an appropriation to the Division for the development of the Internet website required to be developed pursuant to section 3.** **Section 4** of this bill authorizes the Administrator to authorize or require a museum director of an institution of the Division to establish certain procedures that enable the accessibility of the exhibits in the institution for persons who are blind or visually impaired.

**Section 1** of this bill creates the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund, to be administered by the Administrator. Money in the Account must be expended only to improve access at institutions of the Division for persons with disabilities, including, without limitation, persons who are blind or visually impaired.

Existing law creates the Board of Museums and History, which consists of twelve members, including five representatives of the general public who are knowledgeable about museums. (NRS 381.002) **Section 2** of this bill provides that one of the representatives of the general public must be a person who is knowledgeable about museums and has a disability. **Section 6** of this bill clarifies that the provisions of **section 2** do not affect the term of any person who is a member of the Board on June 30, 2023.

**Section 5** of this bill requires the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs to study during the 2023-2024 interim any issues that exist which limit the ability of persons with disabilities, including, without limitation, persons who are blind or visually impaired, to access the institutions of the Division.

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

**Section 1.** Chapter 381 of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *There is hereby created the Account for Improving Access to State Museums for Persons with Disabilities in the State General Fund. The Account shall be administered by the Administrator.***

**2. *The money in the Account must be expended only to improve access at institutions of the Division that are established pursuant to NRS 381.004 for persons with disabilities, including, without limitation, persons who are blind or visually impaired.***

3. *The Administrator may apply for and accept any gift, donation, bequest, grant or other source of money for deposit in the Account.*

4. *The interest and income earned on money in the Account from any gift, donation, bequest or appropriation, after deducting any applicable charges, must be credited to the Account.*

5. *Money from any gift, donation, bequest or appropriation that remains in the Account at the end of the fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.*

**Sec. 2.** NRS 381.002 is hereby amended to read as follows:

381.002 1. The Board of Museums and History, consisting of twelve members appointed by the Governor, is hereby created.

2. The Governor shall appoint to the Board:

(a) Five representatives of the general public who are knowledgeable about museums ~~[-]~~, ***one of whom must be a person with a disability.***

(b) Six members representing the fields of history, prehistoric archeology, historical archeology, architectural history, and architecture with qualifications as defined by the Secretary of Interior's standards for historic preservation in the following fields:

(1) One member who is qualified in history;

(2) One member who is qualified in prehistoric archeology;

(3) One member who is qualified in historic archeology;

(4) One member who is qualified in architectural history;

(5) One member who is qualified as an architect; and

(6) One additional member who is qualified, as defined by the Secretary of Interior's standards for historic preservation, in any of the fields of expertise described in subparagraphs (1) to (5), inclusive.

(c) One member, after giving consideration to any recommendation of an enrolled member of a Nevada Indian tribe which is submitted by the Nevada Indian Commission, after consultation with the Inter-Tribal Council of Nevada, Inc., or its successor organization.

3. The Board shall elect a Chair and a Vice Chair from among its members at its first meeting of every even-numbered year. The terms of the Chair and Vice Chair are 2 years or until their successors are elected.

4. With respect to the functions of the Office of Historic Preservation, the Board may develop, review and approve policy for:

(a) Matters relating to the State Historic Preservation Plan;

(b) Nominations to the National Register of Historic Places and make a determination of eligibility for listing on the Register for each property nominated; and

(c) Nominations to the State Register of Historic Places and make determination of eligibility for listing on the Register for each property nominated.

5. With respect to the functions of the Division, the Board shall develop, review and make policy for investments, budgets, expenditures and general

control of the Division's private and endowed dedicated trust funds pursuant to NRS 381.003 to 381.0037, inclusive.

6. In all other matters pertaining to the Office of Historic Preservation and the Division of Museums and History, the Board serves in an advisory capacity.

7. The Board may adopt such regulations as it deems necessary to carry out its powers and duties.

**Sec. 2.5.** NRS 381.0031 is hereby amended to read as follows:

381.0031 1. ~~{A}~~ ***Except as otherwise provided in subsection 5, all*** money and the proceeds from property received by the Division or any institution of the Division through any grant other than a grant of federal money, bequest or devise, and the proceeds from memberships, sales, interest and dividends from any sources other than appropriation by the Legislature, admission charges and sales of tickets for train rides, are private money and not state money. The Board shall establish a Division of Museums and History Dedicated Trust Fund. All private money must be accounted for in that Fund. No other money may be accounted for in that Fund.

2. Except as otherwise provided in this chapter, all of the money in the Dedicated Trust Fund must be deposited in a financial institution to draw interest or be expended, invested and reinvested pursuant to the specific instructions of the donor, or, where no such specific instructions exist, in the sound discretion of the Board. The provisions of subsections 3 and 4 of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

3. The Board shall account separately for the portions of the private money received by each institution of the Division but may combine all or any portion of the private money for the purposes of investment and reinvestment.

4. The Board shall adopt an investment policy for the private money.

**5. *The provisions of this section do not apply to any money received for deposit in the Account for Improving Access to State Museums for Persons with Disabilities created by section 1 of this act.***

**Sec. 3.** NRS 381.006 is hereby amended to read as follows:

381.006 **1.** For the property and facilities of the Division, the Administrator:

~~{1}~~ **(a)** Is responsible to the Director for the general administration of the Division and its institutions and for the submission of its budgets, which must include the combined budgets of its institutions.

~~{2}~~ **(b)** Shall supervise the museum directors of its institutions in matters pertaining to the general administration of the institutions.

~~{3}~~ **(c)** Shall coordinate the submission of requests by its institutions for assistance from governmental sources.

~~{4}~~ **(d)** Shall oversee the public relations of its institutions.

~~{5}~~ **(e)** Shall superintend the planning and development of any new facilities for the Division or its institutions.

~~{6-}~~ (f) Shall assist the efforts of its institutions in improving their services to the rural counties.

~~{7-}~~ (g) Shall supervise the facilities for storage which are jointly owned or used by any of its institutions.

~~{8-}~~ (h) Shall trade, exchange and transfer exhibits and equipment when the Administrator considers it proper and the transactions are not sales.

~~{9-}~~ (i) May contract with any person to provide concessions on the grounds of the property and facilities of the Division, provided that any contract permitting control of real property of the Division by a nongovernmental entity must be executed as a lease pursuant to NRS 321.003, 321.335, 322.050, 322.060 and 322.070.

~~{10-}~~ (j) Shall oversee the supervision, control, management and operation of any buildings or properties in this State that are under the control of the Division.

~~{11-}~~ (k) Shall supervise the furnishing, remodeling, repairing, alteration and erection of premises and buildings of the Division or premises and buildings that may be conveyed or made available to the Division.

**2. In addition to the duties set forth in subsection 1, the Administrator shall:**

***(a) Develop and maintain an Internet website related to the museums and historical societies established as institutions of the Division pursuant to NRS 381.004 and ensure that the Internet website is accessible to persons with disabilities, including, without limitation, persons who are blind or visually impaired.***

***(b) Consult with organizations that are dedicated to the welfare of persons with disabilities, including, without limitation, persons who are blind or visually impaired. Such organizations may include, without limitation, the American Council of the Blind and the National Federation of the Blind, regarding the accessibility of institutions of the Division that are established pursuant to NRS 381.004 to persons who are blind or visually impaired.***

**Sec. 4.** NRS 381.0063 is hereby amended to read as follows:

381.0063 1. The Administrator shall, in accordance with any directive received from the Director pursuant to NRS 232.005, authorize or require each museum director to perform such duties set forth in subsections 2 and 3 as are necessary for the operation of the institution administered by the museum director, after giving consideration to:

(a) The size and complexity of the programs the museum director is required to administer;

(b) The number of personnel needed to carry out those programs;

(c) Requirements for accreditation; and

(d) Such other factors as are relevant to the needs of the institution and the Division.

2. The Administrator may authorize or require a museum director to:

(a) Oversee duties related to the auditing and approval of all bills, claims and accounts of the institution administered by the museum director.

(b) Receive, collect, exchange, preserve, house, care for, document, interpret, display and exhibit, particularly, but not exclusively, respecting the State of Nevada:

(1) Samples of the useful and fine arts, sciences and industries, relics, memorabilia, products, works, records, rare and valuable articles and objects, including, without limitation, drawings, etchings, lithographs, photographs, paintings, statuary, sculpture, fabrics, furniture, implements, machines, geological and mineral specimens, precious, semiprecious and commercial minerals, metals, earths, gems and stones.

(2) Books, papers, records and documents of historic, artistic, literary or industrial value or interest by reason of rarity, representative character or otherwise.

(c) Collect, gather and prepare the natural history of Nevada and the Great Basin.

(d) Establish such programs in history, archeology, anthropology, paleontology, mineralogy, ethnology, ornithology and such other programs as in the judgment of the Board and Administrator may be proper and necessary to carry out the objects and purposes appropriate to the institution administered by the museum director.

(e) Receive and collect property from any appropriate agency of the State of Nevada, or from accessions, gifts, exchanges, loans or purchases from any other agencies, persons or sources.

(f) House and preserve, care for and display or exhibit property received by an institution. This paragraph does not prevent the permanent or temporary retention, placement, housing or exhibition of a portion of the property in other places or locations in or outside of the State at the sole discretion of the Board.

(g) Make and obtain plans and specifications and let and supervise contracts for work or have the work done on force account or day labor, supplying material or labor, or otherwise.

(h) Receive, accept and obtain by exchange in the name of the State of Nevada all property loaned to the institution administered by the museum director for preservation, care, display or exhibit, or decline and reject the property in his or her discretion, and undertake to be responsible for all property loaned to the institution or make just payment of any reasonable costs or rentals therefor.

(i) Apply for and expend all gifts and grants that the institution administered by the museum director is authorized to accept in accordance with the terms and conditions of the gift or grant.

(j) Govern, manage and control the exhibit and display of all property and things of the institution administered by the museum director at other exhibits, expositions, world's fairs and places of public or private exhibition. Any property of the State of Nevada that may be placed on display or on exhibition at any world's fair or exposition must be taken into custody by the Administrator at the conclusion of the world's fair or exposition and placed



and kept in the institution, subject to being removed and again exhibited at the discretion of the Administrator or a person designated by the Administrator.

(k) Negotiate and consult with and agree with other institutions, departments, officers and persons or corporations of and in the State of Nevada and elsewhere respecting quarters for and the preservation, care, transportation, storage, custody, documentation, interpretation, display and exhibit of articles and things controlled by the institutions and respecting the terms and cost, the manner, time, place and extent, and the return thereof.

(l) Trade, exchange and transfer exhibits and duplicates when the Administrator deems it proper. Such transactions shall not be deemed sales.

(m) Establish the qualifications for life, honorary, annual, sustaining and such other memberships as are established by the Board pursuant to NRS 381.0045.

(n) Adopt rules for the internal operations of the institution administered by the museum director, including, without limitation, the operation of equipment of the institution.

***(o) Establish procedures that enable the accessibility of the exhibits in an institution administered by the museum director for persons who are blind or visually impaired, including, without limitation, by providing audio guides, audio descriptive displays, tactile displays and experiences, dedicated tours for persons who are blind or visually impaired, Braille signage and descriptions, temporary lighting and adapted educational classes.***

3. The Administrator shall require a museum director to serve as, or to designate an employee to serve as, ex officio State Paleontologist. The State Paleontologist shall, within the limits of available time, money and staff:

(a) Systematically inventory the paleontological resources within the State of Nevada;

(b) Compile a database of fossil resources within this State;

(c) Coordinate and promote paleontological research activities within this State, including, without limitation, regulating and issuing permits to engage in such activities;

(d) Disseminate and assist other persons in disseminating information gained from research conducted by the State Paleontologist; and

(e) Display and promote, and assist other persons in displaying and promoting, the paleontological resources of this State to enhance education, culture and tourism within this State.

4. The enumeration of the powers and duties that may be assigned to a museum director pursuant to this section is not exclusive of other general objects and purposes appropriate to a public museum.

5. The provisions of this section do not prohibit the Administrator from making such administrative and organizational changes as are necessary for the efficient operation of the Division and its institutions and to ensure that an institution properly carries out the duties and responsibilities assigned to that institution.

**Sec. 4.5. 1. There is hereby appropriated from the State General Fund to the Division of Museums and History of the Department of Tourism and Cultural Affairs the sum of \$25,000 for the development of an Internet website which meets the requirements of NRS 381.006, as amended by section 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. 5. 1.** The Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750 shall study during the 2023-2024 interim any issues that exist which limit the ability of persons with disabilities, including, without limitation, persons who are blind or visually impaired, to access the museums and historical societies established as institutions of the Division of Museums and History of the Department of Tourism and Cultural Affairs pursuant to NRS 381.004.

2. In the report required pursuant to subsection 3 of NRS 218E.760, the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs shall set forth any recommended legislation for improving the accessibility of the museums and historical societies established as institutions of the Division of Museums and History of the Department of Tourism and Cultural Affairs pursuant to NRS 381.004 to persons with disabilities, including, without limitation, persons who are blind or visually impaired.

**Sec. 6.** The provisions of NRS 381.002, as amended by section 2 of this act, do not apply to the existing terms of members of the Board of Museums and History who were appointed to the Board pursuant to paragraph (a) of subsection 2 of NRS 381.002, as that section existed on June 30, 2023.

**Sec. 7.** This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 258.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 841.

AN ACT relating to governmental administration; requiring, with certain exceptions, a governmental entity to keep confidential certain personal information regarding donors, members or volunteers of a nonprofit

organization; prohibiting, with certain exceptions, a governmental entity from requesting or releasing certain personal information regarding donors, members or volunteers of a nonprofit organization; **making an appropriation to the Interim Finance Committee for allocation to the Office of the Attorney General to fund certain positions;** providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes certain governmental agencies to collect certain personal information. (Chapter 239B of NRS) Existing law also prohibits, with certain exceptions, a governmental agency from requiring a person to include personal information on any document submitted to the governmental agency after a certain date. (NRS 239B.030) **Section 2** of this bill requires, with certain exceptions, a governmental entity to keep confidential any personal information in the records of the governmental entity that identifies a person as a donor, member or volunteer of a nonprofit organization. **Section 2** also prohibits, with certain exceptions, a governmental entity from: (1) requiring that any person or nonprofit organization provide the governmental entity with personal information that identifies a donor, member or volunteer of a nonprofit organization; (2) releasing, publicizing or otherwise publicly disclosing personal information that identifies a donor, member or volunteer of a nonprofit organization; or (3) requesting or requiring a current or prospective contractor or grantee to provide a list of nonprofit organizations to which the contractor or grantee has provided support. **Section 2** provides that the personal information that identifies a donor, member or volunteer of a nonprofit organization includes any list, record, register, roster or other data of any kind that includes a donation, name, address or telephone number that directly or indirectly identifies a person as a donor of financial or nonfinancial support, member or volunteer of any nonprofit organization.

**Section 2** provides that a person who alleges that a governmental entity or an officer or employee of a governmental entity has violated these provisions may bring a civil action to obtain certain relief, including damages in an amount of not less than: (1) \$2,500 for a violation; and (2) \$7,500 for an intentional violation. ~~[Section 2 further provides that any officer or employee of a governmental entity who knowingly and willfully violates these provisions is guilty of a misdemeanor.]~~

**Section 1** of this bill makes a conforming change to provide that such personal information is not a public record.

**Section 3** of this bill makes a conforming change to prohibit the Secretary of State, in carrying out certain requirements of existing law, from collecting or disclosing any information that directly identifies a person as a donor of financial support to a nonprofit organization.

**Section 4** of this bill makes a conforming change to provide that any information collected by the Attorney General in an audit, examination, **review** or investigation of a corporation for public benefit or a corporation holding assets in a charitable trust may only be used in connection with the

audit, examination, **review** or investigation and is otherwise subject to the requirements of **section 2**.

**Section 5 of this bill makes an appropriation to the Interim Finance Committee for allocation to the Office of the Attorney General to fund certain positions.**

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

**Section 1.** 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 2 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. 2.** Chapter 239B of NRS is hereby amended by adding thereto a new section to read as follows:

**1. *Except as otherwise provided in subsection 3, a governmental entity shall maintain in a confidential manner any personal information that identifies a person as a donor, member or volunteer of a nonprofit organization.***

2. Except as otherwise provided in subsection 3, a governmental entity shall not:

(a) Require any person or nonprofit organization to provide the governmental entity with personal information that identifies a person as a donor, member or volunteer of a nonprofit organization or otherwise compel the release of such personal information;

(b) Release, publicize or otherwise publicly disclose personal information in possession of the governmental entity that identifies a person as a donor, member or volunteer of a nonprofit organization; or

(c) Request or require a current or prospective contractor or grantee working with the governmental entity to provide a list of nonprofit organizations to which the contractor or grantee has provided financial or nonfinancial support.

