NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), June 2, 2023

Assembly called to order at 1:47 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by Assemblywoman Lesley Cohen.

Ru'ach HaShalom, Spirit of Peace and Wholeness, open our eyes to the gifts and blessings we offer and receive from each other; open our hearts to welcome each other fully and truly; open our hands to embrace, to support, to lift each other–b'geela, b'reena, b'shalom, uv'rei-ut–with joy, with song, with peace, and with deep friendship.

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 Government Affairs, to which was referred Senate Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SELENA TORRES, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Assembly Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 277, 413, 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BRITTNEY MILLER, *Chair*

Mr. Speaker:

Your, your Committee on Ways and Means, to which were referred Assembly Bill No. 396; Senate Bill No. 440, 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. 400, 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. 84, 138, 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. 119, 224, 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. 125, 279, 441, 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. 321, 322, 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 referred Senate Bills Nos. 45, 54, 285, 339, 452, 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 Senate Bill No. 240, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DANIELE MONROE-MORENO, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that the person as set forth on the Nevada Legislature's Press Accreditation List of June 2, 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.

KUNR: Bert Johnson.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 195; Assembly Bills Nos. 301 and 449 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 346 be taken from the Second Reading File and placed on the Chief Clerk's Desk

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

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

Assembly Bill No. 528—AN ACT relating to homelessness; establishing a program to provide matching funds to certain qualified projects; authorizing the governing body of a city or county to provide an abatement of certain fees; authorizing the Department of Health and Human Services to create provider

codes for certain purposes related to Medicaid billing; creating the Homelessness Support Services Matching Account; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 396.

Bill read second time.

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

Amendment No. 905.

SUMMARY—Makes ~~[an appropriation]~~ **appropriations** to Clark County **and the Cities of Reno and Sparks** for programs for rental assistance to certain persons. (BDR S-1011)

AN ACT making ~~[an appropriation]~~ **appropriations** to Clark County **and the Cities of Reno and Sparks** for programs for rental assistance to certain persons; 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 Clark County for programs for rental assistance to persons who are elderly, persons with disabilities and families or persons facing an unanticipated emergency, the following sums:

For the Fiscal Year 2023-2024 ..... ~~[$22,000,000]~~ **$6,000,000**

For the Fiscal Year 2024-2025 ..... ~~[$22,000,000]~~ **$6,000,000**

2. Upon acceptance of the money appropriated by subsection 1, the County Manager of Clark County agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Clark County through December 1, 2024;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by Clark County through June 30, 2025; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of Clark County, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

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. 1.5. **1. There is hereby appropriated from the State General Fund to the City of Reno for programs for rental assistance to persons who are elderly, persons with disabilities and families or persons facing an unanticipated emergency, the following sums:**

For the Fiscal Year 2023-2024..... $1,500,000

For the Fiscal Year 2024-2025..... $1,500,000

2. Upon acceptance of the money appropriated by subsection 1, the City Manager of the City of Reno agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the City of Reno through December 1, 2024;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the City of Reno through June 30, 2025; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the City of Reno, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

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. 1.7. **1. There is hereby appropriated from the State General Fund to the City of Sparks for programs for rental assistance to persons who are elderly, persons with disabilities and families or persons facing an unanticipated emergency, the following sums:**

For the Fiscal Year 2023-2024..... $1,500,000

For the Fiscal Year 2024-2025..... $1,500,000

2. Upon acceptance of the money appropriated by subsection 1, the City Manager of the City of Sparks agrees to:

(a) Prepare and transmit a report to the Interim Finance Committee on or before December 20, 2024, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the City of Sparks through December 1, 2024;

(b) Prepare and transmit a final report to the Interim Finance Committee on or before September 19, 2025, that describes each expenditure made from the money appropriated by subsection 1 from the date on which the money was received by the City of Sparks through June 30, 2025; and

(c) Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, of the City of Sparks, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated pursuant to subsection 1.

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, engrossed and to third reading.

Assembly Bill No. 400.

Bill read second time.

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

Amendment No. 884.

~~[CONTAINS UNFUNDED MANDATE (§§ 25, 26)~~
~~(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

AN ACT relating to education; creating the Early Childhood Literacy and Readiness Account and authorizing grants from the Account for certain purposes; ~~[revising the distribution interest, income and excess money in the Education Stabilization Account; authorizing a charter school to receive funding under the Pupil-Centered Funding Plan for transportation for pupils in certain circumstances;]~~ revising various provisions relating to the Commission on School Funding; ~~[authorizing a pupil to attend a public school outside the zone of attendance the pupil is otherwise required to attend in certain circumstances; providing for programs of career and technical education in certain school districts for pupils wishing to become a teacher;]~~ authorizing a city or county to sponsor a charter school; ~~[establishing the Office of School Choice and the duties of the Office; revising provisions governing the Nevada Educational Choice Scholarship Program; requiring certain uses of money carried forward at the end of a school year by a local school precinct; creating the State Teacher Pipeline Account and authorizing grants from the Account for certain purposes;]~~ revising provisions relating to the Teach Nevada Scholarship Program; creating the Nevada Teacher Advancement Scholarship Program; revising provisions governing the promotion of pupils; revising provisions relating to the retention of pupils in the same grade; ~~[authorizing the Governor to designate positions in a school district or charter school as positions for which there is a critical labor shortage for purposes relating to the Public Employees' Retirement System;]~~ **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Education, to the extent money is available, to award grants to certain entities to support prekindergarten programs. (NRS 387.652-387.658) **Sections 11-14** of this bill create the Early Childhood Literacy and Readiness Account and authorize the Department to award grants to certain entities to support early childhood literacy and readiness programs. **Section ~~[~~15 of this bill transfers certain excess money in the Education Stabilization Account to the Early Childhood Literacy and Readiness Account.**

~~As part of the Pupil-Centered Funding Plan, existing law requires money in each fiscal year to be appropriated to each school district to provide transportation for pupils. (NRS 387.1214) Section 16 of this bill additionally authorizes a charter school to receive money to provide transportation for pupils if: (1) the charter school submits to the Superintendent of Public Instruction a transportation plan which meets certain requirements; and (2) the plan is approved by the Superintendent of Public Instruction. Sections 17-21, 27, 34, 73, 80 and 82 of this bill make conforming changes to refer to provisions that have been renumbered by this bill.~~**]** **93.5 of this bill makes an appropriation to the Account.**

Existing law creates the Commission on School Funding and establishes the duties of the Commission. (NRS 387.1246, 387.12463) **Section 22** of this bill: (1) ~~[~~revises the membership of the Commission; (2)~~]~~ requires the Department to engage in certain activities to support the Commission; and ~~[(3)]~~ **(2)** authorizes the Commission to meet at any time. **Section 23** of this bill expands the duties of the Commission by requiring the Commission to: (1) review the academic progress made by pupils in each public school and certain private schools that receive public money in this State; and (2) review and consider strategies to improve the accessibility of existing and new programs within and between public schools. **Section 23** also eliminates the power of the Joint Interim Standing Committee on Education to review the recommendations of the Commission and determine whether to transmit the recommendations to the Governor or the Legislature and instead requires the Commission to transmit its recommendations to the Governor and the Legislature after considering the recommendations of the Joint Interim Standing Committee on Education. **Section 93** of this bill makes an appropriation to the Department to support the operations of the Commission.

Existing law requires each school district and each public school to create a report on or before October 1 of each year that includes certain information about the number and kinds of personnel and services provided by the school district or public school, respectively, during the immediately preceding school year and any changes anticipated by the school district or public school. (NRS 387.12468) **Section 24** of this bill requires the Department to prepare any reports or provide any data necessary for a school district or public school to produce such reports. **Section 93** makes an appropriation to the Department to support the completion of such reports.

~~[~~Existing law: (1) authorizes the board of trustees of certain school districts to zone the school district and determine which pupils must attend each school; and (2) allows pupils to attend certain schools despite the zoning decision of the board of trustees of the school district. (NRS 388.040) Section 25 of this bill authorizes a pupil to attend a public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade or classes required by the pupil. Section 25 additionally requires the superintendent of each school district to establish an application process to enable such transfers of pupils between public schools. Section 9 of this bill authorizes the board of trustees of a school district that furnishes transportation to pupils to elect not to provide transportation to a pupil who attends a public school outside of his or her zone of attendance pursuant to section 25.

Existing law requires the board of trustees of a school district in a county whose population is 100,000 or more (currently Clark and Washoe Counties) and authorizes the board of trustees of any other school district to establish and maintain a program of career and technical education. (NRS 388.380) Section 26 of this bill requires the board of trustees of a large school district (currently only Clark County School District) and authorizes the board of trustees of any

~~other school district to establish and maintain a program of career and technical education for pupils who wish to become a teacher that includes the opportunity to earn, through enrollment in dual credit courses, at least 12 units of credit applicable to earning a credential, certificate or degree at a community college, state college or university. Section 54 of this bill establishes the State Teacher Pipeline Account for the support of such programs of career and technical education. Section 15 transfers certain excess money in the Education Stabilization Account to the State Teacher Pipeline Account.]~~

Existing law: (1) requires the State Public Charter School Authority to sponsor charter schools; and (2) authorizes the board of trustees of a school district or a college or university within the Nevada System of Higher Education to apply to the Department for authorization to sponsor charter schools. (NRS 388A.220) **Section 32** of this bill **: (1)** authorizes a city or county to apply to the Department for authorization to sponsor charter schools ~~.]~~ **; (2) prohibits a city or county from sponsoring a new charter school or expanding the enrollment or authorizing an additional campus of an existing charter school if the total number of pupils enrolled in charter schools in the city or county exceeds a certain percentage of pupils in public schools other than charter schools; and (3) limits a city or county to sponsoring a charter school within the territory of the city or county. Section 34 of this bill makes conforming changes to refer to provisions that have been renumbered by section 32. Sections 1-5, 7, 8, 28-31, 33-39, 50-52 and 75** of this bill authorize a city or county approved by the Department to, in general, sponsor charter schools in the same manner as the board of trustees of a school district or a college or university within the Nevada System of Higher Education.

~~[Existing law creates the Nevada Educational Choice Scholarship Program, which provides certain tax incentives to organizations that provide grants for certain pupils to attend schools which require some type of payment. (NRS 388D.270) Sections 42-45 of this bill create the Office of School Choice within the Department with an Executive Director who is responsible for the administration of the Office. Sections 45, 48 and 49 of this bill make the Executive Director responsible for the administration of the Nevada Educational Choice Scholarship Program. Section 45 additionally specifies the duties of the Office. Sections 46 and 47 of this bill make conforming changes to indicate the proper placement of sections 42-45 in the Nevada Revised Statutes.~~

~~Under existing law, financial institutions, mining businesses and other employers are required to pay an excise tax (the modified business tax) on wages paid by them. (NRS 363A.130, 363B.110) Existing law also requires each: (1) person who holds certain licenses relating to gaming to pay a monthly license fee based upon gross revenue (the gaming tax); and (2) insurer to pay a tax upon net direct premiums and net direct considerations written (the general tax on insurance premiums). (NRS 463.370, 680B.027) Existing law: (1) establishes a credit against the modified business tax for a taxpayer who~~

~~makes a donation to a scholarship organization that provides grants on behalf of certain pupils to allow the pupils to attend schools in this State, including private schools; and (2) limits the total amount of such credits in each fiscal year to $6,655,000. (NRS 363A.139, 363B.119, 388D.270) Section 48: (1) increases the maximum household income of an eligible pupil from 300 percent to 500 percent of the federally designated level signifying poverty; and (2) increases the maximum amount of a grant from a certain amount benchmarked for inflation (currently $8,726) to an amount equal to the adjusted base per pupil funding that would apply to a school pursuant to the Pupil-Centered Funding Plan if the school were a charter school. Sections 81 and 83 of this bill increase the total amount of authorized tax credits from $6,655,000 in a fiscal year to an amount equal to 0.50 percent of all money deposited in the State Education Fund in Fiscal Years 2023-2024 and 2024-2025, increasing to 5 percent of all money deposited in the State Education Fund in Fiscal Year 2031-2032 and each fiscal year thereafter. Sections 84, 87 and 88 of this bill establish a credit against the gaming tax and the general tax on insurance premiums for a licensee or insurer, respectively, who makes a donation to a scholarship organization to be administered in the same manner as a credit against the modified business tax. Sections 85 and 89-92 of this bill make conforming changes to indicate the proper placement of sections 87 and 88 in the Nevada Revised Statutes.~~

~~Existing law: (1) deems each public school within a large school district (currently Clark County School District) to be a local school precinct which is empowered to carry forward its year-end balance to the next school year for use by the local school precinct; and (2) requires a large school district to account for any amount carried forward by a local school precinct as a restricted fund balance. (NRS 388G.600, 388G.650) Section 53 of this bill requires a local school precinct that carries forward a balance of more than 3 percent of its actual expenditures to develop a plan to use the balance for certain purposes. If a local school precinct fails to submit such a plan or to spend the balance within 2 years, section 53 requires a large school district to transfer the balance in excess of 3 percent of the expenditures of the local school precinct to the Education Stabilization Account.~~**]**

Existing law establishes the Teach Nevada Scholarship Program, which awards grants to public or private universities, colleges or other providers of an alternative licensure program in this State to award scholarships to students who attend the university, college or provider to complete a program which is approved by the State Board of Education and upon completion: (1) makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject of special education; or (2) allows a student to specialize in early childhood education. (NRS 391A.580) **Section 56** of this bill requires the State Board to annually review and report on the Teach Nevada Scholarship Program. **Section 67** of this bill makes a conforming change to indicate the proper placement of **section 56** in the Nevada Revised Statutes. **Section 68** of this bill: (1) revises provisions relating to the priority

of grant awards for the Teach Nevada Scholarship Program; and (2) requires a student to have graduated from a high school in this State or a county that borders this State and accepts pupils from this State or who have successfully completed the high school equivalency assessment selected by the State Board before 20 years of age to be eligible for a Teach Nevada Scholarship. **Section 69** of this bill **[**~~: (1)~~**]** increases the maximum amount of a Teach Nevada Scholarship to match the cost of receiving a bachelor's degree at a public university in this State **. [**~~; and (2) allows a scholarship recipient to receive the 25 percent of scholarship money retained by the State Board after maintaining employment as a teacher at a private school in this State for 5 years.~~**]**

Sections 57-66 of this bill create the Nevada Teacher Advancement Scholarship Program, which, in general, is structured similarly to the Teach Nevada Scholarship Program. **Section 63** of this bill allows a Nevada Teacher Advancement Scholarship to be used to obtain a master's degree in education or a related field of study. **Section 63** similarly requires 25 percent of an award of a Nevada Teacher Advancement Scholarship to be retained by the State Board, and **section 64** allows this amount to be released to a scholarship recipient if he or she maintains employment as a teacher at a public school **[**~~or private school~~**]** in this State for 3 consecutive school years immediately following completion of the program for which the Nevada Teacher Advancement Scholarship was awarded. **Section 93.7 of this bill makes an appropriation to the Nevada Teacher Advancement Scholarship Program Account.**

Existing law requires an elementary school to provide intervention services and intensive instruction to a pupil during the time the pupil attends the school if the pupil does not obtain a score in the subject area of reading on the criterion-referenced examination in reading that meets the score prescribed by the State Board. Existing law also authorizes the principal of such a school to retain the pupil, rather than promote the pupil to the next grade, in certain circumstances, in consultation with a literacy specialist and certain other persons. (NRS 388A.487, 392.760) **Sections 71 and 72** of this bill require a pupil enrolled in grade 3 to be retained in grade 3, rather than promoted to grade 4, if the pupil does not obtain the score in the subject area of reading on **[**~~the criterion-referenced~~**]** **a uniform** examination in reading that meets the score prescribed by the State Board or receive an exemption by the superintendent of schools of the school district or governing body of the charter school. **Sections 71 and 72** also authorize a pupil to receive a good-cause exemption to allow the pupil to be promoted to grade 4 without obtaining such a score and require the State Board to prescribe an alternative examination for pupils who do not obtain such a score. **Section 40** of this bill requires a pupil enrolled in a charter school to be retained in grade 3 under similar circumstances. **Section 76** of this bill revises the information that must be included in a written notice provided to the parent or legal guardian of a pupil enrolled in kindergarten or grade 1, 2 or 3 who exhibits a deficiency in the subject area of reading. **Section 77** of this bill requires a school to provide

certain intervention services and intensive instruction to a pupil who does not obtain a passing score in **the subject area of** reading regardless of whether the pupil is retained in grade 3. **Section 77 additionally: (1) requires literacy specialists and personnel with knowledge and expertise relating to providing intervention services and intensive instruction to pupils who are deficient in the subject area of reading to, in addition to any other duties, provide such services and instruction to such pupils; and (2) requires each public school to offer summer school to a pupil in second or third grade who is deficient in the subject area of reading. Sections 40 and 78** of this bill require certain information relating to pupils with a deficiency in reading who were retained in grade 3 or not retained due to a good-cause exemption to be included in the annual report of pupils receiving intervention services and intensive instruction to address a deficiency in reading. **Sections 6 and 74** of this bill make conforming changes to refer to provisions that have been renumbered by this bill.

~~**[**Existing law requires, in general, a public employee who retires and is subsequently reemployed in a position covered by the Public Employees' Retirement System to forfeit his or her retirement benefits for the period of reemployment. (NRS 286.520) If a position is designated as a position for which there is a critical labor shortage, however, a retired public employee may fill the position and continue to receive his or her retirement benefits during the period of reemployment. (NRS 286.523) Section 79 of this bill authorizes the Governor to designate a position in any school district or charter school in this State as a position for which there is a critical labor shortage, thereby enabling such a position to be filled by a retired employee without loss of retirement benefits.**]**~~

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

Section 1. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement and family engagement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation, involvement and engagement of parents and families that is included in the annual report of accountability for each school district pursuant to NRS 385A.320 and similar information in the annual report of accountability prepared by the State Public Charter School Authority and a college or university within the Nevada System of Higher Education ***or city or county*** that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

3. Review any effective practices carried out in individual school districts to increase parental involvement and family engagement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and family engagement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents, legal guardians and families of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement and family engagement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents, legal guardians and families of pupils who are English learners;

8. Determine the necessity for the appointment of a statewide parental involvement and family engagement coordinator or a parental involvement and family engagement coordinator in each school district, or both;

9. Work in collaboration with the Office of Parental Involvement and Family Engagement created by NRS 385.630 to carry out the duties prescribed in NRS 385.635; and

10. On or before February 1 of each year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the Legislature in odd-numbered years and to the Legislative Commission in even-numbered years, describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 2. NRS 385A.070 is hereby amended to read as follows:

385A.070 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools sponsored by the school district. The board of trustees of each school district shall report the information required by NRS 385A.070 to 385A.320, inclusive, for each charter school sponsored by the school district. The information for charter schools must be reported separately.

2. The board of trustees of each school district shall, on or before December 31 of each year, prepare for the immediately preceding school year a single annual report of accountability concerning the educational goals and objectives of the school district, the information prescribed by NRS 385A.070 to 385A.320, inclusive, and such other information as is directed by the Superintendent of Public Instruction. A separate reporting for a group of pupils must not be made pursuant to NRS 385A.070 to 385A.320, inclusive, if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information

about an individual pupil. The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school shall, on or before December 31 of each year, prepare for the immediately preceding school year an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in subsection 2 and NRS 385A.070 to 385A.320, inclusive, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section by posting a copy of the report on the Internet website maintained by the Department.

4. The annual report of accountability prepared pursuant to this section must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

Sec. 3. NRS 385A.080 is hereby amended to read as follows:

385A.080 1. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to NRS 385A.070 and provide the forms to the respective school districts, the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school.

(b) Provide statistical information and technical assistance to the school districts, the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school to ensure that the reports provide comparable information with respect to each school in each district, each charter school and among the districts and charter schools throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Office of Finance;

(6) Legislative Counsel Bureau; and

(7) Charter School Association of Nevada,

➥ concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

2. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program adopted pursuant to subsection 1 of NRS 385A.070 and consider any advice or recommendations submitted by the representatives with respect to the program.

Sec. 4. NRS 385A.090 is hereby amended to read as follows:

385A.090 1. On or before September 30 of each year:

(a) The board of trustees of each school district, the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school shall provide written notice that the report required pursuant to NRS 385A.070 is available on the Internet website maintained by the school district, State Public Charter School Authority **,** ~~[or]~~ institution ~~[,]~~ ***or city or county,*** if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) The Attorney General, with a specific reference to the information that is reported pursuant to paragraph (e) of subsection 1 of NRS 385A.250.

(b) The board of trustees of each school district, the State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school shall provide for public dissemination of the annual report of accountability prepared pursuant to NRS 385A.070 by posting a copy of the report on the Internet website maintained by the school district, the State Public Charter School Authority **,** ~~[or]~~ the institution ~~[,]~~ ***or the city or county,*** if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school sponsored by the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school sponsored by the district. If the State Public Charter School Authority **,** ~~[or]~~ the institution ***, the city or the county*** does not maintain a website, the State Public Charter School Authority **,** ~~[or]~~ the institution, ***the city or the county,*** as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.

2. Upon the request of the Governor, the Attorney General, an entity described in paragraph (a) of subsection 1 or a member of the general public, the board of trustees of a school district, the State Public Charter School Authority ***,*** ~~***[or]***~~ a college or university within the Nevada System of Higher Education ***or a city or county*** that sponsors a charter school, as applicable, shall provide a portion or portions of the report required pursuant to NRS 385A.070.

Sec. 5. NRS 385A.240 is hereby amended to read as follows:

385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ***,*** ~~***[or]***~~ 392.125 or 392.760, ~~***[section 71 of this act,]***~~ for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority **,** ~~[and]~~ each college or university within the Nevada System of Higher Education ***and each city or county*** that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

Sec. 5.5. **NRS 385A.240 is hereby amended to read as follows:**

385A.240 1. The annual report of accountability prepared pursuant to NRS 385A.070 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

(a) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school sponsored by the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(b) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ~~[,]~~ ***or*** 392.125 or ~~[392.760,]~~ ***section 71 of this act,*** for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district.

(c) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(d) The number of habitual truants reported for each school in the district and for the district as a whole, including, without limitation, the number who are:

(1) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(2) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(3) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

2. The information included pursuant to subsection 1 must allow such information to be disaggregated by:

(a) Pupils who are economically disadvantaged;

(b) Pupils from major racial and ethnic groups;

(c) Pupils with disabilities;

(d) Pupils who are English learners;

(e) Pupils who are migratory children;

(f) Gender;

(g) Pupils who are homeless;

(h) Pupils in foster care; and

(i) Pupils whose parent or guardian is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard.

3. On or before September 30 of each year:

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required by paragraph (a) of subsection 1.

(b) The State Public Charter School Authority, each college or university within the Nevada System of Higher Education and each city or county that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3 of NRS 385A.070.

Sec. 6. NRS 385A.450 is hereby amended to read as follows:

385A.450 The annual report of accountability prepared by the State Board pursuant to NRS 385A.400 must include information on the attendance, truancy and transiency of pupils, including, without limitation:

1. For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

2. The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 ~~[,]~~ ***or*** 392.125 or ~~[392.760,]~~ ***section 71 of this act,*** reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

3. The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this subsection, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

4. The number of habitual truants reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, including, without limitation, the number who are:

(a) Reported to an attendance officer, a school police officer or a local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144;

(b) Referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144; and

(c) Referred for the imposition of administrative sanctions pursuant to paragraph (c) of subsection 2 of NRS 392.144.

Sec. 7. NRS 385A.670 is hereby amended to read as follows:

385A.670 1. On or before July 31 of each year, the Department shall determine whether each public school is meeting the school achievement targets and performance targets established pursuant to the statewide system of accountability for public schools.

2. The determination pursuant to subsection 1 for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State Public Charter School Authority ***,*** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** the Department shall make a determination for the charter school in consultation with the State Public Charter School Authority ***,*** ~~[or]~~ the institution within the Nevada System of Higher Education ***or the city or county*** that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before July 31 of each year, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) or (c), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State Public Charter School Authority the determination made for each charter school that is sponsored by the State Public Charter School Authority.

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education ~~[.]~~ ***or a city or county.***

3. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to meet the performance targets established pursuant to the statewide system of accountability for public schools based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The Department shall use the mechanism approved by the United States Department of Education for the statewide system of accountability for public schools for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

4. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

5. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 390.255.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 390.260.

Sec. 8. NRS 385A.720 is hereby amended to read as follows:

385A.720 1. Except as otherwise provided in subsection 3:

(a) Based upon the information received from the Department pursuant to NRS 385A.670, the board of trustees of each school district shall, on or before August 15 of each year, issue a preliminary rating for each public school in the school district in accordance with the statewide system of accountability for public schools, excluding charter schools sponsored by the State Public Charter School Authority ***,*** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[.]~~ ***or a city or county.***

(b) The board of trustees shall make preliminary ratings for all charter schools that are sponsored by the board of trustees.

(c) The Department shall make preliminary ratings for all charter schools sponsored by the State Public Charter School Authority ***,*** ~~[and]~~ all charter schools sponsored by a college or university within the Nevada System of Higher Education ~~[.]~~ ***and all charter schools sponsored by a city or county.***

2. Except as otherwise provided in subsection 3:

(a) Before making a final rating for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary rating is based and to present evidence.

(b) If the school is a public school of the school district or a charter school sponsored by the board of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the rating for the school on September 15.

(c) If the school is a charter school sponsored by the State Public Charter School Authority **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** the Department shall make a final determination concerning the rating for the school on September 15.

3. The Department may temporarily waive or otherwise pause the requirement to make ratings for public schools that comply with 20 U.S.C. § 6311(c) pursuant to this section if the United States Department of Education grants a waiver from or otherwise pauses the requirements of 20 U.S.C. § 6311(c).

4. On or before September 15 of each year, the Department shall post on the Internet website maintained by the Department the determinations and final ratings made for all schools in this State.

Sec. 9. ~~[NRS 386.790 is hereby amended to read as follows:~~

~~386.790 1. As provided in this title, the board of trustees of any school district may furnish transportation for all resident children of school age in the school district attending a public school, including pupils assigned to special schools or programs pursuant to NRS 388.417 to 388.469, inclusive, or 388.5251 to 388.5267, inclusive:~~

~~(a) Who are not excused from school attendance by the provisions of this title; and~~

~~(b) Who reside within the school district at such a distance from the school as to make transportation necessary and desirable.~~

~~2. When the board of trustees of a school district whose population is less than 100,000 furnishes transportation for pupils attending public schools pursuant to subsection 1, the board may also provide transportation for all resident children of school age in the school district attending private schools not operated for profit, over bus routes established for pupils attending public schools. If such transportation is provided, the pupils attending such private schools must be transported, if space is available, to and from the points on the established routes nearest to the schools which they attend.~~

~~3. The board of trustees of any school district may:~~

~~(a) Establish bus routes.~~

~~(b) Make regulations governing the conduct of pupils while being transported.~~

~~(c) For the safety of pupils being transported, govern the conduct of drivers by making and enforcing regulations not inconsistent with regulations of the State Board of Education or with law.~~

~~*4. The board of trustees of a school district that furnishes transportation pursuant to this section may elect not to provide transportation to pupils who attend a public school outside of the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 of NRS 388.040.]*~~ **(Deleted by amendment.)**

Sec. 10. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 to 14, inclusive, of this act.

Sec. 11. ***As used in sections 11 to 14, inclusive, of this act, unless the context otherwise requires, "Account" means the Early Childhood Literacy and Readiness Account created by section 12 of this act.***

Sec. 12. ***1. The Early Childhood Literacy and Readiness Account is hereby created in the State General Fund. The Account must be administered by the Department.***

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charge; and

(b) Unexpended appropriations made to the Account from the State General Fund,

↪ must be credited to the Account.

3. ~~*[Any money]*~~ ***Except as otherwise provided in subsection 4, the balance remaining in the Account*** ~~*[at the end]*~~ ***that has not been committed for expenditure on or before June 30 of*** ~~*[a]*~~ ***each fiscal year*** ~~*[, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert]*~~ ***reverts to the State General Fund*** ~~*. [, and the balance in the Account must be carried forward to the next fiscal year.]*~~

4. The Department may accept gifts and grants of money from any source for deposit in the Account. All money received pursuant to this subsection:

(a) Must be accounted for separately in the Account;

(b) Must be expended in accordance with the terms of the gift or grant; and

(c) Does not revert to the State General Fund and must be carried over into the next fiscal year.

5. The money in the Account may only be used to award grants to school districts, sponsors of charter schools and nonprofit organizations to support early childhood literacy and readiness programs pursuant to section 13 of this act.

Sec. 13. ***1. The Department shall, to the extent money is available, award grants of money to school districts, sponsors of charter schools and nonprofit organizations to support early childhood literacy and readiness programs. Each program supported by a grant awarded pursuant to this section must:***

(a) Serve children who are less than 6 years of age;

(b) Be evidence-based;

(c) Provide for appropriate individualized accommodations and supports for children with disabilities; and

(d) Include a plan of reporting and accountability for the performance of the program.

2. A school district, sponsor of a charter school or nonprofit organization that wishes to receive a grant pursuant to this section must submit an application to the Department. The Department may approve such an application if the Department determines that the application:

(a) Includes an implementation plan which is financially sound; and

(b) Proposes to use all money available from the grant within 2 years or such shorter period of time as the Department determines appropriate.

3. The Department shall prioritize the award of grants pursuant to this section to a school district, sponsor of a charter school or nonprofit organization to support an early childhood literacy and readiness program that:

(a) Receives money from a private source;

(b) Receives money from a federal grant;

(c) Has demonstrated sustained success in improving the literacy and readiness for elementary school of children less than 6 years of age; or

(d) Provides services to geographical areas with a higher proportion of children entering kindergarten who have demonstrated a deficit across early learning domains during the immediately preceding 2 years.

Sec. 14. ***On or before November 1 of each year, the Department shall:***

1. Review all grants awarded pursuant to section 13 of this act during the immediately preceding year;

2. Compile a report for the immediately preceding year which must include, without limitation:

(a) The number of applications for a grant received pursuant to section 13 of this act;

(b) The number of grants awarded pursuant to section 13 of this act;

(c) The total cost of all grants awarded pursuant to section 13 of this act; and

(d) Such other information as may be prescribed by the Department to demonstrate the effectiveness of recipients of a grant awarded pursuant to section 13 of this act in improving the literacy and readiness for elementary school of children less than 6 years of age.

Sec. 15. ~~[~~NRS 387.1213 is hereby amended to read as follows:

~~387.1213 1. The Education Stabilization Account is hereby created in the State Education Fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, each county school district shall transfer from the county school district fund to the Education Stabilization Account any amount by which the budgeted ending fund balance of the county school district fund exceeds 16.6 percent of the total budgeted expenditures for the fund. The interest and income earned on the money in the Account, after~~

~~deducting any applicable charges, must be [credited to the Account.]~~ ***transferred as follows:***

~~***(a) Seventy-five percent to the Teach Nevada Scholarship Program Account created by NRS 391A.575; and***~~

~~***(b) Twenty-five percent to the Nevada Teacher Advancement Scholarship Program Account created by section 62 of this act.***~~

~~2. Money transferred pursuant to subsection 1 to the Education Stabilization Account is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.~~

~~3. The balance in the Education Stabilization Account must not exceed 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year. Any money transferred to the Education Stabilization Account which exceeds this amount must instead be transferred [to the State Education Fund.]~~ ***as follows:***

~~***(a) If the balance in the Education Stabilization Account is 17 percent or more of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account for the immediately preceding year:***~~

~~***(1) An amount of the excess equal to 1 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account for the immediately preceding year to the State Teacher Pipeline Account created by section 54 of this act;***~~

~~***(2) An amount of the excess equal to 1 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account for the immediately preceding year to the Early Childhood Literacy and Readiness Account created by section 12 of this act; and***~~

~~***(3) The remainder of the excess to the State Education Fund.***~~

~~***(b) If the balance in the Education Stabilization Account does not exceed 17 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account for the immediately preceding year:***~~

~~***(1) Fifty percent to the State Teacher Pipeline Account created by section 54 of this act; and***~~

~~***(2) Fifty percent to the Early Childhood Literacy and Readiness Account created by section 12 of this act.***~~

~~4. If the Interim Finance Committee finds that:~~

~~(a) Upon submission of a request from the Department, the actual enrollment growth for a fiscal year exceeds the projected enrollment growth by an amount that the Interim Finance Committee determines would make a transfer of money to the State Education Fund necessary to fund the excess enrollment; or~~

~~(b) The collection of revenue in any fiscal year will result in the State Education Fund receiving 97 percent or less of the money authorized for expenditure from the State Education Fund,~~

~~the Committee shall by resolution establish an amount of money to transfer from the Education Stabilization Account to the State Education Fund and direct the State Controller to transfer that amount to the State Education Fund. The State Controller shall thereupon make the transfer.~~

~~5. The balance remaining in the State Education Fund, excluding the balance remaining in the Education Stabilization Account, that has not been committed for expenditure on or before June 30 of an odd-numbered fiscal year must be transferred to the Education Stabilization Account to the extent that such a transfer would not cause the balance in the Education Stabilization Account to exceed the limit established in subsection 3.~~ **(Deleted by amendment.)**

Sec. 16. ~~[NRS 387.1214 is hereby amended to read as follows:~~

~~387.1214 1. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to NRS 387.1212, the Legislature shall determine the statewide base per pupil funding amount for each fiscal year of the biennium, which is the amount of money expressed on a per pupil basis for the projected enrollment of the public schools in this State, determined to be sufficient by the Legislature to fund the costs of all public schools in this State to operate and provide general education to all pupils for any purpose for which specific funding is not appropriated pursuant to paragraph (a), (b)~~ ~~*, (c)* or [(c)]~~ ~~*(f)* of subsection 2 or NRS 387.122. It is the intent of the Legislature that the statewide base per pupil funding amount for any fiscal year, to the extent practicable, be not less than the statewide base per pupil funding amount for the immediately preceding fiscal year, adjusted by inflation, unless the amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year. If the amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year, it is the intent of the Legislature that a proportional reduction be made in both the statewide base per pupil funding amount and the weighted funding appropriated pursuant to paragraph [(c)]~~ ~~*(f)* of subsection 2.~~

~~2. After a direct legislative appropriation is made to the State Education Fund from the State General Fund pursuant to NRS 387.1212, the money in the State Education Fund, excluding any amount of money in the Education Stabilization Account, must be appropriated as established by law for each fiscal year of the biennium for the following purposes:~~

~~(a) To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide food services [and transportation] for pupils and any other similar service that the Legislature deems appropriate.~~

~~(b)~~ ***Except as otherwise provided in subsection 3, to each school district and charter school, an amount of money determined to be sufficient by the***

~~*Legislature, when combined with any other resources available for this purpose, to provide transportation for pupils.*~~

~~*(c)* To each school district, charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide local funding to support pupils with disabilities.~~

~~**[**(c)**]** *(d)* To each school district, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide adjusted base per pupil funding for each pupil estimated to be enrolled in the school district.~~

~~**[**(d)**]** *(e)* To each charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide:~~

~~(1) The statewide base per pupil funding amount for each pupil estimated to be enrolled full-time in a program of distance education provided by the charter school or university school for profoundly gifted pupils; and~~

~~(2) Adjusted base per pupil funding for each pupil estimated to be enrolled in the charter school or university school for profoundly gifted pupils other than a pupil identified in subparagraph (1).~~

~~**[**(e)**]** *(f)* To each school district, charter school or university school for profoundly gifted pupils, an amount of money determined to be sufficient by the Legislature, when combined with any other resources available for this purpose, to provide additional weighted funding for each pupil estimated to be enrolled in the school district, charter school or university school for profoundly gifted pupils who is:~~