3. The provisions of subsections 1 and 2 do not apply to personal information that identifies a person as a donor, member or volunteer of a nonprofit organization that is requested, obtained, released or disclosed as a result of the following:

(a) Any personal information required to be disclosed for the purpose of complying with any provision of federal law;

(b) Any information, report or disclosure required to be filed with the Secretary of State pursuant to title 7 of NRS provided that, except as otherwise provided in this subsection, any information that directly identifies a person as a donor of financial support to a nonprofit organization must not be collected or disclosed;

(c) Any report or disclosure required to be filed pursuant to chapter 294A of NRS;

(d) Any confidential information shared pursuant to NRS 232.357;

(e) Any warrant issued by a court of competent jurisdiction;

(f) Any request for information in connection with discovery proceedings if:

(1) The relevant and probative value of the information requested outweighs its prejudicial effect; and

(2) The requester obtains a protective order from the court barring the disclosure of such information to any person not named in the proceedings;

(g) Any personal information voluntarily released by a person to the governmental entity or any personal information voluntarily released by a nonprofit organization to the public;

(h) Any personal information resulting from a donation to a nonprofit organization that is affiliated with a governmental entity that was disclosed to the governmental entity pursuant to state law ~~; if the person did not request anonymity from the nonprofit organization;~~

(i) Any personal information admitted as evidence before a court of competent jurisdiction, if the court finds there is good cause for the public release of such information;

(j) Any requests for screenings submitted by a nonprofit organization pursuant to NRS 179A.325;

(k) Any contract, resolution or agreement entered into by a nonprofit organization with a governmental entity, including for purposes of obtaining a governmental benefit or grant, whereby the governmental entity is authorized to or any statute which expressly authorizes a governmental entity to inspect the records of the nonprofit organization, including, without limitation, a contract, resolution or agreement entered into pursuant to NRS 427A.085, 433.354, 433B.220 or 439.155;

(l) Any report required to be filed by a nonprofit organization and posted by the Department of Health and Human Services on the Internet website maintained by the Department pursuant to NRS 439B.665 and 439B.670;

(m) Any information required to be filed by a nonprofit organization of surplus line brokers with the Commissioner of Insurance pursuant to NRS 685A.075;

(n) Any information submitted to a governmental entity by a national securities association that is registered pursuant to 15 U.S.C. § 78o-3 or any regulation adopted pursuant thereto, including, without limitation, any information submitted to the Secretary of State pursuant to chapters 90 and 91 of NRS and any regulations adopted pursuant thereto for the purposes of licensing, registration, examination, investigation or enforcement;

(o) Any requirement to disclose the relationship between a public officer or employee and a nonprofit organization pursuant to NRS 281A.420, as a response to a lawful request or subpoena in an investigation or as part of or in response to a request for an advisory opinion submitted pursuant to NRS 281A.670 to 281A.690, inclusive, or an ethics complaint filed or initiated pursuant to NRS 281A.700 to 281A.790, inclusive;

(p) Any information submitted to or requested by the Nevada Gaming Control Board pursuant to NRS 462.160 for the purposes of the licensing or registration of a charitable lottery or charitable game, provided that any information collected is confidential as provided in NRS 463.120;

(q) ~~Any~~ A request for information requested :

(1) Required by the Attorney General for an audit, examination, review or investigation conducted pursuant to NRS 82.536, provided that:

~~[(1)]~~ (I) Such information must ~~shall only be used in connection with the specific audit, examination, review or investigation to which the request [for information] relates and for any related proceedings ; [or action resulting from such an audit, examination or investigation];~~ and

~~[(2) Except as otherwise provided in this paragraph, such]~~

(II) Such information is ~~shall~~ otherwise remain subject to the [requirements] provisions of this section, unless expressly required by [statute or a court] law to be publicly disclosed;

~~[(r) Any information requested under]~~

(2) Relating to the authority to [act and] exercise the power of the Secretary of State or the power of the Attorney General in the areas of



consumer protection ~~for~~ pursuant to NRS 228.380, including, without limitation, ~~participating on behalf of the persons residing in this State pursuant to NRS 228.380 and any action to enforce~~ the provisions of NRS 90.615, ~~597.120 to 597.260, inclusive, 597.8191 to 597.8198,~~ 597.262, 597.8198, 598C.180, 599B.015, and 599B.213 to 599B.245, inclusive, and chapters 598, 598A, ~~598C, 599B~~ and 711 of NRS, provided that ~~except as otherwise provided in this paragraph,~~ such information is otherwise subject to the requirements of this section, unless expressly required by ~~statute or a court~~ law to be publicly disclosed;

(3) Relating to a criminal investigation or prosecution by the Attorney General, where there is credible evidence that a crime has been or is being committed or for information relating to any authorized civil investigation or inquiry undertaken by the Attorney General, provided that any personal information obtained in such an investigation or prosecution shall remain confidential unless its disclosure is expressly required by law to be publicly disclosed or is necessary to publicize in a court pleading or submission of evidence to a court; or

(4) Connected with a constituent complaint submitted to the Attorney General; and

~~(c)~~ (r) The names of members of a labor organization and the amount of dues collected by a governmental entity that are provided to the labor organization for the purposes of collecting and reporting the remittance of dues to the labor organization from its members, in accordance with a valid authorization to withhold dues.

4. Any person who alleges that a governmental entity or an officer or employee of a governmental entity has violated the provisions of subsection 1 or 2 may bring a civil action in a court of competent jurisdiction. If the person prevails, the person is entitled to receive any or all of the following relief:

- (a) Injunctive relief as the court deems appropriate;
- (b) Costs incurred in bringing the action, including, without limitation, reasonable attorney's fees;
- (c) Except as otherwise provided in paragraph (d), damages of not less than \$2,500; and
- (d) If the court determines that a governmental entity or officer or employee of a governmental entity intentionally violated the provisions of this section, damages of not less than \$7,500.

5. ~~Any officer or employee of a governmental entity who knowingly and willfully violates the provisions of subsection 1 or 2 is guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than 90 days, or by a fine of not more than \$1,000, or by both fine and imprisonment.~~

~~6.~~ For the purposes of this section, personal information that identifies a person as a donor, member or volunteer of a nonprofit organization:

(a) *Includes, without limitation, any list, record, register, roster or other data of any kind that includes a donation, name, address or telephone number that directly or indirectly identifies a person as a donor of financial or nonfinancial support, member or volunteer of any nonprofit organization; and*

(b) *Does not include information that identifies a person as a staff member, employee or contractor of a nonprofit organization.*

~~77.1~~ 6. *As used in this section:*

(a) *“Governmental entity” has the meaning ascribed to it in NRS 239.005.*

(b) *“Labor organization” has the meaning ascribed to it in NRS 288.048.*

(c) *“Nonprofit organization” means:*

(1) *An organization which qualifies as tax exempt pursuant to section 501(c) of the Internal Revenue Code; and*

(2) *Any entity that has submitted an application with the Internal Revenue Service for recognition as a tax exempt entity pursuant to section 501(c) of the Internal Revenue Code.*

**Sec. 3.** Chapter 75 of NRS is hereby amended by adding thereto a new section to read as follows:

*Pursuant to section 2 of this act, in carrying out the requirements of this title, the Secretary of State shall not collect or disclose any information that directly identifies a person as a donor of financial support to a nonprofit organization.*

**Sec. 4.** NRS 82.536 is hereby amended to read as follows:

82.536 1. A corporation for public benefit and a corporation holding assets in charitable trust is subject at all times to examination by the Attorney General, on behalf of the State, to ascertain the condition of its affairs and to what extent, if at all, it fails to comply with trusts it has assumed or has departed from the purposes for which it is formed. In case of any such a failure or departure, the Attorney General may institute, in the name of the State, the proceeding necessary to correct the noncompliance or departure.

2. The Attorney General, or any person given the status of relator by the Attorney General, may bring an action to enjoin, correct, obtain damages for or otherwise to remedy a breach of a charitable trust or departure from the purposes for which it is formed.

3. *Any information collected by the Attorney General pursuant to this section:*

(a) ~~Must~~ *Shall only be used in connection with an audit, examination, review or investigation by the Attorney General and for any proceedings or action resulting from such an audit, examination or investigation; and*

(b) *Except as otherwise provided in this subsection and section 2 of this act, is subject to the requirements of section 2 of this act, unless expressly required by ~~statute or a court~~ law to be publicly disclosed.*

**Sec. 5. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Office of the**

**Attorney General to fund one Deputy Attorney General position and one Compliance Investigator position the following sums:**

**For the Fiscal Year 2023-2024..... \$202,583**

**For the Fiscal Year 2024-2025..... \$249,577**

**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. 6. 1. This section and section 5 of this act become effective on July 1, 2023.**

**2. Sections 1 to 4, inclusive, of this act become effective on October 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. 261.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 845.

AN ACT relating to governmental administration; requiring the State Plan for Economic Development to include a statement regarding the efficient use of water resources; requiring a plan submitted by ~~for~~ **certain** regional development ~~authority~~ **authorities** to include water conservation strategies; ~~requiring the Office of Economic Development to conduct a study relating to consumptive water use and economic development;~~ and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Office of Economic Development within the Office of the Governor and requires the Executive Director of the Office of Economic Development to develop and periodically revise a State Plan for Economic Development. (NRS 231.043, 231.053) **Section 1** of this bill requires the Executive Director to include a statement in the State Plan regarding the manner in which this State can maximize the efficient use of the water resources of this State through its economic development programs.

Existing law requires each regional development authority to present a plan to the Executive Director regarding the development and enhancement of

certain recruiting and marketing efforts. (NRS 231.054) **Section 2** of this bill requires each such ~~plan~~ **presented by a regional development authority located in a county whose population is 100,000 or more (currently Clark and Washoe Counties)** to also include strategies on conserving the water resources of this State through such recruiting and marketing efforts.

~~{Section 3 of this bill requires the Office of Economic Development to conduct a study of consumptive water use and economic development of businesses receiving certain related abatements and submit a report of its findings and recommendations for legislation to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.}~~

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

**Section 1.** NRS 231.053 is hereby amended to read as follows:

231.053 After considering any advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which:

(a) Must include a statement of:

- (1) New industries which have the potential to be developed in this State;
- (2) The strengths and weaknesses of this State for business incubation;
- (3) The competitive advantages and weaknesses of this State;
- (4) The manner in which this State can leverage its competitive

advantages and address its competitive weaknesses;

*(5) The manner in which this State can maximize the efficient use of the water resources of this State through the programs of economic development in this State;*

~~{(5)}~~ (6) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

~~{(6)}~~ (7) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities; and

(b) Must not include provisions for the granting of any abatement, partial abatement or exemption from taxes or any other incentive for economic development to a person who will locate or expand a business in this State that is subject to the tax imposed pursuant to NRS 362.130 or the gaming license fees imposed by the provisions of NRS 463.370.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to

implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section and declare void any contract between the Office and that regional development authority.

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.

7. May adopt such regulations as may be necessary to carry out the provisions of NRS 231.020 to 231.139, inclusive, and 231.1555 to 231.1597, inclusive.

8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.

**Sec. 2.** NRS 231.054 is hereby amended to read as follows:

231.054 **1.** Each regional development authority shall present a plan to the Executive Director ~~[regarding]~~ ***that includes*** the development and enhancement of a recruiting and marketing effort to attract professionals and businesses to the region of this State served by the regional development authority ~~and~~

**2.** ***The plan submitted pursuant to subsection 1 by a regional development authority located in a county whose population is 100,000 or more must also include strategies to encourage the conservation of the water resources of this State through such a recruiting and marketing effort.***

**3.** The Executive Director shall consider any plan presented pursuant to this section in carrying out the provisions of NRS 231.053.

**Sec. 3.** ~~[1. The Office of Economic Development shall conduct a study during the 2023-2024 interim relating to consumptive water use and economic development of businesses receiving certain abatements pursuant to NRS 360.750.~~

~~2. The study must include, without limitation, a review of:~~

~~(a) The amount of consumptive water use per primary job created under NRS 360.750 organized by the economic sector in which the business related to the job operates;~~

~~—(b) Any consumptive water analysis conducted by businesses for measurement of consumptive water use over the duration for which the abatement or partial abatement of certain property taxes is granted;~~

~~—(c) Financial incentives that encourage companies to manage water efficiently; and~~

~~—(d) Programs that are mutually beneficial for new businesses and the State that reduce water risks and operating costs related to economic development.~~

~~—3. In conducting the study, the Office shall consult with and solicit input from persons and organizations with relevant expertise, including, without limitation:~~

~~—(a) Institutions of higher education;~~

~~—(b) Nonprofit organizations;~~

~~—(c) Private industry and chambers of commerce;~~

~~—(d) Regional development authorities; and~~

~~—(e) Water authorities.~~

~~—4. In carrying out its duties pursuant to this section, the Office may enter into contracts necessary to complete the study conducted pursuant to subsection 1.~~

~~—5. On or before September 1, 2024, the Office shall submit a report of the results of the study conducted pursuant to subsection 1 and any recommendations for legislation to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.~~ **(Deleted by amendment.)**

**Sec. 4.** 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. 263.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 846.

AN ACT relating to water; enacting provisions relating to the transmission of Legionnaires' disease by building water systems in covered health care facilities; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Health to adopt regulations governing the control of communicable diseases in this State, including regulations specifically relating to the control of such diseases in educational, medical and correctional institutions. (NRS 441A.120) Existing law also establishes requirements for: (1) a provider of health care, medical facility or laboratory director to report if a person has or is suspected of having a communicable disease; and (2) the health authority to investigate such reports.

(NRS 441A.150-441A.165) This bill establishes certain requirements for the building water systems in covered health care facilities to limit the risk of the transmission of Legionnaires' disease.

**Section 5** of this bill defines the term "covered health care facility" to mean ~~[a health care] : (1) a facility [that receives federal or state money through] for intermediate care that has been certified by the Centers for Medicare [or] and Medicaid [; (1) in which a patient's stay may exceed 24 hours; (2) that contains one or more areas to house and treat patients receiving treatment for burns, chemotherapy, solid organ transplantation or bone marrow transplantation; (3) that contains one or more areas to house patients who are immunocompromised and at risk persons on medications that weaken the immune system or who have diabetes or chronic lung disease; or (4) that is a residential facility for groups.]~~ **Services of the United States Department of Health and Human Services; (2) a facility for skilled nursing that has been certified by the Centers; (3) a hospital that has been certified by the Centers; and (4) a hospital that has been certified as a critical access hospital.**

**Sections 2.5-4, 7 and ~~[6-8]~~ 8** of this bill define certain other terms relating to the provisions of this bill for covered health care facilities.

**Section 9** of this bill requires each owner or operator of a covered health care facility to adopt and implement a water management plan for the building water system to minimize the risks of the transmission of Legionnaires' disease by the building water system, which, among other requirements, must: (1) with certain exceptions, be designed by a water management team that includes persons holding certain certifications relating to water management and infection control; and (2) include provisions for monitoring the water from the building water system. **Section 9** further requires the owner or operator of the covered health care facility to review the water management plan on an annual basis.

**Section 8.5** of this bill requires the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services to review each new edition of certain standards relating to water management and Legionellosis for the purposes of the provisions of **sections 2-14** of this bill.

**Section 11** of this bill requires a provider of health care, medical facility or laboratory director to immediately notify the health authority upon the suspicion or positive diagnosis of Legionnaires' disease connected to a covered health care facility.

**Section 12** of this bill requires the Board to adopt regulations to carry out the provisions of **sections 2-14**.

**Section 13** of this bill requires the Board to submit a report to the Governor and the Director of the Legislative Counsel Bureau detailing the occurrence of Legionnaires' disease in this State.

**Section 14** of this bill provides that a covered health care facility that violates the provisions of **sections 2-14** or any regulation adopted or order

issued pursuant thereto is a public nuisance and requires the covered health care facility to abate the nuisance.

As a result of the inclusion of **sections 2-14** in chapter 441A of NRS, a person who violates the provisions of **sections 2-14** is guilty of a misdemeanor. (NRS 441A.910)

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

**Section 1.** Chapter 441A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 to 8, inclusive, of this act, have the meanings ascribed to them in those sections.*

**Sec. 2.5.** *“Administrator” means the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services.*

**Sec. 3.** *“ASSE Series 12000” means the most recent edition of the ASSE/IAPMO/ANSI Series 12000, Professional Qualifications Standard for Water Management and Infection Control Risk Assessment for Building Systems, published by ASSE International, or its successor organization, and approved by the Administrator pursuant to section 8.5 of this act.*

**Sec. 4.** *“Building water system” means a potable or non-potable water system in a building or building site.*

**Sec. 5.** *“Covered health care facility” means ~~fa health care~~ :*

*1. A facility for intermediate care as defined in NRS 449.0038 that ~~receives federal or state money through~~ has been certified by the Centers for Medicare ~~for~~ and Medicaid ~~for~~*

*~~1. Where a patient’s length of stay may exceed 24 hours, Services of the United States Department of Health and Human Services;~~*

*2. ~~[That contains one or more areas for housing or treating patients that are receiving treatment for burns, chemotherapy, organ transplants or bone marrow transplants;]~~ A facility for skilled nursing as defined in NRS 449.0039 that has been certified by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services;*

*3. ~~[That contains one or more areas for housing patients that are immunocompromised and at-risk persons taking medications that weaken the immune system or who have diabetes or chronic lung disease; or]~~ A hospital as defined in NRS 449.012 that has been certified by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and*

*4. ~~[That is a residential facility for groups.]~~ A hospital that has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).*

**Sec. 6.** *~~“Health care facility” means any facility licensed pursuant to chapter 449 of NRS.~~ (Deleted by amendment.)*



Sec. 7. “Legionnaires’ disease” means a pulmonary disease caused by the Legionella bacterium.

Sec. 7.5. ~~“Residential facility for groups” has the meaning ascribed to it in NRS 449.017.~~ (Deleted by amendment.)

Sec. 8. “Standard 188” means the most recent edition of ANSI/ASHRAE Standard 188, Legionellosis: Risk Management for Building Water Systems, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc. or its successor organization, and approved by the Administrator pursuant to section 8.5 of this act.

Sec. 8.5. 1. The Administrator shall review each new edition of:

- (a) ASSE Series 12000 that is published after the 2021 edition; and
- (b) Standard 188 that is published after the 2018 edition.

2. Each new edition reviewed by the Administrator pursuant to subsection 1 shall be deemed approved unless the Administrator issues a formal declaration within 90 days after publication of the new edition that the edition is not suitable for this State.

Sec. 9. 1. Each owner or operator of a covered health care facility shall adopt and implement a water management program to minimize the growth and transmission of Legionella bacteria in the building water system in accordance with the provisions of sections 2 to 14, inclusive, of this act and any regulations adopted pursuant thereto.

2. The water management program required pursuant to subsection 1 must, without limitation:

- (a) Be designed and administered in accordance with Standard 188;
- (b) Except as otherwise provided in subsection 5, be designed by a water management team that includes, without limitation:

(1) At least one person who holds the Water Quality Program Certification for Employers and Designated Representatives, ASSE 12060; and

(2) At least one person who holds the Legionella Water Safety and Management Personnel Certification, ASSE 12080;

(c) Require that any work or services necessary to administer the water management program, including, without limitation, culture sampling and analysis, cleaning, flushing, disinfecting, prevention, control or remediation measures, are performed by persons and organizations that have been certified in accordance with the most recent edition of ASSE Series 12000;

(d) Establish procedures to validate, as an initial matter and on an ongoing basis, that the water management plan has been implemented as designed and that the program is effectively controlling any hazardous conditions throughout the building water system; and

(e) Establish procedures to monitor the building water system in accordance with subsection 3 and any regulations adopted by the Board pursuant to section 12 of this act.

3. A water management program adopted pursuant to this section must set forth requirements to monitor the building water system for the presence of Legionella bacteria.

4. The owner or operator of a covered health care facility shall:

(a) Except as otherwise provided in this paragraph, review the water management program and the monitoring of the building water system conducted in accordance with the program on an annual basis. The owner or operator shall conduct an additional review of the water management program and monitoring of the building water system if:

(1) One or more cases of Legionnaires' disease are or may be associated with the covered health care facility;

(2) Construction, modification or repair work has been completed which may affect the building water system;

(3) The hematopoietic stem cell transplant and solid organ transplant units, if present, are expanded or relocated; or

(4) Any other event determined by the Board that requires additional review.

(b) Maintain records of the water management program and all monitoring details and results for at least 3 years. Such records must be made available for inspection by the Board or health authority upon request.

5. The requirements of paragraph (b) of subsection 2 do not apply to a rural clinic, rural hospital or hospital that has been certified as a critical access hospital by the Secretary of Health and Human Services pursuant to 42 U.S.C. § 1395i-4(e).

6. As used in this section:

(a) "Rural clinic" has the meaning ascribed to it in NRS 449.0175.

(b) "Rural hospital" has the meaning ascribed to it in NRS 449.0177.

Sec. 10. (Deleted by amendment.)

Sec. 11. Pursuant to NRS 441A.150, a provider of health care, medical facility or a laboratory director shall, in the manner prescribed by the Board, immediately notify the health authority upon a suspicion or positive diagnosis of Legionnaires' disease in a covered health care facility. The health authority shall investigate the matter pursuant to NRS 441A.160 or 441A.163, as applicable.

Sec. 12. The Board shall adopt regulations to carry out the provisions of sections 2 to 14, inclusive, of this act, including, without limitation, requirements for sampling sites, monitoring and testing for Legionella bacteria in the building water system of a covered health care facility and Legionella culture sampling and analysis.

Sec. 13. On or before January 31 of each year, the Board shall prepare and submit to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature or, if the Legislature is not in session, to the Joint Interim Standing Committee on Health and Human Services, a report detailing the occurrence of Legionnaires' disease in this State which must include, without limitation:

1. *The number of cases of Legionnaires' disease in this State for each of the immediately preceding 10 years;*

2. *The number of positive Legionella culture test results reported to the Board for the immediately preceding year;*

3. *The number and types of violations of the provisions of sections 2 to 14, inclusive, of this act; and*

4. *Any recommendations of the Board for legislation necessary to further control Legionella bacteria in the water systems of covered health care facilities.*

**Sec. 14.** *Any covered health care facility in violation of the provisions of sections 2 to 14, inclusive, of this act, or any regulation adopted or order issued pursuant thereto, is hereby declared to be a public nuisance. A covered health facility shall abate any such nuisance.*

**Sec. 15.** 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. 16.** 1. This section and section 15 of this act become 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 necessary to carry out the provisions of this act; and

(b) On January 1, 2025, 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. 6.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 837.

AN ACT relating to health care; providing for the establishment of a health care cost growth benchmark for each year as a target for the maximum growth of total health care spending during that year; requiring certain state agencies to collaborate to develop and engage relevant persons and entities to implement strategies for meeting the health care cost growth benchmark; requiring certain insurers to report information relating to health care spending in this State; requiring the Director of the Department of Health and Human Services to publish an annual report concerning health care spending in this State; requiring the Patient Protection Commission within the Office of the Director to make certain recommendations concerning the health care cost growth benchmark and hold an annual informational public hearing concerning health care spending in this State; **making an appropriation and**

authorizing certain expenditures; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law: (1) creates the Patient Protection Commission within the Office of the Director of the Department of Health and Human Services; and (2) requires the Commission to perform certain duties relating to the provision of health care in this State. Such duties include conducting a systematic review of issues related to the health care needs of residents of this State and the quality, accessibility and affordability of health care in this State. (NRS 439.902-439.918) In 2021, the Governor issued Executive Order 2021-29, which establishes targets, known as health care cost growth targets, for the growth of spending on health care for each year, beginning in 2022 and ending in 2026. Executive Order 2021-29 requires the Division of Insurance of the Department of Business and Industry, the Department of Health and Human Services and other relevant state agencies to engage relevant parties to develop strategies to meet those targets and monitor and publish certain reports concerning the growth of health care spending. (Executive Order 2021-29 (12-27-2021))

**Sections 3-9** of this bill define terms relevant to health care cost growth benchmarks. **Section 10** of this bill requires the Director of the Department to annually establish a health care cost growth benchmark for the immediately following year in an amount equal to the health care cost growth target established by the Governor in Executive Order 2021-29. Beginning in 2026 and every 5 years thereafter: (1) **section 13** of this bill requires the Commission to establish and submit to the Director recommendations for health care cost growth benchmarks for each of the immediately following 5 years; and (2) **section 18** of this bill requires the Director to consider those recommendations and establish the health care cost growth benchmark for each of those years. **Section 13** authorizes the Commission to recommend that the Director modify the health care cost growth benchmark or the manner in which the growth in health care spending relative to the health care cost growth benchmark is assessed, if the Commission determines that economic conditions warrant the modification. **Section 10** authorizes the Director to modify the health care cost growth benchmark in response to such a recommendation. **Section 10** requires the Department, the Division of Insurance of the Department of Business and Industry and other relevant state agencies to collaborate to develop and engage relevant persons and entities to implement strategies for meeting the health care cost growth benchmark.

**Section 11** of this bill requires insurers to report to the Director certain data prescribed by regulation of the Director relating to health care spending. **Section 11** also requires the Director to request certain information relating to health care spending from the Federal Government. **Section 12** of this bill requires the Director to compile and submit to the Governor and the Legislature an annual report of certain data and analysis relating to health care spending in this State that is based on the data collected from insurers pursuant

to **section 11**. **Section 12** requires the report to include the rate of growth in total health care spending compared to the applicable health care cost growth benchmark. Beginning in 2025, **section 14** of this bill requires the Commission to annually: (1) hold an informational public hearing to compare the rate of growth in total health care spending in the most recent year for which such information is available to the health care cost growth benchmark for that year; and (2) compile and submit to the Governor, the Director and the Legislature a report of recommendations for strategies to assist the health care system in this State in meeting the health care cost growth benchmark.

Existing law requires the Commission to examine the cost of health care and the primary factors impacting those costs as part of its systemic review of issues relating to health care in this State. (NRS 439.916) **Section 15** of this bill requires that examination to include an examination of the information contained in the report compiled by the Director pursuant to **section 12**. **Sections 16 and 17** of this bill make conforming changes to clarify that the activities of the Commission prescribed by **sections 13 and 14** are part of the duties of the Commission. **Section 18.5 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services and authorizes certain related expenditures to carry out the provisions of this bill.**

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 the provisions set forth as sections 2 to 14, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Commission” means the Patient Protection Commission created by NRS 439.908.*

**Sec. 4.** *“Covered person” means a policyholder, subscriber, enrollee or other person covered by a third party.*

**Sec. 5.** *“Health care cost growth benchmark” means a percentage established by the Director pursuant to section 10 of this act as the target maximum amount for the growth of total health care spending in this State during a calendar year.*

**Sec. 6.** *“Health care provider entity” means an organized group of providers of health care that:*

- 1. Is treated as a single entity for the purpose of contracting or billing;*
- 2. Includes at least one provider of primary care; and*
- 3. Provides care to a sufficient number of persons to participate in contracting based on the total cost of providing care to a group of covered persons, even if they are not engaged in such a contract.*

**Sec. 7.** *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

Sec. 8. *“Third party” means:*

1. *An insurer, as that term is defined in NRS 679B.540;*
  2. *A health benefit plan, as that term is defined in NRS 687B.470, for employees which provides coverage for health care or prescription drugs;*
  3. *A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or*
  4. *Any other insurer or organization providing coverage or benefits for health care or prescription drugs in accordance with state or federal law.*
- ↪ *The term does not include an insurer that provides coverage under a policy of casualty or property insurance.*

Sec. 9. *“Total health care spending” means the sum of all spending on health care in this State, or for a particular market, third party or health care provider entity, during a calendar year, including, without limitation:*

1. *Money paid to providers of health care;*
2. *Cost sharing paid by covered persons; and*
3. *The difference between premiums paid to third parties and benefits provided by third parties, including, without limitation:*
  - (a) *Expenditures by third parties for advertising, commissions, administrative costs and other operating costs;*
  - (b) *Net additions or subtractions from reserves, rate credits and dividends;*
  - (c) *Premium taxes; and*
  - (d) *Profits or losses.*

Sec. 10. 1. *On or before July 1 of each year, the Director shall:*

- (a) *Establish the health care cost growth benchmark for the immediately following year in an amount equal to the health care cost growth target established by the Governor in Executive Order 2021-29, issued on December 27, 2021; and*
- (b) *Post the health care cost growth benchmark on an Internet website maintained by the Department.*

2. *The Director may modify the health care cost growth benchmark in response to a recommendation from the Commission pursuant to subsection 3 of section 13 of this act.*

3. *The Department, the Division of Insurance of the Department of Business and Industry and any other relevant agencies of the Executive Branch of the State Government shall collaborate to develop and engage relevant persons and entities to implement strategies for meeting the health care cost growth benchmark that are practicable and based on evidence and data.*

Sec. 11. 1. *Except as otherwise provided in subsection 3, on or before August 15 of each year, each third party shall report to the Director the aggregated data prescribed by regulation of the Director, in the form*

*prescribed by the Director, for at least the immediately preceding 2 years. The regulations adopted pursuant to this section must:*

*(a) Require a third party to report such information as necessary to compile the report described in section 12 of this act and include, without limitation, data concerning expenditures by third parties acting on behalf of self-insured employers; and*

*(b) For the purposes of reporting the information described in section 12 of this act relating to primary care and giving consideration to approaches used by other states and national organizations, prescribe:*

*(1) Categories of providers of health care who are considered to be providers of primary care;*

*(2) Specific codes used in generally accepted coding systems for billing in health care that correspond to procedures that are deemed to be primary care; and*

*(3) Categories of payments and practices relating to payment, including, without limitation, payment that is not based on claims, that should be included when calculating spending on primary care.*

*2. 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 the administrator of a Taft-Hartley trust formed pursuant to 29 U.S.C. § 186(c)(5) are not required to but may submit the data prescribed by the Director pursuant to this section.*

*3. The Director shall annually submit to the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services a request for information relating to the unadjusted total medical expenses of residents of this State.*

*Sec. 12. 1. On or before March 31 of each year, the Director shall compile a report concerning health care spending in this State that is based on the data reported pursuant to section 11 of this act in the immediately preceding year and submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:*

*(a) The Joint Interim Standing Committee on Health and Human Services; and*

*(b) In even-numbered years, the next regular session of the Legislature.*

*2. The report compiled pursuant to subsection 1 must include, for the immediately preceding year:*

*(a) The total health care spending for this State and the rate of growth of total health care spending compared to the applicable health care cost growth benchmark;*

*(b) The rate of growth in total health care spending by market for each market listed in subsection 3 and the rate of growth in total health care spending for each such market compared to the applicable health care cost growth benchmark;*

*(c) A specific identification of each third party that reported information pursuant to section 11 of this act and, for each such third party, the rate of*

*growth of total health care spending by the third party for each market listed in subsection 3 in which the third party operates compared to the applicable health care cost growth benchmark;*

*(d) A specific identification of each health care provider entity for which information was reported pursuant to section 11 of this act and, for each such health care provider entity, the rate of growth of total health care spending compared to the applicable health care cost growth benchmark;*

*(e) The net cost of private health insurance provided by each third party that issues such insurance for each market listed in subsection 3 in which the third party operates;*

*(f) Total spending on primary care as a percentage of total health care spending;*

*(g) The rate of growth in total spending on primary care;*

*(h) The average monthly spending for each covered person on commercial health insurance premiums;*

*(i) The rate of growth in health insurance premiums for each market listed in subsection 3 and each third party that reported information pursuant to section 11 of this act;*

*(j) The average monthly spending for each covered person on cost sharing;*

*(k) The rate of growth in cost sharing for each market listed in subsection 3 and each third party that reported information pursuant to section 11 of this act;*

*(l) An analysis of the drivers of growth in health care spending for different categories of services, including, without limitation, the relative contribution of utilization and price on the rate of growth; and*

*(m) Any information necessary to provide context for the information described in paragraphs (a) to (l), inclusive, including, without limitation:*

*(1) The impact of the rate of inflation;*

*(2) The impact of health care spending and the growth of such spending on access to health care; and*

*(3) Responses to public health crises or other similar emergencies.*

*3. The information reported pursuant to paragraphs (b), (c), (e), (i) and (k) of subsection 2 must include:*

*(a) The individual commercial insurance market;*

*(b) The small group commercial insurance market;*

*(c) The large group commercial insurance market;*

*(d) The self-insured commercial insurance market;*

*(e) Medicaid; and*

*(f) Medicare.*

*4. Upon receiving the report submitted pursuant to subsection 1, the Governor shall post the report on an Internet website maintained by the Governor.*

*Sec. 13. 1. On or before May 1, 2026, and every 5 years thereafter, the Commission shall establish and submit to the Director recommendations for*



*health care cost growth benchmarks for each of the immediately following 5 years and any information or analysis used to inform the recommendations. In developing such recommendations, the Commission shall consider:*

- (a) Any historical or forecasted changes in median per capita income in this State and the rate of growth in potential gross state product;*
- (b) The rate of inflation;*
- (c) The most recent annual report compiled by the Director pursuant to section 12 of this act; and*
- (d) Input from the public.*

*2. To solicit input from the public pursuant to paragraph (d) of subsection 1, the Commission may:*

- (a) Hold a public hearing;*
- (b) Convene an advisory committee consisting of such members as are appointed by the Commission; or*
- (c) Conduct any other activities that the Commission determines to be useful in soliciting public input.*

*3. The Commission may submit to the Director a recommendation to modify a health care cost growth benchmark or the manner in which the Director assesses the rate of growth in health care spending relative to the health care cost growth benchmark, if the Commission determines that economic conditions, including, without limitation, the rate of inflation, warrant the modification.*

*4. As used in this section, “potential gross state product” means the sum of the expected percentage of growth in the productivity of the national labor force, the expected percentage of growth in the labor force of this State and the expected national rate of inflation, minus the expected percentage of growth in population of this State.*

*Sec. 14. 1. On or before June 30 of each year, the Commission shall hold an informational public hearing to compare the rate of growth in total health care spending in the most recent year for which such information is available to the health care cost growth benchmark for that year. The hearing must include, without limitation, an examination of:*

- (a) The report compiled by the Director pursuant to section 12 of this act for the applicable year;*
- (b) The spending of health care provider entities and third parties including, without limitation:*
  - (1) Trends in the cost of providing health care;*
  - (2) The factors contributing to the cost of providing health care; and*
  - (3) Spending on primary care as a percentage of total medical expenses; and*
- (c) Any other matters deemed relevant by the Commission.*

*2. On or before September 1 of each year, the Commission shall:*

- (a) Compile a report of recommendations for strategies to assist the health care system in this State, including, without limitation, health care provider*

*entities and third parties, in meeting the health care cost growth benchmark; and*

*(b) Submit the report to the Governor, the Director of the Department and the Director of the Legislative Counsel Bureau for transmittal to:*

*(1) In even-numbered years, the Joint Interim Standing Committee on Health and Human Services; and*

*(2) In odd-numbered years, the next regular session of the Legislature.*

*3. When compiling a report pursuant to subsection 2, the Commission shall examine, without limitation, data and findings from:*

*(a) The report most recently compiled by the Director pursuant to section 12 of this act; and*

*(b) The most recent informational public hearing held pursuant to subsection 1.*

**Sec. 15.** NRS 439.916 is hereby amended to read as follows:

439.916 1. The Commission shall systematically review issues related to the health care needs of residents of this State and the quality, accessibility and affordability of health care, including, without limitation, prescription drugs, in this State. The review must include, without limitation:

(a) Comprehensively examining the system for regulating health care in this State, including, without limitation, the licensing and regulation of health care facilities and providers of health care and the role of professional licensing boards, commissions and other bodies established to regulate or evaluate policies related to health care.