~~(1) An English learner;~~

~~(2) At-risk pupil; or~~

~~(3) A gifted and talented pupil.~~

~~3. *A charter school must not receive any money appropriated pursuant to paragraph (b) of subsection 2 unless the Superintendent of Public Instruction has approved a transportation plan for the charter school. Each charter school that wishes to receive money appropriated pursuant to paragraph (b) of subsection 2 must submit a transportation plan to the Superintendent of Public Instruction. The Superintendent of Public Instruction may approve a transportation plan if he or she determines:*~~

~~*(a) The transportation plan will materially improve access to education in the region served by the transportation plan;*~~

~~*(b) The transportation plan is financially viable;*~~

~~*(c) The cost of the transportation plan would not unreasonably impact the apportionment of money under the Pupil-Centered Funding Plan to other public schools; and*~~

~~*(d) The transportation plan would not cost more, on a per-pupil basis, than the average cost for transportation for other public schools operating in the school district in which the charter school is located.*~~

~~*4.* The adjusted base per pupil funding appropriated pursuant to paragraph [(c)] *(d)* of subsection 2 for each school district must be determined by applying the cost adjustment factor established pursuant to NRS 387.1215 which applies to the school district and the attendance area adjustment established pursuant to NRS 387.1218 which applies to each applicable area of the school district to the statewide base per pupil funding amount.~~

~~[4.] *5.* The adjusted base per pupil funding appropriated pursuant to subparagraph (2) of paragraph [(d)] *(c)* of subsection 2 for each charter school or university school for profoundly gifted pupils must be determined by applying the cost adjustment factor established pursuant to NRS 387.1215 which applies to the charter school or university school and, if applicable, the attendance area adjustment established pursuant to NRS 387.1218 to the statewide base per pupil funding amount.~~

~~[5.] *6.* The weighted funding appropriated pursuant to paragraph [(e)] *(f)* of subsection 2 must be established separately for each category of pupils identified in that paragraph and expressed as a multiplier to be applied to the statewide base per pupil funding amount determined pursuant to subsection 1. A pupil who belongs to more than one category of pupils or for whom a school district, charter school or university school for profoundly gifted pupils is eligible to receive the statewide multiplier pursuant to NRS 387.122 must receive only the weighted funding for the single category to which the pupil belongs which has the largest multiplier or the statewide multiplier, whichever is larger. It is the intent of the Legislature that, to the extent practicable:~~

~~(a) The multiplier for each category of pupils for any fiscal year be not less than the multiplier for the immediately preceding fiscal year unless:~~

~~(1) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account, decreases from the preceding fiscal year, in which event it is the intent of the Legislature that a proportional reduction be made in both the statewide base per pupil funding amount and the weighted funding appropriated pursuant to paragraph [(e)] *(f)* of subsection 2; or~~

~~(2) The amount of money contained in the State Education Fund, excluding the Education Stabilization Account, increases from the preceding fiscal year but in an amount which, after funding the appropriations required by paragraphs (a) to [(d),] *(e),* inclusive, of subsection 2, is insufficient to fund the multiplier for each category of pupils, in which event it is the intent of the Legislature that the remaining money in the State Education Fund be used to provide a multiplier for each category of pupils which is as close as practicable to the multiplier for the preceding fiscal year;~~

~~(b) The recommendations of the Commission for the multiplier for each category of pupils be considered and the multiplier for one category of pupils may be changed by an amount that is not proportional to the change in the multiplier for one or more other categories of pupils if the Legislature determines that a disproportionate need to serve the pupils in the affected category exists; and~~

~~(c) If the multipliers for all categories of pupils in a fiscal year are increased from the multipliers in the immediately preceding fiscal year, a proportional increase is considered for the statewide base per pupil funding amount.~~

~~[6.]~~ ***7.*** ~~For any money identified in subsection 4 of NRS 362.170 which is deposited to the credit of the State Education Fund:~~

~~(a) The amount of such money for the county from which the money was collected that does not exceed the total amount of money appropriated pursuant to subsection 2 to the county school district is deemed to be the first money appropriated pursuant to subsection 2 for that county school district.~~

~~(b) The amount of such money for the county from which the money was collected which exceeds the total amount of money appropriated pursuant to subsection 2 to the county school district must be transferred to the county school district and is hereby authorized for expenditure as a continuing appropriation for the purpose of mitigating the adverse effects of the cyclical nature of the industry of extracting and processing minerals on the ability of the county school district to offer its pupils a reasonably equal educational opportunity.~~

~~[7.]~~ ***8.*** ~~The weighted funding appropriated pursuant to paragraph [(c)]~~ ***(f)*** ~~of subsection 2:~~

~~(a) May not be used to settle or arbitrate disputes between a recognized organization representing employees of a school district or the governing body of a charter school and the school district or governing body or to settle any negotiations; and~~

~~(b) May not be used to adjust the district-wide schedules of salaries and benefits of the employees of a school district.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[NRS 387.1223 is hereby amended to read as follows:~~

~~387.1223 1. On or before October 1, January 1, April 1 and July 1, each school district shall report to the Department, in the form prescribed by the Department, the average daily enrollment of pupils pursuant to this section for the immediately preceding quarter of the school year. If October 1, January 1, April 1 or July 1 falls on a Saturday, Sunday or legal holiday, the report may be submitted before 5 p.m. on the next business day.~~

~~2. Except as otherwise provided in subsection 3, the yearly apportionment from the State Education Fund for each school district must be computed by:~~

~~(a) Multiplying the adjusted base per pupil funding established for that school district for that school year by the sum of:~~

~~(1) The count of pupils enrolled in kindergarten and grades 1 to 12, inclusive, in a public school in the school district based on the average daily enrollment of those pupils during the quarter.~~

~~(2) The count of pupils not included under subparagraph (1) who are enrolled full-time in a program of distance education provided by that school district, based on the average daily enrollment of those pupils during the quarter.~~

~~(3) The count of pupils who reside in the county and are enrolled:~~

~~(I) In a public school of the school district and are concurrently enrolled part-time in a program of distance education provided by another school district or a charter school, based on the average daily enrollment of those pupils during the quarter.~~

~~(II) In a charter school and are concurrently enrolled part-time in a program of distance education provided by the school district, based on the average daily enrollment of those pupils during the quarter.~~

~~(4) The count of pupils not included under subparagraph (1), (2) or (3), who are receiving special education pursuant to the provisions of NRS 388.417 to 388.469, inclusive, and 388.5251 to 388.5267, inclusive, based on the average daily enrollment of those pupils during the quarter and excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435.~~

~~(5) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to NRS 388.435, based on the average daily enrollment of those pupils during the quarter.~~

~~(6) The count of children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570, based on the average daily enrollment of those pupils during the quarter.~~

~~(7) The count of pupils who are enrolled in classes for at least one semester pursuant to subsection 1 of NRS 388A.471, subsection 1 of NRS 388A.474 or subsection 1 of NRS 392.074, based on the average daily enrollment of pupils during the quarter and expressed as a percentage of the total time services are provided to those pupils per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (1).~~

~~(8) The count of pupils enrolled in a challenge school based on the average daily enrollment of those pupils calculated in the manner set forth in an agreement entered into pursuant to NRS 388D.330.~~

~~(b) Adding to the amount computed in paragraph (a) the amounts appropriated pursuant to paragraphs (a), (b)~~ ***, (c)*** ~~and~~ **[**~~(c)~~**]** ***(f)*** ~~of subsection 2 of NRS 387.1214.~~

~~3. Except as otherwise provided in subsection 4, if the enrollment of pupils in a school district or a charter school that is located within the school district based on the average daily enrollment of pupils during the quarter of the school year is less than or equal to 95 percent of the enrollment of pupils in the same school district or charter school based on the average daily enrollment of pupils during the same quarter of the immediately preceding school year, the enrollment of pupils during the same quarter of the immediately preceding school year must be used for purposes of making the monthly apportionments from the State Education Fund to that school district or charter school pursuant to NRS 387.124.~~

~~4. If the Department determines that a school district or charter school deliberately causes a decline in the enrollment of pupils in the school district~~

~~or charter school to receive a higher apportionment pursuant to subsection 3, including, without limitation, by eliminating grades or moving into smaller facilities, the enrollment number from the current school year must be used for purposes of apportioning money from the State Education Fund to that school district or charter school pursuant to NRS 387.124.~~

~~5. The Department shall prescribe a process for reconciling the quarterly reports submitted pursuant to subsection 1 to account for pupils who leave the school district or a public school during the school year.~~

~~6. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.~~

~~7. Pupils who are incarcerated in a facility or institution operated by the Department of Corrections must not be counted for the purpose of computing the yearly apportionment pursuant to this section. The average daily attendance for such pupils must be reported to the Department of Education.~~

~~8. Pupils who are enrolled in courses which are approved by the Department as meeting the requirements for an adult to earn a high school diploma must not be counted for the purpose of computing the yearly apportionment pursuant to this section.~~**] (Deleted by amendment.)**

Sec. 18. ~~[NRS 387.124 is hereby amended to read as follows:~~

~~387.124 Except as otherwise provided in this section and NRS 387.1241, 387.1242 and 387.528:~~

~~1. On or before the first day of each month, the Superintendent of Public Instruction shall apportion the State Education Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-twelfth of their respective yearly apportionments less any amount set aside as a reserve or contained in the Education Stabilization Account. Except as otherwise provided in NRS 387.1244, the apportionment to a school district, computed on a yearly basis, equals the amounts established by law for each school year pursuant to paragraphs (a)~~ **[**~~, (b), (c)~~**]** ***to (d), inclusive,*** ~~and~~ **[**~~(e)~~**]** ***(f)*** ~~of subsection 2 of NRS 387.1214 for all pupils who attend a public school operated by the school district located in the county.~~

~~2. Except as otherwise provided in NRS 387.1244, in addition to the apportionments made pursuant to this section, if a pupil is enrolled part-time in a program of distance education and part-time in a:~~

~~(a) Public school other than a charter school, an apportionment must be made to the school district in which the pupil resides. The school district in which the pupil resides shall allocate a percentage of the apportionment to the school district or charter school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.854.~~

~~(b) Charter school, an apportionment must be made to the charter school in which the pupil is enrolled. The charter school in which the pupil is enrolled shall allocate a percentage of the apportionment to the school district or charter~~

~~school that provides the program of distance education in the amount set forth in the agreement entered into pursuant to NRS 388.858.~~

~~3. The Director of the State Department of Agriculture shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.~~**]** **(Deleted by amendment.)**

Sec. 19. ~~[NRS 387.1241 is hereby amended to read as follows:~~

~~387.1241 Except as otherwise provided in NRS 387.124, 387.1242, 387.1244 and 387.528:~~

~~1. The apportionment to a charter school, computed on a yearly basis, is equal to the amounts established by law for each school year pursuant to paragraphs~~ **[**~~(d) and~~**]** ***(b),*** ~~(e)~~ ***and (f)*** ~~of subsection 2 of NRS 387.1214 for all pupils who attend the charter school, minus the sponsorship fee prescribed by NRS 388A.414 and minus all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.~~

~~2. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsections 1 and 2 of NRS 387.124. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all 12 apportionments in advance in its first year of operation.~~**]** **(Deleted by amendment.)**

Sec. 20. ~~[NRS 387.1242 is hereby amended to read as follows:~~

~~387.1242 Except as otherwise provided in NRS 387.124, 387.1241, 387.1244 and 387.528:~~

~~1. The apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the amounts established by law for each school year pursuant to paragraphs~~ **[**~~(d) and~~**]** ~~(e)~~ ***and (f)*** ~~of subsection 2 of NRS 387.1214 for all pupils who attend the university school.~~

~~2. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1 of NRS 387.124. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all 12 apportionments in advance in its first year of operation.~~**]** **(Deleted by amendment.)**

Sec. 21. [NRS 387.12445 is hereby amended to read as follows:

387.12445 1. Except as otherwise provided in subsection 2, each school district shall ensure that all adjusted base per pupil funding received by the school district pursuant to paragraph [(c)] *(d)* of subsection 2 of NRS 387.1214 is accounted for separately and, after a deduction for the administrative expenses of the school district in an amount which does not exceed the amount prescribed by the Department by regulation for each school district, be distributed and used as described in this subsection. The adjusted base per pupil funding provided to each school district must:

(a) Be distributed by each school district to its public schools in a manner that ensures each pupil in the school district receives a reasonably equal educational opportunity.

(b) Be used to support the educational needs of all pupils in the school district, including, without limitation, operating each public school in the school district, training and supporting educational personnel and carrying out any program or service established by, or requirement imposed pursuant to, this title for any purpose for which specific funding is not appropriated pursuant to paragraph (a), (b) *, (c)* or [(e)] *(f)* of subsection 2 of NRS 387.1214 or NRS 387.122.

2. If a school district determines that an additional amount of money is necessary to satisfy requirements for maintenance of effort or any other requirement under federal law for pupils with disabilities enrolled in the school district, the school district may transfer the necessary amount of money from the adjusted base per pupil funding received by the school district for that purpose.

3. Each school district shall ensure that all weighted funding received by the school district pursuant to paragraph [(e)] *(f)* of subsection 2 of NRS 387.1214 is accounted for separately and distributed directly to each school in which the relevant pupils are estimated to be enrolled.

4. Each public school shall account separately for the local funding for pupils with disabilities received by the public school pursuant to paragraph [(b)] *(c)* of subsection 2 of NRS 387.1214, for the adjusted base per pupil funding received by the public school pursuant to paragraph [(c)] *(d)* of subsection 2 of NRS 387.1214, for each category of weighted funding received by the public school pursuant to paragraph [(e)] *(f)* of subsection 2 of NRS 387.1214 and for money received from the statewide multiplier pursuant to NRS 387.122. Unless the provisions of subsection 7 or 8 impose greater restrictions on the use of weighted funding by a public school, the public school must use the weighted funding received for each relevant pupil:

(a) As a supplement to the adjusted base per pupil funding received for the pupil; and

(b) Solely for the purpose of providing such additional educational programs, services or support as are necessary to ensure the pupil receives a reasonably equal educational opportunity.

~~5. Except as otherwise provided in subsection 6, the separate accounting required by subsection 4 for pupils with disabilities and gifted and talented pupils must include:~~

~~(a) The amount of money provided to the public school for special education; and~~

~~(b) The cost of:~~

~~(1) Instruction provided by licensed special education teachers and supporting staff;~~

~~(2) Related services, including, without limitation, services provided by psychologists, therapists and health-related personnel;~~

~~(3) Transportation of the pupils with disabilities and gifted and talented pupils to and from school;~~

~~(4) The direct supervision of educational and supporting programs; and~~

~~(5) The supplies and equipment needed for providing special education.~~

~~6. Money received from federal sources must be accounted for separately and excluded from the accounting required pursuant to subsection 5.~~

~~7. A public school that receives weighted funding for one or more at-risk pupils must use that weighted funding only to provide Victory services and, if one or more at-risk pupils for whom the school received weighted funding in the at-risk pupil category also belong to one or more other categories of pupils who receive weighted funding, the additional services for each such at-risk pupil which are appropriate for each category to which the at-risk pupil belongs.~~

~~8. A public school that receives weighted funding for one or more pupils who are English learners must use that weighted funding only to provide Zoom services and, if one or more English learners for whom the school received weighted funding in the English learner category also belong to one or more other categories of pupils who receive weighted funding, the additional services for each such English learner which are appropriate for each category to which the English learner belongs.~~

~~9. The Department shall adopt regulations prescribing the maximum amount of money that each school district may deduct for its administrative expenses from the adjusted base per pupil funding received by the school district. When adopting such regulations, the Department may express the maximum amount of money that may be deducted as a percentage of the adjusted base per pupil funding received by the school district.~~

~~10. As used in this section:~~

~~(a) "Victory services" means any one or more of the following services:~~

~~(1) A prekindergarten program provided free of charge.~~

~~(2) A summer academy or other instruction for pupils provided free of charge at times during the year when school is not in session.~~

~~(3) Additional instruction or other learning opportunities provided free of charge at times of day when school is not in session.~~

~~(4) Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to~~

~~be an effective means to increase pupil achievement in populations of at-risk pupils.~~

~~(5) Incentives for hiring and retaining teachers and other licensed educational personnel who provide Victory services.~~

~~(6) Employment of paraprofessionals, other educational personnel and other persons who provide Victory services.~~

~~(7) A reading skills center.~~

~~(8) Integrated student supports, wrap-around services and evidence-based programs designed to meet the needs of at-risk pupils.~~

~~(9) Any other service or program that has a demonstrated record of success for similarly situated pupils in comparable school districts and has been reviewed and approved as a Victory service by the Superintendent of Public Instruction.~~

~~(b) "Zoom services" means any one or more of the following services:~~

~~(1) A prekindergarten program provided free of charge.~~

~~(2) A reading skills center.~~

~~(3) Professional development for teachers and other licensed educational personnel regarding effective instructional practices and strategies for pupils who are English learners.~~

~~(4) Incentives for hiring and retaining teachers and other licensed educational personnel who provide Zoom services.~~

~~(5) Engagement and involvement with parents and families of pupils who are English learners, including, without limitation, increasing effective, culturally appropriate communication with and outreach to parents and families to support the academic achievement of those pupils.~~

~~(6) A summer academy or, for those schools that do not operate on a traditional school calendar, an intersession academy provided free of charge, including, without limitation, the provision of transportation to attend the summer academy or intersession academy.~~

~~(7) An extended school day.~~

~~(8) Any other service or program that has a demonstrated record of success for similarly situated pupils in comparable school districts and has been reviewed and approved as a Zoom service by the Superintendent of Public Instruction.~~~~]~~ **(Deleted by amendment.)**

Sec. 22. NRS 387.1246 is hereby amended to read as follows:

387.1246 1. The Commission on School Funding, consisting of 11 ~~[13]~~ members, is hereby created.

2. The Commission consists of the following members, who may not be Legislators:

(a) One member appointed by the Governor, who serves as Chair;

(b) Two members appointed by the Majority Leader of the Senate;

(c) Two members appointed by the Speaker of the Assembly;

(d) One member appointed by the Minority Leader of the Senate;

(e) One member appointed by the Minority Leader of the Assembly;

(f) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has more than 40,000 pupils enrolled in its public schools, nominated by the Nevada Association of School Superintendents or its successor organization; and

(g) Two members appointed by the Governor, each of whom is the chief financial officer of a school district in this State which has 40,000 or fewer pupils enrolled in its public schools , ***[for the superintendent of such a school district who has previously served as the chief financial officer of the school district for not less than 3 years,]*** nominated by the Nevada Association of School Superintendents or its successor organization , ***[;***

(h) One member appointed by the Governor who has demonstrated expertise in the operation, performance and accountability of schools and school districts and the achievement and educational outcomes of pupils; and

(i) One member appointed by the Governor who is an expert in the field of education, made in consultation with the Nevada Association of School Superintendents.]

➥ In making appointments to the Commission, the appointing authorities shall consider whether the membership generally reflects the geographic distribution of pupils in the State.

3. Each member of the Commission must:

(a) Be a resident of this State;

(b) Not have been registered as a lobbyist pursuant to NRS 218H.200 for a period of at least 2 years immediately preceding appointment to the Commission;

(c) Have relevant experience in public education;

(d) Have relevant experience in fiscal policy, school finance or similar or related financial activities;

(e) Have the education, experience and skills necessary to effectively execute the duties and responsibilities of a member of the Commission; and

(f) Have demonstrated ability in the field of economics, taxation or other discipline necessary to school finance and be able to bring knowledge and professional judgment to the deliberations of the Commission.

4. Each member of the Commission serves a term of 3 years and may be reappointed to additional terms.

5. Each member may be removed by the appointing authority for good cause. A vacancy on the Commission must be filled in the same manner as the original appointment.

6. The Commission shall:

(a) Elect a Vice Chair from among its members at its first meeting for a term of 3 years. A vacancy in the office of Vice Chair must be filled by the Commission by election for the remainder of the existing term.

(b) Adopt such rules governing the conduct of the Commission as it deems necessary.

(c) Hold its first meeting on or before October 1, 2019, and hold such additional number of meetings as may be necessary to accomplish the tasks assigned to it **.** ~~[in the time allotted.]~~

7. A majority of the members of the Commission constitutes a quorum and a majority of those present must concur in any decision.

8. The Department shall provide the Commission with meeting rooms, data processing services and administrative and clerical assistance ~~[.]~~ ***and undertake any research, analysis, study or other work required by the Commission to carry out its duties pursuant to NRS 387.12463.*** The Superintendent of Public Instruction and Office of Finance shall jointly provide the Commission with professional staff services.

9. While engaged in the business of the Commission, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[10. The Commission may meet only between July 1 of an odd-numbered year and September 30 of the subsequent even-numbered year.]~~

Sec. 23. NRS 387.12463 is hereby amended to read as follows:

387.12463 1. The Commission shall:

(a) Provide guidance to school districts and the Department on the implementation of the Pupil-Centered Funding Plan.

(b) Monitor the implementation of the Pupil-Centered Funding Plan and make any recommendations to the Joint Interim Standing Committee on Education that the Commission determines would, within the limits of appropriated funding, improve the implementation of the Pupil-Centered Funding Plan or correct any deficiencies of the Department or any school district or public school in carrying out the Pupil-Centered Funding Plan.

(c) Review the statewide base per pupil funding amount, the adjusted base per pupil funding for each school district and the multiplier for weighted funding for each category of pupils appropriated by law pursuant to NRS 387.1214 for each biennium and recommend any revisions the Commission determines to be appropriate to create an optimal level of funding for the public schools in this State, including, without limitation, by recommending the creation or elimination of one or more categories of pupils to receive additional weighted funding. If the Commission makes a recommendation pursuant to this paragraph which would require more money to implement than was appropriated from the State Education Fund in the immediately preceding biennium, the Commission shall also identify a method to fully fund the recommendation within 10 years after the date of the recommendation.

(d) Review the laws and regulations of this State relating to education, make recommendations to the Joint Interim Standing Committee on Education for any revision of such laws and regulations that the Commission determines would improve the efficiency or effectiveness of public education in this State and notify each school district of each such recommendation.

(e) Review and recommend to the Department revisions of the cost adjustment factors for each county established pursuant to NRS 387.1215 and

the method for calculating the attendance area adjustment established pursuant to NRS 387.1218.

(f) Review the academic progress made by pupils in each public school and each private school that enrolls one or more pupils on whose behalf the school was provided a grant pursuant to NRS 388D.270 since the implementation of the Pupil-Centered Funding Plan, including, without limitation, any changes to the academic progress of such pupils as the result of any additional money provided to each such school by the Pupil-Centered Funding Plan or Nevada Educational Choice Scholarship Program. In performing such a review, the Commission shall:

(1) Use metrics to measure the academic achievement of pupils which include, without limitation:

(I) The rate of graduation of pupils from high school by type of diploma;

(II) The performance of pupils on standardized examinations in math, reading and science;

(III) The number of credentials or other certifications in fields of career and technical education earned by pupils;

(IV) The number of pupils who earn a passing score on an advanced placement examination;

(V) The number of pupils who earn a passing score on an international baccalaureate examination;

(VI) The percentage of pupils in each school who lack a sufficient number of credits to graduate by the end of their 12th grade year;

(VII) The percentage of pupils in each school who drop out;

(VIII) The number of pupils who enroll in higher education upon graduation;

(IX) The number of pupils who enroll in a vocational or technical school or apprenticeship training program;

(X) The attendance rate for pupils;

(XI) The number of violent acts by pupils and disciplinary actions against pupils; and

(XII) Any other metric prescribed by the Commission;

(2) Use metrics to measure the improvement of pupils enrolled in elementary school in literacy which include, without limitation:

(I) The literacy rate for pupils in first, third and fifth grades;

(II) The number of pupils in elementary school who were promoted to the next grade after testing below proficient in reading in the immediately preceding school year, separated by grade level and by level of performance on the relevant test;

(III) The number of schools that employ a licensed teacher designated to serve as a literacy specialist pursuant to NRS 388.159 and the number of schools that fail to employ and designate such a licensed teacher; and

(IV) Any other metric prescribed by the Commission;

(3) Use metrics to measure the ability of public schools to hire and retain sufficient staff to meet the needs of the public schools which include, without limitation:

(I) The rate of vacancies in positions for teachers, support staff and administrators;

(II) The attendance rate for teachers;

(III) The retention rate for teachers;

(IV) The number of schools and classrooms within each school in which the number of pupils in attendance exceeds the designed capacity for the school or classroom;

(V) The number of classes taught by a substitute teacher for more than 25 percent of the school year; and

(VI) Any other metric prescribed by the Commission;

(4) Use metrics to measure the extent to which schools meet the needs and expectations of pupils, parents or legal guardians of pupils, teachers and administrators which include, without limitation:

(I) The results of an annual survey of satisfaction of school employees;

(II) The results of an annual survey of satisfaction of pupils, parents or legal guardians of pupils and graduates; and

(III) Any other metric prescribed by the Commission;

(5) Identify the progress made by each school, school district and charter school on improving the literacy of pupils enrolled in elementary school;

(6) Make recommendations for strategies to increase the efficacy, efficiency, transparency and accountability of public schools; and

(7) Make recommendations to the Department, school districts and charter schools to improve the reporting, tracking, monitoring, analyzing and dissemination of data relating to pupil achievement and financial accountability, including, without limitation, revisions to the metrics identified in subparagraphs (1) to (4), inclusive.

(g) Review and consider strategies to improve the accessibility of existing and new programs for pupils within and between public schools, including, without limitation, open zoning.

2. ***Each school district and each charter school shall submit a quarterly report to the Commission that identifies how funding from the Pupil-Centered Funding Plan is being used to improve the academic performance and progress of pupils and includes, without limitation, all data or metrics collected by the school district or charter school to demonstrate such improvement. The Commission shall review the reports submitted pursuant to this subsection and transmit the reports, along with any commentary or recommendations relating to the reports, to the Governor, the Director of the Legislative Counsel Bureau, the Joint Interim Standing Committee on Education and the Interim Finance Committee.***

3. After receiving the reports submitted to the Commission pursuant to subsection 2, the Governor may, with the approval of the Legislature or Interim Finance Committee if the Legislature is not in session, direct a school district or charter school to take such remedial actions as the Governor determines to be necessary and appropriate to address any deficiency identified in the reports submitted pursuant to subsection 2.

4. The Commission shall ~~[~~present~~]~~ ***:***

(a) Present any recommendations pursuant to paragraphs (a) to ~~[~~(d),~~]~~ ***(g),*** inclusive, of subsection 1 at a meeting of the Joint Interim Standing Committee on Education for consideration and ~~[~~revision~~]~~ ***recommendations*** by the Committee ~~[~~. The Joint Interim Standing Committee on Education shall review each recommendation of the Commission and determine whether to~~]~~ ***; and***

(b) After consideration of the recommendations of the Joint Interim Standing Committee on Education, transmit the ~~[~~recommendation~~]~~ ***recommendations*** or a revised version of the ***[recommendation] recommendations*** to the Governor ~~[~~or~~]~~ ***and the Director of the Legislative Counsel Bureau for distribution to*** the Legislature.

Sec. 24. NRS 387.12468 is hereby amended to read as follows:

387.12468 1. On or before October 1 of each year, each school district shall create a report that includes a description of the personnel employed and services provided by the school district during the immediately preceding school year and any changes that the school district anticipates making to the personnel and services during the current school year. The school district shall post a copy of the report on the Internet website maintained by the school district.

2. On or before October 1 of each year, each public school shall create a report that includes a description of the personnel employed and services provided by the school during the immediately preceding school year and any changes the school anticipates making to the personnel and services during the current school year. The public school shall post a copy of the report on the Internet website maintained by the public school or, if the public school does not maintain an Internet website, on the Internet website maintained by the school district or the governing body or sponsor of the public school, as applicable.

3. The Department shall prescribe by regulation the format and contents of the information to be provided to create the report created by each school district pursuant to subsection 1 and each public school pursuant to subsection 2. The reports must include, as applicable and without limitation:

(a) Each grade level at which the public school enrolls pupils;

(b) The number of pupils attending the public school;

(c) The average class size at the public school;

(d) The number of persons employed by the public school to provide instruction, support to pupils, administrative support and other personnel including, without limitation, the number of employees in any subgroup of each type or classification of personnel as prescribed by the Department;

(e) The professional development provided by the public school;

(f) The amount of money spent per pupil for supplies, materials, equipment and textbooks;

(g) For each category of pupils for which the public school receives any additional funding, including, without limitation, pupils with disabilities, pupils who are English learners, at-risk pupils and gifted and talented pupils:

(1) The number of pupils in each category who attend the public school;

(2) If the Department determines that pupils within a category must be divided based on severity of need, the number of pupils in each such subcategory; and

(3) The number of persons employed to provide instruction, support to pupils, administrative support and other personnel employed by the public school and dedicated to providing services to each category or subcategory of pupils, including, without limitation, any subgroup of each kind of personnel prescribed by the Department;

(h) The total amount of money received to support the operations of the public school, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount;

(i) The total amount of money received by the public school as adjusted base per pupil funding, divided by the number of pupils enrolled in the public school and expressed as a per pupil amount; and

(j) The amount of money received by the public school as weighted funding for each category of pupils supported by weighted funding, divided by the number of pupils enrolled in the public school who are identified in the appropriate category and expressed as a per pupil amount for each category.

4. The Department shall prepare any reports or provide any data necessary for a school district or public school to produce the reports required by subsections 1 and 2, respectively.

Sec. 25. ~~[NRS 388.040 is hereby amended to read as follows:~~

~~388.040 1. Except as otherwise provided in subsection 2, the board of trustees of a school district that includes more than one school which offers instruction in the same grade or grades may zone the school district and determine which pupils must attend each school.~~

~~2. The establishment of zones pursuant to subsection 1 does not preclude a pupil from attending a:~~

~~(a) Charter school;~~

~~(b) University school for profoundly gifted pupils;~~

~~(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is a child in foster care who is remaining in his or her school of origin pursuant to NRS 388E.105;~~

~~(d) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive, or the parent or legal guardian with whom the pupil resides has been issued a fictitious address pursuant to NRS 217.462 to 217.471, inclusive;~~ ~~[or]~~

~~(c) Public school outside the zone of attendance that the pupil is otherwise required to attend if the pupil is an English learner enrolling in the school pursuant to subsection 5 of NRS 388.408~~ **[.] ; or**

~~(f) Public school outside the zone of attendance that the pupil is otherwise required to attend if the public school is not at capacity in the grade or classes required by the pupil.~~

~~3. The superintendent of each school district shall:~~

~~(a) Establish an application process for a pupil to attend a public school outside the zone of attendance that the pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2. Such a process must:~~

~~(1) Include a deadline by which an application must be submitted each school year;~~

~~(2) Provide for the notification of pupils and principals when an application is approved; and~~

~~(3) Require an application only if a pupil wishes to attend a public school outside the zone of attendance of the pupil.~~

~~(b) Establish capacity limits for each grade level and class within each public school in the school district.~~

~~(c) Publish, in coordination with the Office of School Choice created by section 45 of this act, the capacity limits established by paragraph (b).~~

~~(d) Allow a pupil whose application to attend a public school outside the zone of attendance that the pupil is otherwise required to attend is approved to permanently transfer to that public school without requiring an additional application in any subsequent school year.~~

~~4. The application process established pursuant to paragraph (a) of subsection 3 must not consider any of the following factors in determining whether to approve an application:~~

~~(a) The academic, artistic or athletic ability of a pupil;~~

~~(b) The participation of a pupil in any extracurricular activity or the skill of a pupil in such an activity;~~

~~(c) Whether a pupil is a pupil with a disability;~~

~~(d) Whether a pupil is an English learner; or~~

~~(e) Except as otherwise provided in this paragraph, whether a pupil has previously been the subject of disciplinary action. The superintendent of a school district may deny the application of a pupil who, in the school year for which the application is submitted or the immediately preceding school year, was suspended for 10 or more days or expelled.~~

~~5. If an application to attend a public school outside the zone of attendance that a pupil is otherwise required to attend pursuant to paragraph (f) of subsection 2 is approved, the board of trustees of a school district may, but is not required to, provide transportation for the pupil to the public school pursuant to NRS 386.790 to 386.845, inclusive.~~

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

~~(a) "Expelled" has the meaning ascribed to "expel" or "expulsion" in NRS 392.4603.~~

~~*(b) "Suspended" has the meaning ascribed to "suspend" or "suspension" in NRS 392.4607.]*~~ **(Deleted by amendment.)**

Sec. 26. ~~[NRS 388.380 is hereby amended to read as follows:~~

~~388.380 1. Except as otherwise provided in [subsection]~~ ***subsections*** ~~3 [,]~~ ***and 4,*** ~~the board of trustees of a school district in a county whose population is 100,000 or more shall and any other board of trustees of a school district may:~~

~~(a) Establish and maintain a program of career and technical education giving instruction in the subjects approved by the State Board.~~

~~(b) Raise and expend money for the establishment and maintenance of a program of career and technical education.~~

~~2. A pupil who successfully completes a program of career and technical education and who otherwise satisfies the requirements for graduation from high school must be awarded a high school diploma with an endorsement indicating that the pupil has successfully completed the program of career and technical education. The provisions of this subsection do not preclude a pupil from receiving more than one endorsement on his or her diploma, if applicable.~~

~~3. The board of trustees of each school district shall incorporate into the curriculum:~~

~~(a) Guidance and counseling in career and technical education in accordance with NRS 389.041; and~~

~~(b) Technology.~~

~~4.~~ ***The board of trustees of each large school district, as defined in NRS 388G.530, shall, and each other board of trustees of a school district may, establish and maintain a program of career and technical education giving instruction to pupils who wish to become a teacher. A program established and maintained pursuant to this subsection must include, without limitation, the opportunity for a pupil who successfully completes the program to earn, through enrollment in dual credit courses at a community college, state college or university that has been approved for dual credit pursuant to NRS 389.160, at least 12 units of credit applicable toward earning a credential, certificate or degree, as applicable, at the community college, state college or university.***

~~5. The State Board shall adopt regulations prescribing the endorsement of career and technical education for a high school diploma.]~~ **(Deleted by amendment.)**

Sec. 27. ~~[NRS 388.429 is hereby amended to read as follows:~~

~~388.429 1. The Legislature declares that funding provided for each school year establishes financial resources sufficient to ensure a reasonably equal educational opportunity to pupils with disabilities residing in Nevada through the use of local funding for pupils with disabilities prescribed by paragraph [(b)]~~ ***(c)*** ~~of subsection 2 of NRS 387.1214 and the statewide multiplier established pursuant to NRS 387.122.~~

~~2. Subject to the provisions of NRS 388.417 to 388.469, inclusive, the board of trustees of each school district shall make such special provisions as may be necessary for the education of pupils with disabilities.~~

~~3. The board of trustees of a school district in a county whose population is less than 700,000 may provide early intervening services. Such services must be provided in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations adopted pursuant thereto.~~

~~4. The board of trustees of a school district shall establish uniform criteria governing eligibility for instruction under the special education programs provided for by NRS 388.417 to 388.469, inclusive. The criteria must prohibit the placement of a pupil in a program for pupils with disabilities solely because the pupil is a disciplinary problem in school. The criteria are subject to such standards as may be prescribed by the State Board.~~ **(Deleted by amendment.)**

Sec. 28. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts and charter schools in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to NRS 385A.310 and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority **,** ~~[and]~~ a college or university within the Nevada System of Higher Education ***and a city or county*** that sponsors a charter school pursuant to subsection 3 of NRS 385A.070;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Committee and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 29. NRS 388A.105 is hereby amended to read as follows:

388A.105 The Department shall adopt regulations that prescribe:

1. The process for submission of an application pursuant to NRS 388A.220 by the board of trustees of a school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** to the Department for authorization to sponsor charter schools, the contents of the application, the process for the Department to review the application and the timeline for review;

2. The process for submission of an application to form a charter school to the board of trustees of a school district **,** ~~[and]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***and a city or county,*** and the contents of the application;

3. The process for submission of an application to renew a charter contract to the board of trustees of a school district **,** ~~[and]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***and a city or county,*** and the contents of the application;

4. The criteria and type of investigation that must be applied by the board of trustees of a school district **,** ~~[and]~~ a college or university within the Nevada System of Higher Education ***and a city or county*** in determining whether to approve an application to form a charter school, an application to renew a charter contract or a request for an amendment of a charter contract;

5. The process for submission of an amendment of a charter contract to the board of trustees of a school district **,** ~~[and]~~ a college or university within the

Nevada System of Higher Education ***and a city or county*** pursuant to NRS 388A.276 and the contents of the application; and

6. In consultation with the State Public Charter School Authority, other sponsors of charter schools, governing bodies of charter schools and persons who may be affected:

(a) Requirements for the annual independent audits of charter schools, including, without limitation, required training for prospective auditors on the expectations and scope of the audits; and

(b) Ethics requirements for the governing bodies of charter schools.

Sec. 30. NRS 388A.159 is hereby amended to read as follows:

388A.159 1. The State Public Charter School Authority is hereby deemed a local educational agency for all purposes, including, without limitation:

(a) The provision of a free and appropriate public education to each pupil enrolled in a charter school sponsored by the State Public Charter School Authority;

(b) The provision of special education and related services provided by a charter school sponsored by the State Public Charter School Authority; and

(c) Directing the proportionate share of any money available from federal and state categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** that are eligible to receive such money.

2. A college or university within the Nevada System of Higher Education ***or a city or county*** that sponsors a charter school shall enter into an agreement with the State Public Charter School Authority for the provision of any necessary functions of a local educational agency. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(30)(A).

Sec. 31. NRS 388A.171 is hereby amended to read as follows:

388A.171 The State Public Charter School Authority shall:

1. Before March 1 of each even-numbered year:

(a) In consultation with the Department and each board of trustees of a school district **,** ~~[and]~~ college or university within the Nevada System of Higher Education ***and city or county*** that sponsors a charter school, review all statutes and regulations from which charter schools are not exempt and determine whether such statutes and regulations assisted or impeded the charter schools in achieving their academic, fiscal and organizational goals and objectives;

(b) Make recommendations to the Joint Interim Standing Committee on Education concerning any legislation that would assist charter schools in achieving their academic, fiscal and organizational goals; and

(c) Make recommendations to the State Board and the Department concerning any changes to regulations that would assist charter schools in achieving their academic, fiscal and organizational goals.

2. Make available information concerning the formation and operation of charter schools in this State and the academic, fiscal and organizational performance of each charter school in this State to pupils, parents and legal guardians of pupils, teachers and other educational personnel and members of the general public. The State Public Charter School Authority shall update such information annually.

Sec. 32. NRS 388A.220 is hereby amended to read as follows:

388A.220 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State Public Charter School Authority shall sponsor charter schools whose applications have been approved by the State Public Charter School Authority pursuant to NRS 388A.255. Except as otherwise provided by specific statute, if the State Public Charter School Authority sponsors a charter school, the State Public Charter School Authority is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a college or university within the Nevada System of Higher Education may sponsor charter schools.

4. ***A city or county may submit an application to the Department to sponsor charter schools in accordance with the regulations adopted by the Department pursuant to NRS 388A.105 or 388A.110. An application must be approved by the Department before a city or county may sponsor charter schools. A city or county:***

(a) May not sponsor a new charter school or allow an existing charter school to increase enrollment or operate an additional campus of an existing charter school if the total number of pupils enrolled in charter schools in the city or county is 7 percent or more of the number of pupils enrolled in public schools other than charter schools in the city or county.

(b) May only sponsor a charter school which is located entirely within the incorporated area of the city or the unincorporated area of the county, as applicable.

5. The board of trustees of a school district ***,*** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** may enter

into an agreement with the State Public Charter School Authority to provide technical assistance and support in preparing an application to sponsor a charter school and planning and executing the duties of a sponsor of a charter school as prescribed in this section.

~~[5.]~~ ***6.*** Before a board of trustees of a school district ***,*** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** that is approved to sponsor charter schools approves an application to form a charter school, the board of trustees ***,*** ~~[or]~~ college or university ~~[,]~~ ***or city or county,*** as applicable, shall prepare, in collaboration with the Department and, to the extent practicable, the school district in which the proposed charter school will be located and any other sponsor of a charter school located in that school district, an evaluation of ~~*[:*~~

~~*(a) The]*~~ ***the*** demographic information of pupils , the ~~*[;*~~

~~*(b) The]*~~ academic needs of pupils and the ~~*[;*~~

~~*(c) The]*~~ needs of any pupils who are at risk of dropping out of school in the geographic areas served by the sponsor . ~~*[; and*~~

~~*(d) The extent to which public schools in the area to be served by a charter school exceed the ratio of pupils per licensed teacher established by NRS 388.700, enroll pupils beyond the stated capacity of the public school or otherwise surpass any generally accepted standards for class sizes.*~~

~~6.]~~ ***7.*** On or before January 31 of each year, the State Public Charter School Authority shall prepare, in collaboration with the Department and, to the extent practicable, the board of trustees of each school district in this State and any other sponsor of a charter school in this State, an evaluation of ~~*[:*~~

~~*(a) The]*~~ ***the*** demographic information of pupils , the ~~*[;*~~

~~*(b) The]*~~ academic needs of pupils and the ~~*[;*~~

~~*(c) The]*~~ needs of any pupils who are at risk of dropping out of school in this State . ~~*[; and*~~

~~*(d) The extent to which public schools in areas served by charter schools exceed the ratio of pupils per licensed teacher established by NRS 388.700, enroll pupils beyond the stated capacity of the public schools or otherwise surpass any generally accepted standards for class sizes.]*~~

Sec. 33. NRS 388A.229 is hereby amended to read as follows:

388A.229 1. The sponsor of a charter school shall ensure the collection, analysis and reporting of all data from the results of pupils enrolled in the charter school on statewide examinations to determine whether the charter school is meeting the performance indicators, measures and metrics for the achievement and proficiency of pupils as set forth in the performance framework for the charter school in a manner that complies with all applicable federal and state laws.

2. The sponsor of the charter school may aggregate data reported by the State and collected by the sponsor concerning pupil achievement and school performance at separate facilities operated by the same governing body or charter management organization and across all grades served by the charter school for the purpose of evaluating and reporting pupil achievement and

school performance. Such an aggregation of data may include, without limitation, a weighted average of data concerning pupil achievement and school performance of each elementary school, junior high school, middle school or high school program operated by the charter school. The sponsor may also disaggregate such data by facility and by grade level or group of grade levels to provide greater transparency and accountability. The sponsor may also adopt policies for determining pupil achievement and school performance at a charter school. Any data reported pursuant to this subsection must be reported in a manner that complies with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto.

3. The State Board may adopt regulations to place requirements on the manner in which data is reported by the board of trustees of a school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** that sponsors a charter school including, without limitation, the manner in which data must be aggregated or disaggregated in any report.

4. The State Public Charter School Authority may adopt regulations establishing requirements concerning the manner in which it reports data, including, without limitation, the manner in which data must be aggregated or disaggregated in any report.

Sec. 34. NRS 388A.249 is hereby amended to read as follows:

388A.249 1. A committee to form a charter school or charter management organization may submit the application to the proposed sponsor of the charter school. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. The proposed sponsor of a charter school shall, in reviewing an application to form a charter school:

(a) Assemble a team of reviewers, which may include, without limitation, natural persons from different geographic areas of the United States who possess the appropriate knowledge and expertise with regard to the academic, financial and organizational experience of charter schools, to review and evaluate the application;

(b) Conduct a thorough evaluation of the application, which includes an in-person interview with the applicant designed to elicit any necessary clarifications or additional information about the proposed charter school and determine the ability of the applicants to establish a high-quality charter school;

(c) Consider the degree to which the proposed charter school will address the needs identified in the evaluation prepared by the proposed sponsor pursuant to subsection ~~[5 or]~~ 6 ***or 7*** of NRS 388A.220, as applicable;

(d) If the proposed sponsor is not the board of trustees of a school district, solicit input from the board of trustees of the school district in which the proposed charter school will be located;

(e) Base its determination on documented evidence collected through the process of reviewing the application;

(f) Adhere to the policies and practices developed by the proposed sponsor pursuant to subsection 2 of NRS 388A.223; and

(g) Consider the academic, financial and organizational performance of any charter schools that currently hold a contract with the proposed operators, including, without limitation, a charter management organization or educational management organization, of the proposed charter school.

3. The proposed sponsor of a charter school may approve an application to form a charter school only if the proposed sponsor determines that:

(a) The application:

(1) Complies with this chapter and the regulations applicable to charter schools; and

(2) Is complete in accordance with the regulations of the Department and the policies and practices of the sponsor;

(b) The applicant has demonstrated competence in accordance with the criteria for approval prescribed by the sponsor pursuant to subsection 2 of NRS 388A.223 that will likely result in a successful opening and operation of the charter school;

(c) Based on the most recent evaluation prepared by the proposed sponsor pursuant to subsection ~~[5 or]~~ 6 ***or 7*** of NRS 388A.220, as applicable, the proposed charter school will address one or more of the needs identified in the evaluation; and

(d) It has received sufficient input from the public, including, without limitation, input received at the meeting held pursuant to subsection 1 of NRS 388A.252 or subsection 1 of NRS 388A.255, as applicable.

4. The identity of each member of the team of reviewers assembled by a proposed sponsor of a charter school is confidential for 5 years after the review of an application to form a charter school is complete and must not be disclosed unless ordered by a district court in an action brought pursuant to subsection 3 of NRS 388A.255.

5. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Public Charter School Authority, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 35. NRS 388A.252 is hereby amended to read as follows:

388A.252 1. If the board of trustees of a school district **,** ~~[or]~~ a college or a university within the Nevada System of Higher Education ~~[, as applicable,]~~ ***or a city or county*** receives an application to form a charter school, the board of trustees **,** ~~[or]~~ the institution ~~[,]~~ ***or the city or county,*** as applicable, shall consider the application at a meeting that must be held not later than 60 days after the receipt of the application, or a later period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district **,** ~~[or]~~ the institution ~~[,]~~ ***or the city or county,*** as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, shall review an application in accordance with the requirements for review set forth in subsections 2 and 3 of NRS 388A.249.

2. The board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, may approve an application if the requirements of subsection 3 of NRS 388A.249 are satisfied.

3. The board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, shall provide written notice to the applicant of its approval or denial of the application. If the board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees, the college or ~~[the]~~ university ~~[,]~~ ***or the city or county,*** as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request for sponsorship by the State Public Charter School Authority not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

Sec. 36. NRS 388A.258 is hereby amended to read as follows:

388A.258 Notwithstanding the provisions of NRS 388A.249, 388A.252 and 388A.255, the State Public Charter School Authority may adopt regulations establishing timelines and procedures by which the State Public Charter School Authority will review applications and the board of trustees of a school district **,** ~~[that is approved to sponsor charter schools or]~~ a college or university within the Nevada System of Higher Education ***or city or county*** that is approved to sponsor charter schools may adopt policies establishing timelines and procedures by which the board of trustees **,** ~~[or]~~ college or university ~~[,]~~ ***or city or county,*** as applicable, will review applications. These regulations or policies may:

1. Establish different timelines and review procedures for different types of applicants; and

2. Authorize or require an applicant to submit an abbreviated application, the contents of such an application and criteria that the State Public Charter School Authority will use to determine whether to invite the applicant to submit a full application that meets the requirements of NRS 388A.243 and 388A.246 or deny the abbreviated application and recommend that the applicant make substantial revisions and submit the application during another application cycle.

Sec. 37. NRS 388A.270 is hereby amended to read as follows:

388A.270 1. If the proposed sponsor of a charter school approves an application to form a charter school, it shall negotiate, develop and execute a charter contract with the governing body of the charter school. A charter contract must be executed not later than 60 days before the charter school commences operation. The charter contract must be in writing and incorporate, without limitation:

(a) The performance framework for the charter school;

(b) A description of the administrative relationship between the sponsor of the charter school and the governing body of the charter school, including, without limitation, the rights and duties of the sponsor and the governing body; and

(c) Any pre-opening conditions which the sponsor has determined are necessary for the charter school to satisfy before the commencement of operation to ensure that the charter school meets all building, health, safety, insurance and other legal requirements.

2. The charter contract must be signed by a member of the governing body of the charter school and:

(a) If the board of trustees of a school district is the sponsor of the charter school, the superintendent of schools of the school district;

(b) If the State Public Charter School Authority is the sponsor of the charter school, the Chair of the State Public Charter School Authority; ~~[or]~~

(c) If a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the president of the college or university ~~[.]~~ ***; or***

(d) If a city or county is the sponsor of the charter school, the mayor of the city or the chair of the board of county commissioners, as applicable.

3. Before the charter contract is executed, the sponsor of the charter school must approve the charter contract at a meeting of the sponsor held in accordance with chapter 241 of NRS.

4. The sponsor of the charter school shall, not later than 10 days after the execution of the charter contract, provide to the Department:

(a) Written notice of the charter contract and the date of execution; and

(b) A copy of the charter contract and any other documentation relevant to the charter contract.

5. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

6. If the State Public Charter School Authority approves the application:

(a) The State Public Charter School Authority shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board, the State Public Charter School Authority nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

7. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

8. ***If a city or county approves the application:***

(a) The city or county shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

9. Except as otherwise provided in NRS 388A.285, a charter contract must be for a term of 6 years. The term of the charter contract begins on the first day of operation of the charter school after the charter contract has been executed. The sponsor of the charter school may require, or the governing body of the charter school may request that the sponsor authorize, the charter school to delay commencement of operation for 1 school year.

Sec. 38. NRS 388A.279 is hereby amended to read as follows:

388A.279 1. The State Public Charter School Authority, the board of trustees of the school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** as applicable, which sponsors a charter school may hold a public hearing concerning any request to amend a charter contract of the charter school it sponsors, including, without limitation, a request to amend a charter contract for the purpose of:

(a) Expanding the charter school to offer instruction in grade levels for which the charter school does not already offer instruction.

(b) Increasing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to more than 120 percent of the enrollment prescribed in the charter contract for that school year.

(c) Reducing the total enrollment of a charter school or the enrollment of pupils in a particular grade level in the charter school for a school year to less than 80 percent of the enrollment prescribed in the charter contract for that school year.

(d) Seeking to acquire an additional facility in any county of this State to expand the enrollment of the charter school.

(e) Consolidating the operations of multiple charter schools pursuant to NRS 388A.282.

2. A charter contract may not be amended in any manner described in subsection 1 unless the amendment is approved by the State Public Charter School Authority, the board of trustees of the school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** as applicable.

3. The State Public Charter School Authority, the board of trustees of the school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** as applicable, must deny a request to amend a charter contract in the manner described in paragraph (d) or (e) of subsection 1 if the State Public Charter School Authority, the board of trustees **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ~~[,]~~ ***or a city or county,*** as applicable, determines that:

(a) Except as otherwise provided in subsection 6 of NRS 388A.274, the charter school is not meeting the requirements of the performance framework concerning academics, finances or organization established pursuant to NRS 388A.273; or

(b) The governing body does not have a comprehensive and feasible plan to operate additional facilities.

Sec. 39. NRS 388A.378 is hereby amended to read as follows:

388A.378 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or in which a pupil enrolled in the charter school resides **,** ~~[or]~~ with the Nevada System of Higher Education ***or with a city or county*** for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. If the board of trustees of a school district **,** ~~[or]~~ a college or university within the Nevada System of Higher Education ***or a city or county*** is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to NRS 388A.381 before the provision of such services other than for the provision of school police officers when the provisions of NRS 388A.384 apply. If the board of trustees of a school district provides services to a charter school pursuant to this section or NRS 388A.474, it shall not charge more than its cost for providing such services determined on a cost per pupil basis.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. A charter school may:

(a) Acquire by construction, purchase, devise, gift, exchange or lease, or any combination of those methods, and construct, reconstruct, improve,

maintain, equip and furnish any building, structure or property to be used for any of its educational purposes and the related appurtenances, easements, rights-of-way, improvements, paving, utilities, landscaping, parking facilities and lands;

(b) Mortgage, pledge or otherwise encumber all or any part of its property or assets;

(c) Borrow money and otherwise incur indebtedness; and

(d) Use public money to purchase real property or buildings with the approval of the sponsor.

Sec. 40. NRS 388A.487 is hereby amended to read as follows:

388A.487 1. The governing body of a charter school that operates as an elementary school shall adopt rules for the provision of intervention services and intensive instruction to ***and the academic retention of*** pupils who are enrolled in the charter school that are consistent with NRS 392.750, 392.760 and 392.765 ~~[.]~~ ***and section 71 of this act.*** The rules must:

(a) Prescribe the programs and instruction which will be provided to a pupil who has been identified as deficient in the subject area of reading in accordance with the plan established pursuant to NRS 388.157.

(b) Require the school to provide to a pupil who has been identified as deficient in the subject area of reading with intervention services and intensive instruction in accordance with the plan established pursuant to NRS 388.157.

(c) Require a pupil enrolled in grade 3 to be retained in the same grade, rather than promoted to grade 4, when required pursuant to section 71 of this act.

2. On or before October 15 of each year, the governing body of each charter school that operates as an elementary school shall:

(a) Prepare a report concerning the number and percentage of pupils at the charter school who ***:*** ~~[were:]~~

(1) ~~[~~Designated~~]~~ ***Were designated*** in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school of a charter school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously provided intervention services and intensive instruction while enrolled in an elementary school of a charter school; ~~[~~and~~]~~

(2) Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(I) Did not improve at a rate prescribed by the governing body of a charter school, indicating a need for more intensive or different interventions; ***or***

(II) Improved at a rate prescribed by the governing body of a charter school, indicating growth toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled; ~~[~~and~~]~~

(3) Were retained in grade 3 pursuant to section 71 of this act, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(4) Were not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(b) Submit a copy of the report to the Department, the Legislature and the sponsor of the charter school; and

(c) Post the report on the Internet website maintained by the charter school and otherwise make the report available to the parents and legal guardians of pupils enrolled in the charter school and the general public.

Sec. 41. ~~[Chapter 388D of NRS is hereby amended by adding thereto the provisions set forth as sections 42 to 45, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 42. ~~[*"Executive Director" means the Executive Director of the Office of School Choice appointed pursuant to section 45 of this act.*]~~ **(Deleted by amendment.)**

Sec. 43. ~~[*"Office" means the Office of School Choice created by section 45 of this act.*]~~ **(Deleted by amendment.)**

Sec. 44. ~~[*"Scholarship organization" means an organization in this State that meets the requirements set forth in NRS 388D.270.*]~~ **(Deleted by amendment.)**

Sec. 45. ~~[*1. The Office of School Choice is hereby created within the Department.*~~

~~*2. The Executive Director of the Office:*~~

~~*(a) Is appointed by and serves at the pleasure of the Governor.*~~

~~*(b) Is responsible to the Superintendent of Public Instruction.*~~

~~*(c) Is in the unclassified service of the State.*~~

~~*3. The Executive Director is responsible for the administration of:*~~

~~*(a) The Office; and*~~

~~*(b) The Nevada Educational Choice Scholarship Program established pursuant to NRS 388D.250 to 388D.280, inclusive, and sections 42 to 45, inclusive, of this act and any other federal, state or local programs that support options for school choice.*~~

~~*4. The Office shall:*~~

~~*(a) Support quality public and private educational choice programs;*~~

~~*(b) Provide structure, information and assistance to pupils, families, schools, sponsors of charter schools teachers and administrators to promote the success of pupils in any generally accepted means of educating pupils in kindergarten through grade 12, including, without limitation, traditional public schools, charter schools, magnet schools, private schools, micro schools, virtual schools, and homeschools;*~~

~~*(c) Ensure pupils and their families have access to all information necessary to evaluate all public and private school options, including,*~~

~~*without limitation, policies and requirements for enrollment and admission, and make such information available on the Internet website of the Office;*~~

~~*— (d) Develop a uniform set of data, standards and metrics to measure the performance and educational outcomes of pupils for the evaluation and comparison of schools to enable pupils and their families to make informed decisions on options for school choice;*~~

~~*— (e) Periodically create reports based on the measurements gathered pursuant to paragraph (d) and publish such reports on the Internet website of the Office;*~~

~~*— (f) Collaborate with the State Board and the State Public Charter School Authority to increase access to options for school choice that produce educational outcomes which are above average for pupils;*~~

~~*— (g) Determine the number of available seats in charter schools in this State and publish such information on the Internet website of the Office;*~~

~~*— (h) When determined to be appropriate by the Executive Director, provide direct support to pupils and their families to assist in navigating the options for school choice available in this State;*~~

~~*— (i) Make recommendations to the Superintendent of Public Instruction for evidence based strategies to increase options for school choice and improve educational outcomes of pupils;*~~

~~*— (j) Design, develop and administer a program for open zoning in public schools; and*~~

~~*— (k) Engage in any other activities to increase options for school choice and allow pupils and their families to efficiently choose such options.]*~~ **(Deleted by amendment.)**

Sec. 46. ~~[NRS 388D.250 is hereby amended to read as follows:~~

~~— 388D.250 — NRS 363A.139, 363B.119 and 388D.250 to 388D.280,~~ inclusive, ~~*and sections 42 to 45, inclusive, 84, 87 and 88 of this act*~~ may be ~~cited as the Nevada Educational Choice Scholarship Program.]~~ **(Deleted by amendment.)**

Sec. 47. ~~[NRS 388D.260 is hereby amended to read as follows:~~

~~— 388D.260 — As used in NRS 388D.250 to 388D.280, inclusive,~~ ~~*and sections 42 to 45, inclusive, of this act,*~~ unless the context otherwise requires, ~~[~~"scholarship organization" means an organization in this State that meets the requirements set forth in NRS 388D.270.~~]~~ ~~*the words and terms defined in sections 42, 43 and 44 of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 48. ~~[NRS 388D.270 is hereby amended to read as follows:~~

~~— 388D.270 — 1. A scholarship organization must:~~

~~— (a) Be exempt from taxation pursuant to section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3).~~

~~— (b) Not own or operate any school in this State, including, without limitation, a private school, which receives any grant money pursuant to the Nevada Educational Choice Scholarship Program.~~

~~(c) Accept donations from taxpayers and other persons and may also solicit and accept gifts and grants.~~

~~(d) Not expend more than 5 percent of the total amount of money accepted pursuant to paragraph (c) to pay its administrative expenses.~~

~~(e) Provide grants on behalf of pupils who are members of a household that has a household income which is not more than **[**300**]** ***500*** percent of the federally designated level signifying poverty to allow those pupils to attend schools in this State chosen by the parents or legal guardians of those pupils, including, without limitation, private schools. The total amount of a grant provided by the scholarship organization on behalf of a pupil pursuant to this paragraph must not exceed **[**$7,755 for Fiscal Year 2015-2016.**]** ***the adjusted base per pupil funding that would apply pursuant to subsection 5 of NRS 387.1214 to the school attended by the pupil if the school were a charter school.***~~

~~(f) Not limit to a single school the schools for which it provides grants.~~

~~(g) Except as otherwise provided in paragraph (e), not limit to specific pupils the grants provided pursuant to that paragraph.~~

~~2. **[**The maximum amount of a grant provided by the scholarship organization pursuant to paragraph (e) of subsection 1 must be adjusted on July 1 of each year for the fiscal year beginning that day and ending June 30 in a rounded dollar amount corresponding to the percentage of increase in the Consumer Price Index (All Items) published by the United States Department of Labor for the preceding calendar year.**]** On May 1 of each year, the **[**Department of Education**]** ***Executive Director*** shall **[**determine the amount of increase required by this subsection, establish the adjusted amounts to take effect on July 1 of that year and notify each scholarship organization of the adjusted amounts. The Department of Education shall also**]** post the **[**adjusted amounts**]** ***maximum amount of a grant authorized pursuant to paragraph (e) of subsection 1 for each school in this State eligible to receive such a grant*** on **[**its**]** ***the*** Internet website **[**.**]** ***of the Office.***~~

~~3. A grant provided on behalf of a pupil pursuant to subsection 1 must be paid directly to the school chosen by the parent or legal guardian of the pupil.~~

~~4. A scholarship organization shall provide each taxpayer and other person who makes a donation, gift or grant of money to the scholarship organization pursuant to paragraph (c) of subsection 1 with an affidavit, signed under penalty of perjury, which includes, without limitation:~~

~~(a) A statement that the scholarship organization satisfies the requirements set forth in subsection 1; and~~

~~(b) The total amount of the donation, gift or grant made to the scholarship organization.~~

~~5. Each school in which a pupil is enrolled for whom a grant is provided by a scholarship organization shall maintain a record of the academic progress of the pupil. The record must be maintained in such a manner that the information may be aggregated and reported for all such pupils if reporting is~~

~~required by the regulations of the [Department of Education.] *Executive Director.*~~

~~6. The [Department of Education:] *Executive Director:*~~

~~(a) Shall adopt regulations prescribing the contents of and procedures for applications for grants provided pursuant to subsection 1.~~

~~(b) May adopt such other regulations as the [Department] *Executive Director* determines necessary to carry out the provisions of this section.~~

~~7. As used in this section, "private school" has the meaning ascribed to it in NRS 394.103.]~~ **(Deleted by amendment.)**

Sec. 49. ~~[NRS 388D.280 is hereby amended to read as follows:~~

~~388D.280 A scholarship organization which receives a donation, gift or grant of money described in NRS 388D.270 shall report to the [Department of Education,] *Executive Director,* on or before January 31 of each year, on a form prescribed by the [Department:] *Executive Director:*~~

~~1. The name, address and contact information of the scholarship organization;~~

~~2. The total number of such donations, gifts and grants received by the scholarship organization during the immediately preceding calendar year;~~

~~3. The total dollar amount of such donations, gifts and grants received during the immediately preceding calendar year;~~

~~4. The total number of pupils for whom the scholarship organization made grants during the immediately preceding calendar year pursuant to NRS 388D.270;~~

~~5. The total dollar amount of such grants made during the immediately preceding calendar year; and~~

~~6. For each school for which such a grant was made during the immediately preceding calendar year:~~

~~(a) The name and address of the school;~~

~~(b) The number of pupils enrolled in the school for whom such a grant was made; and~~

~~(c) The total dollar amount of such grants provided for pupils enrolled in the school.]~~ **(Deleted by amendment.)**

Sec. 50. NRS 388G.130 is hereby amended to read as follows:

388G.130 1. Except as otherwise provided in subsection 10, the empowerment team of a public school, other than a charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ~~[,]~~ ***or by a city or county,*** that develops an empowerment plan pursuant to NRS 388G.120 shall submit the proposed empowerment plan to the designee of the board of trustees appointed pursuant to this subsection for review and approval pursuant to this section. The board of trustees shall designate a person to review each proposed empowerment plan and recommend the approval or denial of the plan to the board of trustees.

2. The board of trustees shall approve or deny the empowerment plan. The approval or denial of an empowerment plan must be based solely upon the

contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the school pursuant to subsection 4 of NRS 388G.120.

3. Except as otherwise provided in subsection 10, if the board of trustees approves an empowerment plan, the president of the board of trustees, the principal of the public school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless the empowerment team determines that the school will no longer operate under the plan or the board of trustees of the school district revokes the plan.

4. Except as otherwise provided in subsection 10, if the board of trustees denies an empowerment plan, the board of trustees shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. An empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 10, an empowerment plan for a public school is not effective and a public school shall not operate as an empowerment school unless the plan is signed by the president of the board of trustees of the school district, the principal of the public school and the chair of the empowerment team, if the principal is not the chair. If an empowerment plan includes a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, a public school may operate under the approved plan but the requested waivers from state law are not effective unless approved by the State Board pursuant to subsection 7.

6. Except as otherwise provided in subsection 10, the empowerment team may submit a written request to the board of trustees for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If the empowerment plan includes a request for a waiver from a statute or regulation, the board of trustees shall forward the approved empowerment plan to the State Board for review of the request for a waiver. The State Board shall review the empowerment plan and may approve or deny the request for a waiver from a statute or regulation unless the statute or regulation is required by federal law or is required to carry out federal law.

8. If the State Board approves the request for a waiver for a school, the Department shall provide written notice of the approval to the board of trustees of the school district that submitted the empowerment plan on behalf of the school.

9. If the State Board denies a request for a waiver, the State Board shall:

(a) Return the request to the school district with a written statement indicating the reason for the denial; and

(b) Except as otherwise provided in subsection 10, provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. A request for a waiver may be resubmitted by the school district, after the empowerment team corrects any deficiencies, not more than once in a school year.

10. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 388G.100, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

Sec. 51. NRS 388G.140 is hereby amended to read as follows:

388G.140 1. Except as otherwise provided in subsection 7, the empowerment team of a charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ***or by a city or county*** which develops an empowerment plan pursuant to NRS 388G.120 shall submit the proposed plan to the Department for transmission to the State Board for review and approval pursuant to this section.

2. The State Board shall review each proposed empowerment plan and approve or deny the plan, including a request for a waiver from a statute contained in this title or a regulation of the State Board or the Department, if applicable. The approval or denial of an empowerment plan must be based solely upon the contents of the plan and may not consider the amount of money required to carry out the empowerment plan if the plan is within the limits of the total apportionment to the charter school pursuant to subsection 4 of NRS 388G.120.

3. Except as otherwise provided in subsection 7, if the State Board approves an empowerment plan, the President of the State Board, the principal of the charter school and the chair of the empowerment team, if the principal is not the chair, shall each sign the plan. The empowerment plan is effective for 3 years unless the empowerment team determines that the school will no longer operate under the plan or the State Board revokes the plan.

4. Except as otherwise provided in subsection 7, if the State Board denies an empowerment plan, the State Board shall:

(a) Return the plan to the empowerment team with a written statement indicating the reason for the denial; and

(b) Provide the empowerment team with a reasonable opportunity to correct any deficiencies identified in the written statement and resubmit it for approval. An empowerment plan may be resubmitted not more than once in a school year.

5. Except as otherwise provided in subsection 7, an empowerment plan for a charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ***or by a city or county*** is not effective and a charter school shall not operate as an empowerment school unless the plan is signed by the President of the State

Board, the principal of the charter school and the chair of the empowerment team, if the principal is not the chair.

6. Except as otherwise provided in subsection 7, the empowerment team may submit a written request to the Department for an amendment to the empowerment plan approved pursuant to this section, including an explanation of the reason for the amendment. An amendment must be approved in the same manner as the empowerment plan was approved.

7. If an empowerment team has not been established pursuant to the exception provided in subsection 2 of NRS 388G.100, the principal of the school shall carry out the responsibilities and duties assigned to the empowerment team pursuant to this section.

Sec. 52. NRS 388G.200 is hereby amended to read as follows:

388G.200 1. Each empowerment school, other than a charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ~~[,]~~ ***or by a city or county,*** shall, on a quarterly basis, submit to the board of trustees of the school district in which the school is located a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

2. Each charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ***or by a city or county*** which is approved to operate as an empowerment school shall, on a quarterly basis, submit to the Department a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

3. The board of trustees of a school district shall conduct a financial audit of each empowerment school within the school district, other than a charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ~~[.]~~ ***or by a city or county.*** Each financial audit must be conducted on an annual basis and more frequently if determined necessary by the board of trustees.

4. The Department shall conduct a financial audit of each charter school that is sponsored by the State Public Charter School Authority **,** ~~[or]~~ by a college or university within the Nevada System of Higher Education ***or by a city or county*** which operates as an empowerment school on an annual basis and more frequently if determined necessary by the Department.

5. On or before July 1 of each year, the board of trustees of each school district shall compile the reports and audits required pursuant to subsections 1 and 3, if any, and forward the compilation to the:

(a) Governor;

(b) Department; and

(c) Joint Interim Standing Committee on Education.

6. On or before July 1 of each year, the Department shall compile the reports and audits required pursuant to subsections 2 and 4, if any, and forward the compilation to the:

(a) Governor; and

(b) Joint Interim Standing Committee on Education.

Sec. 53. **[**~~NRS 388G.650 is hereby amended to read as follows:~~

~~388G.650 1. On or before January 15 of each year, to assist the local school precincts in preparing their budgets for the next school year, the superintendent shall establish and make public:~~

~~(a) The average unit cost for each type of employee employed to work at a local school precinct which is determined based upon the average unit cost across the large school district. A separate average unit cost must be established for teachers and substitute teachers, respectively.~~

~~(b) A list of equipment, services and supplies that a local school precinct may obtain from the large school district using the money allocated to the local school precinct and the cost for such equipment, services and supplies. The cost of such equipment, services and supplies must not exceed the actual cost to the large school district to provide the equipment, services and supplies to the local school precinct.~~

~~2. [~~Each**]** ***Except as otherwise provided in subsections 3 and 4, each*** ~~local school precinct must carry forward its year-end balance to the next school year for use by the local school precinct. The large school district must account for any such amount that is carried forward as a restricted fund balance.~~

~~***3. If the year-end balance carried forward pursuant to subsection 2 in any school year exceeds 2 percent of the actual expenditures of the local school precinct during the immediately preceding school year, the local school precinct shall develop a plan in cooperation with the large school district to use such a year-end balance and submit the plan to the large school district within 90 days after the end of the school year from which the year-end balance was carried forward. The plan must include spending the entire amount of money by which the year-end balance carried forward pursuant to subsection 2 exceeds 2 percent of the actual expenditures of the local school precinct during the immediately preceding school year for one or more of the following purposes, in order of priority:***~~

~~***(a) Deferred maintenance within the local school precinct;***~~

~~***(b) Tutoring or other programs to improve the academic achievement of pupils within the local school precinct;***~~

~~***(c) Programs to support social, emotional and academic development of pupils within the local school precinct;***~~

~~***(d) Extracurricular programs for pupils within the local school precinct;***~~

~~***(e) One-time incentive payments on the basis of merit to teachers within the local school precinct;***~~

~~***(f) One-time incentive payments on the basis of merit to support staff within the local school precinct;***~~

— (g) Tutoring or other programs to improve the academic achievement of pupils within the large school district;

— (h) Programs to support social, emotional and academic development of pupils within the large school district;

— (i) Extracurricular programs for pupils within the large school district;

— (j) One-time incentive payments on the basis of merit to teachers within the large school district; and

— (k) One-time incentive payments on the basis of merit to support staff within the large school district.

— 4. If a local school precinct:

— (a) Fails to submit a plan required by subsection 3 to the large school district within 90 days after the end of a school year from which a year-end balance exceeding 2 percent of the actual expenditures of the local school precinct during the immediately preceding school year was carried forward; or

— (b) Fails to spend the entire amount of money by which the year-end balance carried forward pursuant to subsection 2 exceeded 2 percent of the actual expenditures of the local school precinct during the immediately preceding school year pursuant to a plan submitted pursuant to subsection 3 within 2 years after the submission of the plan,

↳ the large school district shall transfer the amount of money by which the balance carried forward exceeded 2 percent of the actual expenditures of the local school precinct during the immediately preceding school year, less any amount spent by the local school precinct pursuant to a plan submitted pursuant to subsection 3, to the Education Stabilization Account created by NRS 387.1213. The local school precinct shall reduce any balance carried forward by any amount transferred to the Education Stabilization Account pursuant to this subsection.] **(Deleted by amendment.)**

Sec. 54. [Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

— 1. The State Teacher Pipeline Account is hereby created in the State General Fund. The Account must be administered by the State Board.

— 2. The interest and income on:

— (a) The money in the Account, after deducting any applicable charges; and

— (b) Unexpired appropriations made to the Account from the State General Fund,

↳ must be credited to the Account.

— 3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

— 4. The State Board may accept gifts and grants of money from any source for deposit in the Account.