(b) Identifying gaps and duplication in the roles of such boards, commissions and other bodies.

(c) Examining the cost of health care and the primary factors impacting those costs ~~{ }~~, ***including, without limitation, by examining the information contained in the report compiled pursuant to section 12 of this act.***

(d) Examining disparities in the quality and cost of health care between different groups, including, without limitation, minority groups and other distinct populations in this State.

(e) Reviewing the adequacy and types of providers of health care who participate in networks established by health carriers in this State and the geographic distribution of the providers of health care who participate in each such network.

(f) Reviewing the availability of health benefit plans, as defined in NRS 687B.470, in this State.

(g) Reviewing the effect of any changes to Medicaid, including, without limitation, the expansion of Medicaid pursuant to the Patient Protection and Affordable Care Act, Public Law 111-148, on the cost and availability of health care and health insurance in this State.

(h) If a data dashboard is established pursuant to NRS 439.245, using the data dashboard to review access by different groups and populations in this State to services provided through telehealth and evaluating policies to make such access more equitable.

(i) Reviewing proposed and enacted legislation, regulations and other changes to state and local policy related to health care in this State.

(j) Researching possible changes to state or local policy in this State that may improve the quality, accessibility or affordability of health care in this State, including, without limitation:

(1) The use of purchasing pools to decrease the cost of health care;

(2) Increasing transparency concerning the cost or provision of health care;

(3) Regulatory measures designed to increase the accessibility and the quality of health care, regardless of geographic location or ability to pay;

(4) Facilitating access to data concerning insurance claims for medical services to assist in the development of public policies;

(5) Resolving problems relating to the billing of patients for medical services;

(6) Leveraging the expenditure of money by the Medicaid program and reimbursement rates under Medicaid to increase the quality and accessibility of health care for low-income persons; and

(7) Increasing access to health care for uninsured populations in this State, including, without limitation, retirees and children.

(k) Monitoring and evaluating proposed and enacted federal legislation and regulations and other proposed and actual changes to federal health care policy to determine the impact of such changes on the cost of health care in this State.

(l) Evaluating the degree to which the role, structure and duties of the Commission facilitate the oversight of the provision of health care in this State by the Commission and allow the Commission to perform activities necessary to promote the health care needs of residents of this State.

(m) Making recommendations to the Governor, the Legislature, the Department of Health and Human Services, local health authorities and any other person or governmental entity to increase the quality, accessibility and affordability of health care in this State, including, without limitation, recommendations concerning the items described in this subsection.

2. The Commission may request that any state or local governmental entity submit not more than two reports each year containing or analyzing information that is not confidential by law concerning the cost of health care, consolidation among entities that provide or pay for health care or other issues related to access to health care. To the extent that a governmental entity from which such a report is requested has the resources to compile the report and the disclosure of the information requested is authorized by the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, the governmental entity shall provide the report to the Executive Director of the Commission and submit a copy of the report to the Attorney General.

3. If a data dashboard is established pursuant to NRS 439.245, the Commission shall make available on an Internet website maintained by the Commission a hyperlink to the data dashboard.

4. As used in this section:

(a) “Health carrier” has the meaning ascribed to it in NRS 687B.625.

(b) “Network” has the meaning ascribed to it in NRS 687B.640.

(c) “Telehealth” has the meaning ascribed to it in NRS 629.515.

**Sec. 16.** NRS 439.918 is hereby amended to read as follows:

439.918 1. In addition to conducting the review described in NRS 439.916 ~~and~~ *and performing the duties described in section 13 of this act*, the Commission shall:

(a) Attempt to identify and facilitate collaboration between existing state governmental entities that study or address issues relating to the quality, accessibility and affordability of health care in this State, including, without limitation, the regional behavioral health policy boards created by NRS 433.429;

(b) Attempt to coordinate with such entities to reduce any duplication of efforts among and between those entities and the Commission;

(c) Establish, submit to the Director and annually update a plan to increase access by patients to their medical records and provide for the interoperability of medical records between providers of health care in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any other applicable federal law or regulations; and

(d) Make recommendations to the Director and the Legislature concerning:

(1) The analysis and use of data to improve access to and the quality of health care in this State, including, without limitation, using data to establish priorities for addressing health care needs; and

(2) Ensuring that data concerning health care in this State is publicly available and transparent.

2. On or before January 1 and July 1 of each year, the Commission shall:

(a) Compile a report describing the meetings of the Commission and the activities of the Commission during the immediately preceding 6 months. The report must include, without limitation, a description of any issues identified as negatively impacting the quality, accessibility or affordability of health care in this State and any recommendations for legislation, regulations or other changes to policy or budgets to address those issues.

(b) Submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:

(1) In January of odd-numbered years, the next regular session of the Legislature.

(2) In all other cases, to the Joint Interim Standing Committee on Health and Human Services.

3. Upon receiving a report pursuant to subsection 2, the Governor shall post the report on an Internet website maintained by the Governor.

4. The Commission may prepare and publish additional reports on specific topics at the direction of the Chair.

**Sec. 17.** NRS 439.918 is hereby amended to read as follows:

439.918 1. In addition to conducting the review described in NRS 439.916 and performing the duties described in ~~[section]~~ **sections 13 and 14** of this act, the Commission shall:

(a) Attempt to identify and facilitate collaboration between existing state governmental entities that study or address issues relating to the quality, accessibility and affordability of health care in this State, including, without limitation, the regional behavioral health policy boards created by NRS 433.429;

(b) Attempt to coordinate with such entities to reduce any duplication of efforts among and between those entities and the Commission;

(c) Establish, submit to the Director and annually update a plan to increase access by patients to their medical records and provide for the interoperability of medical records between providers of health care in accordance with the requirements of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, and any other applicable federal law or regulations; and

(d) Make recommendations to the Director and the Legislature concerning:

(1) The analysis and use of data to improve access to and the quality of health care in this State, including, without limitation, using data to establish priorities for addressing health care needs; and

(2) Ensuring that data concerning health care in this State is publicly available and transparent.

2. On or before January 1 and July 1 of each year, the Commission shall:

(a) Compile a report describing the meetings of the Commission and the activities of the Commission during the immediately preceding 6 months. The report must include, without limitation, a description of any issues identified as negatively impacting the quality, accessibility or affordability of health care in this State and any recommendations for legislation, regulations or other changes to policy or budgets to address those issues.

(b) Submit the report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to:

(1) In January of odd-numbered years, the next regular session of the Legislature.

(2) In all other cases, to the Joint Interim Standing Committee on Health and Human Services.

3. Upon receiving a report pursuant to subsection 2, the Governor shall post the report on an Internet website maintained by the Governor.

4. The Commission may prepare and publish additional reports on specific topics at the direction of the Chair.

**Sec. 18.** Section 10 of this act is hereby amended to read as follows:

Sec. 10. 1. On or before July 1 ~~[of each year.]~~, **2026, and every 5 years thereafter**, the Director shall:

(a) ~~[Establish]~~ **After considering the recommendations made by the Commission pursuant to subsection 1 of section 13 of this act and any**

*information or analysis used to inform that recommendation, establish the health care cost growth benchmark for each of the immediately following ~~[year in an amount equal to the health care cost growth target established by the Governor in Executive Order 2021-29, issued on December 27, 2021;]~~ 5 years; and*

(b) Post the health care cost growth ~~[benchmark]~~ *benchmarks* on an Internet website maintained by the Department.

2. The Director may modify the health care cost growth ~~[benchmark]~~ *benchmarks* in response to a recommendation from the Commission pursuant to subsection 3 of section 13 of this act.

3. ~~[The]~~ *After considering the recommendations made by the Commission pursuant to section 14 of this act, the* Department, the Division of Insurance of the Department of Business and Industry and any other relevant agencies of the Executive Branch of the State Government shall collaborate to develop and engage relevant persons and entities to implement strategies to meet the health care cost growth ~~[benchmark]~~ *benchmarks* that are practicable and based on evidence and data.

**Sec. 18.5. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for personnel, travel, operating, information services and equipment expenses associated with implementing the provisions of this act the following sums:**

**For the Fiscal Year 2023-2024..... \$33,768**

**For the Fiscal Year 2024-2025..... \$42,694**

**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.**

**3. Expenditure of \$33,768 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2023-2024 by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1.**

**4. Expenditure of \$42,694 not appropriated from the State General Fund or the State Highway Fund is hereby authorized during Fiscal Year 2024-2025 by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purposes as set forth in subsection 1.**

**Sec. 19.** 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. 20.** 1. This section and sections 1 to 13, inclusive, 15, 16 and 19 of this act become effective upon passage and approval.

2. **Section 18.5 of this act becomes effective on July 1, 2023.**

3. Sections 14 and 17 of this act become effective on January 1, 2025.

~~3-4~~ 4. Section 18 of this act becomes effective on January 1, 2026.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 28.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 844.

AN ACT relating to the State Treasurer; establishing the Nevada Baby Bonds Program and the Nevada Baby Bonds Trust Fund; setting forth the duties and responsibilities of the State Treasurer in administering the Program and Trust Fund; authorizing the State Treasurer to adopt regulations relating to the Program; making an appropriation; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The Nevada Constitution requires the State Treasurer to perform such duties as may be prescribed by law. (Nev. Const. Art. 5, § 22) **Section 8** of this bill: (1) establishes the Nevada Baby Bonds Program and the Nevada Baby Bonds Trust Fund; and (2) requires the State Treasurer to administer the Program and Trust Fund. **Sections 6 and 7** of this bill, respectively, define the terms “Program” and “Trust Fund.”

**Section 9** of this bill requires the State Treasurer ~~to, upon notification of the birth of a designated beneficiary,~~ to, within the limits of money made available for this purpose, credit \$3,200 in the Trust Fund to ~~the~~ **each** designated beneficiary. **If the money available in the Trust Fund is insufficient to cover all designated beneficiaries for a particular year, section 9 requires the State Treasurer to: (1) determine the appropriate number of designated beneficiaries for whom money is available; and (2) select by lottery the designated beneficiaries who will receive a credit of \$3,200 in the Trust Fund.**

**Section 4** of this bill defines a “designated beneficiary” to mean a natural person born in this State on or after January 1, 2024, whose birth was subject to medical coverage provided under Medicaid or the Children’s Health Insurance Program. **Sections 3 and 5** of this bill, respectively, define the terms “Children’s Health Insurance Program” and “Medicaid.”

**Section 9** of this bill authorizes a designated beneficiary to submit a claim to the State Treasurer to receive money credited to the designated beneficiary in the Trust Fund if the designated beneficiary: (1) is at least 18 but less than 30 years of age; (2) has been a resident of this State for at least the 12 months immediately preceding the submission of the claim; (3) attests that he or she will use the money for certain purposes; and (4) has successfully completed a course in financial literacy approved by the State Treasurer.

**Section 10** of this bill requires the State Treasurer to provide an annual statement to each designated beneficiary which includes certain information.

**Section 11** of this bill provides that, with certain exceptions, any money deposited into the Trust Fund must not be used to calculate the personal assets of a designated beneficiary for purposes of determining eligibility of the designated beneficiary for: (1) any disability, medical or other health benefits administered by this State; or (2) any student loan program, student grant program or other student financial aid program administered by this State.

**Section 12** of this bill: (1) sets forth certain requirements and limitations on the State Treasurer in investing and reinvesting the money in the Trust Fund; and (2) authorizes the State Treasurer to enter into certain contracts and procure insurance for the Trust Fund, apply for, accept and expend any gifts, grants and donations and take any other action necessary to carry out the provisions of law related to the Program.

**Sections 13 and 15** of this bill provide, with certain exceptions, that all information about a designated beneficiary which is contained in a record or file in the possession, control or custody of the State Treasurer is confidential.

**Section 14** of this bill authorizes the State Treasurer to adopt any regulations necessary to carry out the provisions of law relating to the Program, including, without limitation, requirements relating to the course in financial literacy for designated beneficiaries required by **section 9**.

**Section 16** of this bill makes an appropriation to the Nevada Baby Bonds Trust Fund.

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

**Section 1.** Chapter 226 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this act.

**Sec. 2.** *As used in sections 2 to 14, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Children’s Health Insurance Program” means the program established pursuant to 42 U.S.C. §§ 1397aa to 1397jj, inclusive, to provide health insurance for uninsured children from low-income families in this State.*

**Sec. 4.** *“Designated beneficiary” means a natural person born in this State on or after January 1, 2024, whose birth was subject to medical*



*coverage provided under Medicaid or the Children's Health Insurance Program.*

*Sec. 5. "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.*

*Sec. 6. "Program" means the Nevada Baby Bonds Program established by section 8 of this act.*

*Sec. 7. "Trust Fund" means the Nevada Baby Bonds Trust Fund created by section 8 of this act.*

*Sec. 8. 1. The Nevada Baby Bonds Program is hereby established, to be administered by the State Treasurer.*

*2. The Nevada Baby Bonds Trust Fund is hereby created for the purpose of carrying out the Program. The Trust Fund and any account established by the State Treasurer pursuant to subsection 3 must be administered by the State Treasurer.*

*3. The State Treasurer may establish such accounts in the Trust Fund as the State Treasurer determines necessary to carry out the duties of the State Treasurer pursuant to sections 2 to 14, inclusive, of this act.*

*4. The Trust Fund is an instrumentality of this State, and its property and income are exempt from all taxation of this State and any political subdivision thereof.*

*5. The Trust Fund consists of:*

*(a) All money from public or private sources appropriated by or made available to this State for the benefit of the Trust Fund; and*

*(b) All earnings on the money in the Trust Fund.*

*6. The money in the Trust Fund:*

*(a) Is not the property of this State and this State has no claim to or interest in such money; and*

*(b) Must not be commingled with any money of this State.*

*7. Any contract entered into by the State Treasurer on behalf of the Trust Fund does not constitute a debt or obligation of this State, and no designated beneficiary is entitled to any money in the Trust Fund except for that money credited to the designated beneficiary pursuant to section 9 of this act.*

*8. The money in the Trust Fund must be preserved, invested and expended solely pursuant to and for the purposes authorized by sections 2 to 14, inclusive, of this act and must not be loaned or otherwise transferred or used by this State for any other purpose.*

*9. The Trust Fund must continue in existence as long as it holds any deposits or has any obligations, or until its existence is terminated by law. Upon termination, any unclaimed assets must revert to the State General Fund.*

*10. The State Treasurer may use not more than 5 percent of the money appropriated during a fiscal year for the Program to pay administrative costs.*

Sec. 9. 1. *The Department of Health and Human Services shall notify the State Treasurer of the birth of each designated beneficiary. ~~Upon notification of the birth of a designated beneficiary,~~ Except as otherwise provided in this subsection, the State Treasurer shall, within the limits of money made available for this purpose, credit to ~~the~~ each designated beneficiary \$3,200 in the Trust Fund. If the money available for such purpose is insufficient to cover all designated beneficiaries born for a particular year, the State Treasurer shall:*

*(a) Determine the appropriate number of designated beneficiaries for whom money in the Trust Fund is available; and*

*(b) Select by lottery the designated beneficiaries for that year who will receive a credit of \$3,200 in the Trust Fund.*

2. *A designated beneficiary may submit a claim to the State Treasurer to receive money in the Trust Fund credited to the designated beneficiary if:*

*(a) The designated beneficiary is at least 18 but less than 30 years of age;*

*(b) The designated beneficiary has been a resident of this State for at least the 12 months immediately preceding the submission of the claim to the State Treasurer;*

*(c) The designated beneficiary attests that he or she will use the money for one or more of the following purposes:*

*(1) Postsecondary education, including, without limitation, vocational education or apprenticeship readiness and training;*

*(2) To purchase a home;*

*(3) To start or purchase a business; or*

*(4) To invest in financial assets or personal capital that provides a long-term gain to the wages or wealth of the designated beneficiary; and*

*(d) The designated beneficiary has successfully completed a course in financial literacy approved by the State Treasurer, which must include, without limitation, training on the rights and protections available to consumers when:*

*(1) Receiving or repaying a student loan for postsecondary education;*

*(2) Purchasing a home;*

*(3) Starting or purchasing a business; and*

*(4) Investing in financial assets or personal capital that provides a long term gain to the wages or wealth of the designated beneficiary.*

3. *The money for which the designated beneficiary may submit a claim pursuant to subsection 2 must include:*

*(a) The amount credited to the designated beneficiary pursuant to subsection 1; and*

*(b) The pro rata share of the total net earnings from the investment of the money held in the Trust Fund that the State Treasurer determines is attributable to the designated beneficiary.*

4. *The State Treasurer must credit back to the Trust Fund all money which the designated beneficiary is entitled to claim pursuant to subsection 3 if:*

(a) *The designated beneficiary dies before he or she is eligible to submit a claim to the State Treasurer pursuant to subsection 1; or*

(b) *The designated beneficiary does not submit a claim that meets the requirements set forth in subsection 1 before the designated beneficiary reaches 30 years of age.*

**Sec. 10. 1. The State Treasurer shall provide an annual statement to each designated beneficiary who receives a credit in the Trust Fund pursuant to section 9 of this act which must include, without limitation:**

(a) *A statement of the amount credited to the designated beneficiary in the Trust Fund;*

(b) *A projection of the growth of the amount credited to the designated beneficiary in the Trust Fund;*

(c) *Resources and information to promote the financial wellness and literacy of the designated beneficiary; and*

(d) *Any other information about the Program that the State Treasurer determines to be relevant.*

**2. The State Treasurer may request the contact information of any designated beneficiary from a state agency for the purpose of carrying out the provisions of subsection 1. Upon any such request, a state agency shall provide the State Treasurer with the contact information of a designated beneficiary.**

**Sec. 11. Except as otherwise provided by federal law, any money deposited into the Trust Fund and credited to a designated beneficiary, and any increase in the values thereof, must not be used to calculate the personal assets of a designated beneficiary for purposes of determining the eligibility of the designated beneficiary for:**

**1. Any disability, medical or other health benefits administered by this State; or**

**2. Any student loan program, student grant program or other student financial aid program administered by this State.**

**Sec. 12. 1. The State Treasurer, on behalf of the Trust Fund and for trust purposes, shall:**

(a) *Except as otherwise provided in subsection 2, invest and reinvest the money in the Trust Fund, including, without limitation, in any instrument, obligation, security or property, in any manner that is reasonable and appropriate in order to achieve the objectives of the Trust Fund, and while exercising the discretion and care of a prudent person in similar circumstances with similar objectives; and*

(b) *Give due consideration to the expected rate of return, risk, term or maturity, diversification of the total investments within the Trust Fund, liquidity, projected disbursements and expenditures and anticipated deposits, contributions and gifts to the Trust Fund.*

**2. The State Treasurer shall not, on behalf of the Trust Fund, invest directly in obligations of the State or any political subdivision thereof or in any investment or other fund administered by the State Treasurer.**

3. *The State Treasurer, on behalf of the Trust Fund and for trust purposes, may:*

(a) *Enter into contracts for the Trust Fund, including, without limitation, contracts for legal, actuarial, accounting, custodial, advisory, management, administrative, advertising, marketing and consulting services, and pay for such contractual services from the earnings on the money in the Trust Fund;*

(b) *Procure insurance for the Trust Fund in connection with the property, assets, activities or deposits of the Trust Fund;*

(c) *Apply for, accept and expend any gifts, grants and donations from any public or private source for the purpose of carrying out the provisions of sections 2 to 14, inclusive, of this act; and*

(d) *Take any other action necessary to carry out the provisions of sections 2 to 14, inclusive, of this act, and incidental to the duties imposed on the State Treasurer pursuant to sections 2 to 14, inclusive, of this act.*

Sec. 13. 1. *Except as otherwise provided in this section, all information about a designated beneficiary which is contained in a record or file in the possession, control or custody of the State Treasurer is confidential regardless of the form, location and manner of creation or storage of a record or file containing the information.*

2. *The State Treasurer may only disclose information made confidential pursuant to subsection 1 to a third party if:*

(a) *Such disclosure is necessary for the State Treasurer to carry out his or her duties related to the Program; and*

(b) *The State Treasurer executes a confidentiality agreement with the third party before providing the third party with any confidential information.*

Sec. 14. *The State Treasurer may adopt any regulations necessary for the purposes of carrying out the provisions of sections 2 to 14, inclusive, of this act, including, without limitation, requirements for the course in financial literacy for designated beneficiaries required pursuant to subsection 2 of section 9 of this act and requirements to ensure a designated beneficiary has successfully completed such a course.*

Sec. 15. 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 13 of this act**, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and  
(2) Is not available in an electronic format; or  
(b) Providing the public record in an electronic format or by means of an electronic medium would:

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

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

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

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

**Sec. 16.** There is hereby appropriated from the State General Fund to the Nevada Baby Bonds Trust Fund created by section 8 of this act the sum of ~~[\$80,000,000]~~ **\$5,000,000** for the establishment of the Nevada Baby Bonds Program pursuant to section 8 of this act.

**Sec. 17.** 1. This section becomes effective upon passage and approval.

2. Section 16 of this act becomes effective on July 1, 2023.

3. Sections 1 to 15, inclusive of this act become effective:

(a) Upon passage and approval for the purposes 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.

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

Assembly Bill No. 37.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 858.

AN ACT relating to behavioral health; authorizing the establishment of the Behavioral Health Workforce Development Center of Nevada at one or more institutions within the Nevada System of Higher Education; prescribing the structure and duties of the Center; authorizing the Board of Regents of the University of Nevada to accept, receive, invest, disburse and account for money received for purposes related to the Center; **making an appropriation;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the Board of Regents of the University of Nevada to administer: (1) a program to provide loans for fees, books and living expenses to students in the nursing programs of the Nevada System of Higher Education; and (2) the Nevada Health Service Corps, which repays the loans of practitioners of certain health professions who practice in areas of this State for which a shortage of that type of practitioner exists. (NRS 396.890, 396.900, 396.903) **Section 6** of this bill similarly authorizes the Board to establish the Behavioral Health Workforce Development Center of Nevada at one or more institutions within the System for purposes related to strengthening the workforce of providers of behavioral health care in this State. **Section 6** requires the Center to consist of: (1) a main hub located at an institution within the System; and (2) regional hubs in each of the five behavioral health regions into which this State is divided. (NRS 433.428) To the extent that money is available, **section 6** authorizes each institution at which the Center is established to provide resources to support the Center in accomplishing its duties. **Sections 3-5** of this bill define terms related to the Center and its activities.

If the Center is established, **section 7** of this bill requires the Center to establish a behavioral health workforce development consortium consisting of various persons and entities involved in education, behavioral health and workforce development. **Section 7** also requires the Center to develop and implement a strategic plan for the recruitment, education and retention of a qualified, diverse and evolving behavioral health workforce in this State. **Section 7** requires: (1) the strategic plan to include plans for convening and organizing the members of the consortium and other relevant persons and entities to create and implement strategies to develop the behavioral health workforce of this State; and (2) the Center, under the direction of the consortium, to carry out the duties prescribed by the strategic plan. **Section 8** of this bill requires the Center, if established, to perform various other duties related to strengthening the behavioral health workforce of this State, and **section 7** requires the strategic plan to include plans for performing those duties. **Section 9** of this bill authorizes the Board to: (1) accept gifts, grants and donations for the purposes of supporting the Center and its duties; and (2) receive, invest, disburse and account for all money received for that purpose. **Section 10** of this bill requires the Center, if established, to annually report to the Legislature, the Board, the Chancellor of the System and certain other entities concerning the activities of the Center. **Section 10.5 of this bill makes an appropriation to the System for certain personnel and operating expenses related to the creation of the Center.**

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 the provisions set forth as sections 2 to 10, inclusive, of this act.



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

Sec. 3. *“Behavioral health region” has the meaning ascribed to it in NRS 433.426.*

Sec. 4. *“Center” means the Behavioral Health Workforce Development Center of Nevada established pursuant to section 6 of this act.*

Sec. 5. *“Provider of behavioral health care” means a person who is:*

1. *Licensed, certified or registered pursuant to chapter 641, 641A, 641B, 641C or 641D of NRS;*

2. *Licensed as a physician, physician assistant or registered nurse and practices in psychiatry, addiction medicine or another specialty relating to behavioral health; or*

3. *A school counselor or school psychologist.*

Sec. 6. 1. *The Board of Regents may establish the Behavioral Health Workforce Development Center of Nevada at an institution or multiple institutions within the System.*

2. *The primary purposes of the Center must be to:*

(a) *Increase the number of graduates of high schools in this State who pursue higher education in fields related to behavioral health;*

(b) *Increase the number of graduates from programs for the education of providers of behavioral health care within the System who intern and practice in this State;*

(c) *Increase the number of providers of behavioral health care who have the specialized training necessary to address the most critical shortages of such providers in this State;*

(d) *Increase the number of supervisors and sites for internships for students and graduates of programs for the education of providers of behavioral health care;*

(e) *Decrease the amount of time between graduation from a program for the education of providers of behavioral health care and licensure, certification or registration and, if applicable, endorsement as such a provider; and*

(f) *Address other needs relating to the number and distribution of providers of behavioral health care in this State, as determined by the Center.*

3. *The Center must consist of:*

(a) *A main hub at one of the institutions at which the Center is established; and*

(b) *Regional hubs in each behavioral health region of this State.*

4. *To the extent that money is available for this purpose, each institution at which the Center is established may provide personnel, facilities, equipment and supplies to support the Center in carrying out the provisions of sections 2 to 10, inclusive, of this act. Such personnel, facilities, equipment and supplies may include, without limitation:*

(a) *Facilities for conferences and training;*

- (b) The time and labor of the faculty and staff of the institution; and*
- (c) Equipment for telehealth, as defined in NRS 629.515, and distance learning.*

**Sec. 7. 1. If established, the Center shall:**

*(a) Establish a behavioral health workforce development consortium. The consortium must consist of:*

- (1) Institutions within the System;*
- (2) Providers of behavioral health care;*
- (3) The Department of Education and school districts;*
- (4) State and local law enforcement agencies;*
- (5) Consumers of behavioral health care;*
- (6) Family members of consumers of behavioral health care;*
- (7) Hospitals and other facilities that provide behavioral health care;*
- (8) The Department of Health and Human Services, the Department of Veterans Services, the Department of Employment, Training and Rehabilitation and other relevant agencies of this State selected by the Center;*
- (9) Sites that provide internships for providers of behavioral health care;*
- (10) Representatives of members of the Armed Forces of the United States and the National Guard who are on active duty, veterans and families of such members and veterans;*
- (11) Representatives of historically marginalized communities, including, without limitation:*
  - (I) Lesbian, gay, bisexual, transgender and questioning persons; and*
  - (II) Persons of color;*
- (12) Representatives of persons with disabilities; and*
- (13) Other relevant persons and entities, as selected by the Center.*

*(b) Develop and implement a strategic plan for the recruitment, education and retention of a qualified, diverse and evolving behavioral health workforce in this State, with the highest priority placed on rural, frontier and underserved urban communities. The strategic plan must include, without limitation, plans for:*

- (1) Convening and organizing the members of the consortium created pursuant to paragraph (a) and other relevant persons and entities to develop and implement strategies to strengthen the behavioral health workforce in every behavioral health region of this State; and*
- (2) Performing the duties prescribed by section 8 of this act.*

**2. If established, the Center shall, under the direction of the consortium created pursuant to paragraph (a) of subsection 1, perform the duties prescribed in the strategic plan developed pursuant to paragraph (b) of subsection 1.**

**3. As used in this section, “veteran” has the meaning ascribed to it in NRS 417.005.**

*Sec. 8. In addition to the duties prescribed by sections 7 and 10 of this act, the Center, if established, shall:*

*1. Through the regional hubs established pursuant to section 6 of this act:*

*(a) Collaborate with other persons and entities to assess the specific behavioral health needs of each behavioral health region; and*

*(b) Engage in research and training specifically designed to address those needs.*

*2. Coordinate with the System, the Department of Health and Human Services, the Department of Education, the Department of Employment, Training and Rehabilitation and other state agencies involved in behavioral health, education and workforce development to promote the efficient utilization of state resources designated for those purposes.*

*3. Build partnerships with school districts, institutions within the System, occupational licensing boards that license, certify or register providers of behavioral health care, the Department of Education, the Department of Employment, Training and Rehabilitation and other public and private entities involved in workforce development to establish pipelines to careers in behavioral health from schools through professional practice. Such pipelines must focus on recruiting youth who are:*

*(a) From underserved and marginalized communities; or*

*(b) Interested in pursuing careers that address the most critical behavioral health needs of this State, including, without limitation, careers providing behavioral health care to children, the elderly and other underserved populations.*

*4. Develop and implement strategies to:*

*(a) Recruit adults who are interested in careers in behavioral health;*

*(b) Retain providers of behavioral health care who currently practice in this State; and*

*(c) Ensure that providers who participate in the pipelines established pursuant to subsection 3 ultimately practice in this State.*

*5. Collaborate with professional organizations for providers of behavioral health care, institutions that provide training and education for providers of behavioral health care and other relevant persons and entities to ensure the availability of high-quality continuing education on emerging, evidence-based practices for providing behavioral health care in various settings.*

*6. Provide or collaborate with other agencies to provide technical assistance for providers of behavioral health care regarding administrative issues and other nonacademic issues relating to the provision of behavioral health care in this State, including, without limitation:*

*(a) Obtaining a state business license and any necessary local licenses;*

*(b) Planning the establishment and operation of a business to provide behavioral health care;*

*(c) Billing insurers for the provision of behavioral health care; and*

*(d) The management of staff.*

*7. Provide technical assistance to support the provision of graduate and postgraduate training in evidence-based practices for providing behavioral health care at existing and new sites for the provision of such training, with the highest priority placed on sites that serve rural, frontier and underserved urban communities.*

*8. Provide training for supervisors of graduate and postgraduate training for providers of behavioral health care, with the highest priority placed on supervisors who serve rural, frontier and underserved urban communities.*

*9. Collaborate with existing entities or establish new programs to assist adult students in pursuing the education and training necessary to become a provider of behavioral health care.*

*10. Coordinate with other entities to obtain or, where necessary, collect and analyze data to:*

*(a) Determine where providers of behavioral health care who practice in this State were born, educated and trained;*

*(b) Evaluate the progression of persons through programs for the education and training of providers of behavioral health care in this State and determine where such persons practice after completing those programs;*

*(c) Ensure the strength and success of pipelines to careers in behavioral health from schools through professional practice; and*

*(d) Identify the degree to which programs of education and training for providers of behavioral health care produce an adequate number of specialists to meet the needs of this State and each behavioral health region.*

*11. Collaborate with agencies involved in the education, training, licensure, certification, registration and endorsement of providers of behavioral health care to develop systems for:*

*(a) Identifying methods used by providers of education or training for providers of behavioral health care to prepare participants in programs of such education or training to correctly implement evidence-based practices for providing behavioral health care;*

*(b) Identifying the practices and therapeutic modalities being taught to participants in programs of education or training for providers of behavioral health care; and*

*(c) To the extent feasible, tracking the implementation of the methods, practices and modalities described in paragraphs (a) and (b) by providers of behavioral health care.*

*12. Monitor progress toward the goals prescribed in the strategic plan developed pursuant to section 7 of this act.*

*13. Perform the duties prescribed by this section and section 7 of this act in a manner that leverages existing programs and resources and avoids duplication of efforts.*

*Sec. 9. The Board of Regents may:*

1. *Apply for and accept gifts, grants and donations for the purposes of carrying out the provisions of sections 2 to 10, inclusive, of this act.*

2. *Receive, invest, disburse and account for all money received for the purposes of carrying out the provisions of sections 2 to 10, inclusive, of this act.*

Sec. 10. *On or before June 1 of each year, the Center, if established, shall:*

1. *Compile a report concerning its activities during the immediately preceding calendar year and planned activities for the current calendar year and following calendar years; and*

2. *Submit the report to:*

(a) *The Director of the Legislative Counsel Bureau for transmittal to:*

(1) *The Joint Interim Standing Committee on Health and Human Services; and*

(2) *The Joint Interim Standing Committee on Commerce and Labor;*

(b) *The Commission on Behavioral Health;*

(c) *Each regional behavioral health policy board created by NRS 433.429;*

(d) *The Board of Regents; and*

(e) *The Chancellor of the System.*

Sec. 10.5. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education for personnel and operating expenses associated with the establishment of the Behavioral Health Workforce Development Center at the University of Nevada, Las Vegas, the following sums:

For the Fiscal Year 2023-2024..... \$684,926

For the Fiscal Year 2024-2025..... \$1,369,321

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. 11. 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. 12. 1. This section becomes effective upon passage and approval.