~~*5. The money in the Account may only be used to award grants to school districts to support programs of career and technical education created pursuant to subsection 4 of NRS 388.380.]*~~ **(Deleted by amendment.)**

Sec. 55. Chapter 391A of NRS is hereby amended by adding thereto the provisions set forth as sections 56 to 66, inclusive, of this act.

Sec. 56. ***On or before November 1 of each year, the State Board shall:***

1. Review all Teach Nevada Scholarships awarded for the immediately preceding academic year;

2. Compile a report for the immediately preceding academic year which must include, without limitation:

(a) The number of students who applied for a Teach Nevada Scholarship;

(b) The number of scholarship recipients;

(c) The total cost of all Teach Nevada Scholarships;

(d) The graduation rate of scholarship recipients;

(e) The percentage of students who:

(1) Were scholarship recipients in the academic year that immediately precedes the year which is the subject of the report;

(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and

(3) Received a Nevada Teacher Advancement Scholarship, as defined in section 60 of this act, for the academic year which is the subject of the report;

(f) The percentage of scholarship recipients who graduated and became employed as a teacher at a public school ~~*[or private school]*~~ ***in this State; and***

(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of NRS 391A.585; and

3. Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 57. ***As used in sections 57 to 66, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 58 to 61, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 58. ***"Account" means the Nevada Teacher Advancement Scholarship Program Account created by section 62 of this act.***

Sec. 59. ***"Nevada Teacher Advancement Scholarship" means a scholarship awarded by a university, college or other provider of an alternative licensure program to a student pursuant to section 64 of this act.***

Sec. 60. ***"Other provider of an alternative licensure program" means an entity, other than a university or college, which has been approved by the Commission on Professional Standards in Education in accordance with the regulations adopted pursuant to NRS 391.019 to provide education and training to a student which will lead to an alternative route to licensure for the student.***

Sec. 61. *"Scholarship recipient" means the recipient of a Nevada Teacher Advancement Scholarship awarded pursuant to section 64 of this act.*

Sec. 62. *1. The Nevada Teacher Advancement Scholarship Program Account is hereby created in the State General Fund. The Account must be administered by the State Board.*

2. The interest and income earned on:

(a) The money in the Account, after deducting any applicable charge; and

(b) Unexpended appropriations made to the Account from the State General Fund,

must be credited to the Account.

3. Any money remaining in the Account at the end of a fiscal year, including, without limitation, any unexpended appropriations made to the Account from the State General Fund, does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

4. The State Board may accept gifts and grants of money from any source for deposit in the Account.

5. The money in the Account may only be used to:

(a) Award grants to universities, colleges and other providers of an alternative licensure program that are approved to award Nevada Teacher Advancement Scholarships pursuant to section 64 of this act.

(b) Disburse the money retained pursuant to paragraph (b) of subsection 2 of section 63 of this act to a scholarship recipient who meets the requirements of subsection 4 of section 64 of this act.

Sec. 63. *1. A public or private university or college or other provider of an alternative licensure program in this State is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which results in a master's degree in education or a related field of study.*

2. The State Board shall:

(a) Establish the number of Nevada Teacher Advancement Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of section 64 of this act.

3. The State Board:

(a) Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Have successfully completed a teacher preparatory program at a public school established pursuant to subsection 4 of NRS 388.380;

(2) Received the Teach Nevada Scholarship, as defined in NRS 391A.570, and successfully fulfilled the requirements of subsection 4 of NRS 391A.585; or

(3) Are veterans or the spouses of veterans.

(b) May prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;

(2) Intend to teach in public schools in this State which have the highest shortage of teachers;

(3) Have been economically disadvantaged or belong to a racial or ethnic minority group; or

(4) Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Nevada Teacher Advancement Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if:

(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and

(b) The student has taught in a public school ~~[or private school]~~ in this State for not less than 2 of the immediately preceding 5 years.

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The State Board may adopt any regulations necessary to carry out the provisions of sections 57 to 66, inclusive, of this act.

Sec. 64. *1. Each university, college or other provider of an alternative licensure program that is awarded a grant of money from the Account pursuant to section 63 of this act shall use the money to award Nevada Teacher Advancement Scholarships to students who will attend the university, college or other provider of an alternative licensure program with*

the intent to complete a program described in subsection 1 of section 63 of this act. Such students may include, without limitation, students who have completed a bachelor's degree and taught in a public school in this State for at least 2 years.

2. A university, college or other provider of an alternative licensure program may award a Nevada Teacher Advancement Scholarship to a scholarship recipient in an amount:

(a) Not to exceed the cost of receiving a master's degree at a public university in this State prorated over the number of semesters required for the student to complete the program; and

(b) Equal to the difference between the amount of tuition, registration fees and other mandatory fees charged to the student for the program described in subsection 1 of section 63 of this act, excluding any amount of the tuition and fees that is waived by the university, college or other provider of an alternative licensure program, and the total amount of any other gift aid received by the student.

3. A university, college or other provider of an alternative licensure program that awards a Nevada Teacher Advancement Scholarship shall, at the beginning of each semester disburse to the scholarship recipient 75 percent of the scholarship money awarded to the scholarship recipient for the semester.

4. A scholarship recipient may only receive the 25 percent of the scholarship money that is retained by the State Board pursuant to paragraph (b) of subsection 2 of section 63 of this act if the scholarship recipient:

(a) Completes the program for which he or she was awarded the scholarship;

(b) Maintains employment as a teacher at a public school ~~[for private school]~~ in this State for 3 consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause shown; and

(c) Meets any other requirements established by the State Board.

5. To receive the 25 percent of the scholarship money retained by the State Board pursuant to paragraph (b) of subsection 2 of section 63 of this act, a scholarship recipient who meets the requirements set forth in subsection 4 must request the State Board to disburse the money within 1 year after the 2-year anniversary of the date on which the scholarship recipient meets the requirements of subsection 4.

6. As used in this section, "gift aid" means any grant or scholarship awarded to a student which is restricted for use only to pay for tuition, registration fees or other mandatory fees.

Sec. 65. ***1. If a scholarship recipient does not complete the program for which the scholarship was awarded for any reason, including, without limitation, withdrawing from the university, college or other provider of an alternative licensure program or pursuing another course of study, the university, college or other provider of an alternative licensure program that***

awarded the scholarship must pay to the State Board for credit to the Account:

(a) Any amount of money that the university, college or other provider of an alternative licensure program has received but has not yet disbursed to the scholarship recipient pursuant to section 64 of this act; and

(b) An amount of money equal to the total amount of money disbursed to the scholarship recipient pursuant to section 64 of this act or $1,000, whichever is less.

2. If a scholarship recipient completes the program for which the scholarship was awarded on schedule, as described in the application for the scholarship submitted pursuant to section 63 of this act, to the extent that money is available for this purpose, the State Board shall pay $1,000 to the university, college or other provider of an alternative licensure program that awarded the scholarship. Any money received by a university, college or other provider of an alternative licensure program pursuant to this section must be used to pay costs associated with providing a program described in subsection 1 of section 63 of this act.

Sec. 66. ***On or before November 1 of each year, the State Board shall:***

1. Review all Nevada Teacher Advancement Scholarships awarded for the immediately preceding academic year;

2. Compile a report for the immediately preceding academic year which must include, without limitation:

(a) The number of students who applied for a Nevada Teacher Advancement Scholarship;

(b) The number of scholarship recipients;

(c) The total cost of all Nevada Teacher Advancement Scholarships;

(d) The graduation rate of scholarship recipients;

(e) The percentage of students who:

(1) Received a Teach Nevada Scholarship, as defined in NRS 391A.570, in the academic year that immediately precedes the year which is the subject of the report;

(2) Did not graduate by the end of the academic year that immediately precedes the year which is the subject of the report; and

(3) Were scholarship recipients for the academic year which is the subject of the report;

(f) The percentage of scholarship recipients who graduated and became employed as teachers at a public school ~~[or private school]~~ in this State; and

(g) The number of scholarship recipients who subsequently fulfilled the requirements of subsection 4 of section 64 of this act; and

3. Submit the report compiled pursuant to subsection 2 to the Governor and the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 67. NRS 391A.550 is hereby amended to read as follows:

391A.550 As used in NRS 391A.550 to 391A.590, inclusive, ***and section 56 of this act,*** unless the context otherwise requires, the words and terms

defined in NRS 391A.555 to 391A.570, inclusive, have the meanings ascribed to them in those sections.

Sec. 68. NRS 391A.580 is hereby amended to read as follows:

391A.580 1. A public or private university, college or other provider of an alternative licensure program in this State is eligible to apply to the State Board for a grant from the Account to award scholarships to students who attend the university, college or other provider of an alternative licensure program to complete a program offered by the university, college or other provider of an alternative licensure program that has been approved by the State Board and which:

(a) Upon completion makes a student eligible to obtain a license to teach kindergarten, any grade from grades 1 through 12 or in the subject area of special education in this State; or

(b) Allows a student to specialize in the subject area of early childhood education.

2. The State Board shall:

(a) Establish the number of Teach Nevada Scholarships that will be available each year based upon the amount of money available in the Account.

(b) Review all applications submitted pursuant to subsection 1 and award a grant of money from the Account to an approved university, college or other provider of an alternative licensure program to the extent that money is available in an amount determined by the State Board. The State Board shall retain 25 percent of such an award in the Account for disbursement to a scholarship recipient who meets the requirements of subsection 4 of NRS 391A.585.

3. The State Board ~~[may]~~ ***:***

(a) Shall prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

(1) Have successfully completed a teacher preparatory program at a public school established pursuant to subsection 4 of NRS 388.380; or

(2) Are veterans or the spouses of veterans.

(b) May prioritize the award of grants from the Account to a university, college or other provider of an alternative licensure program that demonstrates the university, college or other provider of an alternative licensure program will provide scholarships to a greater number of recipients who:

~~[(a) Are veterans or the spouses of veterans;]~~

(1) Agree to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education;

~~[(b)]~~ ***(2)*** Intend to teach in public schools in this State which have the highest shortage of teachers;

~~[(c)]~~ ***(3)*** Have been economically disadvantaged or belong to a racial or ethnic minority group; or

~~[(d)]~~ ***(4)*** Will be eligible to teach in a subject area for which there is a shortage of teachers. Such a subject area may include, without limitation, science, technology, engineering, mathematics, special education or English as a second language.

4. A student may apply for a Teach Nevada Scholarship from a university, college or other provider of an alternative licensure program that receives a grant from the Account only if:

(a) The student attends or has been accepted to attend the university, college or other provider of an alternative licensure program to complete a program described in subsection 1; and

(b) The student ~~[agrees to complete the requirements to obtain an endorsement to teach English as a second language or an endorsement to teach special education.]~~ ***obtained a high school diploma awarded by a public or private high school located in this State or public high school that is located in a county that borders this State and accepts pupils who are residents of this State or successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 before 20 years of age.***

5. An application submitted by the student must identify the program to be completed and the date by which the student must complete the program to finish on schedule.

6. The State Board may adopt any regulations necessary to carry out the provisions of NRS 391A.550 to 391A.590, inclusive ~~[.]~~ ***, and section 56 of this act.***

Sec. 69. NRS 391A.585 is hereby amended to read as follows:

391A.585 1. Each university, college or other provider of an alternative licensure program that is awarded a grant of money from the Account pursuant to NRS 391A.580 shall use the money to award Teach Nevada Scholarships to students who will attend the university, college or other provider of an alternative licensure program with the intent to complete a program described in subsection 1 of NRS 391A.580. Such students may include, without limitation:

(a) Recent high school graduates who enroll in a program described in subsection 1 of NRS 391A.580;

(b) Students who are enrolled at a university or college who change their academic program or major to a program described in subsection 1 of NRS 391A.580;

(c) Students who have completed some credits at a university or college and who enroll in a program described in subsection 1 of NRS 391A.580;

(d) Students who possess a bachelor's degree in a field other than education who pursue an alternative route to licensure as a teacher;

(e) Veterans and the spouses of veterans; and

(f) Students who have had some experience working in a classroom, including, without limitation, as a paraprofessional or substitute teacher.

2. A university, college or other provider of an alternative licensure program may award a Teach Nevada Scholarship to a scholarship recipient in an amount ~~[not]~~ ***:***

(a) Not to exceed ~~[$3,000 per semester or $24,000 in the aggregate.]~~ ***the cost of receiving a bachelor's degree at a public university in this State prorated over the number of semesters required for the student to complete the program; and***

(b) Equal to the difference between the amount of tuition, registration fees and other mandatory fees charged to the student for the program described in subsection 1 of NRS 391A.580, excluding any amount of the tuition and fees that is waived by the university, college or other provider of an alternative licensure program, and the total amount of any other gift aid received by the student.

3. A university, college or other provider of an alternative licensure program that awards a Teach Nevada Scholarship shall, at the beginning of each semester disburse to the scholarship recipient 75 percent of the scholarship money awarded to the scholarship recipient for the semester.

4. A scholarship recipient may only receive the 25 percent of the scholarship money that is retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.580 if the scholarship recipient:

(a) Completes the program for which he or she was awarded the scholarship;

(b) Maintains employment as a teacher at a public school ~~***[for private school]***~~ in this State for 5 consecutive school years immediately following completion of the program unless the State Board waives this requirement for good cause shown; and

(c) Meets any other requirements established by the State Board.

5. To receive the 25 percent of the scholarship money retained by the State Board pursuant to paragraph (b) of subsection 2 of NRS 391A.580, a scholarship recipient who meets the requirements set forth in subsection 4 must request the State Board to disburse the money within 1 year after the 5-year anniversary of the date on which the scholarship recipient meets the requirements of subsection 4.

6. As used in this section, "gift aid" means any grant or scholarship awarded to a student which is restricted for use only to pay for tuition, registration fees or other mandatory fees.

Sec. 70. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections **70.5,** 71 and 72 of this act.

Sec. 70.5. As used in NRS 392.750 to 392.775, inclusive, and sections 70.5, 71 and 72 of this act, unless the context otherwise requires, "subject area of reading" includes, without limitation, phonological and phonemic awareness, decoding skills, reading fluency and vocabulary and reading comprehension.

Sec. 71. ***1. Except as otherwise provided in this section, a pupil enrolled in grade 3 must be retained in grade 3, rather than promoted to***

grade 4, if the pupil does not obtain a score in the subject area of reading on the ~~[criterion-referenced]~~ uniform examination administered pursuant to ~~[NRS 390.105]~~ paragraph (a) of subsection 5 that meets the passing score prescribed by the State Board.

2. If a pupil will be retained in grade 3 pursuant to this section, the principal of the school must provide written notice to the parent or legal guardian of the pupil that the pupil will be retained in grade 3.

3. The board of trustees of each school district and the governing body of a charter school, as applicable, shall develop a policy by which the principal of a school may promote a pupil who is retained in grade 3 pursuant to this section to grade 4 at any time during the school year if the pupil demonstrates adequate proficiency in the subject area of reading. The policy must include the specific criteria a pupil must satisfy to be eligible for promotion, including, without limitation, a reasonable expectation that the pupil's progress will allow him or her to sufficiently master the requirements for a fourth-grade reading level. If a pupil is promoted after November 1 of a school year, he or she must demonstrate proficiency in reading at a level prescribed by the State Board.

4. If a principal of a school determines that a pupil is not academically ready for promotion to grade 4 after being retained in grade 3 and the pupil received intensive instructional services pursuant to NRS 392.760, the school district in which the pupil is enrolled must allow the parent or legal guardian of the pupil to decide, in consultation with the principal of the school, whether to place the pupil in a transitional setting which is designed to produce learning gains sufficient for the pupil to meet the performance standards required for grade 4, while continuing to receive remediation in the subject area of reading.

5. The State Board shall prescribe by regulation ~~[an]~~ :

(a) A uniform examination for administration in kindergarten and grades 1, 2 and 3 to measure the proficiency of pupils in the subject area of reading;

(b) The score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the uniform examination administered pursuant to paragraph (a) to be promoted to grade 4 without a good-cause exemption; and

(c) An alternative examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the ~~[criterion-referenced]~~ uniform examination administered pursuant to ~~[NRS 390.105]~~ paragraph (a) and the passing score such a pupil must obtain on the alternative examination to be promoted to grade 4 without the approval for a good-cause exemption pursuant to section 72 of this act.

Sec. 72. *1. The superintendent of schools of a school district or the governing body of a charter school, as applicable, may authorize the promotion of a pupil to grade 4 who would otherwise be retained in grade 3 only if the superintendent or governing body, as applicable, approves a good-cause exemption for the pupil upon a determination by the principal of the*

school pursuant to subsection 3 that the pupil is eligible for such an exemption.

2. A good-cause exemption must be approved for a pupil who previously was retained in grade 3. Any other pupil is eligible for a good-cause exemption if the pupil:

(a) Demonstrates an acceptable level of proficiency in reading on an alternative standardized reading assessment approved by the State Board;

(b) Demonstrates, through a portfolio of the pupil's work, proficiency in reading at grade level, as evidenced by demonstration of mastery of the academic standards in reading beyond grade 3;

(c) Is an English learner and has received not less than 2 years of instruction in a program of instruction that teaches English as a second language;

(d) Received intensive remediation in the subject area of reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1 or 2 for a total of 2 years;

(e) Is a pupil with a disability and his or her individualized education program indicates that the pupil's participation in the ~~[criterion-referenced examinations]~~ uniform examination administered pursuant to ~~[NRS 390.105]~~ paragraph (a) of subsection 5 of section 71 of this act is not appropriate; or

(f) Is a pupil with a disability and:

(1) He or she participates in the ~~[criterion-referenced examinations]~~ uniform examination administered pursuant to ~~[NRS 390.105;]~~ paragraph (a) of subsection 5 of section 71 of this act;

(2) His or her individualized education program or plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, documents that the pupil has received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading; and

(3) He or she was previously retained in kindergarten or grade 1, 2 or 3.

3. The principal of a school in which a pupil who may be retained in grade 3 pursuant to subsection 1 is enrolled shall consider the factors set forth in subsection 2 and determine whether the pupil is eligible for a good-cause exemption. In making the determination, the principal must consider documentation provided by the pupil's teacher indicating whether the promotion of the pupil is appropriate based upon the record of the pupil. Such documentation must only consist of the existing plan for monitoring the progress of the pupil, the pupil's individualized education program, if applicable, and the pupil's plan developed in accordance with section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, if applicable. If the principal determines that promotion of the pupil to grade 4 is appropriate, the principal must submit a written recommendation to the superintendent of schools of the school district or to the governing body of the charter school,

as applicable. The superintendent of schools or the governing body of the charter school, as applicable, shall approve or deny the recommendation of the principal and provide written notice to the principal of the approval or denial.

4. A principal who determines that a pupil is eligible for a good-cause exemption pursuant to subsection 3 shall notify the parent or legal guardian of the pupil if the superintendent of schools of the school district or the governing body of the charter school, as applicable, has approved the good-cause exemption.

5. The principal of a school in which a pupil for whom a good-cause exemption is approved pursuant to subsection 3 and who is promoted to grade 4 must ensure that the pupil continues to be provided intervention services and intensive instruction in the subject area of reading pursuant to NRS 392.760.

6. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(I)(A).

Sec. 73. ~~[NRS 392.015 is hereby amended to read as follows:~~

~~392.015 1. The board of trustees of a school district shall, upon application, allow any pupil who resides on an Indian reservation located in two or more counties to attend the school nearest to the pupil's residence, without regard to the school district in which the pupil's residence is located. For the purposes of apportionment of money, if such a pupil attends a school outside the county in which the pupil resides, the pupil must be counted as being enrolled in the district in which he or she attends school.~~

~~2. A pupil who is allowed to attend a school outside the school district in which the pupil's residence is located pursuant to this section must remain in that school for the full school year.~~

~~3. The school district which pays the additional costs of transporting a pupil pursuant to this section to a school outside the school district in which the pupil's residence is located is entitled to be reimbursed for those costs by the school district in which the pupil is enrolled. Such additional costs must be paid from money received by the school district in which the pupil is enrolled from the State Education Fund pursuant to paragraph~~ **[**~~(a)~~**]** ***(b)*** ~~of subsection 2 of NRS 387.1214.~~

~~4. The provisions of this section do not apply to a pupil who:~~

~~(a) Is ineligible to attend public school pursuant to NRS 392.4675; or~~

~~(b) Resides on an Indian reservation pursuant to an order issued by a court of competent jurisdiction in another state adjudging the pupil to be delinquent and committing him or her to the custody of a public or private institution or agency in this state.~~**]** **(Deleted by amendment.)**

Sec. 74. NRS 392.125 is hereby amended to read as follows:

392.125 1. Except as otherwise provided in subsection 4 ~~[,]~~ ***and section 71 of this act,*** before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a

reasonable effort to arrange a meeting and to meet with the pupil's parents or guardian to discuss the reasons and circumstances.

2. Except as otherwise provided in ~~[~~NRS 392.760,~~]~~ ***section 71 of this act,*** the teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.

3. Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school ~~[.]~~ ***and in section 71 of this act,*** no pupil may be retained more than one time in the same grade.

4. Except as otherwise provided in NRS 388A.487, this section does not apply to the academic retention of pupils who are enrolled in a charter school.

Sec. 75. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district ***,*** ~~[or]~~ the State Public Charter School Authority or a college or university within the Nevada System of Higher Education ***or a city or county*** that sponsors a charter school pursuant to subsection 3 of NRS 385A.240;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 76. NRS 392.750 is hereby amended to read as follows:

392.750 If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 or who newly enrolls in a public elementary school exhibits a deficiency in the subject area of reading based upon state or local assessments and the observations of the pupil's teacher, the principal of the school must provide written notice of the deficiency to the parent or legal guardian of the pupil within 30 days after the date on which the deficiency is discovered. The written notice must, without limitation:

1. Identify the educational programs and services that the pupil will receive to improve the pupil's proficiency in the subject area of reading, including, without limitation, the programs and services included in the plan to improve the literacy of pupils enrolled in elementary school that has been approved by the Department pursuant to NRS 388.157;

2. Explain that if the pupil does not achieve adequate proficiency in the subject area of reading before the completion of grade 3, ***the pupil will be retained in grade 3, rather than promoted to grade 4, unless the pupil receives a good-cause exemption pursuant to section 72 of this act, and*** the school will provide the pupil with intervention services and intensive instruction each year that the pupil is enrolled in the elementary school, unless it is determined that such services and instruction are no longer necessary;

3. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the proficiency of the pupil in the subject area of reading;

4. Explain that the ~~[criterion-referenced]~~ ***uniform*** examination in ~~[only]~~ the subject area of reading administered pursuant to ~~[NRS 390.105]~~ ***paragraph (a) of subsection 5 of section 71 of this act*** is not the only factor used to determine whether the pupil will be ~~[provided intervention services and intensive instruction while the pupil is enrolled in an elementary school;]~~ ***retained in grade 3 and that other options are available for the pupil to demonstrate proficiency if the pupil is eligible for a good-cause exemption pursuant to section 72 of this act;***

5. Describe the policy and specific criteria adopted by the board of trustees of the school district or governing body of a charter school, as applicable, pursuant to NRS 392.765 regarding ~~[the]~~ ***:***

(a) The provision of intervention services and intensive instruction to a pupil enrolled in an elementary school; ***and***

(b) The promotion of a pupil to grade 4 at any time during the school year if the pupil is retained in grade 3 pursuant to section 71 of this act;

6. Include information regarding the English literacy development of a pupil who is an English learner;

7. Describe, explain and, if appropriate, demonstrate the strategies which the parent or legal guardian may use at home to help improve the English literacy of a pupil who is an English learner;

8. To the extent practicable, be provided in a language that the parent or legal guardian can understand;

9. Explain that a plan to monitor the growth of the pupil in the subject area of reading will regularly assess the pupil and the elementary school will provide notice to the parent or legal guardian the status of the growth of the pupil; and

10. Explain that services and the programs provided to the pupil will be adjusted to improve the deficiency in the subject area of reading.

Sec. 77. NRS 392.760 is hereby amended to read as follows:

392.760 1. Except as otherwise provided in this section, an elementary school must provide to a pupil enrolled in the school intervention services and intensive instruction if the pupil does not obtain a score in ~~[only]~~ the subject area of reading on the ~~[criterion-referenced]~~ ***uniform*** examination administered pursuant to ~~[NRS 390.105]~~ ***paragraph (a) of subsection 5 of section 71 of this act*** that meets the passing score prescribed by the State Board. ***The school must provide such services and instruction to a pupil, regardless of whether the pupil is retained in grade 3 pursuant to section 71 of this act or is not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act.***

2. The principal of a school, in consultation with the literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise related to providing intervention services and intensive instruction to the pupil ~~[:~~

~~(a) Shall]~~ ***shall*** ensure that the pupil continues to be provided intervention services and intensive instruction in the subject area of reading for as long as it is determined to be necessary while the pupil is enrolled at the elementary school. Such instruction must include, without limitation, strategies based upon evidence-based research that will improve proficiency in the subject area of reading.

~~[(b) May retain the pupil in grade 3 rather than promote the pupil to grade 4 when authorized pursuant to NRS 392.125.]~~

3. Each literacy specialist designated pursuant to NRS 388.159 and any teacher or other person with knowledge and expertise relating to providing intervention services and intensive instruction to a pupil in the subject area of reading shall, in addition to any other duties or responsibilities assigned to him or her, provide intervention services and intensive instruction directly to pupils who do not obtain a score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) of subsection

5 of section 71 of this act that meets the passing score prescribed by the State Board.

4. Each public school shall offer a pupil who is enrolled in grade 2 or grade 3 in the school and does not obtain a score in the subject area of reading on the uniform examination administered pursuant to paragraph (a) of subsection 5 of section 71 of this act that meets the passing score prescribed by the State Board the opportunity to enroll in summer school at the public school.

Sec. 78. NRS 392.775 is hereby amended to read as follows:

392.775 On or before October 15 of each year, the board of trustees of each school district shall:

1. Prepare a report concerning the number and percentage of pupils at each public elementary school within the school district who:

(a) Were designated in grade 3 to be provided intervention services and intensive instruction while enrolled in an elementary school pursuant to NRS 392.760 for a deficiency in the subject area of reading, including whether or not any such pupils were previously provided intervention services and intensive instruction; ~~[and]~~

(b) Received educational programs or services identified pursuant to subsection 1 of NRS 392.750 at each grade level and whose proficiency in the subject area of reading:

(1) Did not improve at a rate prescribed by the board of trustees of the school district, indicating a need for more intensive or different interventions; and

(2) Improved at a rate prescribed by the board of trustees of the school district, indicating progress toward performing at a level determined by a statewide assessment to be within the level established by the State Board for pupils enrolled in the same grade in which the pupils are enrolled ~~[.]~~ ***;***

(c) Were retained in grade 3 pursuant to section 71 of this act for a deficiency in the subject area of reading, including whether or not any such pupils were previously retained in kindergarten or grade 1 or 2; and

(d) Were not retained in grade 3 because a good-cause exemption was approved pursuant to section 72 of this act but who were previously retained in kindergarten or grade 1 or 2 for a total of 2 years.

2. Submit a copy of the report to the Department ~~[,]~~ ***and*** the Legislature **.** ~~[and sponsor of the charter school.]~~

3. Post the report on the Internet website maintained by the school district and otherwise make the report available to the parents and legal guardians of pupils enrolled in the school district and the general public.

Sec. 79. ~~[NRS 286.523 is hereby amended to read as follows:~~

~~286.523 1. It is the policy of this State to ensure that the reemployment of a retired public employee pursuant to this section is limited to positions of extreme need. An employer who desires to employ such a retired public employee to fill a position for which there is a critical labor shortage must~~

~~make the determination of reemployment based upon the appropriate and necessary delivery of services to the public.~~

~~2. The provisions of subsections 1 and 2 of NRS 286.520 do not apply to a retired employee who accepts employment or an independent contract with a public employer under the System if:~~

~~(a) The retired employee fills a position for which there is a critical labor shortage; and~~

~~(b) At the time of the retired employee's reemployment, the retired employee is receiving:~~

~~(1) A benefit that is not actuarially reduced pursuant to subsection 6 of NRS 286.510; or~~

~~(2) A benefit actuarially reduced pursuant to subsection 6 of NRS 286.510 and has reached the required age at which the retired employee could have retired with a benefit that was not actuarially reduced pursuant to subsection 6 of NRS 286.510.~~

~~3. A retired employee who is reemployed under the circumstances set forth in subsection 2 may reenroll in the System as provided in NRS 286.525.~~

~~4. [Positions] *Except as otherwise provided in subsection 8, positions* for which there are critical labor shortages must be determined in an open public meeting held by the designating authority as follows:~~

~~(a) Except as otherwise provided in this subsection, the State Board of Examiners shall designate positions in State Government for which there are critical labor shortages.~~

~~(b) The Supreme Court shall designate positions in the Judicial Branch of State Government for which there are critical labor shortages.~~

~~(c) The Board of Regents shall designate positions in the Nevada System of Higher Education for which there are critical labor shortages.~~

~~(d) The board of trustees of each school district shall designate positions within the school district for which there are critical labor shortages.~~

~~(e) The governing body of a charter school shall designate positions within the charter school for which there are critical labor shortages.~~

~~(f) The governing body of a local government shall designate positions with the local government for which there are critical labor shortages.~~

~~(g) The Board shall designate positions within the System for which there are critical labor shortages.~~

~~5. In determining whether a position is a position for which there is a critical labor shortage [,] *pursuant to subsection 4,* the designating authority shall make findings based upon the criteria set forth in this subsection that support the designation. Before making a designation, the designating authority shall consider all efforts made by the applicable employer to fill the position through other means. The written findings made by the designating authority must include:~~

~~(a) The history of the rate of turnover for the position;~~

~~(b) The number of openings for the position and the number of qualified candidates for those openings after all other efforts of recruitment have been exhausted;~~

~~(c) The length of time the position has been vacant;~~

~~(d) The difficulty in filling the position due to special circumstances, including, without limitation, special educational or experience requirements for the position; and~~

~~(e) The history and success of the efforts to recruit for the position, including, without limitation, advertising, recruitment outside of this State and all other efforts made.~~

~~6. A designating authority that designates a position as a critical need position *pursuant to subsection 4* shall submit to the System its written findings which support that designation made pursuant to subsection 5 on a form prescribed by the System. The System shall compile the forms received from each designating authority and provide a biennial report on the compilation to the Interim Retirement and Benefits Committee of the Legislature.~~

~~7. A designating authority shall not designate a position pursuant to subsection 4 as a position for which there is a critical labor shortage for a period longer than 2 years. To be redesignated as such a position, the designating authority must consider and make new findings in an open public meeting as to whether the position continues to meet the criteria set forth in subsection 5.~~

~~*8. In addition to any position designated as a position for which there is a critical labor shortage pursuant to subsection 4, the Governor may designate a position in any school district or charter school in this State as a position for which there is a critical labor shortage. If the Governor makes such a designation, he or she shall notify the System of each position so designated. A designation pursuant to this subsection remains in effect until revoked by the Governor.]*~~ **(Deleted by amendment.)**

Sec. 80. ~~[NRS 363A.130 is hereby amended to read as follows:~~

~~363A.130 1. Except as otherwise provided in NRS 360.203, there is hereby imposed an excise tax on each employer at the rate of 2 percent of the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer.~~

~~2. The tax imposed by this section:~~

~~(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.~~

~~(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.~~

~~3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:~~

~~(a) File with the Department a return on a form prescribed by the Department; and~~

~~(b) Remit to the Department any tax due pursuant to this section for that calendar quarter.~~

~~4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.~~

~~5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363A.139, to a credit equal to the amount authorized pursuant to NRS 363A.139 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in~~ **[**~~NRS 388D.260.~~**]** ***section 44 of this act.]*** **(Deleted by amendment.)**

Sec. 81. **[**~~NRS 363A.139 is hereby amended to read as follows:~~

~~363A.139 1. Any taxpayer who is required to pay a tax pursuant to NRS 363A.130 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.~~

~~2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department~~

of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.

3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.

4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection **,** [and] subsection 4 of NRS 363B.119 ***, subsection 4 of section 84 of this act and subsection 4 of section 87 of this act*** is [$6,655,000.] ***:***

(a) For Fiscal Years 2023-2024 and 2024-2025, 0.50 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

(b) For Fiscal Years 2025-2026 and 2026-2027, 1 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

(c) For Fiscal Years 2027-2028 and 2028-2029, 2 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

(d) For Fiscal Years 2029-2030 and 2030-2031, 4 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

(e) For Fiscal Year 2031-2032 and each fiscal year thereafter, 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.

➥ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.