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

3. Sections 1 to ~~11~~ 10, inclusive, and 11 of this act become effective:

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

(b) On October 1, 2023, for all other purposes.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 255.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 857.

AN ACT relating to adoption; revising provisions governing financial assistance to the adoptive family of a child with special needs; **making appropriations to and authorizing expenditures by the Division of Child and Family Services of the Department of Health and Human Services;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes an agency which provides child welfare services to provide financial assistance to a family that adopts a child with special needs until the child attains majority, becomes self-sustaining, is emancipated or dies. (NRS 127.186) If such a child is still enrolled in school, **section 1 of** this bill authorizes an agency which provides child welfare services to provide financial assistance until the child graduates high school or reaches 19 years of age, whichever comes first. **Sections 1.2-1.6 of this bill make appropriations to, and authorize expenditure by, the Division of Child and Family Services of the Department of Health and Human Services for the increased costs of providing such financial assistance.**

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

**Section 1.** NRS 127.186 is hereby amended to read as follows:

127.186 1. The agency which provides child welfare services or a child-placing agency licensed by the Division pursuant to this chapter may consent to the adoption of a child under 18 years of age with special needs due to race, age or physical or mental problems who is in the custody of the agency which provides child welfare services or the licensed agency by proposed adoptive parents when, in the judgment of the agency which provides child welfare services or the child-placing agency, it would be in the best interests of the child to be placed in that adoptive home.

2. The agency which provides child welfare services or child-placing agency, whichever has custody of the child, shall in a timely and diligent manner:

(a) Schedule any evaluations necessary to identify any special needs the child may have.

(b) If it determines that the child has any special needs:

(1) Notify the proposed adoptive parents:

(I) That they may be eligible for a grant of financial assistance pursuant to this section; and

(II) The manner in which to apply for such financial assistance; and

(2) Assist the proposed adoptive parents in applying for and satisfying any other prerequisites necessary to obtain a grant of financial assistance pursuant to this section and any other relevant subsidies and services which may be available.

3. The agency which provides child welfare services may grant financial assistance for attorney's fees in the adoption proceeding, for maintenance and for preexisting physical or mental conditions to the adoptive parents of a child with special needs out of money provided for that purpose if the head of the agency which provides child welfare services or his or her designee has reviewed and approved in writing the grant of financial assistance.

4. The grant of financial assistance must be limited, both as to amount and duration, by agreement in writing between the agency which provides child welfare services and the adoptive parents. Such an agreement must not become effective before the entry of the order of adoption.

5. Any grant of financial assistance must be reviewed and evaluated at least once annually by the agency which provides child welfare services. The evaluation must be presented for approval to the head of the agency which provides child welfare services or his or her designee. Financial assistance must be discontinued immediately upon written notification to the adoptive parents by the agency which provides child welfare services that continued assistance is denied.

6. All financial assistance provided under this section ceases immediately when the child ~~[attains majority, becomes]~~ :

*(a) Reaches 18 years of age, if the child is not enrolled in school, or 19 years of age, if the child is enrolled in school;*

*(b) Graduates from high school, if the child is at least 18 years of age;*

*(c) Becomes self-supporting [is];*

*(d) Is emancipated ; or [dies, whichever occurs first.]*

*(e) Dies.*

7. Neither a grant of financial assistance pursuant to this section nor any discontinuance of such assistance affects the legal status or respective obligations of any party to the adoption.

8. A court shall waive all court costs of the proposed adoptive parents in an adoption proceeding for a child with special needs if the agency which provides child welfare services or child-placing agency consents to the adoption of such a child pursuant to this section.

9. The Division, in consultation with each agency which provides child welfare services, shall adopt regulations regarding eligibility for and the

procedures for applying for a grant of financial assistance pursuant to this section.

**Sec. 1.2. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Washoe County Child Welfare budget account for increases in the amount of adoption subsidies in Washoe County resulting from the amendatory provisions of section 1 of this act the following sums:**

**For the Fiscal Year 2023-2024..... \$180,598**

**For the Fiscal Year 2024-2025..... \$142,587**

**2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Child and Family Services of the Department of Health and Human Services for the same purpose as set forth in subsection 1:**

**For the Fiscal Year 2023-2024..... \$244,310**

**For the Fiscal Year 2024-2025..... \$182,299**

**3. 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. 1.4. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Clark County Child Welfare budget account for increases in the amount of adoption subsidies in Clark County resulting from the amendatory provisions of section 1 of this act the following sums:**

**For the Fiscal Year 2023-2024..... \$494,830**

**For the Fiscal Year 2024-2025..... \$641,828**

**2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Child and Family Services of the Department of Health and Human Services for the same purpose as set forth in subsection 1:**

**For the Fiscal Year 2023-2024..... \$694,305**

**For the Fiscal Year 2024-2025..... \$850,107**

**3. 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. 1.6. 1. There is hereby appropriated from the State General Fund to the Division of Child and Family Services of the Department of Health and Human Services for the Rural Child Welfare budget account for increases in the amount of adoption subsidies in counties other than Washoe and Clark Counties resulting from the amendatory provisions of section 1 of this act the following sums:

For the Fiscal Year 2023-2024..... \$58,022

For the Fiscal Year 2024-2025..... \$70,772

2. Expenditure of the following sums not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Child and Family Services of the Department of Health and Human Services for the same purpose as set forth in subsection 1:

For the Fiscal Year 2023-2024..... \$78,932

For the Fiscal Year 2024-2025..... \$90,975

3. 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. 2. 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. 259.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 839.

AN ACT relating to disabilities; requiring a provider of jobs and day training services to develop a plan to transition persons earning less than the state minimum wage to earning at least the state minimum wage or pursuing other

services and assisting such persons to participate in certain activities; requiring a provider of jobs and day training services to submit a report relating to such a plan to the Aging and Disability Services Division of the Department of Health and Human Services; authorizing a recipient of jobs and day training services to have an advocate present at certain meetings; prohibiting any person from paying less than the state minimum wage to a person with an intellectual disability or developmental disability after a certain date; providing for the inclusion under Medicaid of certain services to assist such a person in pursuing competitive integrated employment; requiring the Department to seek a waiver of certain federal requirements governing the compensation of a recipient of prevocational services under Medicaid; **making an appropriation and authorizing certain expenditures**; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing state and federal law authorize a provider of jobs and day training services to enter into a contract or other arrangement with an employer to provide for the employment of a person with an intellectual disability or person with a developmental disability for less than the state minimum wage if: (1) the person was employed on July 22, 2016, and the employer holds a federal certification authorizing the employer to pay less than the state minimum wage; or (2) before the person began employment, the person received certain employment-related services and applied for federal vocational rehabilitation services. (29 U.S.C. § 794g; NRS 435.305) Existing federal law authorizes an employer to request a special certificate to employ a person impaired by age, physical or mental deficiency or injury at wages less than minimum wage. (29 U.S.C. § 214(c))

**Section 8** of this bill prohibits a provider of jobs and day training services from entering into a contract that provides for a recipient of jobs and day training services to receive a wage that is less than the state minimum wage on or after January 1, 2025. **Sections 6 and 7** of this bill make conforming changes to remove references to such contracts. **Sections 9, 13 and 14** of this bill prohibit the payment of a wage that is less than the state minimum wage to a recipient of jobs and day training services on or after January 1, 2028. **Section 12** of this bill prohibits a person from employing a person under a special certificate at less than minimum wage on or after that date. **Section 3** of this bill requires a provider of jobs and day training services that holds a special certificate to annually submit to the Aging and Disability Services Division of the Department of Health and Human Services for approval a plan to: (1) transition the recipient earning less than the state minimum wage to earning at least the state minimum wage by January 1, 2028, or in obtaining competitive integrated employment, supported employment or community activities related to the goals of the person; and (2) assist the recipient in participating in unpaid activities that are not related to employment. **Section 3** requires the plan submitted by a provider of jobs and day training services to be accompanied by a report that includes certain benchmarks showing the

progress the provider is making toward transitioning a recipient of jobs and day training services who is earning less than the state minimum wage to earning at least the state minimum wage.

**Section 4** of this bill: (1) authorizes a person with a disability who is earning less than the state minimum wage to choose a person to advocate on his or her behalf at any meeting concerning employment with his or her employer or a member of the staff of a provider of jobs and day training services; and (2) requires the Division, upon the request of such a person, to assist the person in finding such an advocate. **Section 2** of this bill defines the term “competitive integrated employment” and **sections 5, 8 and 9** of this bill make conforming changes to indicate the proper placement of **sections 2-4** in the Nevada Revised Statutes.

Federal law authorizes states to receive federal financial participation to support the provision of certain home and community-based services, including habilitation services, for recipients of Medicaid who are elderly or disabled. (42 U.S.C. § 1396n(i)) Existing law requires the Department to apply to the Secretary of Health and Human Services for a waiver that provides such federal authorization. (NRS 422.396) **Section 11** of this bill requires the Department to amend its waiver to: (1) include as medical assistance under Medicaid certain habilitation services that are designed to provide persons assistance in pursuing competitive integrated employment; and (2) authorize the compensation of a recipient of Medicaid who is receiving prevocational services at a rate equal to or greater than the state minimum wage. **Section 11** also requires the Department to adopt necessary regulations to carry out the provisions of **section 11**. **Section 10** of this bill makes a conforming change to indicate the proper placement of **section 11** in the Nevada Revised Statutes.

**Section 12.5 of this bill makes an appropriation to and authorizes certain expenditures by the Aging and Disability Services Division of the Department of Health and Human Services for certain Medicaid benefit counseling services to assist persons with an intellectual disability or persons with a developmental disability.**

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

**Section 1.** Chapter 435 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2.** *“Competitive integrated employment” has the meaning ascribed to it in 29 U.S.C. § 705(5).*

**Sec. 3.** *1. On or before January 1 of each year, a provider of jobs and day training services that holds a valid certificate issued pursuant to 29 U.S.C. § 214(c) authorizing the provider of jobs and day training services to pay less than the state minimum wage in effect on that date shall submit to the Division for its approval a plan detailing the manner in which the provider of jobs and day training services will:*

*(a) Transition such persons from earning less than the state minimum wage to earning at least the state minimum wage by January 1, 2028, or support such*

*persons in obtaining competitive integrated employment, supported employment or community activities related to the goals of the persons; and*

*(b) Assist such persons to participate in unpaid activities that are not related to employment.*

*2. A plan submitted pursuant to subsection 1 must be informed by evidence-based practices and models for providing effective employment and align with any applicable federal laws and regulations. Such a plan must be accompanied by a report that contains for each person who is earning less than the state minimum wage under a valid certificate issued pursuant to 29 U.S.C. § 214(c), measurable benchmarks to show the progress the provider of jobs and day training services is making toward:*

*(a) Transitioning the person to earning at least the state minimum wage or supporting the person in pursuing competitive integrated employment, supported employment or community activities related to the goals of the person; and*

*(b) Assisting the person to participate in unpaid activities that are not related to employment.*

*3. If the Division determines that a plan submitted pursuant to this section does not meet the requirements of this section or will not make adequate progress towards the goals prescribed by subsection 1, the Division shall require the provider of jobs and day training services to submit a revised plan.*

*4. The Division may adopt any regulations necessary to carry out the provisions of this section and section 4 of this act.*

*5. As used in this section, “supported employment” has the meaning ascribed to it in 29 U.S.C. § 705(38).*

**Sec. 4. 1.** *A person with an intellectual disability or person with a developmental disability who is earning less than the state minimum wage under a valid certificate issued pursuant to 29 U.S.C. § 214(c) may choose a person, including, without limitation, his or her case manager, parent or legal guardian, to advocate on his or her behalf at any meeting concerning the employment with his or her employer or a member of the staff of the provider of jobs and day training services.*

*2. Upon request of a person with an intellectual disability or person with a developmental disability, the Division shall assist the person in finding an independent advocate to perform the functions described in subsection 1.*

**Sec. 5.** NRS 435.140 is hereby amended to read as follows:

435.140 As used in NRS 435.130 to 435.310, inclusive, *and sections 2, 3 and 4 of this act*, unless the context otherwise requires, the words and terms defined in NRS 435.172, 435.176 and 435.179 *and section 2 of this act* have the meanings ascribed to them in those sections.

**Sec. 6.** NRS 435.220 is hereby amended to read as follows:

435.220 1. The Administrator shall adopt regulations governing jobs and day training services, including, without limitation, regulations that set forth:

(a) Standards for the provision of quality care and training by providers of jobs and day training services;

(b) The requirements for the issuance and renewal of a certificate; and

(c) The rights of consumers of jobs and day training services, including, without limitation, the right of a consumer to file a complaint and the procedure for filing the complaint.

2. The Division may enter into such agreements with public and private agencies as it deems necessary for the provision of jobs and day training services. Any such agreements must include a provision stating that employment is the preferred service option for all adults of working age.

3. For the purpose of entering into an agreement described in subsection 2, if the qualifications of more than one agency are equal, the Division shall give preference to the agency that will provide persons with intellectual disabilities or persons with developmental disabilities with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that ~~is~~ ~~comparable to employment of persons without intellectual disabilities or persons without developmental disabilities . ~~and~~~~  
~~—(a) Is~~ ~~is~~ comparable to employment of persons without intellectual disabilities or persons without developmental disabilities . ~~and~~  
~~—(b) Pays at or above the minimum wage set forth in NRS 608.250.]~~

**Sec. 7.** NRS 435.225 is hereby amended to read as follows:

435.225 1. A partnership, firm, corporation or association, including, without limitation, a nonprofit organization, or a state or local government or agency thereof shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

2. A natural person other than a person who is employed by an entity listed in subsection 1 shall not provide jobs and day training services in this State without first obtaining a certificate from the Division.

3. For the purpose of issuing a certificate pursuant to this section, if the qualifications of more than one applicant are equal, the Division shall give preference to the natural person who, or the nonprofit organization, state or local government or agency thereof that, will provide persons with intellectual disabilities or persons with developmental disabilities with training and experience that demonstrates a progression of measurable skills that is likely to lead to competitive employment outcomes that provide employment that ~~is~~ ~~comparable to employment of persons without intellectual disabilities or persons without developmental disabilities . ~~and~~~~  
~~—(a) Is~~ ~~is~~ comparable to employment of persons without intellectual disabilities or persons without developmental disabilities . ~~and~~  
~~—(b) Pays at or above the minimum wage set forth in NRS 608.250.]~~

4. Each application for the issuance or renewal of a certificate issued pursuant to this section must include a provision stating that employment is the preferred service option for all adults of working age.

**Sec. 8.** NRS 435.305 is hereby amended to read as follows:

435.305 1. Except as otherwise provided in subsection 3, a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, **and sections 2, 3 and 4 of this act** may enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person under 25 years of age under which the person will be paid less than the state minimum wage if the person was ~~employed~~:

(a) **Employed** on July 22, 2016, by an entity that holds a valid certificate pursuant to 29 U.S.C. § 214(c); or ~~before~~

(b) **Before** beginning such employment, the person has:

~~[(a)]~~ (I) Received preemployment transition services available under the provisions of 29 U.S.C. § 733 or transition services under the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq.;

~~[(b)]~~ (2) Received career counseling, information and referrals to federal and state programs and other resources in the geographic area in which the person resides that offer services and supports that are designed to enable the person to attain competitive integrated employment and meet the requirements of subsection 2; and

~~[(c)]~~ (3) Applied for vocational rehabilitation services under the provisions of 29 U.S.C. §§ 720 to 751, inclusive, and been found:

~~[(1)]~~ (I) Ineligible for such services; or

~~[(2)]~~ (II) Eligible for such services and ~~is~~

~~———~~ (I) ~~Has~~ **has** an individualized plan for employment pursuant to 29 U.S.C. § 722 ~~is~~

~~———~~ (II) ~~Has~~, **has** been working, with appropriate supports and services, toward an employment outcome specified in that plan without success ~~is~~ and

~~[(III) The]~~ **the** person's vocational rehabilitation case has been closed.

2. Counseling, information, referrals, services and supports provided pursuant to **subparagraph (2) of** paragraph (b) of subsection 1 must not be provided to a person for the purpose of obtaining employment compensated at less than the state minimum wage.