5. **[**Except as otherwise provided in this subsection, in addition to the amount of credits authorized by subsection 4 for Fiscal Years 2019-2020, 2020-2021 and 2021-2022, the Department of Taxation may approve applications for the credit authorized by subsection 1 for each of those fiscal years until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363B.119 is $4,745,000. The provisions of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to subsection 4.**]** If, in **[**Fiscal Year 2019-2020, 2020-2021 or 2021-2022,**]** ***any fiscal year,*** the amount of credits authorized by subsection 1 and approved pursuant to **[**this**]** subsection **[**and**]** ***4,*** subsection **[**5**]** ***4*** of NRS 363B.119 ***, subsection 4 of section 84 of this act and subsection 4 of section 87 of this act*** is less than **[**$4,745,000,**]** ***the amount of credits authorized for that fiscal year,*** the remaining amount of credits pursuant to **[**this**]** subsection **[**and**]** ***4,***

~~subsection [5] *4* of NRS 363B.119 *, subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to [this] subsection [and] *4,* subsection [5] *4* of NRS 363B.119 *, subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* is equal to [$14,235,000.] *5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.* The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.~~

~~6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.~~

~~7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.~~

~~8. As used in this section, "scholarship organization" has the meaning ascribed to it in [NRS 388D.260.] *section 44 of this act.]*~~ **(Deleted by amendment.)**

Sec. 82. ~~[NRS 363B.110 is hereby amended to read as follows:~~

~~363B.110 1. Except as otherwise provided in NRS 360.203, there is hereby imposed an excise tax on each employer at the rate of 1.475 percent of the amount by which the sum of all the wages, as defined in NRS 612.190, paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer exceeds $50,000.~~

~~2. The tax imposed by this section:~~

~~(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.~~

~~(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.~~

~~3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:~~

~~(a) File with the Department a return on a form prescribed by the Department; and~~

~~(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.~~

~~4. In determining the amount of the tax due pursuant to this section, an employer is entitled to subtract from the amount calculated pursuant to subsection 1 a credit in an amount equal to 50 percent of the amount of the commerce tax paid by the employer pursuant to chapter 363C of NRS for the preceding taxable year. The credit may only be used for any of the 4 calendar quarters immediately following the end of the taxable year for which the commerce tax was paid. The amount of credit used for a calendar quarter may not exceed the amount calculated pursuant to subsection 1 for that calendar quarter. Any unused credit may not be carried forward beyond the fourth calendar quarter immediately following the end of the taxable year for which the commerce tax was paid, and a taxpayer is not entitled to a refund of any unused credit.~~

~~5. An employer who makes a donation of money to a scholarship organization during the calendar quarter for which a return is filed pursuant to this section is entitled, in accordance with NRS 363B.119, to a credit equal to the amount authorized pursuant to NRS 363B.119 against any tax otherwise due pursuant to this section. As used in this subsection, "scholarship organization" has the meaning ascribed to it in~~ **[**~~NRS 388D.260.~~**]** ***section 44 of this act]*** **(Deleted by amendment.)**

Sec. 83. **[**~~NRS 363B.119 is hereby amended to read as follows:~~

~~363B.119 1. Any taxpayer who is required to pay a tax pursuant to NRS 363B.110 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.~~

~~2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.~~

~~3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.~~

~~4. Except as otherwise provided in subsection 5, the Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection , [and] subsection 4 of NRS 363A.139 , *subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* is [$6,655,000.] :~~

~~*(a) For Fiscal Years 2023-2024 and 2024-2025, 0.50 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(b) For Fiscal Years 2025-2026 and 2026-2027, 1 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(c) For Fiscal Years 2027-2028 and 2028-2029, 2 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(d) For Fiscal Years 2029-2030 and 2030-2031, 4 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(e) For Fiscal Year 2031-2032 and each fiscal year thereafter, 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~→ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.~~

~~5. [In addition to the amount of credits authorized by subsection 4 for Fiscal Years 2019-2020, 2020-2021 and 2021-2022, the Department of Taxation may approve applications for the credit authorized by subsection 1 for each of those fiscal years until the total amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection and subsection 5 of NRS 363A.139 is $4,745,000. The provisions of subsection 4 do not apply to the amount of credits authorized by this subsection and the amount of credits authorized by this subsection must not be considered when determining the amount of credits authorized for a fiscal year pursuant to subsection 4.] If, in [Fiscal Year 2019-2020, 2020-2021 or 2021-2022,] *any fiscal year,* the amount of credits authorized by subsection 1 and approved pursuant to [this] subsection [and] *4,* subsection [5] *4* of NRS 363A.139 , *subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* is less than [$4,745,000,] *the amount of credits authorized for that fiscal year,* the remaining amount of credits pursuant to [this] subsection [and] *4,* subsection [5] *4* of NRS 363A.139 , *subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to [this] subsection *4,* and subsection [5] *4* of NRS 363A.139 , *subsection 4 of section 84 of this act and subsection 4 of section 87 of this act* is equal to~~

~~[$14,235,000.]~~ ***~~5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.~~*** ~~The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.~~

~~6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to a scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.~~

~~7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.~~

~~8. As used in this section, "scholarship organization" has the meaning ascribed to it in [NRS 388D.260.]~~ ***~~section 44 of this act.]~~*** **(Deleted by amendment.)**

Sec. 84. ~~[Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. Any taxpayer who is required to pay a tax pursuant to NRS 463.370 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.~~

~~2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.~~

~~*3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.*~~

~~*4. The Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 87 of this act is:*~~

~~*(a) For Fiscal Years 2023-2024 and 2024-2025, 0.50 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(b) For Fiscal Years 2025-2026 and 2026-2027, 1 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(c) For Fiscal Years 2027-2028 and 2028-2029, 2 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(d) For Fiscal Years 2029-2030 and 2030-2031, 4 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(e) For Fiscal Year 2031-2032 and each fiscal year thereafter, 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*➥ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.*~~

~~*5. If, in any fiscal year, the amount of credits authorized by subsection 1 and approved pursuant to subsection 4, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 87 of this act is less than the amount of credits authorized for that fiscal year, the remaining amount of credits pursuant to subsection 4, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 87 of this act must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to subsection 4, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 87 of this act is equal to 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.*~~

~~*6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the*~~

~~*donation made by the taxpayer to the scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.*~~

~~*7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.*~~

~~*8. As used in this section:*~~

~~*(a) "Scholarship organization" has the meaning ascribed to it in section 44 of this act.*~~

~~*(b) "Taxpayer" means any person liable for a tax imposed by NRS 463.370.]*~~ **(Deleted by amendment.)**

Sec. 85. ~~[NRS 679A.160 is hereby amended to read as follows:~~

~~679A.160 Except as otherwise provided by specific statute, no provision of this Code applies to:~~

~~1. Fraternal benefit societies, as identified in chapter 695A of NRS, except as stated in chapter 695A of NRS.~~

~~2. Hospital, medical or dental service corporations, as identified in chapter 695B of NRS, except as stated in chapter 695B of NRS.~~

~~3. Motor clubs, as identified in chapter 696A of NRS, except as stated in chapter 696A of NRS.~~

~~4. Bail agents, as identified in chapter 697 of NRS, except as stated in NRS 680B.025 to 680B.039, inclusive, *and sections 87 and 88 of this act* and chapter 697 of NRS.~~

~~5. Risk retention groups, as identified in chapter 695E of NRS, except as stated in chapter 695E of NRS.~~

~~6. Captive insurers, as identified in chapter 694C of NRS, with respect to their activities as captive insurers, except as stated in chapter 694C of NRS.~~

~~7. Health and welfare plans arising out of collective bargaining under chapter 288 of NRS, except that the Commissioner may review the plan to ensure that the benefits are reasonable in relation to the premiums and that the fund is financially sound.~~

~~8. Programs established pursuant to subsection 1 of NRS 315.725 and the entities administering those programs, except as stated in NRS 315.725.]~~ **(Deleted by amendment.)**

Sec. 86. ~~[Chapter 680B of NRS is hereby amended by adding thereto the provisions set forth as sections 87 and 88 of this act.]~~ **(Deleted by amendment.)**

Sec. 87. ~~*[1. Any taxpayer who is required to pay a tax pursuant to NRS 680B.027 may receive a credit against the tax otherwise due for any donation of money made by the taxpayer to a scholarship organization in the manner provided by this section.*~~

~~*2. To receive the credit authorized by subsection 1, a taxpayer who intends to make a donation of money to a scholarship organization must, before making such a donation, notify the scholarship organization of the taxpayer's intent to make the donation and to seek the credit authorized by subsection 1. A scholarship organization shall, before accepting any such donation, apply to the Department of Taxation for approval of the credit authorized by subsection 1 for the donation. The Department of Taxation shall, within 20 days after receiving the application, approve or deny the application and provide to the scholarship organization notice of the decision and, if the application is approved, the amount of the credit authorized. Upon receipt of notice that the application has been approved, the scholarship organization shall provide notice of the approval to the taxpayer who must, not later than 30 days after receiving the notice, make the donation of money to the scholarship organization. If the taxpayer does not make the donation of money to the scholarship organization within 30 days after receiving the notice, the scholarship organization shall provide notice of the failure to the Department of Taxation and the taxpayer forfeits any claim to the credit authorized by subsection 1.*~~

~~*3. The Department of Taxation shall approve or deny applications for the credit authorized by subsection 1 in the order in which the applications are received.*~~

~~*4. The Department of Taxation may, for each fiscal year, approve applications for the credit authorized by subsection 1 until the amount of the credits authorized by subsection 1 and approved by the Department of Taxation pursuant to this subsection, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 84 of this act is:*~~

~~*(a) For Fiscal Years 2023-2024 and 2024-2025, 0.50 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(b) For Fiscal Years 2025-2026 and 2026-2027, 1 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(c) For Fiscal Years 2027-2028 and 2028-2029, 2 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(d) For Fiscal Years 2029-2030 and 2030-2031, 4 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*(e) For Fiscal Year 2031-2032 and each fiscal year thereafter, 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212.*~~

~~*→ The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized for any fiscal year.*~~

~~*5. If, in any fiscal year, the amount of credits authorized by subsection 1 and approved pursuant to subsection 4, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 84 of this act is less than the amount of credits authorized for that fiscal year, the remaining amount of credits pursuant to subsection 4, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 84 of this act must be carried forward and made available for approval during subsequent fiscal years until the total amount of credits authorized by subsection 1 and approved pursuant to subsection 4, subsection 4 of NRS 363A.139, subsection 4 of NRS 363B.119 and subsection 4 of section 84 of this act is equal to 5 percent of all money deposited for credit to the State Education Fund in the fiscal year pursuant to subsection 2 of NRS 387.1212. The amount of any credit which is forfeited pursuant to subsection 2 must not be considered in calculating the amount of credits authorized pursuant to this subsection.*~~

~~*6. If a taxpayer applies to and is approved by the Department of Taxation for the credit authorized by subsection 1, the amount of the credit provided by this section is equal to the amount approved by the Department of Taxation pursuant to subsection 2, which must not exceed the amount of the donation made by the taxpayer to the scholarship organization. The total amount of the credit applied against the taxes described in subsection 1 and otherwise due from a taxpayer must not exceed the amount of the donation.*~~

~~*7. If the amount of the tax described in subsection 1 and otherwise due from a taxpayer is less than the credit to which the taxpayer is entitled pursuant to this section, the taxpayer may, after applying the credit to the extent of the tax otherwise due, carry the balance of the credit forward for not more than 5 years after the end of the calendar year in which the donation is made or until the balance of the credit is applied, whichever is earlier.*~~

~~*8. As used in this section:*~~

~~*(a) "Scholarship organization" has the meaning ascribed to it in section 44 of this act.*~~

~~*(b) "Taxpayer" means any person liable for a tax imposed by this chapter.]*~~ **(Deleted by amendment.)**

Sec. 88. ~~**[***1. An insurer who makes a donation of money to a scholarship organization during the calendar quarter for which a report is filed pursuant to NRS 680B.032 or during a calendar year in which a report is filed pursuant to NRS 680B.030 is entitled, in accordance with section 87 of this act, to a credit equal to the amount authorized pursuant to section 87 of this act against any tax otherwise due pursuant to NRS 680B.027.*~~

~~*2. As used in this section, "scholarship organization" has the meaning ascribed to it in section 44 of this act.]*~~ **(Deleted by amendment.)**

Sec. 89. ~~**[**NRS 680B.025 is hereby amended to read as follows:~~

~~680B.025 For the purposes of NRS 680B.025 to 680B.039, inclusive~~ **[.] *, and sections 87 and 88 of this act.***

~~1. "Total income derived from direct premiums written":~~

~~(a) Does not include premiums written or considerations received from life insurance policies or annuity contracts issued in connection with the funding of a pension, annuity or profit-sharing plan qualified or exempt pursuant to sections 401, 403, 404, 408, 457 or 501 of the United States Internal Revenue Code as renumbered from time to time.~~

~~(b) Does not include payments received by an insurer from the Secretary of Health and Human Services pursuant to a contract entered into pursuant to section 1876 of the Social Security Act, 42 U.S.C. § 1395mm.~~

~~(c) As to title insurance, consists of the total amount charged by the company for the sale of policies of title insurance.~~

~~2. Money accepted by a life insurer pursuant to an agreement which provides for an accumulation of money to purchase annuities at future dates may be considered as "total income derived from direct premiums written" either upon receipt or upon the actual application of the money to the purchase of annuities, but any interest credited to money accumulated while under the latter alternative must also be included in "total income derived from direct premiums written," and any money taxed upon receipt, including any interest later credited thereto, is not subject to taxation upon the purchase of annuities. Each life insurer shall signify on its return covering premiums for the calendar year 1971 or for the first calendar year it transacts business in this State, whichever is later, its election between those two alternatives. Thereafter an insurer shall not change his or her election without the consent of the Commissioner. Any such money taxed as "total income derived from direct premiums written" is, in the event of withdrawal of the money before its actual application to the purchase of annuities, eligible to be included as "return premiums" pursuant to the provisions of NRS 680B.030.~~ **(Deleted by amendment.)**

Sec. 90. ~~[~~NRS 680B.0395 is hereby amended to read as follows:

~~680B.0395 An insurer who holds a certificate of authority as a reinsurer is exempt from the requirements of NRS 680B.025 to 680B.039, inclusive~~ **~~[.]~~** ~~*, and sections 87 and 88 of this act.]*~~ **(Deleted by amendment.)**

Sec. 91. ~~[~~NRS 695B.320 is hereby amended to read as follows:

~~695B.320 1. Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, subsections 2, 4, 18, 19 and 31 of NRS 680B.010, NRS 680B.025 to 680B.060, inclusive, *and sections 87 and 88 of this act,* chapter 681B of NRS, NRS 686A.010 to 686A.315, inclusive, 686B.010 to 686B.175, inclusive, 687B.010 to 687B.040, inclusive, 687B.070 to 687B.140, inclusive, 687B.150, 687B.160, 687B.180, 687B.200 to 687B.255, inclusive, 687B.270, 687B.310 to 687B.380, inclusive, 687B.410, 687B.420, 687B.430, 687B.500 and chapters 692B, 692C, 693A and 696B of NRS, to the extent applicable and not in conflict with the express provisions of this chapter.~~

~~2. For the purposes of this section and the provisions set forth in subsection 1, a nonprofit hospital and medical or dental service corporation is included in the meaning of the term "insurer."~~**] (Deleted by amendment.)**

Sec. 92. ~~[NRS 695F.090 is hereby amended to read as follows:~~

~~695F.090 1. Prepaid limited health service organizations are subject to the provisions of this chapter and to the following provisions, to the extent reasonably applicable:~~

~~(a) NRS 686B.010 to 686B.175, inclusive, concerning rates and essential insurance.~~

~~(b) NRS 687B.310 to 687B.420, inclusive, concerning cancellation and nonrenewal of policies.~~

~~(c) NRS 687B.122 to 687B.128, inclusive, concerning readability of policies.~~

~~(d) The requirements of NRS 679B.152.~~

~~(e) The fees imposed pursuant to NRS 449.465.~~

~~(f) NRS 686A.010 to 686A.310, inclusive, concerning trade practices and frauds.~~

~~(g) The assessment imposed pursuant to NRS 679B.700.~~

~~(h) Chapter 683A of NRS.~~

~~(i) To the extent applicable, the provisions of NRS 689B.340 to 689B.580, inclusive, and chapter 689C of NRS relating to the portability and availability of health insurance.~~

~~(j) NRS 689A.035, 689A.0463, 689A.410, 689A.413 and 689A.415.~~

~~(k) NRS 680B.025 to 680B.060, inclusive,~~ ~~*and sections 87 and 88 of this act*~~ ~~concerning premium tax, premium tax rate, annual report and estimated quarterly tax payments. For the purposes of this paragraph, unless the context otherwise requires that a section apply only to insurers, any reference in those sections to "insurer" must be replaced by a reference to "prepaid limited health service organization."~~

~~(l) Chapter 692C of NRS, concerning holding companies.~~

~~(m) NRS 689A.637, concerning health centers.~~

~~(n) Chapter 681B of NRS, concerning assets and liabilities.~~

~~(o) NRS 682A.400 to 682A.468, inclusive, concerning investments.~~

~~2. For the purposes of this section and the provisions set forth in subsection 1, a prepaid limited health service organization is included in the meaning of the term "insurer."~~**] (Deleted by amendment.)**

Sec. 93. 1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $1,000,000 for the cost of supporting the operations of the Commission on School Funding and the completion of reports pursuant to NRS 387.12468, as amended by section 24 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. 93.5. **1. There is hereby appropriated from the State General Fund to the Early Childhood Literacy and Readiness Account created by section 12 of this act the following sums:**

For the Fiscal Year 2023-2024..... $70,000,000

For the Fiscal Year 2024-2025..... $70,000,000

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. 93.7. **1. There is hereby appropriated from the State General Fund to the Nevada Teacher Advancement Scholarship Program Account created by section 62 of this act the following sums:**

For the Fiscal Year 2023-2024..... $2,000,000

For the Fiscal Year 2024-2025..... $2,000,000

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. 94. ~~[Notwithstanding the provisions of subsection 3 of NRS 387.1213, as amended by section 15 of this act, if the balance in the Education Stabilization Account created by NRS 387.1213 at the end of Fiscal Year 2024-2025 exceeds 15 percent of the total of all appropriations and authorizations from the State Education Fund, excluding the Education Stabilization Account, for the immediately preceding fiscal year, the money in excess of such amount must be transferred as follows:~~

~~1. Fifty percent to the State Teacher Pipeline Account created by section 54 of this act; and~~

~~2. Fifty percent to the Early Childhood Literacy and Readiness Account created by section 12 of this act.~~ **(Deleted by amendment.)**

Sec. 95. 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. 96. ~~The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.~~ **(Deleted by amendment.)**

Sec. 97. 1. This section and sections 95 and 96 of this act become effective upon passage and approval.

2. Sections 1 to ~~4,~~ **5,** inclusive, 7, 8, 10 to 24, inclusive, 26 to 39, inclusive, 41 to 70, inclusive, 73, 75 and 79 to 94, inclusive, of this act become effective:

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

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

3. Sections ~~5,~~ **5.5,** 6, 9, 25, 40, **70.5,** 71, 72, 74, 76, 77 and 78 of this act become effective:

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

(b) On July 1, ~~2024,~~ **2028,** 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. 524.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 907.

AN ACT relating to energy; revising a definition relating to certain renewable energy facilities; revising provisions governing the submission of general rate applications; revising provisions governing the integrated resource plan submitted triennially by a utility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each electric utility to submit to the Public Utilities Commission of Nevada every 3 years an integrated resource plan to increase the utility's supply of electricity or decrease the demands made on its system by its customers. Existing law provides that the integrated resource plan must include certain components, including, without limitation, a comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands. (NRS 704.741)

Section 2 of this bill sets forth certain declarations of the Legislature relating to the affordability, availability and reliability of the supply of electricity in this State. **Section 4** of this bill requires the integrated resource plan of an electric utility to include: (1) at least one scenario that provides for the construction or acquisition of energy resources through contract or ownership to be placed into service to close an open position utilizing dedicated energy resources in this State and dedicated energy resources delivered through firm transmission; and (2) for each scenario considered, certain information regarding each energy resource proposed and an evaluation of the impact the implementation of a scenario will have on certain matters. **Section 4** authorizes an electric utility to submit an integrated resource plan more frequently than once every 3 years. **Section 4** requires the Commission to adopt regulations governing the manner in which and circumstances under which an electric utility may file an amendment to its integrated resource plan. **Section 5** of this bill requires an electric utility to schedule a consumer session before filing an integrated resource plan or an amendment to such a plan. **Sections 6 and 7** of this bill make a conforming change to reflect changes in the numbering of subsections in **section 4**.

Section 1 of this bill revises the definition of "facility for the storage of energy from renewable generation."

Existing law requires certain electric utilities to file a general rate application once every 36 months. Existing law prohibits a public utility that has filed a general rate application from filing another general rate application until all pending general rate applications filed by that utility have been decided by the Commission, except under certain circumstances. (NRS 704.110) **Section 3** of this bill authorizes an electric utility to file a general rate application more frequently than once every 36 months. **Section 3** provides that an affiliate of a public utility is also prohibited from filing another general rate application until all pending general rate applications filed by that utility have been decided by the Commission.

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

Section 1. NRS 701A.327 is hereby amended to read as follows:

701A.327 1. "Facility for the storage of energy from renewable generation" means a facility that is constructed or installed for the ~~[sole]~~ purpose of storing electric energy received from a facility for the generation of electricity from renewable energy for release at a later time, including, without limitation, a facility that is designed to use energy storage technology.

2. The term does not include a facility that is located on a residential property.

Sec. 2. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

The Legislature hereby declares that:

1. Rising energy needs and supply chain issues in the western United States have affected Nevada's ability to access the energy market to serve Nevada residents during periods of high energy demand.

2. It is paramount to the health and economic vitality of this State to ensure the affordability, availability and reliability of its electric supply.

3. An efficient regional energy market and comprehensive resource planning are essential to ensure affordable, safe and reliable electric service for customers of an electric utility from a balanced portfolio of supply and demand options, particularly in light of these challenges.

4. The integrated resource planning process must enable meaningful participation and robust review of a utility's proposals by the Commission and stakeholders to ensure the affordability, resiliency and reliability of the state's electric supply by considering all reasonable measures including, without limitation, demand-side management and increasing utility-owned, controlled or contracted electric generating capacity.

5. Increasing access to reliable electric generating capacity and procuring the most cost-effective resources supports the provision of affordable, resilient and reliable energy services to Nevadans and this State should take advantage of federal funding and tax benefits that provide additional opportunities.

6. It continues to be in the interest of this State to invest in a portfolio of electric generation supply and demand-side management measures that increase energy reliability and reduce greenhouse gas emissions consistent with state policy.

7. It is in the interest of Nevada to reduce electric utilities' reliance on market purchases and secure sufficient energy supply to protect reliability in a manner that promotes affordability and may reduce exposure to price volatility for customers, through methods which include dedicated in-state resources and dedicated energy resources delivered through firm transmission.

Sec. 3. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075, 704.68861 to 704.68887, inclusive, and 704.7865, or as may otherwise be provided by the Commission pursuant to NRS 704.095, 704.097 or 704.7621:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall

investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the

Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2019; and

(2) ~~[Once]~~ ***At least once*** every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application:

(1) Not later than 5 p.m. on or before the first Monday in June 2020; and

(2) ~~[Once]~~ ***At least once*** every 36 months thereafter or on a date specified in an alternative rate-making plan approved by the Commission pursuant to NRS 704.7621.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate

application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly

attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility ***, or a public utility affiliated with the public utility through common ownership,*** shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility ***or its affiliate*** is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit ~~[the]~~ ***a*** public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or 10, any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection 10; or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not

exceed 2.5 cents per therm of natural gas. If the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.

9. If the Commission approves a request to make any rate adjustments on a quarterly basis pursuant to subsection 8:

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill or by electronic transmission pursuant to NRS 704.188. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice required by this paragraph:

(1) Must be printed separately, if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to NRS 704.188; and

(2) Must include the following in clear and bold text:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of natural gas included in each quarterly filing and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate

adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

10. An electric utility shall adjust its rates on a quarterly basis based on changes in the electric utility's recorded costs of purchased fuel or purchased power. In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that approval of the request is in the public interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments, the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment filed pursuant to subsection 10 is subject to the following requirements:

(a) The electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment. A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill or by electronic submission pursuant to NRS 704.188. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written

notice with the Commission pursuant to paragraph (a). The written notice required by this paragraph:

(1) Must be printed separately, if included with the customer's regular monthly bill, or the subject line of the electronic transmission must indicate that notice of a quarterly rate adjustment is included, if provided by electronic transmission pursuant to NRS 704.188; and

(2) Must include the following in clear and bold text:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission;

(IV) A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and

(V) Any other information required by the Commission.

(c) The electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment and the transactions and recorded costs of purchased fuel and purchased power included in each quarterly filing and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

12. If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection 11 and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

13. A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto, or the retirement or elimination of a utility facility identified in an emissions reduction and capacity replacement plan submitted pursuant to NRS 704.7316 and accepted by the Commission for retirement or elimination pursuant to NRS 704.751 and the regulations adopted pursuant thereto, shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing, or retiring or eliminating, as applicable, such a facility. For the purposes of this subsection, a plan or an amendment to a plan shall be deemed to be accepted by the Commission only as to that portion of the plan or amendment accepted as filed or modified with the consent of the utility pursuant to NRS 704.751.

14. In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.

16. A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the public interest.

17. As used in this section:

(a) "Deferred energy accounting adjustment" means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period, not

including kilowatt-hours sold pursuant to an expanded solar access program established pursuant to NRS 704.7865.

(b) "Electric utility" has the meaning ascribed to it in NRS 704.187.

(c) "Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 700,000 or more than it does from customers located in counties whose population is less than 700,000.

(d) "Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 700,000 than it does from customers located in counties whose population is 700,000 or more.

Sec. 4. NRS 704.741 is hereby amended to read as follows:

704.741 1. A utility which supplies electricity in this State shall, on or before June 1 of every third year, ***or more often if necessary,*** in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission. Two or more utilities that are affiliated through common ownership and that have an interconnected system for the transmission of electricity shall submit a joint plan.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility or utilities to:

(1) Forecast the future demands, except that a forecast of the future retail electric demands of the utility or utilities must not include the amount of energy and capacity proposed pursuant to subsection ~~[5]~~ ***6*** as annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; ~~[and]~~

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary ~~[.]~~ ***; and***

(c) Establish requirements governing the manner in which and circumstances under which an amendment may be filed with the Commission to modify an approved plan.

3. The Commission shall require the utility or utilities to include in the plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources.

(b) A proposal for the expenditure of not less than 10 percent of the total expenditures related to energy efficiency and conservation programs on energy

efficiency measures for customers of the electric utility in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.

(c) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include ~~[at]~~ ***:***

(1) At least one scenario of low carbon dioxide emissions that:

~~[(1)]~~ ***(I)*** Uses sources of supply that result in, by 2050, an amount of energy production from zero carbon dioxide emission resources that equals the forecasted demand for electricity by customers of the utility;

~~[(2)]~~ ***(II)*** Includes the deployment of distributed generation; and

~~[(3)]~~ ***(III)*** If the plan is submitted on or before June 1, 2027, uses sources of supply that result in, by the year 2030, an 80 percent reduction in carbon dioxide emissions from the generation of electricity to meet the demands of customers of the utility as compared to the amount of such emissions in the year 2005.

(2) At least one scenario that provides for the construction or acquisition of energy resources through contract or ownership to be placed into service to close an open position utilizing dedicated energy resources in this State and dedicated energy resources delivered through firm transmission.

➥ A requirement to include a particular scenario in the plan pursuant to this paragraph, or the compliance of a utility with such a requirement, shall not be construed as indicating a preference by the Commission or the utility for a particular scenario.

(d) An analysis of the effects of the requirements of NRS 704.766 to 704.776, inclusive, on the reliability of the distribution system of the utility or utilities and the costs to the utility or utilities to provide electric service to all customers. The analysis must include an evaluation of the costs and benefits of addressing issues of reliability through investment in the distribution system.

(e) A list of the utility's or utilities' assets described in NRS 704.7338.

(f) A surplus asset retirement plan as required by NRS 704.734.

4. For each scenario considered pursuant to subsection 3, the plan must include, without limitation:

(a) For each energy resource proposed:

(1) A description of each energy resource to be constructed, acquired or contracted for by the utility, including, without limitation, the location of the energy resource, the technology to be used by the energy resource to generate electricity, the anticipated capacity of the energy resource and the anticipated date by which the energy resource will be placed into service;

(2) The cost of constructing or acquiring , operating and maintaining the energy resource or, if the energy resource is contracted for by the utility, the price of the energy to be supplied by the energy resource;

(3) Whether the energy resource will be owned by the utility or utilized by the utility pursuant to a contract with a third party; and

(4) Any other information required by the Commission to evaluate the prudence of the scenario.

(b) An evaluation of the impact that the implementation of the scenario will have on:

(1) The ability of the utility to decrease its reliance on market purchases to meet the utility's open energy load requirements, including, without limitation, any appropriate reserves, and the forecast of energy needs over the next 10 years;

(2) The ability of the utility to reliably integrate into its supply portfolio larger amounts of electricity from variable energy resources, including, without limitation, solar, geothermal, hydropower and wind energy resources;

(3) The ability of the utility to access energy markets or geographic locations that have excess capacity to import into this State through firm transmission to ensure additional reliability in times of increased energy needs;

(4) The ability of the utility to increase access to carbon-free energy, support compliance with the renewable portfolio standard and advance the goals for the reduction of greenhouse gas emissions set forth in NRS 445B.380 and 704.7820 through a balanced portfolio of energy supply and demand-side resources;

(5) The ability of the utility to demonstrate to a regional entity that the utility has adequate resources to meet the forecast for energy needs over the next 10 years;

(6) The ability of the utility to advance cost-effective demand-side management; [and]

(7) The rates charged to the customers of the utility, provided that, in implementing the plan, the utility must endeavor to mitigate costs for the benefit of customers to the extent possible by utilizing federal funding and tax credits available to utilities or third parties for the development of electric resources [.] ; and

(8) The benefits from high-quality jobs, job training and apprenticeships provided by the projects included in the plan, whether constructed or operated by the utility or a third-party developer.

[4.**]** ***5.*** The Commission shall require the utility or utilities to include in the plan a distributed resources plan. The distributed resources plan must:

(a) Evaluate the locational benefits and costs of distributed resources. This evaluation must be based on reductions or increases in local generation capacity needs, avoided or increased investments in distribution infrastructure, safety benefits, reliability benefits and any other savings the distributed resources provide to the electricity grid for this State or costs to customers of the electric utility or utilities.

(b) Propose or identify standard tariffs, contracts or other mechanisms for the deployment of cost-effective distributed resources that satisfy the objectives for distribution planning.

(c) Propose cost-effective methods of effectively coordinating existing programs approved by the Commission, incentives and tariffs to maximize the locational benefits and minimize the incremental costs of distributed resources.

(d) Identify any additional spending necessary to integrate cost-effective distributed resources into distribution planning consistent with the goal of yielding a net benefit to the customers of the electric utility or utilities.

(e) Identify barriers to the deployment of distributed resources, including, without limitation, safety standards related to technology or operation of the distribution system in a manner that ensures reliable service.

(f) Include a transportation electrification plan as required by NRS 704.7867.

~~[5.]~~ ***6.*** The Commission shall require the utility or utilities to include in the plan a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 on or after May 16, 2019. In developing the proposal and the forecasts in the plan, the utility or utilities must use a sensitivity analysis that, at a minimum, addresses load growth, import capacity, system constraints and the effect of eligible customers purchasing less energy and capacity than authorized by the proposed annual limit. The proposal in the plan must include, without limitation:

(a) A forecast of the load growth of the utility or utilities;

(b) The number of eligible customers that are currently being served by or anticipated to be served by the utility or utilities;

(c) Information concerning the infrastructure of the utility or utilities that is available to accommodate market-based new electric resources;

(d) Proposals to ensure the stability of rates and the availability and reliability of electric service; and

(e) For each year of the plan, impact fees applicable to each megawatt or each megawatt hour to account for costs reflected in the base tariff general rate and base tariff energy rate paid by end-use customers of the electric utility.

~~[6.]~~ ***7.*** The annual limits proposed pursuant to subsection ~~[5]~~ ***6*** shall not apply to energy and capacity sales to an eligible customer if the eligible customer:

(a) Was not an end-use customer of the electric utility at any time before June 12, 2019; and

(b) Would have a peak load of 10 megawatts or more in the service territory of an electric utility within 2 years of initially taking electric service.

~~[7.]~~ ***8.*** As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701.380.

(b) "Distributed resources" means distributed generation systems, energy efficiency, energy storage, electric vehicles and demand-response technologies.

(c) "Eligible customer" has the meaning ascribed to it in NRS 704B.080.

(d) "Energy" has the meaning ascribed to it in NRS 704B.090.

(e) "Historically underserved community" has the meaning ascribed to it in NRS 704.78343.

(f) "Low-income household" has the meaning ascribed to it in NRS 704.78347.

(g) "New electric resource" has the meaning ascribed to it in NRS 704B.110.

(h) "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

(i) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

(j) "Sensitivity analysis" means a set of methods or procedures which results in a determination or estimation of the sensitivity of a result to a change in given data or a given assumption.

Sec. 5. NRS 704.744 is hereby amended to read as follows:

704.744 ***1.*** The Commission shall require each utility which supplies electricity in this State, not less than 4 months before filing a plan required pursuant to NRS 704.741, or within a reasonable period before filing an amendment to such a plan ~~[pursuant to NRS 704.751,]~~ ***in accordance with the regulations adopted by the Commission pursuant to NRS 704.741,*** to meet with personnel from the Commission and the Bureau of Consumer Protection in the Office of the Attorney General and any other interested persons to provide an overview of the anticipated filing or amendment.

2. Each utility which supplies electricity in this State shall, before filing a plan required pursuant to NRS 704.741 or an amendment to such a plan, schedule at least one consumer session to review the plan or amendment and provide an opportunity for interested persons to:

(a) Learn about the progress of the utility in developing plans and amendments to plans;

(b) Determine whether key assumptions are being applied in a consistent and acceptable manner;

(c) Determine whether key results are reasonable; and

(d) Offer suggestions on other matters as appropriate.

3. Each utility shall prepare a summary of each consumer session held pursuant to subsection 2 and include the summary in the testimony of the utility in support of the plan or amendment to the plan.

Sec. 6. NRS 704.746 is hereby amended to read as follows:

704.746 1. After a utility has filed its plan pursuant to NRS 704.741, the Commission shall convene a public hearing on the adequacy of the plan.

2. The Commission shall determine the parties to the public hearing on the adequacy of the plan. A person or governmental entity may petition the Commission for leave to intervene as a party. The Commission must grant a petition to intervene as a party in the hearing if the person or entity has relevant material evidence to provide concerning the adequacy of the plan. The Commission may limit participation of an intervener in the hearing to avoid duplication and may prohibit continued participation in the hearing by an intervener if the Commission determines that continued participation will unduly broaden the issues, will not provide additional relevant material evidence or is not necessary to further the public interest.

3. In addition to any party to the hearing, any interested person may make comments to the Commission regarding the contents and adequacy of the plan.

4. After the hearing, the Commission shall determine whether:

(a) The forecast requirements of the utility or utilities are based on substantially accurate data and an adequate method of forecasting.

(b) The plan identifies and takes into account any present and projected reductions in the demand for energy that may result from measures to improve energy efficiency in the industrial, commercial, residential and energy producing sectors of the area being served.

(c) The plan adequately demonstrates the economic, environmental and other benefits to this State and to the customers of the utility or utilities associated with the following possible measures and sources of supply:

(1) Improvements in energy efficiency;

(2) Pooling of power;

(3) Purchases of power from neighboring states or countries;

(4) Facilities that operate on solar or geothermal energy or wind;

(5) Facilities that operate on the principle of cogeneration or hydrogeneration;

(6) Other generation facilities; and

(7) Other transmission facilities.

5. The Commission shall give preference to the measures and sources of supply set forth in paragraph (c) of subsection 4 that:

(a) Provide the greatest economic and environmental benefits to the State;

(b) Are consistent with the provisions of this section;

(c) Provide levels of service that are adequate and reliable;

(d) Provide the greatest opportunity for the creation of new jobs in this State; and

(e) Provide for diverse electricity supply portfolios and which reduce customer exposure to the price volatility of fossil fuels and the potential costs of carbon.

➥ In considering the measures and sources of supply set forth in paragraph (c) of subsection 4 and determining the preference given to such measures and sources of supply, the Commission shall consider the cost of those measures and sources of supply to the customers of the electric utility or utilities.

6. The Commission shall:

(a) Adopt regulations which determine the level of preference to be given to those measures and sources of supply; and

(b) Consider the value to the public of using water efficiently when it is determining those preferences.

7. The Commission shall:

(a) Consider the level of financial commitment from developers of renewable energy projects in each renewable energy zone, as designated pursuant to subsection 2 of NRS 704.741; and

(b) Adopt regulations establishing a process for considering such commitments including, without limitation, contracts for the sale of energy, leases of land and mineral rights, cash deposits and letters of credit.

8. The Commission shall, after a hearing, review and accept or modify an emissions reduction and capacity replacement plan which includes each element required by NRS 704.7316. In considering whether to accept or modify an emissions reduction and capacity replacement plan, the Commission shall consider:

(a) The cost to the customers of the electric utility or utilities to implement the plan;

(b) Whether the plan provides the greatest economic benefit to this State;

(c) Whether the plan provides the greatest opportunities for the creation of new jobs in this State; and

(d) Whether the plan represents the best value to the customers of the electric utility or utilities.

9. In considering whether to accept or modify a proposal for annual limits on the total amount of energy and capacity that eligible customers may be authorized to purchase from providers of new electric resources through transactions approved by the Commission pursuant to an application submitted pursuant to NRS 704B.310 after May 16, 2019, which is included in the plan pursuant to subsection ~~[5]~~ ***6*** of NRS 704.741, the Commission shall consider whether the proposed annual limits:

(a) Further the public interest, including, without limitation, whether the proposed annual limits promote safe, economic, efficient and reliable electric service to all customers of electric service in this State;

(b) Align an economically viable utility model with state public policy goals; and

(c) Encourage the development and use of renewable energy resources located in this State and, in particular, renewable energy resources that are coupled with energy storage.

10. In considering whether to accept or modify a plan to accelerate transportation electrification submitted pursuant to NRS 704.7867, the Commission shall consider:

(a) Whether the proposed investments, incentives, rate designs, systems and programs are reasonably expected to achieve one or more of the following:

(1) Improve the efficiency of the electric utility's electrical system, operational flexibility or system utilization during off-peak hours;

(2) Improve the ability of the electric utility to integrate renewable energy resources which generate electricity on an intermittent basis into the transmission and distribution grid;

(3) Reduce greenhouse gas emissions and air pollution;

(4) Improve air quality in communities most affected by air pollution from the transportation sector;

(5) Support increased consumer choice in electric vehicle charging and related infrastructure and services;

(6) Increase access to the use of electricity as a transportation fuel by low-income users by including investments, incentives or programs for those users, or for entities operating in communities or at locations that will benefit low-income users;

(7) Foster the investment of private capital in transportation electrification, as defined in NRS 704.7867, and the demand for skilled jobs in related services; and

(8) Provide information and education on the benefits of transportation electrification to customers.

(b) Whether the proposed investments, incentives, rate designs, systems and programs provide electric services and pricing that customers value.

(c) Whether the proposed investments, incentives, systems and programs incorporate public reporting requirements which will serve to inform program design and Commission policy.

(d) The cost to the customers of the electric utility to implement the plan.

Sec. 7. NRS 704.751 is hereby amended to read as follows:

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting or modifying the plan or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 210 days for all portions of the plan not described in paragraph (a).

➥ If the Commission issues an order modifying the plan, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting or modifying the amendment or specifying any portions of the amendment it deems to be inadequate:

(a) Within 165 days after the filing of the amendment; or

(b) Within 180 days after the filing of the amendment for all portions of the amendment which contain an element of the emissions reduction and capacity replacement plan.

➥ If the Commission issues an order modifying the amendment, the utility or utilities may consent to or reject some or all of the modifications by filing with the Commission a notice to that effect. Any such notice must be filed not later than 30 days after the date of issuance of the order. If such a notice is filed, any petition for reconsideration or rehearing of the order must be filed with the Commission not later than 10 business days after the date the notice is filed.

3. Any order issued by the Commission accepting or modifying a plan required pursuant to NRS 704.741 or an amendment to such a plan must include the justification of the Commission for the preferences given pursuant to subsection 5 of NRS 704.746 to the measures and sources of supply set forth in paragraph (c) of subsection 4 of NRS 704.746.

4. All prudent and reasonable expenditures made to develop the utility's or utilities' plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's or utilities' customers.

5. The Commission may accept an energy efficiency plan containing an energy efficiency program submitted pursuant to paragraph (a) of subsection 3 of NRS 704.741 and energy efficiency and conservation programs submitted pursuant to paragraph (b) of subsection 3 of NRS 704.741 that are not cost effective if the energy efficiency plan as a whole is cost effective. Any order issued by the Commission accepting or modifying an energy efficiency plan or an amendment to such a plan must, if the energy efficiency plan remains cost effective, require that not less than 10 percent of the total expenditures of the utility or utilities on approved energy efficiency and conservation programs in the energy efficiency plan must be specifically directed to energy efficiency measures for customers of the utility or utilities in low-income households and residential customers and public schools in historically underserved communities, through both targeted programs and programs directed at residential customers and public schools in general.

6. The Commission may accept a distributed resources plan submitted pursuant to subsection ~~[4]~~ ***5*** of NRS 704.741 if the Commission determines that the plan includes each element required by that subsection.

7. Any order issued by the Commission accepting or modifying an element of an emissions reduction and capacity replacement plan must include provisions authorizing the electric utility or utilities to construct or acquire and own electric generating plants necessary to meet the capacity amounts approved in, and carry out the provisions of, the plan. As used in this subsection, "capacity" means an amount of firm electric generating capacity used by the electric utility or utilities for the purpose of preparing a plan filed with the Commission pursuant to NRS 704.736 to 704.754, inclusive.

8. The Commission shall accept a transmission infrastructure for a clean energy economy plan that conforms to the requirements of subsections 1 and 2 of NRS 704.79877 and includes the evaluations required by subsection 4 of NRS 704.79877.

9. As used in this section:

(a) "Historically underserved community" has the meaning ascribed to it in NRS 704.78343.

(b) "Low-income household" has the meaning ascribed to it in NRS 704.78347.

Sec. 8. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 26, 2023.

Sec. 9. 1. This act becomes effective on July 1, 2023.

2. Section 1 of this act expires by limitation on June 30, 2049.

Assemblyman Watts moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 440.

Bill read second time.

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

Amendment No. 904.

SUMMARY—Makes appropriations requiring certain one-time payments ~~[and salary increases]~~ for **certain** state ~~[officers and employees.]~~ **personnel.** (BDR S-768)

AN ACT making appropriations requiring certain one-time payments ~~[and salary increases]~~ for **certain** state ~~[officers and employees;]~~ **personnel;** 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 State Board of Examiners the sum of $697,880 for the following payments and increase in salary, retroactive to July 1, 2022, for personnel represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515:~~

~~(a) For all such personnel, an increase in salary for Fiscal Year 2022-2023 of 1 percent.~~

~~(b) For such personnel with 10 or more years of continuous State service, a one-time payment of $1,500.~~

~~(c) For such personnel who hold:~~

~~(1) A bachelor's degree, a one-time payment of $900.~~

~~(2) An associate's degree as his or her highest postsecondary degree, a one-time payment of $500.~~

~~An employee may not receive more than one payment pursuant to this paragraph.~~

~~2. Of the sum appropriated by subsection 1, not more than $83,783 may be allocated and disbursed to the Nevada System of Higher Education.~~

~~3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 15, 2023.~~**]**

(Deleted by amendment.)

Sec. 2. ~~**[**1. There is hereby appropriated from the State Highway Fund to the State Board of Examiners the sum of $891,725 for the following payments and increase in salary, retroactive to July 1, 2022, for personnel represented by the bargaining unit established in paragraph (g) of subsection 1 of NRS 288.515:~~

~~(a) For all such personnel, an increase in salary for Fiscal Year 2022-2023 of 1 percent.~~

~~(b) For such personnel with 10 or more years of continuous State service, a one-time payment of $1,500.~~

~~(c) For such personnel who hold:~~

~~(1) A bachelor's degree, a one-time payment of $900.~~

~~(2) An associate's degree as his or her highest postsecondary degree, a one-time payment of $500.~~

~~An employee may not receive more than one payment pursuant to this paragraph.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2023, 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 15, 2023, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 15, 2023.~~**]**

(Deleted by amendment.)

Sec. 3. 1. There is hereby appropriated from the State General Fund to the State Board of Examiners the sum of **[**~~$19,737,672~~**]** **$20,435,552** for **[**~~an increase in salary, retroactive to July 1, 2021, of 3 percent for Fiscal Year 2021-2022 and Fiscal Year 2022-2023~~**]** **one-time payments** for personnel represented by the bargaining units established in:

(a) Paragraph (a) of subsection 1 of NRS 288.515.

(b) Paragraph (e) of subsection 1 of NRS 288.515.

(c) Paragraph (f) of subsection 1 of NRS 288.515.

(d) **Paragraph (g) of subsection 1 of NRS 288.515.**

(e) Paragraph (i) of subsection 1 of NRS 288.515.

2. Of the sum appropriated by subsection 1, not more than ~~[$1,219,659]~~ **$1,303,442** may be allocated and disbursed to the Nevada System of Higher Education.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, ~~[2023,]~~ **2024,** 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 ~~[15, 2023,]~~ **20, 2024,** 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 ~~[15, 2023.]~~ **20, 2024.**

Sec. 4. 1. There is hereby appropriated from the State Highway Fund to the State Board of Examiners the sum of ~~[$80,024]~~ **$3,118,196** for ~~[an increase in salary, retroactive to July 1, 2021, of 3 percent for Fiscal Year 2021-2022 and Fiscal Year 2022-2023]~~ **one-time payments** for personnel represented by the bargaining units established in:

(a) Paragraph (a) of subsection 1 of NRS 288.515.

(b) Paragraph (e) of subsection 1 of NRS 288.515.

(c) Paragraph (f) of subsection 1 of NRS 288.515.

(d) **Paragraph (g) of subsection 1 of NRS 288.515.**

(e) Paragraph (i) of subsection 1 of NRS 288.515.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, ~~[2023,]~~ **2024,** 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 ~~[15, 2023,]~~ **20, 2024,** by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September ~~[15, 2023.]~~ **20, 2024.**

Sec. 5. ~~[The approximate maximum salaries as set forth in section 1 of chapter 309, Statutes of Nevada 2021, at page 1779, must be increased by an additional 2 percent commencing on April 1, 2023, and ending on June 30, 2023.]~~ **(Deleted by amendment.)**

Sec. 6. ~~[1. Except as otherwise provided in this act, to effect increases in salaries of 2 percent commencing on April 1, 2023, and ending on June 30, 2023, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of $5,482,671, for the purpose of meeting any deficiencies which may be created between the appropriated money of the respective departments, commissions and agencies of the Executive and Judicial Departments of the State Government, as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries of the classified, unclassified and nonclassified personnel of those departments, commissions~~

~~and agencies necessary under an adjusted pay plan to become effective on April 1, 2023.~~

~~2. Of the sum appropriated by subsection 1, not more than $2,303,623 may be allocated and disbursed to the Nevada System of Higher Education.~~

~~3. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to various departments, commissions and agencies of the Executive and Judicial Departments of the State Government, out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money otherwise appropriated or available, equal the amount of money required to pay the salaries of the classified, unclassified and nonclassified employees of the respective departments, commissions and agencies under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money, as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.~~ **(Deleted by amendment.)**

Sec. 7. ~~1. To effect increases in salaries of 2 percent commencing on April 1, 2023, and ending on June 30, 2023, there is hereby appropriated from the State Highway Fund to the State Board of Examiners the sum of $566,090, for the purpose of meeting any deficiencies which may exist between the appropriated money of the Office of Finance in the Office of the Governor, Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority, as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries of classified and unclassified personnel of the Office of Finance in the Office of the Governor, Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority necessary under an adjusted pay plan to become effective on April 1, 2023.~~

~~2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Office of Finance in the Office of the Governor, Department of Motor Vehicles, the Department of Public Safety and the Nevada Transportation Authority out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money otherwise appropriated or available, equal the amount of money required to meet and pay the salaries of the classified and unclassified employees of the Office of Finance in the Office of the Governor, Department of Motor Vehicles, Department of Public Safety and Nevada Transportation Authority under the adjusted pay plan. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money, as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than the increases in salaries described in this section.~~ **(Deleted by amendment.)**

Sec. 8. ~~[1. When determining the allocations of the money appropriated by section 6 or 7 of this act, the State Board of Examiners shall not distribute money to an account beyond the maximum salary need amount determined for the account. Appropriations established for an account within a department, agency or commission must not be distributed to another account within the department, agency or commission if that action results in the distribution of money beyond the maximum salary need amount determined for the account.~~

~~2. The sums appropriated by sections 6 and 7 of this act must be applied to salaries notwithstanding the provisions of NRS 281.123.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[To effect increases in salaries of 2 percent commencing on April 1, 2023, and ending on June 30, 2023, there is hereby appropriated from the State General Fund to the Legislative Fund, the sum of $248,387, for the purpose of meeting any deficiencies which may be created between the money appropriated to the Legislative Fund, as fixed by the 81st Session of the Nevada Legislature, and the requirements for salaries of the personnel of the Legislative Counsel Bureau and of interim legislative operations necessary under an adjusted pay plan to become effective on April 1, 2023.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[1. To effect the State of Nevada's share of increases in salaries of 2 percent commencing on April 1, 2023, and ending on June 30, 2023, for employees of the Tahoe Regional Planning Agency, there is hereby appropriated from the State General Fund to the State Board of Examiners the sum of not more than $13,013. The amounts transferred must not be used to increase an employee's base salary unless the State of California provides the required 2-for-1 matching funds. If such matching funds are not provided by the State of California, any amounts provided to the Tahoe Regional Planning Agency by the State of Nevada must be used as a one-time salary bonus.~~

~~2. The State Board of Examiners, upon the recommendation of the Director of the Office of Finance in the Office of the Governor, may allocate and disburse to the Tahoe Regional Planning Agency out of the money appropriated by this section such sums of money as may from time to time be required, which, when added to the money otherwise appropriated or available, equal the amount of money required to meet and pay the State of Nevada's share of the salaries of the employees of the Tahoe Regional Planning Agency under the adjusted pay plan to become effective on April 1, 2023. The sums appropriated by this section may not be allocated and disbursed to address a deficiency between the appropriated money as fixed by the 81st Session of the Nevada Legislature and the requirements for salaries resulting from any circumstance other than an increase in salaries described in this section.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[Any remaining balance of an appropriation made by section 6, 7, 9 or 10 of this act must not be committed for expenditure after June 30, 2023, 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 15, 2023, 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 fund from which it was appropriated on or before September 15, 2023.~~] **(Deleted by amendment.)**

Sec. 12. This act becomes effective [~~upon passage and approval.~~] **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. 484.

Bill read second time and ordered to third reading.

Assembly Bill No. 488.

Bill read second time.

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

Amendment No. 835.

SUMMARY—Makes appropriations to the [~~Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration~~] **Office of Finance in the Office of the Governor as loans** for the replacement of computer hardware and associated software, the replacement of components of a security firewall and security upgrades to mountaintop microwave sites. (BDR S-1128)

AN ACT making appropriations to the [~~Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration~~] **Office of Finance in the Office of the Governor as loans** for the replacement of computer hardware and associated software, the replacement of components of a security firewall and security upgrades to mountaintop microwave sites; 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 [~~Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration~~] **Office of Finance in the Office of the Governor** the sum of [~~$101,678 for the Computer Facility budget account~~] **$188,747 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 computer hardware and associated software and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 2. ~~[There is hereby appropriated from the State General Fund to the Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration the sum of $33,042 for the Data Communications and Network Engineering budget account for the replacement of computer hardware and associated software.]~~ **(Deleted by amendment.)**

Sec. 3. **1.** There is hereby appropriated from the State General Fund to the ~~[Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor** the sum of $1,280,928 ~~[for the Data Communications and Network Engineering budget account]~~ **as a loan to the Division of Enterprise Information Technology Services of the Department of Administration** for the replacement of components of a security firewall.

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 components of the security firewall 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 components of the security firewall and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 4. ~~[There is hereby appropriated from the State General Fund to the Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration the sum of $26,082 for the Telecommunications budget account for the replacement of computer hardware and associated software.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[There is hereby appropriated from the State General Fund to the Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration the sum of $27,945 for the Network Transport Services budget account for the replacement of computer hardware and associated software.]~~ **(Deleted by amendment.)**

Sec. 6. **1.** There is hereby appropriated from the State General Fund to the ~~[Communication and Computing Unit of the Division of Enterprise Information Technology Services of the Department of Administration]~~ **Office of Finance in the Office of the Governor** the sum of $141,949 ~~[for the Network Transport Services budget account]~~ **as a loan to the Division of Enterprise Information Technology Services of the Department of Administration** for security upgrades to mountaintop microwave sites.

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 security upgrades to mountaintop microwave sites to the State Treasurer for deposit in the State General Fund. Each annual installment must be 25 percent of the cost of the security upgrades to mountaintop microwave sites and the loan must be fully repaid not later than the end of Fiscal Year 2028-2029.

Sec. 7. Any remaining balance of the appropriations made by sections 1 ~~[to]~~ **, 3 and** 6 ~~[, 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. 8. 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. 526.

Bill read second time and ordered to third reading.

Assembly Bill No. 527.

Bill read second time and ordered to third reading.

Senate Bill No. 9.

Bill read second time and ordered to third reading.

Senate Bill No. 88.

Bill read second time and ordered to third reading.

Senate Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 899.

AN ACT relating to criminal justice; revising the membership, powers and duties of the Nevada Sentencing Commission; establishing the Subcommittee on Misdemeanors of the Sentencing Commission; prescribing the membership, powers and duties of the Subcommittee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Sentencing Commission within the Department of Sentencing Policy, prescribes the membership of the

Sentencing Commission and sets forth various powers and duties of the Sentencing Commission. (NRS 176.0133, 176.0134) **Section 2** of this bill revises the membership of the Sentencing Commission to remove a member appointed by the Governor and add: (1) a member who is an attorney and whose practice primarily consists of representing criminal defendants in a county whose population is less than 55,000 (currently counties other than Clark and Washoe Counties and Carson City); (2) a member who is a district attorney; (3) a member who is a representative of the Central Repository for Nevada Records of Criminal History; and (4) a member who is a faculty member ~~[in]~~ **of** the Nevada System of Higher Education ~~[.]~~ **who teaches criminal justice.** **Section 2** also: (1) prescribes certain additional requirements relating to members of the Sentencing Commission who are district attorneys; and (2) authorizes the Sentencing Commission to establish working groups, task forces and similar entities to assist in its work.

Section 3 of this bill removes certain specific requirements relating to recommendations of the Sentencing Commission. **Section 3** also removes requirements that the Sentencing Commission: (1) provide certain training regarding sentencing; (2) act as a sentencing policy resource for this State; and (3) propose and recommend statutory sentencing guidelines. **Section 1.9** of this bill makes a conforming change relating to the duties of the Sentencing Commission.

Section 1.5 of this bill creates the Subcommittee on Misdemeanors of the Sentencing Commission and sets forth its membership and duties. **Section 1.7** of this bill authorizes the Chair of the Subcommittee to appoint working groups to aid in the work of the Subcommittee. **Section 1.7** provides that all information and materials received or prepared by a working group are confidential. **Section 4.5** of this bill makes a conforming change relating to the information and materials made confidential pursuant to **section 1.7**. **Section 1.3** of this bill defines the term "subcommittee" for purposes of the provisions of **sections 1.5 and 1.7**. **Section 1.8** of this bill makes a conforming change to indicate the proper placement of **sections 1.3-1.7** in the Nevada Revised Statutes.

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.5 and 1.7 of this act.

Sec. 1.3. ***"Subcommittee" means the Subcommittee on Misdemeanors of the Sentencing Commission.***

Sec. 1.5. ***1. There is hereby created the Subcommittee on Misdemeanors of the Sentencing Commission, consisting of members appointed by the Chair of the Sentencing Commission, who must include, without limitation:***

(a) One member who has expertise in:

(1) Policies and practices regarding misdemeanor sentencing implemented in this State and other states; and

(2) Administrative assessments, fines and fees related to the criminal justice system in this State and other states;

(b) One member who is a city attorney;

(c) One member who is an attorney, experienced in defending criminal actions; and

(d) One member who serves as a court administrator for a justice or municipal court.

2. The Chair of the Sentencing Commission shall designate one of the members of the Subcommittee to serve as the Chair of the Subcommittee.

3. The Subcommittee shall meet at the times and places specified by a call of the Chair. A majority of the members of the Subcommittee constitutes a quorum, and a quorum may exercise all the power or authority conferred on the Subcommittee. Members of the Subcommittee shall serve without compensation.

4. The Subcommittee shall:

(a) Study existing laws, policies and practices relating to misdemeanor offenses in this State and other states, including, without limitation, the sentences imposed for misdemeanor offenses in this State and other states; and

(b) Submit a biennial report describing the findings, conclusions and recommendations of the subcommittee to the Sentencing Commission.

Sec. 1.7. ***1. The Chair of the Subcommittee may appoint working groups composed of persons with subject matter expertise, including, without limitation, representations of criminal justice agencies in this State to aid in the work of the Subcommittee.***

2. The Chair of the Subcommittee may appoint any person the Chair deems appropriate to serve on a working group, which may include, without limitation, representatives of criminal justice agencies within this State.

3. All information and materials received or prepared by a working group are confidential and not public record for purposes of chapter 239 of NRS.

4. The members of a working group serve without compensation.

Sec. 1.8. NRS 176.01313 is hereby amended to read as follows:

176.01313 As used in NRS 176.0131 to 176.014, inclusive, ***and sections 1.3, 1.5 and 1.7 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 176.01315, 176.01317 and 176.0132 ***and section 1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 1.9. NRS 176.01327 is hereby amended to read as follows:

176.01327 The Executive Director appointed pursuant to NRS 176.01323 shall:

1. Oversee all of the functions of the Department.

2. Serve as Executive Secretary of the Sentencing Commission without additional compensation.

3. Report to the Sentencing Commission on sentencing and related issues regarding the functions of the Department and provide such information to the Sentencing Commission as requested.

4. Assist the Sentencing Commission in determining necessary and appropriate recommendations to assist in carrying out the responsibilities of the Department.

5. Establish the budget for the Department.

6. Facilitate the collection and aggregation of data from the courts, Department of Corrections, Division of Parole and Probation of the Department of Public Safety and any other agency of criminal justice.

7. Identify variables or sets of data concerning criminal justice that are not currently collected or shared across agencies of criminal justice within this State.

8. Assist in preparing and submitting the comprehensive report required to be prepared by the Sentencing Commission pursuant to subsection ~~[11]~~ ***5*** of NRS 176.0134.

9. Assist the Sentencing Commission in carrying out its duties pursuant to subsections 2 and 3 of NRS 176.01347 relating to the calculation of the costs avoided by this State for the immediately preceding fiscal year because of the enactment of chapter 633, Statutes of Nevada 2019, and in preparing a report containing the projected amount of such costs for the next biennium and recommendations for the reinvestment of the amount of the costs.

10. Take any other actions necessary to carry out the powers and duties of the Sentencing Commission pursuant to NRS 176.0131 to 176.014, inclusive.

Sec. 2. NRS 176.0133 is hereby amended to read as follows:

176.0133 1. The Nevada Sentencing Commission is hereby created within the Department. The Sentencing Commission consists of:

(a) One member ~~[appointed by the Governor;]~~ ***who is an attorney and whose practice primarily consists of representing criminal defendants in a county whose population is less than 55,000, appointed by the Executive Director of the Department of Indigent Defense Services or his or her designee;***

(b) One member who is a justice of the Supreme Court of Nevada or a retired justice of the Supreme Court of Nevada, appointed by the Chief Justice of the Supreme Court of Nevada;

(c) Two members who are judges appointed by the Chief Justice of the Supreme Court of Nevada;

(d) One member who is a representative of the Administrative Office of the Courts appointed by the Chief Justice of the Supreme Court of Nevada;

(e) The Director of the Department of Corrections;

(f) One member who is a representative of the Office of the Attorney General, appointed by the Attorney General;

(g) ~~[One member who is a district attorney,]~~ ***Two members*** appointed by the governing body of the Nevada District Attorneys Association ~~[;]~~ ***, one of whom must be a district attorney in a county whose population is 100,000 or***

more and one of whom must be a district attorney in a county whose population is less than 100,000;

(h) One member who is a representative of the Office of the Clark County Public Defender, appointed by the head of the Office of the Clark County Public Defender;

(i) One member who is a representative of the Office of the Washoe County Public Defender, appointed by the head of the Office of the Washoe County Public Defender;

(j) One member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

(k) One member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the Governor;

(l) One member who is a member of the State Board of Parole Commissioners, appointed by the State Board of Parole Commissioners;

(m) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety, appointed by the Governor;

(n) One member who is a representative of the Nevada Sheriffs' and Chiefs' Association, appointed by the Nevada Sheriffs' and Chiefs' Association;

(o) One member who is a representative of the Las Vegas Metropolitan Police Department, appointed by the Sheriff of Clark County;

(p) One member who is a representative of the Division of Public and Behavioral Health of the Department of Health and Human Services;

(q) One member who is a representative of an organization that advocates on behalf of inmates, appointed by the Governor;

(r) Two members who are Senators, one of whom is appointed by the Majority Leader of the Senate and one of whom is appointed by the Minority Leader of the Senate;

(s) Two members who are members of the Assembly, one of whom is appointed by the Speaker of the Assembly and one of whom is appointed by the Minority Leader of the Assembly;

(t) The Director of the Department of Employment, Training and Rehabilitation; ~~[and]~~

(u) One member who is a representative of an organization that works with offenders upon release from incarceration to assist in reentry into the community appointed by the Chair of the Legislative Commission ~~[.]~~ ***;***

(v) One member who is a representative of the Central Repository for Nevada Records of Criminal History, appointed by the Director of the Department of Public Safety; and

(w) One member who is a faculty member of the ~~[University of]~~ Nevada ~~[, Las Vegas, or the University]~~ System of ~~[Nevada, Reno,]~~ Higher Education who teaches criminal justice, appointed by the Governor.

2. The Executive Director shall serve as the Executive Secretary of the Sentencing Commission.

3. If any organization listed in subsection 1 ceases to exist, the appointment required pursuant to that subsection must be made by the association's successor in interest, or, if there is no successor in interest, by the Governor.

4. Each appointed member serves a term of 2 years. Members may be reappointed for additional terms of 2 years in the same manner as the original appointments. Any vacancy occurring in the membership of the Sentencing Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The Legislators who are members of the Sentencing Commission are entitled to receive the salary provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day's attendance at a meeting of the Sentencing Commission.

6. At the first regular meeting of each odd-numbered year, the members of the Sentencing Commission shall elect a Chair by majority vote who shall serve until the next Chair is elected.

7. The Sentencing Commission shall:

(a) Hold its first meeting on or before September 1 of each odd-numbered year; and

(b) Meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

8. A member of the Sentencing Commission may designate a nonvoting alternate to attend a meeting in his or her place.

9. A majority of the members of the Sentencing Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Sentencing Commission. A nonvoting alternate designated by a member pursuant to subsection 8 who attends a meeting of the Sentencing Commission for which the alternate is designated shall be deemed to be a member of the Sentencing Commission for the purpose of determining whether a quorum exists.

10. While engaged in the business of the Sentencing Commission, to the extent of legislative appropriation, each member of the Sentencing Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

11. The Sentencing Commission may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

Sec. 3. NRS 176.0134 is hereby amended to read as follows:

176.0134 The Sentencing Commission shall:

1. **[**~~Advise the Legislature on proposed legislation and make recommendations with respect to all matters relating to the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.~~

~~2.~~ Evaluate ***and study*** the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, without limitation, the use of plea bargaining, probation, programs of enhanced supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.

~~3.~~ ***2.*** Recommend changes in the structure of sentencing in this State which ~~, to~~ ***:***

(a) Are consistent with the public policy set forth in NRS 176.0131; and

(b) To the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing ***.*** ~~, including, without limitation, the following:~~

~~(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.~~

~~(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.~~

~~(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.~~

~~(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.~~

~~(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.~~

~~(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.~~

~~(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.~~

~~4.~~ ***3.*** Facilitate the development and maintenance of a statewide sentencing database in collaboration with state and local agencies, using existing databases or resources where appropriate.

~~5. Provide training regarding sentencing and related issues, policies and practices, and act as a sentencing policy resource for this State.~~

~~6. Evaluate the impact of pretrial, sentencing diversion, incarceration and postrelease supervision programs.~~

~~7. Identify potential areas of sentencing disparity related to race, gender and economic status.~~

~~8. Propose and recommend statutory sentencing guidelines, based on reasonable offense and offender characteristics which aim to preserve judicial discretion and provide for individualized sentencing, for the use of the district courts. If such guidelines are enacted by the Legislature, the Sentencing Commission shall review and propose any recommended changes.~~

~~9. Evaluate whether sentencing guidelines recommended pursuant to subsection 8 should be mandatory and if judicial findings should be required for any departures from the sentencing guidelines.~~

~~10.~~ ***4.*** Provide recommendations and advice to the Executive Director concerning the administration of the Department, including, without limitation:

(a) Receiving reports from the Executive Director and providing advice to the Executive Director concerning measures to be taken by the Department to ensure compliance with the duties of the Sentencing Commission.

(b) Reviewing information from the Department regarding sentencing of offenders in this State.

(c) Requesting any audit, investigation or review the Sentencing Commission deems necessary to carry out the duties of the Sentencing Commission.

(d) Coordinating with the Executive Director regarding the procedures for the identification and collection of data concerning the sentencing of offenders in this State.

(e) Advising the Executive Director concerning any required reports and reviewing drafts of such reports.

(f) Making recommendations to the Executive Director concerning the budget for the Department, improvements to the criminal justice system and legislation related to the duties of the Sentencing Commission.

(g) Providing advice and recommendations to the Executive Director on any other matter.

~~[11.]~~ ***5.*** For each regular session of the Legislature, with the assistance of the Department, prepare a comprehensive report including the Sentencing Commission's:

(a) Recommended changes pertaining to sentencing;

(b) Findings;

(c) Recommendations for proposed legislation;

(d) Identification of outcomes resulting from the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 176.01343;

(e) Identification of trends observed after the enactment of chapter 633, Statutes of Nevada 2019, that were tracked and assessed as required pursuant to paragraph (d) of subsection 1 of NRS 176.01343;

(f) Identification of gaps in the State's data tracking capabilities related to the criminal justice system and recommendations for filling any such gaps as required pursuant to paragraph (e) of subsection 1 of NRS 176.01343;

(g) Recommendations for improvements, changes and budgetary adjustments; and

(h) Additional recommendations for future legislation and policy options to enhance public safety and control corrections costs.

~~[12.]~~ ***6.*** Submit the report prepared pursuant to subsection ~~[11]~~ ***5*** not later than January 15 of each odd-numbered year to:

(a) The Office of the Governor;

(b) The Director of the Legislative Counsel Bureau for distribution to the Legislature; and

(c) The Chief Justice of the Nevada Supreme Court.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. 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 1.7 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. 5. 1. This section becomes effective on passage and approval.

2. Sections 1 to 4.5, inclusive, of this act become effective:

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

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

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 107.

Bill read second time and ordered to third reading.

Senate Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 900.

SUMMARY—Revises provisions relating to crimes. (BDR ~~[15-133)]~~ **16-133)**

AN ACT relating to crimes; ~~[revising provisions governing crimes relating to facilitating sex trafficking;]~~ requiring the preparation and submission of a comprehensive biennial report concerning human trafficking in this State; revising certain requirements for compensation from the Fund for the Compensation of Victims of Crime; revising provisions governing the Contingency Account for Victims of Human Trafficking; **renaming the Account;** making an appropriation; ~~[providing penalties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that a person commits the crime of facilitating sex trafficking if the person: (1) facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of inducing that person to engage in unlawful sexual conduct or prostitution or, if that person is a child, certain acts relating to pornography involving minors; (2) sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of engaging in sexual conduct with a victim of sex trafficking, soliciting a child who is a victim of sex trafficking or engaging in certain acts relating to pornography involving minors; or (3) travels to or within this State by any means with the intent of engaging in sexual conduct with a victim of sex trafficking with the knowledge that the victim has been induced to engage in sexual conduct or prostitution or engaging in certain acts relating to pornography involving minors. A person who commits the crime of facilitating sex trafficking is guilty of a category B felony and is subject to certain minimum and maximum terms of imprisonment depending on whether the victim is an adult or child. (NRS 201.301)~~

~~Sections 1-3 of this bill provide that a person who commits the crime of facilitating sex trafficking is subject to the same penalties that apply under~~

~~existing law for committing the crime against a child if the person commits the crime against a peace officer who is posing as a child or a person who is assisting in an investigation on behalf of a peace officer by posing as a child. Sections 3.5 and 7 of this bill make conforming changes to provisions of existing law that contain references to the crime of facilitating sex trafficking of a child to reflect the changes made in sections 1-3.]~~

Existing law requires the payment of compensation from the Fund for the Compensation of Victims of Crime to certain victims of criminal acts and requires an application for such compensation from the Fund to be filed not later than 24 months after the injury or death for which compensation is claimed. (NRS 217.100, 217.180, 217.260) **Section 5** of this bill creates an exception to this time limit by authorizing a person who is a victim of sex trafficking or facilitating sex trafficking to file an application for compensation from the Fund not later than 60 months after the injury or death for which compensation is claimed.

Existing law creates the Contingency Account for Victims of Human Trafficking in the State General Fund and requires the Director of the Department of Health and Human Services to administer the Contingency Account. (NRS 217.530) Existing law requires a recipient of an allocation of money from the Contingency Account to use the money only for establishing or providing programs or services to victims of human trafficking. (NRS 217.540) **Section 6.2 of this bill renames the Contingency Account for Victims of Human Trafficking as the Account for Victims of Human Trafficking.** **Section 6.5** of this bill specifies that a recipient of an allocation of money from the ~~[Contingency]~~ Account may use the money for establishing pilot programs for alternatives to law enforcement response to victims of human trafficking. **Section 7.5** of this bill makes an appropriation to the ~~[Contingency]~~ Account **.** ~~[for Victims of Human Trafficking created by NRS 217.530.]~~ **Sections 6.1, 6.2 and 8.5 of this bill make conforming changes relating to the renaming of the Account.**

Existing law establishes the Center for the Analysis of Crime Statistics within the Department of Criminal Justice at the University of Nevada, Las Vegas. (NRS 396.792) **Section 4** of this bill requires certain entities and agencies to submit certain information biennially to the Center and requires the Center to prepare and submit a comprehensive biennial report on human trafficking in this State. **Section 6** of this bill makes a conforming change to indicate the proper placement of **section 4** in the Nevada Revised Statutes.

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

Section 1. ~~[NRS 201.295 is hereby amended to read as follows:~~

~~"201.295 As used in NRS 201.295 to 201.440, inclusive, unless the context otherwise requires:~~

~~1. "Adult" means a person 18 years of age or older.~~

~~2. *"Adult posing as a child" means an adult who is:*~~

~~*(a) A peace officer who is posing as a child; or*~~

~~*(b) A person who is assisting in an investigation on behalf of a peace officer by posing as a child.*~~

~~*3.* "Child" means a person less than 18 years of age.~~

~~[3.]~~ ~~*4.* "Induce" means to persuade, encourage, inveigle or entice.~~

~~[4.]~~ ~~*5. "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.*~~

~~*6.* "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.~~

~~[5.]~~ ~~*7.* "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.~~

~~[6.]~~ ~~*8.* "Sexual conduct" means any of the acts enumerated in subsection [4.~~

~~7.]~~ ~~*6.*~~

~~*9.* "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.~~ **(Deleted by amendment.)**

Sec. 2. ~~[~~NRS 201.301 is hereby amended to read as follows:~~

201.301 1. A person is guilty of facilitating sex trafficking if the person:~~

~~(a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:~~

~~(1) Inducing the person to engage in prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;~~

~~(2) Inducing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or~~

~~(3) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720~~ **[;]** ~~***or, if the person is an adult posing as a child, using the person for any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child;***~~

~~(b) Sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:~~

~~(1) Engaging in sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;~~

~~(2) Soliciting a child~~ ~~***or an adult posing as a child***~~ ~~who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or~~

~~(3) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720~~ **[;]** ~~***or, if the person is an adult posing as a child, engaging***~~

~~*in any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child;* or~~

~~(c) Travels to or within this State by any means with the intent of engaging in:~~

~~(1) Sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300, with the knowledge that such a person has been induced to engage in such sexual conduct or prostitution; or~~

~~(2) Any act involving a child that is prohibited by NRS 200.710 or 200.720~~ **[**.**]** ~~*or, if the person is an adult posing as a child, any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child.*~~

~~2. A person who is found guilty of facilitating sex trafficking is guilty of a category B felony and:~~

~~(a)~~ **[**~~If~~**]** ~~*Except as otherwise provided in paragraph (b), if*~~ ~~the victim is~~ **[**~~18 years of age or older,~~**]** ~~*an adult,*~~ ~~shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.~~

~~(b) If the victim is~~ **[**~~less than 18 years of age,~~**]** ~~*a child or an adult posing as a child,*~~ ~~shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years.~~**]** **(Deleted by amendment.)**

Sec. 3. **[**~~NRS 201.352 is hereby amended to read as follows:~~

~~201.352 1. If a person is convicted of a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the victim of the violation is a child~~ ~~*or an adult posing as a child*~~ ~~when the offense is committed and physical force or violence or the immediate threat of physical force or violence is used upon the child~~ **[**~~,~~**]** ~~*or an adult posing as a child,*~~ ~~the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than $500,000.~~

~~2. If a person is convicted of a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the victim of the offense is a child~~ ~~*or an adult posing as a child*~~ ~~when the offense is committed and the offense also involves a conspiracy to commit a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395 and any fine imposed pursuant to subsection 1, impose a fine of not more than $500,000.~~

~~3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.~~**]** **(Deleted by amendment.)**

Sec. 3.5. **[**NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for a customer to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. Any person who violates subsection 1 by soliciting for prostitution:

(a) A child; ***or***

(b) **[**A peace officer who is posing as a child; or

(c) A person who is assisting in an investigation on behalf of a peace officer by**]** ***an adult*** posing as a child,

~ is guilty of soliciting a child for prostitution.