3. A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, **and sections 2, 3 and 4 of this act** shall not enter into a contract or other arrangement described in subsection 1 ~~[with a local educational agency.] on or after January 1, 2025.~~

4. Except as otherwise provided in subsection 5, if a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, **and sections 2, 3 and 4 of this act** enters into a contract or other arrangement described in subsection 1:

(a) The Division shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, provide the person employed pursuant to the arrangement with career counseling, information and referrals as described in **subparagraph (2) of** paragraph (b) of subsection 1 in a manner that facilitates independent decisions and informed choice; and

(b) The employer of the person shall, at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment, inform the person of opportunities in the geographic area in which the person resides to receive training concerning self-advocacy, self-determination and peer mentoring that is provided by a person or entity that does not have a financial interest in the employment outcome of the person.

5. If a provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive, **and sections 2, 3 and 4 of this act** enters into a contract or other arrangement described in subsection 1 with a business with fewer than 15 employees, the business may satisfy the requirements of subsection 4 by referring a person employed pursuant to the arrangement to the Division for the services described in that subsection at least once every 6 months for the first year of such employment and annually thereafter for the duration of the employment.

6. The Division, in consultation with the Department of Education, shall adopt regulations prescribing the manner in which compliance with the requirements of subsections 1 and 4 may be documented.

7. An employer who employs a person pursuant to a contract or other arrangement described in subsection 1 shall:

(a) Before the employment begins, verify that the person meets the requirements of subsection 1 by reviewing the documentation prescribed for that purpose pursuant to subsection 6;

(b) For the duration of the employment:

(1) Verify that the person has received the services required by subsection 4 by reviewing the documentation prescribed for that purpose pursuant to subsection 6; and

(2) Maintain on file a copy of the documentation reviewed pursuant to subparagraph (1) and paragraph (a).

8. The Division may inspect the documentation maintained pursuant to subparagraph (2) of paragraph (b) of subsection 7 as necessary to ensure compliance with the requirements of this section.

~~{9. As used in this section:~~

~~—(a) “Competitive integrated employment” has the meaning ascribed to it in 29 U.S.C. § 705.~~

~~—(b) “Local educational agency” has the meaning ascribed to it in 20 U.S.C. § 1401(19).}~~

**Sec. 9.** NRS 435.310 is hereby amended to read as follows:

435.310 A provider of jobs and day training services certified pursuant to NRS 435.130 to 435.310, inclusive ~~{}~~, **and sections 2, 3 and 4 of this act:**

1. Except as otherwise provided in subsection 2, may enter into contracts with authorized county and school officials and public and private agencies to give care and training to persons with intellectual disabilities or persons with developmental disabilities who would also qualify for care or training programs offered by the public schools or by county welfare programs.

2. ~~[Except as otherwise provided in NRS 435.305, shall]~~ **Shall** not enter into a contract or other arrangement with any person or governmental entity to provide for the employment of a person ~~[under 25 years of age]~~ where the person will be paid less than the state minimum wage.

**Sec. 10.** NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Division of Welfare and Supportive Services;

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, **and section 11 of this act**, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. §§ 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and



(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department.

**Sec. 11.** Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The Department shall apply to the Secretary of Health and Human Services to amend its home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n. The waiver must be amended, in addition to providing coverage for any home and community-based service which the waiver covers on January 1, 2025, to authorize:*

*(a) The Department to include as medical assistance under Medicaid the funding of habilitation services designed to provide persons with intellectual disabilities or persons with developmental disabilities assistance in pursuing competitive integrated employment, including, without limitation:*

*(1) Benefit counseling to assist a person with an intellectual disability or person with a developmental disability in earning a higher income while retaining any benefits or services that the person may be receiving.*

*(2) Job coaching and job development. To the extent authorized by the Federal Government, the services described in this subparagraph must not be subject to authorization limits.*

*(b) The compensation of a recipient of services under the waiver described in subsection 1 who is receiving prevocational services at a rate equal to or greater than the state minimum wage, including, without limitation, by waiving the requirement prescribed by 42 C.F.R. § 440.180(c)(2)(i)(B) that a person receiving prevocational services be compensated at less than 50 percent of the minimum wage.*

*2. The Department shall:*

*(a) Cooperate with the Federal Government in amending the waiver pursuant to this section;*

*(b) If the Federal Government approves the amendments to the waiver, adopt regulations necessary to carry out the provisions of this section, including, without limitation, the criteria to be used in determining eligibility for the habilitation services designed to provide assistance to persons pursuing competitive integrated employment pursuant to subsection 1; and*

*(c) Implement the amendments to the waiver only to the extent that the amendments are approved by the Federal Government.*

**3.** *As used in this section, “competitive integrated employment” has the meaning ascribed to it in 29 U.S.C. § 705(5).*

**Sec. 12.** NRS 608.250 is hereby amended to read as follows:

608.250 1. Each employer shall pay to each employee of the employer a wage of not less than:

(a) Beginning July 1, 2019:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, \$7.25 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, \$8.25 per hour worked.

(b) Beginning July 1, 2020:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, \$8.00 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, \$9.00 per hour worked.

(c) Beginning July 1, 2021:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, \$8.75 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, \$9.75 per hour worked.

(d) Beginning July 1, 2022:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, \$9.50 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, \$10.50 per hour worked.

(e) Beginning July 1, 2023:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, \$10.25 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, \$11.25 per hour worked.

(f) Beginning July 1, 2024:

(1) If the employer offers health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, \$11.00 per hour worked.

(2) If the employer does not offer health benefits to the employee in the manner described in Section 16 of Article 15 of the Nevada Constitution, \$12.00 per hour worked.

2. It is unlawful for any person, *including, without limitation, a person who employs a person under a special certificate issued pursuant to 29 U.S.C. § 214(c)*, to employ, cause to be employed or permit to be employed, or to contract with, cause to be contracted with or permit to be contracted with, any person for a wage less than that established by this section.

**Sec. 12.5. 1. There is hereby appropriated from the State General Fund to the Aging and Disability Services Division of the Department of Health and Human Services the sum of \$395,729 for the funding of Medicaid program benefit counseling services to assist a person with an intellectual disability or a person with a developmental disability in earning a higher income while retaining any benefits or services that the person may be receiving pursuant to section 11 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.**

**3. There is hereby authorized the expenditure of \$670,351 not appropriated from the State General Fund or State Highway Fund during Fiscal Year 2024-2025 by the Aging and Disability Services Division of the Department of Health and Human Services for the same purpose as provided in subsection 1.**

**Sec. 13.** 1. Any contract or other arrangement entered into pursuant to NRS 435.305 between a provider of jobs and day training services and a person or governmental entity that provides for the employment of a person under which the person will be paid less than the state minimum wage must expire or terminate on or before December 31, 2027.

2. As used in this section, “jobs and day training services” has the meaning ascribed to it in NRS 435.176.

**Sec. 14.** NRS 435.305 is hereby repealed.

**Sec. 15.** 1. This section and section 13 of this act become effective upon passage and approval.

2. **Section 12.5 of this act becomes effective on July 1, 2024.**

3. Sections 1 to 8, inclusive, 10 and 11 of this act become effective:

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

(b) On January 1, 2025, for all other purposes.

~~13.1~~ **4.** Sections 9, 12 and 14 of this act become effective on January 1, 2028.

~~14.1~~ **5.** Sections 2, 3 and 4 of this act expire by limitation on December 31, 2027.

#### LEADLINE OF REPEALED SECTION

**435.305 Conditions under which provider of services may enter into arrangement to provide for employment of person under 25 years of age for less than state minimum wage; regulations concerning documentation.**

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 383.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 873.

AN ACT relating to health care; prohibiting a governmental entity from substantially burdening certain activity relating to reproductive health services under certain circumstances; authorizing a person whose engagement in such activity has been so burdened to assert the violation as a claim or defense in a judicial proceeding; authorizing a court to award damages against a governmental entity that substantially burdens such activity in certain circumstances; expanding required coverage of contraception under the State Plan for Medicaid; **making appropriations to and authorizing expenditures by the Division of Health Care Financing and Policy of the Department of Health and Human Services;** and providing other matters properly relating thereto.

#### **Legislative Counsel's Digest:**

Existing law prescribes certain rights for a patient of a medical facility or a facility for the dependent. (NRS 449A.100-449A.124) **Sections 2-7** of this bill establish the Right to Reproductive Health Care Act. **Sections 4-5.5** of this bill define certain terms for purposes of the Act. **Section 6** of this bill applies the provisions of the Act to certain state laws and all local laws and ordinances and the implementation of those laws and ordinances, regardless of when those laws or ordinances were enacted. **Section 7** of this bill generally prohibits a governmental entity from enacting or implementing any limitation or requirement that singles out reproductive health services and substantially burdens: (1) the access of a person to reproductive health services, drugs or

devices related to reproductive health services or information related to reproductive health services; or (2) the ability of a provider of health care to provide reproductive health services, drugs or devices related to reproductive health services or information related to reproductive health services within his or her scope of practice, training and experience. **Section 7** creates an exception to such prohibitions if the governmental entity demonstrates by clear and convincing evidence that the burden, as applied to the person or provider of health care who is subject to the burden: (1) furthers a compelling interest; and (2) is the least restrictive means of furthering that interest. **Section 7** authorizes a person whose ability to obtain or provide reproductive health services, drugs or devices related to reproductive health services or information related to reproductive health services is burdened to bring or defend an action in court and obtain appropriate relief. **Section 7** requires a court to award costs and attorney's fees to a person who prevails on such a claim.

Existing law requires the State Plan for Medicaid to include coverage for certain contraceptive drugs and devices, including: (1) up to a 12-month supply of contraceptive drugs; (2) certain devices for contraception; and (3) voluntary sterilization for women. (NRS 422.27172) **Section 8** of this bill additionally requires the State Plan for Medicaid to cover: (1) voluntary sterilization for men; (2) clinical services relating to covered contraceptive drugs, devices and services; and (3) ~~a portion of~~ the cost of language translation services provided to facilitate the provision of covered contraceptive drugs, devices and services. **Section 8 requires the Division of Health Care Financing and Policy of the Department of Health and Human Services to develop a methodology establishing a rate of compensation for such translation services that is cost effective and comparable to the rate paid for translation services by other governmental entities that arrange for the provision of such services.** **Section 8** also requires the State Plan to: (1) cover certain contraceptive services when provided by any provider of health care for whom the services are within his or her scope of practice, training and experience; (2) reimburse a provider of health care, other than a physician, physician assistant or advanced practice registered nurse, for providing such services at a rate that is not less than the rate provided to a physician, physician assistant or advanced practice registered nurse; and (3) cover such services regardless of whether the services are provided in an inpatient or outpatient setting.

**Section 20.5 of this bill makes appropriations to, and authorizes expenditures by, the Division for costs of providing Medicaid coverage for translation services and certain other purposes.**

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

**Section 1.** Chapter 449A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *Sections 2 to 7, inclusive, of this act may be cited as the Right to Reproductive Health Care Act.*

Sec. 3. *As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4, 5 and 5.5 of this act have the meanings ascribed to them in those sections.*

Sec. 4. *“Governmental entity” means the State of Nevada or any of its agencies or political subdivisions.*

Sec. 5. *“Provider of health care” has the meaning ascribed to it in NRS 629.031.*

Sec. 5.5. *“Reproductive health services” means medical, surgical, counseling or referral services relating to the human reproductive system, including, without limitation, services relating to pregnancy, contraception, miscarriage, in-vitro fertilization or any procedure or care found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State.*

Sec. 6. 1. *Except as otherwise provided in this subsection, the provisions of sections 2 to 7, inclusive, of this act apply to all state and local laws and ordinances and the implementation of those laws and ordinances, whether statutory or otherwise, and whether enacted before, on or after January 1, 2024.*

*The provisions of sections 2 to 7, inclusive, of this act do not apply to NRS 442.250 or the implementation of NRS 442.250.*

2. *State laws that are enacted on or after January 1, 2024, are subject to the provisions of sections 2 to 7, inclusive, of this act unless the law explicitly excludes such application by reference to this section.*

3. *The provisions of sections 2 to 7, inclusive, of this act do not:*

(a) *Authorize a governmental entity to burden:*

(1) *The access of any person to reproductive health services, information related to reproductive health services or any drug or device related to reproductive health services; or*

(2) *The ability of a provider of health care to provide reproductive health services or information related to reproductive health services or to provide, administer, dispense or prescribe any drug or device related to reproductive health services within the scope of practice, training and experience of the provider of health care.*

(b) *Authorize or sanction any sterilization procedure without the voluntary and informed consent of the patient.*

Sec. 7. 1. *Except as otherwise provided in this section, a governmental entity shall not enact or implement any limitation or requirement that:*

(a) *Expressly, effectively, implicitly or, as implemented, singles out reproductive health services, drugs or devices related to reproductive health services or information related to reproductive health services or any providers of health care or facilities that provide reproductive health services, drugs or devices related to reproductive health services or information related to reproductive health services; and*

*(b) Substantially burdens:*

*(1) The access of a person to reproductive health services, drugs or devices related to reproductive health services or information related to reproductive health services; or*

*(2) The ability of a provider of health care to provide reproductive health services, drugs or devices related to reproductive health services or information related to reproductive health services within the scope of practice, training and experience of the provider of health care.*

*2. A governmental entity may enact a requirement or limitation described in subsection 1 if the governmental entity demonstrates by clear and convincing evidence that the burden imposed by the requirement or limitation on the activity described in paragraph (b) of subsection 1, as applied to the person or provider of health care who is subject to the burden:*

*(a) Furthers a compelling interest; and*

*(b) Is the least restrictive means of furthering that interest.*

*3. Notwithstanding any provision of NRS 41.0305 to 41.039, inclusive, but subject to the limitation on damages set forth in NRS 41.035 when applicable, a person or provider of health care who has been substantially burdened in violation of this section may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief. A court shall award costs and attorney's fees to a person who prevails on such a claim or defense pursuant to this section.*

*4. A court may find that a person is a vexatious litigant if the person makes a claim within the scope of sections 2 to 7, inclusive, of this act which is without merit, fraudulent or otherwise intended to harass or annoy a person. If a court finds that a person is a vexatious litigant pursuant to this subsection, the court may deny standing to that person to bring further claims which allege a violation of this section.*

**Sec. 8.** NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion or removal of a device for contraception;

(e) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; ~~and~~

(g) Voluntary sterilization ~~[for women.]~~; and

*(h) Any clinical services relating to the drugs, devices and services described in paragraphs (a) to (g), inclusive. Such clinical services, include, without limitation, services to monitor the use and effectiveness of contraception.*

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

- (a) Pay a higher deductible, any copayment or coinsurance; or
- (b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception.

6. *The Plan must:*

*(a) Provide for the reimbursement of a provider of health care for providing services described in subsection 1 if the services are within the scope of practice, training and experience of the provider of health care.*

*(b) Provide coverage for the services described in subsection 1 regardless of whether those services are provided in an inpatient or outpatient setting.*

7. *The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for ~~for~~*

~~*(a) One quarter of the costs of any language translation services provided to facilitate the provision of any drug, device or service described in subsection 1, to a recipient of Medicaid who is eligible for the Children's Health Insurance Program; and*~~

~~*(b) One half of the costs of any language translation services provided to facilitate the provision of any drug, device or service described in subsection 1 to a recipient of Medicaid who is not eligible for the Children's Health Insurance Program.]*~~ *The Division shall develop a methodology establishing a rate of compensation for such translation services that is cost effective and comparable to the rate paid for translation services by other governmental entities that arrange for the provision of such services.*

8. As used in this section:



(a) “Drug Use Review Board” has the meaning ascribed to it in NRS 422.402.

(b) “Therapeutic equivalent” means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

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. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

**Sec. 20.5. 1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for costs of providing Medicaid coverage for translation services, changes to the Medicaid Management Information System and manual claim pricing associated with implementing the provisions of this act the following sums:**

**For the Fiscal Year 2023-2024..... \$15,102**

**For the Fiscal Year 2024-2025..... \$23,449**

**2. Expenditure of the following sums not appropriated from the State General Fund or State Highway Fund is hereby authorized by the Division of Health Care Financing and Policy of the Department of Health and Human Services for the same purpose as set forth in subsection 1:**

**For the Fiscal Year 2023-2024..... \$47,753**

**For the Fiscal Year 2024-2025..... \$72,073**

**3. 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. 21.** 1. This section becomes effective upon passage and approval.

2. **Section 20.5 of this act becomes effective on July 1, 2023.**

**3.** Sections 1 to 20, 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.

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

Assembly Bill No. 422.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 849.

AN ACT relating to persons with disabilities; requiring the Aging and Disability Services Division of the Department of Health and Human Services to create a pilot program to serve children diagnosed with a fetal alcohol spectrum disorder ~~to~~ **under certain circumstances;** and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

The federal Individuals with Disabilities Education Act establishes a federal grant program to assist states in operating a statewide comprehensive system of early intervention services for infants and toddlers with disabilities. (20 U.S.C. §§ 1431 et seq.) Existing law establishes the Autism Treatment Assistance Program within the Aging and Disability Services Division of the Department of Health and Human Services to serve as the primary autism program within the Department and to provide and coordinate services to persons diagnosed or determined to have autism spectrum disorders through the age of 19 years. (NRS 427A.875) Existing law requires the Division to refer an infant or toddler with a disability who has autism spectrum disorder and is eligible for early intervention services to the Program and develop a plan of treatment for the infant or toddler. (NRS 427A.880) Existing law additionally requires certain providers of health care to notify an agency which provides child welfare services when the provider knows or has reasonable cause to believe that a newborn infant has been affected by a fetal alcohol spectrum disorder. (NRS 432B.220) ~~This~~ **To the extent that money is available, this** bill ~~to~~ **requires the Division to create a pilot program to serve children diagnosed with a fetal alcohol spectrum disorder, and** ~~This bill requires the program to provide: (1) evidence-based services and support for such children who do not qualify to receive services from other existing programs; and (2) training for providers of health care and~~

**providers of other services relating to the provision of health care and other services to such children. This bill** requires the pilot program to be administered by the Autism Treatment Assistance Program.

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

**Section 1.** (Deleted by amendment.)

**Sec. 1.5.** 1. The Aging and Disability Services Division of the Department of Health and Human Services shall **, to the extent that money is available,** create a pilot program to be administered by the Autism Treatment Assistance Program established by NRS 427A.875 to serve children diagnosed with a fetal alcohol spectrum disorder.

2. ~~The~~ **If a pilot program is created pursuant to subsection 1 , the pilot program** must provide ~~[evidence-based]~~ :

**(a) Evidenced-based** services and support for children diagnosed with a fetal alcohol spectrum disorder who do not meet the requirements to receive such services from existing programs ~~;~~ **; and**

**(b) Training to providers of health care and providers of other services relating to the provision of health care and other services to children diagnosed with a fetal alcohol spectrum disorder.**

3. ~~[On or before July 1, 2025,]~~ **If a pilot program is created pursuant to subsection 1,** the Division shall **, on or before July 1, 2025,** submit a report of findings and recommendations resulting from the pilot program created pursuant to subsection 1 to:

(a) The Governor; and

(b) The Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Health and Human Services.

**4. As used in this section, “provider of health care” has the meaning ascribed to it in NRS 629.031.**

**Sec. 2.** This act becomes effective on July 1, 2023, and expires by limitation on December 31, 2025.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 128.

Bill read third time.

Roll call on Assembly Bill No. 128:

YEAS—41.

NAYS—Thomas.

Assembly Bill No. 128 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 319.

Bill read third time.

Roll call on Assembly Bill No. 319:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 319 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.

Roll call on Assembly Bill No. 482:

YEAS—42.

NAYS—None.

Assembly Bill No. 482 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

Roll call on Assembly Bill No. 489:

YEAS—42.

NAYS—None.

Assembly Bill No. 489 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Roll call on Assembly Bill No. 494:

YEAS—42.

NAYS—None.

Assembly Bill No. 494 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 506.

Bill read third time.

Roll call on Assembly Bill No. 506:

YEAS—42.

NAYS—None.

Assembly Bill No. 506 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 515.

Bill read third time.

Roll call on Assembly Bill No. 515:

YEAS—42.

NAYS—None.

Assembly Bill No. 515 having received a constitutional majority,  
Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 137, 252, 258,  
261, 263, 6, 28, 37, 255, 259, 383, and 422 be taken from their positions on  
the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 137.

Bill read third time.

Roll call on Assembly Bill No. 137:

YEAS—42.

NAYS—None.

Assembly Bill No. 137 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 252.

Bill read third time.

Roll call on Assembly Bill No. 252:

YEAS—42.

NAYS—None.

Assembly Bill No. 252 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 258.

Bill read third time.

Roll call on Assembly Bill No. 258:

YEAS—34.

NAYS—Considine, DeLong, Dickman, Gallant, Gray, Hansen, McArthur, O'Neill—8.

Assembly Bill No. 258 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261.

Bill read third time.

Roll call on Assembly Bill No. 261:

YEAS—42.

NAYS—None.

Assembly Bill No. 261 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 263.

Bill read third time.

Roll call on Assembly Bill No. 263:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 6.

Bill read third time.

Roll call on Assembly Bill No. 6:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 28.

Bill read third time.

Roll call on Assembly Bill No. 28:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 37.

Bill read third time.

Roll call on Assembly Bill No. 37:

YEAS—42.

NAYS—None.

Assembly Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 255.

Bill read third time.

Roll call on Assembly Bill No. 255:

YEAS—42.

NAYS—None.

Assembly Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 259.

Bill read third time.

Roll call on Assembly Bill No. 259:

YEAS—42.

NAYS—None.

Assembly Bill No. 259 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383.

Bill read third time.

Roll call on Assembly Bill No. 383:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama,  
Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 383 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.

Bill read third time.

Roll call on Assembly Bill No. 422:

YEAS—42.

NAYS—None.

Assembly Bill No. 422 having received a constitutional majority,  
Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

#### SECOND READING AND AMENDMENT

Assembly Bill No. 58.

Bill read second time.

The following amendment was proposed by the Committee on Ways and  
Means:

Amendment No. 859.

AN ACT relating to economic development; providing that money  
remaining in the Nevada Air Service Development Fund does not revert to the  
State General Fund at the end of a fiscal year; making an appropriation to the  
Nevada Air Service Development Fund; **making an appropriation to the  
Fund for Aviation**; and providing other matters properly relating thereto.

#### **Legislative Counsel's Digest:**

Existing law creates the Nevada Air Service Development Commission,  
which consists of the Executive Director of the Office of Economic  
Development in the Office of the Governor and the members of the  
Commission on Tourism. (NRS 231.680) Existing law also creates the Nevada  
Air Service Development Fund and requires the Commission to develop a  
program to make grants of money from the Fund to air carriers that will service  
or provide enhanced air service routes that will service certain airports in this  
State. (NRS 231.690, 231.710) **Section 1** of this bill provides that money  
remaining in the Nevada Air Service Development Fund does not revert to the

State General Fund at the end of a fiscal year and must be carried forward to the next fiscal year. **Section 2** of this bill makes an appropriation from the State General Fund to the Nevada Air Service Development Fund in the amount of \$5,000,000 for Fiscal Year 2023-2024 and \$5,000,000 for Fiscal Year 2024-2025.

**Existing law creates the Fund for Aviation in the State Treasury and authorizes the Director of the Department of Transportation to award grants to counties, cities and other local governments, except for facilities owned or controlled by the Reno-Tahoe Airport Authority or a county whose population is 700,000 or more (currently Clark County) for the planning, establishment, development, construction, enlargement, improvement or maintenance of any airport, landing area or air navigation facility owned or controlled by the county, city or other local government. (NRS 494.048) Section 2.5 of this bill makes an appropriation to the Fund for Aviation in the amount of \$1,000,000 for Fiscal Year 2023-2024 and \$1,000,000 for Fiscal Year 2024-2025 for these purposes.**

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

**Section 1.** NRS 231.690 is hereby amended to read as follows:

231.690 1. There is hereby created as a special revenue fund in the State Treasury the Nevada Air Service Development Fund. *Any money in the Fund remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward to the next fiscal year.*

2. The Commission may accept gifts, bequests, grants, appropriations and donations from any source for deposit in the Fund.

3. The money in the Fund must be invested as other state funds are invested. All interest earned on the deposit or investment of the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Commission may make grants of money from the Fund to air carriers that satisfy the criteria set forth in NRS 231.710.

**Sec. 2.** There is hereby appropriated from the State General Fund to the Nevada Air Service Development Fund created pursuant to NRS 231.690 the following sums to make grants of money to air carriers that satisfy the criteria set forth in NRS 231.710:

For the Fiscal Year 2023-2024 ..... \$5,000,000

For the Fiscal Year 2024-2025 ..... \$5,000,000

**Sec. 2.5. 1. There is hereby appropriated from the State General Fund to the Fund for Aviation created by NRS 494.048 the following sums:**

**For the Fiscal Year 2023-2024..... \$1,000,000**

**For the Fiscal Year 2024-2025..... \$1,000,000**



**2. The money appropriated by subsection 1 must be used by rural airports to match money that is available from the Federal Aviation Administration.**

**Sec. 3.** 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. 487.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 834.

SUMMARY—Makes an appropriation to the Office of ~~Information Security of the Division of Enterprise Information Technology Services of the Department of Administration~~ **Finance in the Office of the Governor as a loan** for the replacement of computer hardware and associated software. (BDR S-1129)

AN ACT making an appropriation to the Office of ~~Information Security of the Division of Enterprise Information Technology Services of the Department of Administration~~ **Finance in the Office of the Governor as a loan** for the replacement of computer hardware and associated software; 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 Office of ~~Information Security of the Division of Enterprise Information Technology Services of the Department of Administration~~ **Finance in the Office of the Governor** the sum of \$17,147 **as a loan to the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of computer hardware and associated software.

2. **Commencing on July 1, 2025, the Division of Enterprise Information Technology Services of the Department of Administration shall use revenues from intergovernmental transfers to repay in annual installments the cost of the replacement of computer hardware and associated software to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the replacement of the computer hardware and associated software and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.**

**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. 507.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 870.

AN ACT making appropriations to the Department of Corrections for a staffing study and the replacement and purchase of computer hardware and software and various types of equipment, vehicles and systems; 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 Department of Corrections the sum of \$193,165 for the Prison Medical Care budget account for the replacement of medical equipment.

**Sec. 2.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$395,000 for the Office of the Director budget account for a staffing study of the Department.

**Sec. 3.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$969,500 for the Office of the Director budget account for the replacement of computer hardware and associated software.

**Sec. 4.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of ~~[\$3,022,392]~~ **\$2,822,392** for the Office of the Director budget account for the replacement of switch software.

**Sec. 5.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$91,232 for the Office of the Director budget account for the replacement of uninterruptible power supply systems.

**Sec. 6.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$682,902 for the Office of the Director budget account for the replacement of computer servers.

**Sec. 7.** ~~[There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$230,284 for the Warm Springs~~

~~Correctional Center budget account for the replacement of commercial kitchen and laundry equipment.] (Deleted by amendment.)~~

~~Sec. 8. [There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$36,997 for the Warm Springs Correctional Center budget account for the replacement of a commercial dishwashing machine.] (Deleted by amendment.)~~

Sec. 9. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$58,876 for the Northern Nevada Correctional Center budget account for the replacement of exercise area enclosures.

Sec. 10. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$98,918 for the Northern Nevada Correctional Center budget account for the purchase of a system to provide notification of medical needs or emergencies in cells.

Sec. 11. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$36,997 for the Northern Nevada Correctional Center budget account for the replacement of a commercial dishwashing machine.

Sec. 12. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$24,090 for the Northern Nevada Correctional Center budget account for the replacement of commercial kitchen and laundry equipment.

Sec. 13. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$36,300 for the Southern Desert Correctional Center budget account for the replacement of a commercial bakery oven.

Sec. 14. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$276,626 for the Southern Desert Correctional Center budget account for the replacement of vehicles for inmate transportation.

Sec. 15. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$22,834 for the Southern Desert Correctional Center budget account for the replacement of an emergency battery system.

~~Sec. 16. [There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$40,000 for the Humboldt Conservation Camp budget account for the purchase and installation of security cameras.] (Deleted by amendment.)~~

Sec. 17. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$29,575 for the Ely State Prison budget account for the replacement of an X-ray scanner.

Sec. 18. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$202,000 for the Ely State Prison budget account for the replacement of a garbage truck.

**Sec. 19.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$9,214 for the Ely State Prison budget account for the replacement of walk-through metal detectors.

**Sec. 20.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$158,810 for the Ely State Prison budget account for the replacement of the inmate food delivery system.

**Sec. 21.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$23,179 for the Ely State Prison budget account for the replacement of stab-resistant custody vests.

**Sec. 22.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$23,628 for the Lovelock Correctional Center budget account for the replacement of utility carts used for on-site transportation.

**Sec. 23.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$56,993 for the Lovelock Correctional Center budget account for the replacement of inmate food delivery equipment.

**Sec. 24.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$71,740 for the Lovelock Correctional Center budget account for the replacement of a key control system.

**Sec. 25.** There is hereby appropriated from the State General Fund to the Department of Corrections the sum of \$96,174 for the High Desert State Prison budget account for the purchase of walk-through metal detectors.

**Sec. 26.** Any remaining balance of the appropriations made by sections 1 to 25, 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. 27.** 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.

#### UNFINISHED BUSINESS

#### SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 34, 61, 63, 76, 293, 309, 317, 336, 391, 417, 418; Senate Joint Resolution No. 3.

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

Assembly in recess at 2:20 p.m.

#### ASSEMBLY IN SESSION

At 11:13 p.m.

Mr. Speaker presiding.

Quorum present.

#### REPORTS OF COMMITTEES

*Mr. Speaker:*

Your Committee on Education, to which were referred Senate Bills Nos. 9, 425, 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. 107, 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 Judiciary, to which was referred Senate Bill No. 103, 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 Judiciary, to which was referred Senate Bill No. 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BRITTNEY MILLER, *Chair*

*Mr. Speaker:*

Your Committee on Natural Resources, to which was referred Senate Bill No. 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LESLEY E. COHEN, *Chair*

*Mr. Speaker:*

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 484, 526, 527; Senate Bills Nos. 445, 448, 449, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 466, 468, 470, 471, 472, 473, 476, 477, 478, 479, 482, 483, 484, 485, 486, 487, 488, 489, 491, 493, 494, 497, 499, 500, 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. 346, 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 Assembly Bill No. 488, 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. 292, 449, 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 rereferred Assembly Bills Nos. 139, 357, 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. 266, 301, 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. 283, 290, 434, 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*

#### MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2023

*To the Honorable the Assembly:*

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 469.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 126, 143, 162, 225, 233, 342, 350, 413, 416, 435, 492.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in Assembly Amendment No. 633 to Senate Bill No. 14.

SHERRY L. RODRIGUEZ  
*Assistant Secretary of the Senate*

#### MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5

Assemblywoman Peters moved the adoption of the resolution.

Resolution adopted.

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of June 1, 2023, be accepted as an accredited press representative, assigned space at the press table in the Assembly Chamber, allowed the use of appropriate broadcasting facilities, and that the list be included in this day's journal.

THE NEVADA INDEPENDENT: Naoka Foreman.

Motion carried.

#### INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 126.

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

Motion carried.

Senate Bill No. 143.

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

Motion carried.

Senate Bill No. 162.

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

Motion carried.

Senate Bill No. 225.

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

Motion carried.

Senate Bill No. 233.

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

Motion carried.

Senate Bill No. 342.

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

Motion carried.

Senate Bill No. 350.

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

Motion carried.

Senate Bill No. 413.

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

Motion carried.

Senate Bill No. 416.

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

Motion carried.

Senate Bill No. 435.

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

Motion carried.

Senate Bill No. 469.

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

Motion carried.

Senate Bill No. 492.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Bills Nos. 346, 484, 488, 526, 527; Senate Bills Nos. 9, 88, 103, 107, 389, 425, 445, 448, 449, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 466, 468, 470, 471, 472, 473, 476, 477, 478, 479, 482, 483, 484, 485, 486, 487, 488, 489, 491, 493, 494, 497, 499, 500 were taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Assembly Bills Nos. 139, 266, 283, 290, 292, 301, 357, 434, 449; Senate Bills Nos. 24, 36, 71, 145, 166, 167, 195, 222, 232, 237, 273, 275, 279, 281, 282, 290, 291, 294, 301, 305, 307, 367, 371, 387 were taken from the General File and placed on the General File for the next legislative day.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Fey, Kurt Mische, Mendy Elliot, and Nancy Maldonado.

On request of Assemblyman Carter, the privilege of the floor of the Assembly Chamber for this day was extended to and Will Rucker.

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Breon King and Zack Khan.

On request of Assemblywoman Gorelow, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Noriega, Carlos Hernandez, Marc Ellis, and Susie Martinez.

On request of Assemblyman Gray, the privilege of the floor of the Assembly Chamber for this day was extended to Arne Von Stetina and Dana Von Stetina.

On request of Assemblywoman Brittney Miller, the privilege of the floor of the Assembly Chamber for this day was extended to Dwayne McClintock.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Dielle Telada, Henry Rosas, and Judi Bishop.

On request of Assemblyman Yurek, the privilege of the floor of the Assembly Chamber for this day was extended to Carrie Yurek.

Assemblywoman Jauregui moved that the Assembly adjourn until Friday, June 2, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:24 p.m.

Approved:

STEVE YEAGER  
*Speaker of the Assembly*



Attest: SUSAN FURLONG  
*Chief Clerk of the Assembly*