3. Except as otherwise provided in subsection 5, a person who violates this section:

(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than $400.

(b) For a second offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than $800.

(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than $1,300.

4. In addition to any other penalty imposed, the court shall order a person who violates subsection 1 to pay a civil penalty of not less than $200 per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:

(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.

(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.

5. A person who **[**violates this section**]** ***is guilty of soliciting a child for prostitution pursuant to subsection 2*** by soliciting ***for prostitution*** a child **[**for prostitution:**]** ***or an adult posing as a child:***

(a) For a first offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130, and by a fine of not more than $5,000.

(b) For a second offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and maximum term of not more than 6 years, and may be further punished by a fine of not more than $15,000. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

~~6. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury, as applicable, to be used for:~~

~~(a) The enforcement of this section; and~~

~~(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.~~

~~" Not less than 50 percent of the money deposited in the county or city treasury, as applicable, pursuant to this subsection must be used for the enforcement of this section.~~

~~7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.~~

~~8. Except as limited by subsection 9, if a person is discharged and the proceedings against the person are dismissed pursuant to subsection 7, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.~~

~~9. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.~~] **(Deleted by amendment.)**

Sec. 4. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before July 1 of each even-numbered year, each entity designated pursuant to subsection 3 shall, except as otherwise provided in subsection 2, submit to the Center for the Analysis of Crime Statistics established by NRS 396.792:

(a) The annual operating budget of the entity;

(b) A copy of any written policy adopted by the entity concerning:

(1) The ~~[identification of victims]~~ manner in which the entity determines whether a person is a victim of human trafficking;

(2) Referrals to resources for victims of human trafficking; and

(3) The detention or citation of victims of human trafficking;

(c) Information concerning the delivery of services for victims of human trafficking, which must include, without limitation:

(1) A description of the services that were provided by the entity during the immediately preceding biennium;

(2) A description of the efforts made by the entity during the immediately preceding biennium to locate victims in need of such services and provide such services to those victims;

(3) The number of victims served by the entity during the immediately preceding biennium; and

(4) The number of victims who were:

(I) Served by the entity during the immediately preceding biennium; and

(II) Arrested or issued a citation during the immediately preceding biennium for conduct related to human trafficking; ~~[and]~~

(d) The age, gender and race of each:

(1) Victim of human trafficking to whom the entity provided services during the immediately preceding biennium;

(2) Person alleged to have committed the crime of human trafficking against a victim described in subparagraph (1);

(e) The zip code of:

(1) The residence of each person described in paragraph (d);

(2) The location at which any arrest relating to a person described in paragraph (d) occurred; and

(f) Policy recommendations for decreasing human trafficking in this State.

2. The requirements prescribed by subsection 1 do not apply to any written policy, the disclosure of which would, in the determination of the adopting entity, compromise, jeopardize or otherwise threaten the safety or privacy of victims of human trafficking.

3. The following entities shall submit the information required by subsection 1 to the Center:

(a) The State of Nevada Human Trafficking Coalition;

(b) The Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children;

(c) The Nevada Policy Council on Human Trafficking, or its successor organization;

(d) Each local human trafficking task force;

(e) Each recipient of an allocation of money from the ~~[Contingency]~~ Account; and

(f) Any other entity designated by the Chair of the Joint Interim Standing Committee on the Judiciary on or before January 1 of an even-numbered year.

4. On or before July 1 of each even-numbered year, each law enforcement agency in this State shall submit to the Center the number of arrests made or citations issued by the agency for a violation of NRS 201.353 or 201.354 or conduct related to human trafficking during the immediately preceding biennium and the disposition of those cases.

5. On or before July 1 of each odd-numbered year, the Center shall:

(a) Compile the information submitted pursuant to subsections 1 and 4 and prepare a comprehensive report concerning human trafficking in this State; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Judiciary.

6. As used in this section:

(a) ~~["Contingency Account"]~~ "Account" means the ~~[Contingency]~~ Account for Victims of Human Trafficking created by NRS 217.530.

(b) "Local human trafficking task force" includes, without limitation:

(1) The Northern Nevada Human Trafficking Task Force, or its successor organization; and

(2) The Southern Nevada Human Trafficking Task Force, or its successor organization.

(c) "Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children" means the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children established by the Governor pursuant to Executive Order 2016-14, issued on May 31, 2016.

(d) "State of Nevada Human Trafficking Coalition" means the State of Nevada Human Trafficking Coalition formed pursuant to NRS 217.098.

Sec. 5. NRS 217.100 is hereby amended to read as follows:

217.100 1. Except as otherwise provided in subsection 5, any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, may apply to the Director for such compensation not later than 24 months after the injury or death for which compensation is claimed ~~[.]~~ ***or, for a person who is a victim of sex trafficking or facilitating sex trafficking, not later than 60 months after the injury or death for which compensation is***

claimed, unless waived by the Director or a person designated by the Director for good cause shown, and the personal injury or death was the result of an incident or offense that was reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within 5 days of the time when a report could reasonably have been made.

2. An order for the payment of compensation must not be made unless the application is made within the time set forth in subsection 1.

3. Where the person entitled to make application is:

(a) A minor, the application may be made on his or her behalf by a parent or guardian.

(b) Mentally incapacitated, the application may be made on his or her behalf by a parent, guardian or other person authorized to administer his or her estate.

4. The applicant must submit with his or her application the reports, if reasonably available, from all physicians who, at the time of or subsequent to the victim's injury or death, treated or examined the victim in relation to the injury for which compensation is claimed.

5. The limitations upon payment of compensation established in subsection 1 do not apply to a minor who is sexually abused or who is involved in the production of pornography. Such a minor must apply for compensation before reaching 21 years of age.

6. As used in this section:

(a) "Facilitating sex trafficking" means a violation of NRS 201.301.

(b) "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

Sec. 6. NRS 217.500 is hereby amended to read as follows:

217.500 As used in NRS 217.500 to 217.540, inclusive, ***and section 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 217.510 and 217.520 have the meanings ascribed to them in those sections.

Sec. 6.1. **NRS 217.510 is hereby amended to read as follows:**

217.510 ~~["Contingency Account"]~~ ***"Account"*** means the ~~[Contingency]~~ Account for Victims of Human Trafficking created by NRS 217.530.

Sec. 6.2. **NRS 217.530 is hereby amended to read as follows:**

217.530 1. The ~~[Contingency]~~ Account for Victims of Human Trafficking is hereby created in the State General Fund.

2. The Director of the Department of Health and Human Services shall administer the ~~[Contingency]~~ Account. The money in the ~~[Contingency]~~ Account:

(a) Must be expended only for the purposes of:

(1) Establishing or providing programs or services to victims of human trafficking; and

(2) Fundraising for the direct benefit of the ~~[Contingency]~~ Account. The total amount of money expended pursuant to this subparagraph in any fiscal year must not exceed $10,000 or 10 percent of the amount of money in the ~~[Contingency]~~ Account at the beginning of that fiscal year, whichever is less.

(b) Is hereby authorized for expenditure as a continuing appropriation for these purposes.

3. The Director may apply for and accept gifts, grants and donations or other sources of money for deposit in the ~~[Contingency]~~ Account.

4. The interest and income earned on the money in the ~~[Contingency]~~ Account, after deducting any applicable charges, must be credited to the ~~[Contingency]~~ Account.

5. Any money remaining in the ~~[Contingency]~~ Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the ~~[Contingency]~~ Account must be carried forward to the next fiscal year.

Sec. 6.5. NRS 217.540 is hereby amended to read as follows:

217.540 1. A nonprofit organization or any agency or political subdivision of this State may apply to the Director of the Department of Health and Human Services for an allocation of money from the ~~[Contingency]~~ Account.

2. ~~[Except as otherwise provided in this subsection, the]~~ ***The*** Grants Management Advisory Committee created by NRS 232.383 shall review applications received by the Director pursuant to subsection 1 and make recommendations to the Director concerning allocations of money from the ~~[Contingency]~~ Account to applicants. ~~[If the Director, in his or her discretion, determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately, the Director may make an allocation of money from the Contingency Account pursuant to this section without the review of the application or the making of recommendations by the Grants Management Advisory Committee.]~~

3. The Director may make allocations of money from the ~~[Contingency]~~ Account to applicants and may place such conditions on the acceptance of such an allocation as the Director determines are necessary, including, without limitation, requiring the recipient of an allocation to submit periodic reports concerning the recipient's use of the allocation.

4. The recipient of an allocation of money from the ~~[Contingency]~~ Account may use the money only for the purposes of establishing or providing programs or services to victims of human trafficking ~~[.]~~ ***, including, without limitation, establishing pilot programs for alternatives to law enforcement response to victims of human trafficking.***

Sec. 7. ~~[NRS 432C.150 is hereby amended to read as follows:~~

~~432C.150 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of federal money to this State.~~

~~2. Except as otherwise provided in this section, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:~~

~~(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe is a commercially sexually exploited child;~~

~~(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe is a commercially sexually exploited child and the person requires the information to determine whether to place the child in protective custody;~~

~~(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:~~

~~(1) The child; or~~

~~(2) The person responsible for the welfare of the child;~~

~~(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the commercial sexual exploitation of a child;~~

~~(e) A court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;~~

~~(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;~~

~~(g) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;~~

~~(h) Except as otherwise provided in subsection 4, a federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from commercial sexual exploitation;~~

~~(i) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;~~

~~(j) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the commercial sexual exploitation of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;~~

~~(k) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons; or~~

~~(l) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency.~~

~~3. Before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports that a child is a commercially sexually exploited child and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged commercial sexual exploitation of a child or the life or safety of any person.~~

~~4. An agency which provides child welfare services shall not provide information maintained by the agency which provides child welfare services to a juvenile court only to facilitate a determination by the court related to the adjudication of a child who is accused of:~~

~~(a) Sex trafficking a child in violation of NRS 201.300; or~~

~~(b) Facilitating sex trafficking of a child~~ ***or an adult posing as a child, as defined in NRS 201.295,*** ~~in violation of NRS 201.301.~~

~~5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.~~

~~6. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.~~

~~7. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.~~

~~8. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to a district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings against any person alleged to be the perpetrator of the commercial sexual exploitation of a child.~~

~~9. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.~~

~~10. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.~~

~~11. As used in this section, "parent" has the meaning ascribed to it in NRS 432B.080.]~~ **(Deleted by amendment.)**

Sec. 7.5. There is hereby appropriated from the State General Fund to the Contingency Account for Victims of Human Trafficking created by NRS 217.530 the sum of $1,000,000.

Sec. 8. 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. 8.5. **The Legislative Counsel shall:**

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 9. 1. This section and section 7.5 of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, ~~[and]~~ 8 **and 8.5** of this act become effective on July 1, 2023.

Assemblywoman Brittney Miller moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 425.

Bill read second time and ordered to third reading.

Senate Bill No. 445.

Bill read second time and ordered to third reading.

Senate Bill No. 448.

Bill read second time and ordered to third reading.

Senate Bill No. 449.

Bill read second time and ordered to third reading.

Senate Bill No. 453.

Bill read second time and ordered to third reading.

Senate Bill No. 455.

Bill read second time and ordered to third reading.

Senate Bill No. 456.

Bill read second time and ordered to third reading.

Senate Bill No. 457.
Bill read second time and ordered to third reading.

Senate Bill No. 458.
Bill read second time and ordered to third reading.

Senate Bill No. 459.
Bill read second time and ordered to third reading.

Senate Bill No. 460.
Bill read second time and ordered to third reading.

Senate Bill No. 461.
Bill read second time and ordered to third reading.

Senate Bill No. 462.
Bill read second time and ordered to third reading.

Senate Bill No. 463.
Bill read second time and ordered to third reading.

Senate Bill No. 464.
Bill read second time and ordered to third reading.

Senate Bill No. 466.
Bill read second time and ordered to third reading.

Senate Bill No. 468.
Bill read second time and ordered to third reading.

Senate Bill No. 470.
Bill read second time and ordered to third reading.

Senate Bill No. 471.
Bill read second time and ordered to third reading.

Senate Bill No. 472.
Bill read second time and ordered to third reading.

Senate Bill No. 473.
Bill read second time and ordered to third reading.

Senate Bill No. 476.
Bill read second time and ordered to third reading.

Senate Bill No. 477.
Bill read second time and ordered to third reading.

Senate Bill No. 478.
Bill read second time and ordered to third reading.

Senate Bill No. 479.
Bill read second time and ordered to third reading.

Senate Bill No. 482.
Bill read second time and ordered to third reading.

Senate Bill No. 483.
Bill read second time and ordered to third reading.

Senate Bill No. 484.
Bill read second time and ordered to third reading.

Senate Bill No. 485.
Bill read second time and ordered to third reading.

Senate Bill No. 486.
Bill read second time and ordered to third reading.

Senate Bill No. 487.
Bill read second time and ordered to third reading.

Senate Bill No. 488.
Bill read second time and ordered to third reading.

Senate Bill No. 489.
Bill read second time and ordered to third reading.

Senate Bill No. 491.
Bill read second time and ordered to third reading.

Senate Bill No. 493.
Bill read second time and ordered to third reading.

Senate Bill No. 494.
Bill read second time and ordered to third reading.

Senate Bill No. 497.
Bill read second time and ordered to third reading.

Senate Bill No. 499.
Bill read second time and ordered to third reading.

Senate Bill No. 500.
Bill read second time and ordered to third reading.

Senate Bill No. 45.
Bill read second time and ordered to third reading.

Senate Bill No. 54.
Bill read second time and ordered to third reading.

Senate Bill No. 240.
Bill read second time and ordered to third reading.

Senate Bill No. 277.
Bill read second time and ordered to third reading.

Senate Bill No. 285.
Bill read second time and ordered to third reading.

Senate Bill No. 319.
Bill read second time and ordered to third reading.

Senate Bill No. 339.
Bill read second time and ordered to third reading.

Senate Bill No. 413.
Bill read second time and ordered to third reading.

Senate Bill No. 416.
Bill read second time and ordered to third reading.

Senate Bill No. 452.
Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 216, 327, 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MICHELLE GORELOW, *Chair*

SECOND READING AND AMENDMENT

Senate Bill No. 216.
Bill read second time and ordered to third reading.

Senate Bill No. 327.
Bill read second time and ordered to third reading.

Senate Bill No. 443.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 84.
Bill read third time.

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

Amendment No. 897.

SUMMARY— ~~[Revises requirements]~~ **Provides** for the issuance of ~~[certain]~~ **free** annual permits **to certain persons** for entering ~~[, camping and boating in]~~ state parks and recreational areas. (BDR 35-471)

AN ACT relating to state lands; requiring the **Administrator of the** Division of State Parks of the State Department of Conservation and Natural Resources to **establish a program to** issue, free of charge, an annual permit for entering ~~[, camping and boating in]~~ all state parks and recreational areas to ~~[members of certain Indian tribes under certain circumstances;]~~ **certain**

persons; making an appropriation to the Division to offset the loss of revenue from user fees resulting from such a program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the **Administrator of the** Division of State Parks of the State Department of Conservation and Natural Resources to **establish a program to** issue free of charge ~~[, other than an administrative fee,]~~ an annual permit to enter ~~[, camp and boat in]~~ all state parks and recreational areas in this State to any ~~[bona fide resident of this State who: (1) is 65 years of age or older; or (2) has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States.]~~ **pupil who is enrolled in the fifth grade at a school in this State.** (NRS 407.065) ~~[This]~~ **Section 1 of this** bill requires the ~~[Division]~~ **Administrator to establish a similar program** to issue free of charge an annual permit to enter ~~[, camp and boat in]~~ all state parks and recreational areas in this State to any **: (1)** member of an Indian tribe located in whole or in part in this State ~~[. This bill also provides that the Division is required to issue such an annual permit to a member of an Indian tribe without collecting an administrative fee.]~~ **; and (2) bona fide resident of this State who has been discharged, except a person who has been dishonorably discharged, from the Armed Forces of the United States.**

Section 1.3 of this bill makes a conforming change to provide that such a program is an exception to the requirement that the Administrator impose and collect a reasonable fee for entering state parks and recreation areas.

Section 1.7 of this bill makes an appropriation to the Division to offset the loss of revenue from user fees associated with implementing such a program.

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

Section 1. **Chapter 407 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Administrator shall establish a program for the issuance of an annual permit, free of charge, to enter each state park and recreation area in this State to:

1. Any member of an Indian tribe that is located in whole or in part in this State; and

2. Any bona fide resident of this State who has been discharged from the Armed Forces of the United States, except a person who has been dishonorably discharged.

~~[Section 1.]~~ ***Sec. 1.3.*** NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) Except as otherwise provided in this paragraph and NRS 407.066, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(c) May allow multiple use of state parks and real property controlled or administered by the Division for any lawful purpose, including, but not limited to, grazing, mining, development of natural resources, hunting and fishing, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(d) Except as otherwise provided in this section ~~,~~ ***and section 1 of this act,*** shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The Division shall issue an annual permit for entering, camping and boating in all state parks and recreational areas in this State : ~~*[without charge:]*~~

(1) ~~*[Except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit:*~~

~~*(I)]*~~ Upon application therefor and proof of residency and age, to any bona fide resident of the State of Nevada who is 65 years of age or older.

(2) ~~*[(II)]*~~ Upon application therefor and proof of residency and proof of status as described in subsection 5 of NRS 361.091, to a bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States.

➥ The permit must be issued without charge, except that the Division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of issuing the permit.

~~*[(2) Upon application therefor and proof of tribal membership, to a member of an Indian tribe that is located in whole or in part in this State.]*~~

(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature.

The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

(h) In addition to any concession specified in paragraph (f), may establish concessions within the boundaries of any state park to provide for the sale of food, drinks, ice, publications, sundries, gifts and souvenirs, and other such related items as the Administrator determines are appropriately made available to visitors. Any money received by the Administrator for a concession established pursuant to this paragraph must be deposited in the Account for State Park Interpretative and Educational Programs and Operation of Concessions created by NRS 407.0755.

(i) May organize the areas under the jurisdiction of the Division into regions.

2. The Administrator:

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 4, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 4, use the facilities of the state park or recreational area without paying the entrance fee.

3. The Administrator shall establish a program for the issuance of an annual permit, free of charge, to enter each state park and recreational area in this State to any pupil who is enrolled in the fifth grade at a school in this State. The program must:

(a) Specify the period for which the Administrator may issue an annual permit to a pupil pursuant to this subsection, including, without limitation, the date upon which the Administrator may issue an annual permit to a pupil who has completed fourth grade and who intends to enter the fifth grade after completing the fourth grade;

(b) Specify the circumstances under which a pupil and any person accompanying a pupil may use the annual permit to enter a state park or recreational area; and

(c) Include any other requirement which the Administrator determines is necessary to establish and carry out the program pursuant to this subsection.

4. An annual permit issued pursuant to subsection 2 or 3 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

5. During each Public Lands Day observed pursuant to NRS 236.053, and upon proof of residency in this State, the Division shall allow a resident of this State to enter, camp and boat in any state park or recreational area without the

payment of any fees for those activities. The free day of camping authorized pursuant to this subsection must include either the Friday night before Public Lands Day or overnight on the night of Public Lands Day, as determined by the Administrator for each state park and recreational area. A person is not entitled to receive more than one free night of camping during each Public Lands Day pursuant to this subsection.

6. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 1.7. **1. There is hereby appropriated from the State General Fund to the Division of State Parks of the State Department of Conservation and Natural Resources for offsetting the loss of revenue from user fees associated with implementing the provisions of section 1 of this act the following sums:**

For the Fiscal Year 2023-2024..... $214,545

For the Fiscal Year 2024-2025..... $241,909

2. Any balance of the sums appropriated by subsection 1 of this act 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, engrossed and to third reading.

Assembly Bill No. 119.

Bill read third time.

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

Amendment No. 874.

AN ACT relating to adult maltreatment; creating the Vulnerable Adult Fatality Review Committee; providing for the review of deaths resulting from or relating to adult maltreatment; requiring the Committee to develop certain reports and perform certain other duties relating to the investigation and prevention of adult maltreatment; ~~[requiring the Attorney General to develop a plan in response to certain reports developed by the Committee;]~~ providing access for the Committee to certain documents; **requiring the Unit for the**

Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General to compile certain reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a crime to abuse, neglect, isolate, abandon or exploit an older person or a vulnerable person. (NRS 200.5099) **Section 3** of this bill defines the term "adult maltreatment" to refer to such crimes. **Sections 4-7** of this bill define certain other terms. **Section 8** of this bill creates the Vulnerable Adult Fatality Review Committee within the Department of Health and Human Services and prescribes the membership of the Committee. **Section 8** also prescribes certain rules governing the operation of the Committee. **Section 8** immunizes the members, employees, agents and consultants of the Committee from civil liability for acts performed in good faith and within the scope of duties of the Committee. **Section 8** authorizes the Director of the Department to: (1) apply for and accept gifts, grants and donations to support the activities of the Committee; and (2) adopt regulations governing the activities of the Committee.

Section 9 of this bill requires the Committee to review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by certain governmental entities or relatives of the decedent. **Section 9** additionally authorizes the Committee to review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment. **Section 10** of this bill prescribes other duties of the Committee relating to the investigation and prevention of adult maltreatment. **Section 10** requires the Committee to: (1) biennially publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State; and (2) annually submit to the ~~[Attorney General and the]~~ Legislature a separate report containing certain information and recommendations about adult maltreatment. **Section 10** requires a representative of the Committee or the Aging and Disability Services Division of the Department to biennially present such information and recommendations at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs. ~~[Section 10 also requires the Attorney General to annually publish and present at a public meeting a plan to address the information and recommendations contained in that report.]~~ **Section 11** of this bill authorizes the Committee to take certain measures necessary to perform its duties, including consulting with experts and other interested persons and entering into contracts. **Section 12** of this bill entitles the Committee to access certain records it determines necessary to perform its duties and authorizes the Committee to petition the district court for a subpoena to compel the production of such records. **Section 12** also provides that information acquired by and records of the Committee are confidential and not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. **Sections 12 and 14** of this bill

provide that such records are not public records. **Sections 12 and 15** of this bill provide that meetings of the Committee are closed to the public.

Existing law creates in the Office of the Attorney General the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons. (NRS 228.265) Existing law authorizes the Unit to investigate and prosecute deaths resulting from adult maltreatment. (NRS 228.270) **Section 10** requires the Committee to refer a case of suspected adult maltreatment to the Unit for investigation and prosecution where appropriate. **Section 12** authorizes the Committee to meet and share information with the Unit and certain entities that investigate domestic violence. **Section 13** of this bill requires the Unit to compile a report of the outcome of and findings regarding each case referred by the Committee to the Unit.

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, 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. ***"Adult maltreatment" means the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person in violation of NRS 200.5099.***

Sec. 4. ***"Committee" means the Vulnerable Adult Fatality Review Committee established by section 8 of this act.***

Sec. 5. ***"Facility or service provider" means:***

1. Any facility or other entity licensed or certified pursuant to chapter 435 or 449 of NRS.

2. A provider of emergency medical services.

3. A facility for long-term rehabilitation.

4. Any unlicensed establishment that provides food, shelter, assistance and limited supervision to an older person or a vulnerable person.

Sec. 6. ***"Older person" has the meaning ascribed to it in NRS 228.255.***

Sec. 7. ***"Vulnerable person" has the meaning ascribed to it in NRS 228.262.***

Sec. 8. ***1. The Vulnerable Adult Fatality Review Committee is hereby established within the Department.***

2. The Director shall appoint to the Committee:

(a) One member who is a licensed social worker who is actively providing services to clients in this State who are vulnerable persons;

(b) One member who is an attorney and is:

(1) Licensed to practice law in this State; and

(2) Employed by the Office of the Attorney General; and

(c) At least ~~[5]~~ 4 but not more than ~~[11]~~ 10 members who:

(1) Are providers of health care, representatives of nonprofit organizations whose work is related to adult maltreatment, issues of older persons or issues of vulnerable persons, representatives of agencies involved in vital statistics and law enforcement and other persons interested in adult maltreatment or the welfare of older persons and vulnerable persons; and

(2) Represent the racial, ethnic, linguistic and geographic diversity of this State.

3. The members of the Committee serve:

(a) At the pleasure of the Director; and

(b) Without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

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

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

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

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

6. At the first meeting of the Committee and annually thereafter:

(a) The Director shall appoint a Chair of the Committee;

(b) The Committee shall elect a Secretary from among its members; and

(c) The Committee shall adopt rules for its own management and government.

7. The Committee shall meet at least twice each year and may meet at such further times as determined necessary by the Chair.

8. A member of the Committee or an employee, agent or consultant of the Committee is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Committee. For the purposes of this subsection, any act which violates a provision of law concerning the privacy of information shall be deemed to be outside the scope of the duties of the Committee.

9. The Director may:

(a) Apply for and accept gifts, grants or donations from any source for the purpose of carrying out the provisions of sections 2 to 12, inclusive, of this act; and

(b) Adopt any regulations necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

Sec. 9. *1. The Committee:*

(a) Shall review each death in this State that is known or suspected to have been caused by or be related to adult maltreatment and is referred to the Committee by the Division, a law enforcement agency or an adult related to the decedent within the third degree of consanguinity; and

(b) May, within the limits of available resources, review any other death that the Committee reasonably believes may have been caused by or related to adult maltreatment.

2. A review pursuant to subsection 1 must include, without limitation, and to the extent that such records exist, a review of relevant medical records, death certificates, records of an autopsy, records created by a facility or provider, records of the Division, records of a social services agency, mental health records and records of a law enforcement agency described in section 12 of this act.

Sec. 10. *1. In addition to conducting reviews pursuant to section 9 of this act, the Committee shall:*

(a) Within the limits of available resources:

(1) Cross-reference databases maintained by the Division with databases maintained by coroners and medical examiners in this State to identify deaths that may have been caused by or related to adult maltreatment and review such deaths in accordance with section 9 of this act.

(2) Review incidents and trends in adult maltreatment in this State.

(3) Identify and review disparities in the incidence of adult maltreatment in this State by analyzing:

(I) The race, ethnicity and age of persons who experience adult maltreatment;

(II) The geographic region of the residence of persons who experience adult maltreatment; and

(III) Any other variables identified by the Committee.

(b) Refer a case of suspected adult maltreatment to the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265 for further investigation and prosecution where appropriate.

(c) Based on the reviews conducted pursuant to paragraph (a) and section 9 of this act, develop findings and recommendations to prevent adult maltreatment and address the needs of victims of adult maltreatment.

(d) Disseminate the findings and recommendations developed pursuant to paragraph (c) to the Division, providers of health care, agencies and organizations that provide social services, facilities or service providers, law enforcement agencies, organizations that provide services to victims of adult maltreatment, other interested persons and entities and the public.

(e) On or before December 31 of each even-numbered year, compile and publish on an Internet website maintained by the Department a report that consists of data concerning adult maltreatment in this State during the immediately preceding 24 months. Such data must be aggregated and

presented in a manner that does not allow for the identification of any person.

(f) On or before December 31 of each year:

(1) Develop, in collaboration with the Division, a report that includes, without limitation:

(I) A description of the deaths resulting from adult maltreatment and other incidents of adult maltreatment reviewed pursuant to paragraph (a) of subsection 1 and section 9 of this act, respectively, during the immediately preceding 12 months, provided in a manner that does not allow for the identification of any person;

(II) A summary of the disparities identified and reviewed pursuant to subparagraph (3) of paragraph (a) of subsection 1;

(III) Plans for corrective action to reduce adult maltreatment in this State; and

(IV) Recommendations for any legislation or other changes to policy to reduce adult maltreatment or otherwise improve the well-being of older persons and vulnerable persons in this State; and

(2) Submit the report developed pursuant to subparagraph (1) to [~~the Office of the Attorney General and~~] the Director of the Legislative Counsel Bureau for transmittal to:

(I) For a report submitted on or before December 31 of an odd-numbered year, the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750; and

(II) For a report submitted on or before December 31 of an even-numbered year, the next regular session of the Legislature.

2. The Committee may, within the limits of available resources:

(a) Conduct any other research into issues relating to adult maltreatment or the well-being of older persons and vulnerable persons in this State;

(b) Promote changes in policy in the public and private sectors to reduce adult maltreatment or address the effects of adult maltreatment;

(c) Take measures to improve the services provided to victims of adult maltreatment, including, without limitation, identifying gaps in services provided to victims of adult maltreatment and reducing barriers to service for victims of adult maltreatment; and

(d) Engage in activities to increase public awareness regarding adult maltreatment.

3. On or before August 1 of each odd-numbered year, a representative of the Committee or the Division shall present the findings, plans for corrective action and recommendations for changes to policy contained in the reports developed pursuant to paragraph (f) of subsection 1 for the immediately preceding 2 years at a meeting of the Legislative Committee on Senior Citizens, Veterans and Adults With Special Needs created by NRS 218E.750.

~~*[4. Not later than 90 days after receiving a report pursuant to subparagraph (2) of paragraph (f) of subsection 1, the Office of the Attorney General shall:*~~

~~*(a) Develop a plan to address the findings, plans for corrective action and recommendations for changes to policy contained in the report;*~~

~~*(b) Present the plan at a public hearing; and*~~

~~*(c) Post the plan on the Internet website of the Attorney General.]*~~

Sec. 11. *The Committee may take any action necessary to carry out its duties, including, without limitation:*

1. Consulting with experts and other interested persons to ensure the data collected is of the highest quality;

2. Entering into a contract or other agreement with any person or entity, including, without limitation, a college or university, to:

(a) Assist the Committee with its organization and meetings;

(b) Collect, analyze and disseminate information; or

(c) Assist in carrying out any other duty of the Committee;

3. Establishing subcommittees consisting of members of the Committee; and

4. Employing such persons as it deems necessary to carry out its duties.

Sec. 12. *1. The Committee is entitled to access to:*

(a) All final investigative information of law enforcement agencies regarding a death that may have been caused by or related to adult maltreatment or other incident of adult maltreatment being investigated by the Committee for which the investigation by the law enforcement agency has been closed;

(b) Any autopsy and coroner's investigative records relating to a death of an older person or a vulnerable person that may have been caused by or related to adult maltreatment;

(c) Any medical or mental health records of a decedent or other victim of adult maltreatment;

(d) Any records of the Division or any other agency which has provided services to a decedent or other victim of adult maltreatment; and

(e) Any other records determined by the Committee to be necessary to perform its duties, except for records of a law enforcement agency not described in paragraph (a).

2. The Committee may, if appropriate, meet and share information with:

(a) A multidisciplinary team to review the death of the victim of a crime that constitutes domestic violence organized or sponsored pursuant to NRS 217.475;

(b) The Committee on Domestic Violence appointed pursuant to NRS 228.470; or

(c) The Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created by NRS 228.265.

3. The Committee may petition the district court for the issuance of, and the district court may issue, a subpoena to compel the production of any books, records or papers described in subsection 1 that are relevant to the cause of any death or incident of adult maltreatment being investigated by the Committee. Except as otherwise provided in NRS 239.0115, any books, records or papers received by the Committee pursuant to a subpoena issued pursuant to this subsection shall be deemed confidential and privileged and not subject to disclosure.

4. The Committee may use data collected concerning a death that is known or suspected to have been caused by or be related to adult maltreatment for the purpose of research or to prevent future adult maltreatment if the data is aggregated and does not allow for the identification of any person.

5. Except as otherwise provided in this section, information acquired by, and the records of, the Committee are confidential, are not public records, must not be disclosed and are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. The disclosure of information or records to the Committee does not make such information or records confidential with respect to the person or entity that disclosed the records if the information or records are not otherwise confidential.

6. The meetings of the Committee are closed to the public.

Sec. 13. NRS 228.270 is hereby amended to read as follows:

228.270 1. The Unit may investigate and prosecute any alleged abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person in violation of NRS 200.5099 or 200.50995 and any failure to report such a violation pursuant to NRS 200.5093:

(a) At the request of the district attorney of the county in which the violation occurred;

(b) If the district attorney of the county in which the violation occurred fails, neglects or refuses to prosecute the violation; or

(c) Jointly with the district attorney of the county in which the violation occurred.

2. The Unit may organize or sponsor one or more multidisciplinary teams to review any allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be from abuse, neglect, isolation or abandonment. A multidisciplinary team may include, without limitation, the following members:

(a) A representative of the Unit;

(b) Any law enforcement agency that is involved with the case under review;

(c) The district attorney's office in the county where the case is under review;

(d) The Aging and Disability Services Division of the Department of Health and Human Services or the county's office of protective services, if one exists in the county where the case is under review;

(e) A representative of the coroner's office; and

(f) Any other medical professional or financial professional that the Attorney General deems appropriate for the review.

3. Each organization represented on a multidisciplinary team may share with other members of the team information in its possession concerning the older person or vulnerable person who is the subject of the review or any person who was in contact with the older person or vulnerable person and any other information deemed by the organization to be pertinent to the review. Any information shared by an organization with other members of a team is confidential.

4. The organizing or sponsoring of a multidisciplinary team pursuant to subsection 2 does not grant the Unit supervisory authority over, or restrict or impair the statutory authority of, any state or local agency responsible for the investigation or prosecution of allegations of abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person or the death of an older person or vulnerable person that is alleged to be the result of abuse, neglect, isolation or abandonment.

5. On or before February 1 of each year, the Unit shall:

(a) Compile a report of the outcome of and findings regarding each case referred to the Unit by the Vulnerable Adult Fatality Review Committee pursuant to section 10 of this act; and

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

(1) In odd-numbered years, the next regular session of the Legislature; and

(2) In even-numbered years, the Joint Interim Standing Committee on the Judiciary.

Sec. 14. 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 12 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. 15. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, ***and section 12 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 16. Notwithstanding the provisions of paragraphs (e) and (f) of subsection 1 of section 10 of this act, the first reports required by those

paragraphs must be published on an Internet website maintained by the Department of Health and Human Services or submitted to ~~[the Attorney General and]~~ the Director of the Legislative Counsel Bureau ~~[, as applicable,]~~ on or before December 31, 2026.

Sec. 16.5. **The amendatory provisions of this act apply only to a contract entered into between the Department of Health and Human Services and a district attorney on or after July 1, 2023.**

Sec. 17. 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. 18. 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. 125.

Bill read third time.

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

Amendment No. 898.

~~[ASSEMBLYWOMAN]~~ **ASSEMBLYMEN** BACKUS ; **GORELOW AND HAFEN**

JOINT SPONSORS: SENATORS BUCK AND KRASNER

AN ACT relating to public safety; requiring the tribal liaison for the Department of Public Safety to maintain ongoing communication relating to missing or murdered indigenous persons between the Department and certain entities; authorizing ~~[a law enforcement agency]~~ **the Department** to accept a report relating to certain persons missing from an Indian reservation or Indian colony located in whole or in part in this State; requiring ~~[the Peace Officers' Standards and Training Commission]~~ **certain law enforcement agencies** to ~~[adopt certain regulations for the training of peace officers]~~ **notify certain persons or agencies after receiving a report** related to **a** missing indigenous ~~[persons;]~~ **person; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

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

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

Section 3.5 of this bill requires each sheriff, chief of police or other law enforcement agency that receives a report that an indigenous person who is 18 years of age or older is missing from an Indian reservation or Indian colony that is located in whole or in part in this State to notify: (1) the Missing and Murdered Unit within the Office of Justice Services of the Bureau of Indian Affairs; (2) a person employed as a police officer by the Indian tribe having jurisdiction over the Indian reservation or Indian colony from which the person is missing; or (3) the tribal liaison for the Department.

Section 4.5 of this bill makes an appropriation to the Investigation Division of the Department for personnel, travel, operating, equipment and information services expenses 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 480 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 ~~[and]~~ **,** 3 **and 3.5** of this act.

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

1. Indian tribes and tribal communities in this State;

2. Tribal organizations;

3. Urban Indian organizations;

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

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

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

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

(a) Has a physical or mental disability;

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

(c) Is missing under:

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

(2) Any other suspicious circumstance; and

2. Enter the information concerning the missing person into [the computer for] the National Crime Information Center pursuant to NRS 480.500.

Sec. 3.5. If a person reports to a sheriff, chief of police or other law enforcement agency that an indigenous person who is 18 years of age or older is missing from an Indian reservation or Indian colony that is located in whole or in part in this State, the sheriff, chief of police or other law enforcement agency, as applicable, shall notify:

1. The Missing and Murdered Unit within the Office of Justice Services of the Bureau of Indian Affairs;

2. A person employed as a police officer by the Indian tribe having jurisdiction over the Indian reservation or Indian colony from which the person is missing; or

3. The tribal liaison designated by the Department pursuant to NRS 233A.260.

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

~~289.510 1. The Commission:~~

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

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

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

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

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

~~(3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance,~~

~~which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:~~

~~(I) Racial profiling;~~

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

~~(III) The well-being of officers;~~

~~(IV) Implicit bias recognition;~~

~~(V) De-escalation;~~

~~(VI) HIuman trafficking; and~~

~~(VII) Firearms.~~

~~(4) Qualifications for instructors of peace officers;~~

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

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

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

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

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

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

~~(h) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.~~

~~(i) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.~~

~~2. Regulations adopted by the Commission:~~

~~(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers;~~

~~(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;~~

~~(c)~~ ***~~Must require that all peace officers receive training in the taking of reports and handling of cases relating to missing indigenous women and other indigenous persons.~~***

~~*(d)* Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; and~~

~~[(d)] *(e)* May require that training be carried on at institutions which it approves in those regulations.]~~ **(Deleted by amendment.)**

Sec. 4.5. **1. There is hereby appropriated from the State General Fund to the Investigation Division of the Department of Public Safety for personnel, travel, operation, equipment and information services expenses to carry out the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $104,945

For the Fiscal Year 2024-2025..... $113,148

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2024, and September 19, 2025, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2024, and September 19, 2025, respectively.

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

~~2. Sections 1, 2 and 3 of this]~~ act ~~[become]~~ **becomes** effective on July 1, 2023.

~~[3. Section 4 of this act becomes effective:~~

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

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

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 138.

Bill read third time.

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

Amendment No. 894.

AN ACT relating to Medicaid; requiring the State Plan for Medicaid to include coverage for certain behavioral health integration services; **making an appropriation and authorizing certain expenditures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to develop and administer a State Plan for Medicaid which includes a list of specific medical services required to be provided to Medicaid recipients. (NRS 422.063, 422.270; 42 U.S.C. § 1396a) **Section 1** of this bill requires such covered medical services to include behavioral health services that are delivered through evidence-based, behavioral health integration models. **Section 2** of this bill makes a conforming change to indicate that the provisions of **section 1** will be administered in the same manner as the provisions of existing law governing the State Plan for Medicaid. **Section 3 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department and authorizes certain related expenditures to carry out the provisions of section 1.**

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for behavioral health services, including, without limitation, mental health services and services for the treatment of a substance use disorder, that are delivered through evidence-based, behavioral health integration models, including, without limitation, collaborative care management services.

2. As used in this section:

(a) "Behavioral health integration model" means a model of delivering behavioral health services that integrates such services with primary care. The term includes, without limitation, the delivery of behavioral health services using collaborative care management services.

(b) "Collaborative care management services" means a combination of services and structured care management with regular assessments directed and provided by a team of providers of primary care and providers of behavioral health care.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

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

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

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

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

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

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

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

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

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

Sec. 3. **1. 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 system modifications and**

to pay the nonfederal share of expenditures incurred for the services described in section 1 of this act the following sums:

For the Fiscal Year 2023-2024..... $4,760

For the Fiscal Year 2024-2025..... $207,313

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 $14,280 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 $428,275 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. 3.]~~ ***Sec. 4.*** 1. This section becomes effective upon passage and approval.

2. **Section 3 of this act becomes effective on July 1, 2023.**

3. Sections 1 and 2 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]~~ **July** 1, 2024, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 224.

Bill read third time.

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

Amendment No. 864.

AN ACT relating to collective bargaining; authorizing collective bargaining for certain state employees; providing for the recognition of professional organizations; providing for the establishment of bargaining units and the

designation of exclusive representatives; establishing certain rights for professional organizations and professional employees; establishing procedures for collective bargaining and for making collective bargaining agreements; authorizing the Government Employee-Management Relations Board to collect certain fees; prohibiting certain practices relating to collective bargaining; authorizing a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General for certain purposes; authorizing the Board of Regents of the University of Nevada to conduct collective bargaining negotiations and enter into collective bargaining agreements with certain employees; providing a civil penalty; **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes collective bargaining between: (1) local government employers and local government employees; and (2) the State and certain state employees. (Chapter 288 of NRS) This bill authorizes collective bargaining between state professional employers and professional employees. **Section 5** of this bill defines "state professional employer" to mean a board, commission or similar body within the Executive Department of the State Government, including, without limitation, the Board of Regents of the University of Nevada, that employs 400 or more professional employees. **Section 13** of this bill defines "professional employee" to mean a person who, with various exceptions, is employed by a state professional employer and who is: (1) in the unclassified service of the State; or (2) paid in accordance with any arrangement other than the pay plan for the classified service of the State.

Sections 2, 57 and 59 of this bill expand the powers and duties of the Government Employee-Management Relations Board to include hearing and deciding disputes between state professional employers and professional employees.

Section 17 of this bill sets forth certain legislative findings and declarations. **Section 18** of this bill authorizes professional employees to organize, form, join and assist professional organizations and engage in collective bargaining activity or refrain from engaging in such activity. **Sections 1 and 22** of this bill authorize an officer of a state professional employer to, upon written authorization by a professional employee, withhold money from the salary or wages of the employee to pay dues or fees to a professional organization.

Section 19 of this bill provides for the recognition of a professional organization by a state professional employer. **Sections 19 and 58** of this bill set forth the conditions under which a state professional employer is authorized to withdraw such recognition. **Section 23** of this bill: (1) authorizes a recognized professional organization to, with certain limitations, represent a professional employee with respect to any condition of the employment of the employee; and (2) provides that only an exclusive representative may engage in collective bargaining on behalf of the professional employees of the applicable bargaining unit.

Section 24 of this bill authorizes, with certain conditions, a professional employee to act for himself or herself with respect to conditions of his or her employment. **Section 20** of this bill establishes certain rights of professional organizations. ~~[Section 21 of this bill requires, upon request by an exclusive representative, a state professional employer to furnish to the representative certain personal contact information relating to each professional employee represented by the representative.]~~ **Section 25** of this bill requires a professional employee who could be subject to certain adverse employment actions to be ~~[provided with certain notice and]~~ afforded ~~[certain rights.]~~ **the right to be represented unless the professional employee waives, in writing, that right.**

Section 26 of this bill provides for the creation and organization of bargaining units. **Sections 27-31** of this bill set forth procedures for a professional organization to be designated by the Board, either with or without an election, as an exclusive representative of a bargaining unit. **Sections 29 and 62** of this bill: (1) require the Board to verify each showing of interest filed by a professional organization against the employment records of the state professional employer; and (2) provide that a showing of interest by a professional employee or a petition requesting an election relating to exclusive representation submitted to the Board is confidential and not a public record.

Section 32 of this bill requires each state professional employer that has recognized one or more professional organizations and each professional organization to file certain reports with the Board annually.

Section 33 of this bill sets forth certain subjects that constitute the scope of mandatory bargaining. **Section 34** of this bill requires negotiations between an exclusive representative and a state professional employer to commence not later than 60 calendar days after one party gives notice to the other party. **Section 35** of this bill sets forth certain duties of an exclusive representative. **Section 36** of this bill requires a state professional employer to designate a representative to engage in collective bargaining with an exclusive representative. **Section 36** further requires a state professional employer to comply with reasonable requests to furnish certain data to the exclusive representative. **Section 39** of this bill authorizes a professional organization to be represented by a licensed attorney in negotiations with a state professional employer.

Sections 37, 38, 41 and 42 of this bill set forth various requirements and limitations relating to the provisions of a collective bargaining agreement. **Section 64** of this bill provides that in the event of a conflict between certain policies and procedures for personnel adopted by the Board of Regents of the University of Nevada and the provisions of a collective bargaining agreement, the provisions of the collective bargaining agreement prevail.

Section 40 of this bill requires any new or modified collective bargaining agreement between a state professional employer and an exclusive representative to be: (1) submitted to the members of the professional organization for a ratification vote; and (2) approved at a public hearing by,

depending on the state professional employer, either the State Board of Examiners or the Board of Regents. **Sections 46 and 63** of this bill provide that certain meetings convened for the purpose of collective bargaining and resolving disputes relating to collective bargaining are exempt from the provisions of existing law requiring open and public meetings of public bodies.

Sections 43-45 of this bill provide for the mediation and arbitration of disputes between state professional employers and exclusive representatives.

Section 47 of this bill prohibits certain practices in the context of collective bargaining. **Section 48** of this bill sets forth procedures to establish that a party has committed such a prohibited practice.

Section 49 of this bill establishes certain provisions relating to actions brought by or against state professional employers or professional organizations.

Existing law requires the Government Employee-Management Relations Board to annually assess a fee on local government employers and the Executive Department for the support of the Board based on the number of employees employed by the local government employer or the Executive Department in the first pay period of the immediately preceding year. (NRS 288.139, 288.475) **Section 50** of this bill requires the Board to assess a similar fee on each state professional employer based on the number of professional employees in a bargaining unit that had an exclusive representative in the first pay period of the immediately preceding year.

Sections 51 and 52 of this bill authorize: (1) a state professional employer to use the services of the Division of Human Resource Management of the Department of Administration and the Attorney General to provide support to the state professional employer to carry out the provisions of **sections 6-52** of this bill; and (2) the Division of Human Resource Management and the Attorney General to charge the state professional employer for any such services provided.

Section 61 of this bill authorizes the Governor to request the drafting of as many legislative measures as are necessary to carry out the provisions of **sections 6-52**. **Sections 56 and 60** of this bill revise provisions of existing law prohibiting strikes against the State or a local government employer by an employee organization or labor organization for the purpose of also prohibiting strikes by a professional organization.

Sections 4, 5 and 7-16 of this bill define certain words and terms applicable to the provisions of this bill. **Sections 54 and 55** of this bill revise certain definitions relating to collective bargaining that are applicable to employee organizations and labor organizations to also include professional organizations. **Section 53** of this bill makes a conforming change to indicate the proper placement of **sections 4 and 5** in the Nevada Revised Statutes.

Section 65 of this bill grants the Board of Regents the authority to conduct collective bargaining negotiations and to enter into collective bargaining agreements with the professional employees of the Nevada System of Higher Education.

Sections 65.3 and 65.5 of this bill make appropriations to the Interim Finance Committee for allocation to the Nevada System of Higher Education and to the Office of the Attorney General for personnel and certain other expenses associated with the changes relating to collective bargaining in this bill.

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

Section 1. NRS 281.129 is hereby amended to read as follows:

281.129 1. Any officer of the State, except the Legislative Fiscal Officer, who disburses money in payment of salaries and wages of officers and employees of the State:

(a) May, upon written requests of the officer or employee specifying amounts, withhold those amounts and pay them to:

(1) Charitable organizations;

(2) Employee credit unions;

(3) Except as otherwise provided in paragraph (c), insurers;

(4) The United States for the purchase of savings bonds and similar obligations of the United States; and

(5) Except as otherwise provided in NRS 288.545 ~~[,]~~ ***and section 22 of this act,*** employee organizations ***,*** ~~[and]~~ labor organizations ~~[.]~~ ***and professional organizations.***

(b) May, in accordance with an agreement entered into pursuant to NRS 701A.450 between the Director of the Office of Energy and the officer or employee specifying amounts, withhold those amounts and pay them to the Director of the Office of Energy for credit to the Renewable Energy Account created by NRS 701A.450.

(c) Shall, upon receipt of information from the Public Employees' Benefits Program specifying amounts of premiums or contributions for coverage by the Program, withhold those amounts from the salaries or wages of officers and employees who participate in the Program and pay those amounts to the Program.

2. The State Controller may adopt regulations necessary to withhold money from the salaries or wages of officers and employees of the Executive Department.

Sec. 2. NRS 281.755 is hereby amended to read as follows:

281.755 1. Except as otherwise provided in subsections 2 and 5, a public body shall provide an employee who is the mother of a child under 1 year of age with:

(a) Reasonable break time, with or without compensation, for the employee to express breast milk as needed; and

(b) A place, other than a bathroom, that is reasonably free from dirt or pollution, protected from the view of others and free from intrusion by others where the employee may express breast milk.

2. If the public body determines that complying with the provisions of subsection 1 will cause an undue hardship considering the size, financial resources, nature and structure of the public body, the public body may meet with the employee to agree upon a reasonable alternative. If the parties are not able to reach an agreement, the public body may require the employee to accept a reasonable alternative selected by the public body and the employee may appeal the decision by filing a complaint in the manner set forth in subsection 4.

3. An officer or agent of a public body shall not retaliate, or direct or encourage another person to retaliate, against an employee of the public body because the employee has:

(a) Taken break time or used the space provided pursuant to subsection 1 or 2 to express breast milk; or

(b) Taken any action to require the public body to comply with the requirements of this section, including, without limitation, filing a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing to enforce the provisions of this section.

4. An employee who is aggrieved by the failure of a public body to comply with the provisions of this section may:

(a) If the employee is employed by the Executive Department of State Government, is not an employee of an entity described in NRS 284.013 and is not
an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, ***or sections 6 to 52, inclusive, of this act,*** file a complaint with the Employee-Management Committee in accordance with the procedures provided pursuant to NRS 284.384;

(b) If the employee is employed by the Legislative Department of State Government, file a complaint with the Director of the Legislative Counsel Bureau;

(c) If the employee is employed by the Judicial Department of State Government, file a complaint with the Court Administrator; and

(d) If the employee is employed by a political subdivision of this State or any public or quasi-public corporation organized under the laws of this State or if the employee is employed by the Executive Department of State Government and is an employee in a bargaining unit pursuant to NRS 288.400 to 288.630, inclusive, ***or sections 6 to 52, inclusive, of this act,*** file a complaint with the Government Employee-Management Relations Board in the manner set forth in NRS 288.115.

5. The requirements of this section do not apply to the Department of Corrections. The Department is encouraged to comply with the provisions of this section to the extent practicable.

6. As used in this section, "public body" means:

(a) The State of Nevada, or any agency, instrumentality or corporation thereof;

(b) The Nevada System of Higher Education; or

(c) Any political subdivision of this State or any public or quasi-public corporation organized under the laws of this State, including, without limitation, counties, cities, unincorporated towns, school districts, charter schools, hospital districts, irrigation districts and other special districts.

Sec. 3. Chapter 288 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 52, inclusive, of this act.

Sec. 4. ***"Professional organization" means an organization of any kind that:***

1. Has, as one of its purposes, the improvement of the terms and conditions of employment of professional employees, as defined in section 13 of this act; and

2. Provides the service of representation to professional employees, including, without limitation, in collective bargaining with state professional employers.

Sec. 5. ***"State professional employer" means a board, commission or similar body within the Executive Department, including, without limitation, the Board of Regents of the University of Nevada on behalf of the Nevada System of Higher Education, that employs 400 or more professional employees as defined in section 13 of this act.***

Sec. 6. ***As used in sections 6 to 52, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 16, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 7. ***"Arbitration" means a process of dispute resolution in which the parties involved in an impasse or grievance submit their dispute to a third party for a final and binding decision.***

Sec. 8. ***"Bargaining unit" means a group of professional employees recognized by a state professional employer as having sufficient community of interest for representation by a professional organization for the purpose of collective bargaining.***

Sec. 9. ***"Confidential employee" means an employee who provides administrative support to an employee who assists in the formulation, determination and effectuation of managerial personnel policies concerning collective bargaining.***

Sec. 10. ***"Exclusive representative" means a professional organization that, as a result of its designation as such by the Board, has the exclusive right to:***

1. Represent all the professional employees within a bargaining unit; and

2. Engage in collective bargaining with a state professional employer pursuant to sections 6 to 52, inclusive, of this act concerning wages, hours and other terms and conditions of employment for those professional employees.

Sec. 11. ***"Grievance" means an act, omission or occurrence that a professional employee or an exclusive representative believes to be an injustice relating to any condition arising out of the relationship between a***

state professional employer and a professional employee, including, without limitation, working hours, working conditions, membership in a professional organization or the interpretation of any law, regulation or agreement.

Sec. 12. *1. "Managerial employee" means an employee whose primary function is to administer and control the business of any state professional employer and who is vested with discretion and independent judgment with regard to the general conduct and control of the state professional employer.*

2. The term includes, without limitation:

(a) A chief administrative officer, the chief administrative officer's deputy and immediate assistants, department heads and their deputies and immediate assistants, appointed officials and others who are primarily responsible for formulating and administering management policies and programs;

(b) Administrators of an academic institution, including, without limitation:

(1) Chancellors, presidents, provosts and deans;

(2) Vice, associate and assistant chancellors, presidents, provosts and deans; and

(3) Other employees who are primarily responsible for formulating and administering management policies and programs; and

(c) Attorneys who serve a state professional employer or advise other managerial employees.

3. With respect to professional employees of an academic institution:

(a) A professional employee shall not be deemed a managerial employee solely because the professional employee participates in decisions with respect to courses, curriculum, personnel or other matters of educational policy through shared governance mechanisms or peer review.

(b) A chair or head of a department or similar academic unit or program who performs the duties described in paragraph (a) primarily on behalf of the members of the academic unit or program shall not be deemed a managerial employee solely because of those duties.

Sec. 13. *1. "Professional employee" means a person who is employed by a state professional employer and:*

(a) Is in the unclassified service of the State; or

(b) Is paid in accordance with any arrangement other than the pay plan for the classified service of the State.

2. The term does not include:

(a) A local government employee;

(b) A person who is employed in the classified service of the State pursuant to chapter 284 of NRS;

(c) A person who is employed by the Nevada System of Higher Education:

(1) In the classified service of the State; or

(2) Who is required to be paid in accordance with the pay plan for the classified service of the State;

(d) A person employed by the Public Employees' Retirement System who is required to be paid in accordance with the pay plan for the classified service of the State;

(e) An elected official or any person appointed to fill a vacancy in an elected office;

(f) A person who is employed in neither the classified nor the unclassified service of the State pursuant to NRS 223.085;

(g) A person whose employment is the result of an appointment by the Governor to a position which deems the person to be a civil officer of the State pursuant to NRS 232A.030 or 616C.340;

(h) A managerial employee;

(i) A confidential employee;

(j) A temporary, intermittent or seasonal worker who is employed for less than 90 calendar days in a period of 365 calendar days;

(k) A commissioned officer or an enlisted member of the Nevada National Guard; or

(l) A person who is employed within the office of a statewide elected constitutional officer.

Sec. 14. *"Recognition" or "recognized" means the formal acknowledgment by a state professional employer that a particular professional organization has the right to represent professional employees of the state professional employer.*

Sec. 15. *"Showing of interest" means written or electronic documentation that provides evidence of the membership of a professional employee in or his or her support for a professional organization for the purpose of exclusive representation. The term includes any electronic signature pursuant to chapter 719 of NRS.*

Sec. 16. *1. "Supervisory employee" means a person who does not have the responsibility for the general conduct and control of a state professional employer, but who:*

(a) Performs management duties, including, without limitation:

(1) Establishing performance standards for subordinate employees;

(2) Scheduling, assigning, overseeing or reviewing the work of subordinate employees under established performance standards; or

(3) Effectively recommending the performance of the duties described in subparagraphs (1) and (2) and the manner in which such duties are performed; or

(b) Has the authority to adjust grievances, apply established personnel policies and procedures, enforce the provisions of a collective bargaining agreement or effectively recommend such action,

↪ if the exercise of the duties or authority described in paragraph (a) or (b) is not of a merely routine or clerical nature but requires the use of

independent judgment and occupies a regular and significant portion of the employee's workday.

2. With respect to professional employees of an academic institution:

(a) A professional employee shall not be deemed to be a supervisory employee solely because the professional employee participates in decisions with respect to courses, curriculum, personnel or other matters of educational policy through shared governance mechanisms or peer review.

(b) A chair or head of a department or similar academic unit or program who performs the duties described in paragraph (a) primarily on behalf of the members of the academic unit or program shall not be deemed a supervisory employee solely because of those duties.

Sec. 17. *1. The Legislature hereby finds and declares that there is a great need to:*

(a) Promote harmonious and constructive relations between state professional employers and their professional employees; and

(b) Increase the efficiency of state professional employers.

2. It is therefore in the public interest that the Legislature enact provisions:

(a) Granting certain professional employees the right to associate with others in organizing and choosing exclusive representatives for the purpose of engaging in collective bargaining;

(b) Requiring state professional employers to recognize professional organizations and to negotiate wages, hours and other terms and conditions of employment with exclusive representatives and to enter into written agreements evidencing the result of collective bargaining; and

(c) Establishing standards and procedures that protect the rights of professional employees, state professional employers and the people of the State.

3. The Legislature further finds and declares that:

(a) Joint decision making and consultation between administration and faculty or academic professional employees is a long-accepted manner of shared governance in institutions of higher education and is essential to the advancement of the educational missions of those institutions;

(b) It is a purpose of sections 6 to 52, inclusive, of this act to preserve and encourage the practice and mechanisms of shared governance with respect to professional employees of public institutions of higher education in this State; and

(c) The provisions of sections 6 to 52, inclusive, of this act are not intended to restrict, limit or prohibit the full exercise of the functions of faculty in any shared governance mechanism or practice, including, without limitation, the establishment and function of faculty senates and the principle of peer review in the appointment, retention and tenure of faculty in an institution of higher education.

Sec. 18. *1. For the purposes of collective bargaining and other mutual aid or protection, every professional employee has the right to:*

(a) Organize, form, join and assist professional organizations, engage in collective bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such an activity.

2. A state professional employer shall not discriminate in any way among its professional employees on account of membership or nonmembership in a professional organization.

3. Professional employees have the right to communicate with one another and with representatives of professional organizations concerning organization, representation, issues in the workplace, collective bargaining and the business and programs of a professional organization, including, without limitation, communicating by means of electronic mail, text messages and other electronic communications, telephone, paper documents and other means of communications of the workplace subject to the reasonable regulations of a state professional employer or such limitations as may be set forth in a collective bargaining agreement.

Sec. 19. *1. A state professional employer shall recognize a professional organization that presents to the state professional employer:*

(a) A copy of the bylaws, charter or constitution of the professional organization, which demonstrates that the organization has as one of its purposes the improvement of the terms and conditions of employment of professional employees;

(b) A roster of its officers, if any, and representatives; and

(c) An identification of the professional employees that the professional organization seeks to represent.

2. If a state professional employer first receives the written permission of the Board, the state professional employer may withdraw recognition from a professional organization that fails to:

(a) Present a copy of each change in its bylaws, charter or constitution, if any; or

(b) Give notice of any change in the roster of its officers and representatives, if any.

Sec. 20. *1. Except as otherwise provided in subsection 2 and subject to such reasonable regulations as a state professional employer may prescribe or such conditions and limitations as may be set forth in a collective bargaining agreement, a professional organization that has been recognized shall have the right to:*

(a) At reasonable times, access areas in which professional employees work;

(b) Use bulletin boards, mailboxes, electronic mail and other means of communication to communicate with professional employees at their workplace;

(c) At reasonable times, use the facilities of a workplace for the purpose of meetings concerned with the exercise of any rights guaranteed under the provisions of sections 6 to 52, inclusive, of this act; and

(d) Provide information to professional employees during the orientation or on-boarding of new employees.

2. If a professional organization has been designated as the exclusive representative of a bargaining unit, no professional organization other than the professional organization designated as the exclusive representative may exercise the rights set forth in subsection 1 with respect to professional employees in the bargaining unit except to the extent that such access is otherwise provided to the general public.

Sec. 21. ~~*[1. Unless a professional employee has directed a state professional employer not to furnish that employee's personal contact information to an exclusive representative, a state professional employer shall, upon the request of an exclusive representative but not more than once each calendar quarter, furnish to the exclusive representative the following personal contact information, as contained in the records of the state professional employer, for each professional employee who is represented by the exclusive representative:*~~

~~*(a) Home address;*~~

~~*(b) Home telephone number or other personal telephone number; and*~~

~~*(c) Personal electronic mail address.*~~

~~*2. The furnishing of an employee's personal contact information pursuant to subsection 1 does not make that information a public record for the purposes of chapter 239 of NRS.]*~~ **(Deleted by amendment.)**

Sec. 22. ***1. Except as otherwise provided in subsection 4, an officer of a state professional employer shall, upon written authorization by a professional employee, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to a recognized professional organization.***

2. If applicable, a written authorization provided pursuant to subsection 1 must comply with the provisions of chapter 719 of NRS.

3. Except as otherwise provided in this subsection, a written authorization provided pursuant to subsection 1 is binding for the period specified in the authorization. An authorization may be revoked by the professional employee by notifying the professional organization in accordance with the terms of the authorization. The professional organization shall process a revocation of an authorization in a timely manner.

4. If the Board designates a professional organization as the exclusive representative of a bargaining unit pursuant to sections 6 to 52, inclusive, of this act, an officer of a state professional employer shall not, pursuant to NRS 281.129, withhold any amount of money from the salary or wages of a professional employee within the bargaining unit to pay dues or similar fees to a professional organization other than the professional organization that is the exclusive representative of the bargaining unit.

Sec. 23. ***1. Except as otherwise provided in this section, a recognized professional organization may represent a professional employee of a state***

professional employer that has recognized the professional organization with respect to any condition of the employment of the professional employee, including, without limitation, representation in disciplinary proceedings and investigations and proceedings for the adjustment of grievances, regardless of whether the professional employee is a member of the professional organization.

2. If a professional employee is in a bargaining unit that has an exclusive representative, no professional organization other than the professional organization designated as the exclusive representative for the bargaining unit may represent the professional employee.

3. Only the professional organization which has been designated by the Board as the exclusive representative of a bargaining unit pursuant to sections 6 to 52, inclusive, of this act may engage in collective bargaining on behalf of the professional employees of that bargaining unit.

Sec. 24. *1. Except as otherwise provided in this section, the recognition of a professional organization or the designation of a professional organization as an exclusive representative does not preclude a professional employee from acting for himself or herself with respect to any condition of his or her employment. Such a professional employee has the right to present grievances to a state professional employer at any time and to have those grievances adjusted.*

2. If a professional employee, acting for himself or herself, presents a grievance to a state professional employer pursuant to subsection 1:

(a) Any action taken in the adjustment of a grievance must be consistent with the terms of an applicable collective bargaining agreement in effect, if any; and

(b) If the professional employee is in a bargaining unit that has an exclusive representative, the exclusive representative must be given an opportunity to be present at any meetings or hearings related to the adjustment of the grievance and be provided a copy of the adjustment of the grievance.

Sec. 25. *1. Subject to the conditions imposed by section 23 of this act and any other conditions and limitations as may be set forth in a collective bargaining agreement, a professional employee who ~~[is]~~ :*

(a) Is the subject of an internal administrative investigation that could lead to dismissal, involuntary demotion, suspension, reduction of pay, payment of restitution or other similar adverse employment action against the professional employee ; or

(b) During any questioning by a state professional employer, reasonably believes that the questioning could lead to the consequences set forth in paragraph (a),

↳ must be ~~[:~~

~~(a) Provided notice in writing of the allegations against the professional employee within 30 calendar days after the date on which the state professional employer becomes aware, or reasonably should have become~~

~~*aware, of the allegations. The notice must be provided before the professional employee is questioned regarding the allegations.*~~

~~*— (b) Afforded]*~~ *afforded the right to have a lawyer or other representative of the professional employee's choosing present with the professional employee* ~~*[at any time that the professional employee is questioned regarding the allegations. The professional employee must be given not less than 2 business days to obtain such representation,]*~~ *unless the professional employee waives, in writing, his or her right to be represented.*

2. ~~*[If, during any questioning by a state professional employer, a professional employee who does not have a representative present has a reasonable belief that the questioning could lead to dismissal, involuntary demotion, suspension, reduction of pay, payment of restitution or similar adverse employment action against the professional employee and makes a clear request for representation by a recognized professional organization, the state professional employer must:*~~

~~*— (a) Grant the request and delay the questioning by not less than 2 business days to allow a representative of the professional organization to be present and to provide an opportunity for the professional employee to consult with the representative; or*~~

~~*— (b) Deny the request and end the questioning immediately.*~~

~~*— 3.]*~~ *A state professional employer must not retaliate in any way against a professional employee for asserting his or her rights under subsection* ~~*[2.*~~

~~*— 4. A state professional employer shall annually inform its professional employees of the rights afforded to professional employees under subsection 2.]*~~ *1.*

Sec. 26. *1. Each state professional employer which has recognized a professional organization shall determine, in consultation with the recognized organization, which group or groups of its professional employees constitute an appropriate bargaining unit or bargaining units. The primary criterion for that determination must be the community of interest among the employees concerned. Without restricting the rights of the parties to make their determination pursuant to this subsection, for the Nevada System of Higher Education, there is a presumption that the contact, interests and working conditions of employees within a branch university, college or other branch create a sufficient community of interest.*

2. Managerial employees must be excluded from any bargaining unit.

3. Confidential employees must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

4. A supervisory employee must not be a member of the same bargaining unit as the professional employees under the supervision of the supervisory employee. Any dispute between the parties as to whether a professional employee is a supervisor must be submitted to the Board. A professional organization which is negotiating on behalf of two or more bargaining units

may select members of each unit to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not.

5. If any professional organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the state professional employer and any professional organization involved. The Board shall apply the same criterion as specified in subsection 1.

Sec. 27. *If no professional organization is designated as the exclusive representative of a bargaining unit and a recognized professional organization files with the Board a showing of interest for the professional organization by more than 50 percent of the professional employees in a bargaining unit which is verified by the Board pursuant to section 29 of this act, the Board shall designate the professional organization as the exclusive representative of the bargaining unit without ordering an election.*

Sec. 28. *1. If no professional organization is designated as the exclusive representative of a bargaining unit, the Board shall order an election to be conducted within the bargaining unit if:*

(a) A recognized professional organization files with the Board a written request for an election which includes a showing of interest for the professional organization by at least 30 percent but not more than 50 percent of the professional employees within the bargaining unit which is verified by the Board pursuant to section 29 of this act; and

(b) No other election to choose, change or discontinue exclusive representation has been conducted within the bargaining unit during the immediately preceding 12 months.

2. If the Board has designated a professional organization as the exclusive representative of a bargaining unit following an election pursuant to subsection 1 or without an election pursuant to section 27 of this act, the Board shall order an election:

(a) If:

(1) Another recognized professional organization files with the Board a written request for an election which includes a showing of interest for the professional organization by more than 50 percent of the professional employees within the bargaining unit; or

(2) A group of professional employees within the bargaining unit files with the Board a written request for an election which includes a petition or other evidence showing that more than 50 percent of the professional employees within the bargaining unit have requested that an election be conducted to change or discontinue exclusive representation;

(b) If applicable, the written request filed pursuant to paragraph (a) is filed at least 225 calendar days but not more than 270 calendar days before the date on which the current collective bargaining agreement in effect for the bargaining unit expires; and

(c) If no other election to choose, change or discontinue exclusive representation has been conducted within the bargaining unit during the immediately preceding 12 months.

Sec. 29. *1. The Board shall verify each showing of interest filed by a professional organization pursuant to section 27 or 28 of this act and the identity of each professional employee identified in a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection 2 of section 28 of this act by comparing the name of a professional employee included in the showing of interest or written request, as applicable, with the employment records of the state professional employer.*

2. A showing of interest filed by a professional organization pursuant to section 27 or 28 of this act or a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection 2 of section 28 of this act is confidential and is not a public record.

3. The Board shall not disclose to any person the identity of any professional employee who has participated in a showing of interest filed by a professional organization pursuant to section 27 or 28 of this act or a written request filed by a group of professional employees pursuant to subparagraph (2) of paragraph (a) of subsection 2 of section 28 of this act.

Sec. 30. *1. If the Board orders an election within a bargaining unit pursuant to section 28 or 31 of this act, the Board shall order that each of the following be placed on the ballot for the election:*

(a) If applicable, a choice for the recognized professional organization that requested the election pursuant to section 28 of this act;

(b) If applicable, a choice for the recognized professional organization that is currently designated as the exclusive representative of the bargaining unit;

(c) A choice for any other recognized professional organization that, on or before the date that is prescribed by the rules adopted by the Board pursuant to NRS 288.110 and section 31 of this act, files with the Board a written request to be placed on the ballot for the election and includes with the written request a showing of interest for that other professional organization by at least 30 percent of the professional employees within the bargaining unit; and

(d) A choice for "no exclusive representation."

2. If a ballot for an election contains more than two choices and none of the choices on the ballot receives a majority of the votes cast at the initial election, the Board shall order a runoff election between the two choices on the ballot that received the highest number of votes at the initial election.

3. If the choice for "no exclusive representation" receives a majority of the votes cast at the initial election or at any runoff election, the Board shall designate the bargaining unit as being without an exclusive representative.

4. If a recognized professional organization receives a majority of the votes cast at the initial election or at any runoff election, the Board shall

designate that professional organization as the exclusive representative of the bargaining unit.

Sec. 31. *1. The Board shall preside over all elections that are conducted pursuant to this section or section 28 or 30 of this act and shall determine the eligibility requirements for professional employees to vote in any such election.*

2. An election conducted pursuant to this section or section 28 or 30 of this act must be conducted by secret ballot. The Board may adopt rules prescribing the manner in which voting in such an election may be conducted, which may include, without limitation, voting in person, by mail or by secure electronic means.

3. A professional organization that is placed as a choice on the ballot for an election or any professional employee who is eligible to vote at an election may file with the Board a written objection to the results of the election. The objection must be filed not later than 10 business days after the date on which the notice of the results of the election is given by the Board.

4. In response to a written objection filed pursuant to subsection 3 or upon its own motion, the Board may invalidate the results of an election and order a new election if the Board finds that any conduct or circumstances raise substantial doubt that the results of the election are reliable.

Sec. 32. *1. Each state professional employer that has recognized one or more professional organizations shall, on or before November 30 of each year, file with the Board:*

(a) A list of each professional organization recognized by the state professional employer;

(b) A list of each professional organization designated as the exclusive representative for a bargaining unit within the state professional employer; and

(c) A description of each bargaining unit within the state professional employer.

2. Each professional organization recognized by a state professional employer shall file a report with the Board on or before November 30 of each year. The report must include:

(a) The full name of the professional organization;

(b) The name of each state professional employer which has recognized the professional organization;

(c) The names of the officers of the professional organization;

(d) If applicable, the total number of professional employees in each bargaining unit for which the professional organization has been designated as the exclusive representative;

(e) Copies of all changes to the bylaws, charter or constitution of the professional organization that were adopted during the preceding year;

(f) The name, address and telephone number of the person designated by the professional organization to receive communications from the Board on business relating to the professional organization; and

(g) A copy of any collective bargaining agreement in effect between the professional organization and a state professional employer.

3. A professional organization which has not previously been recognized by a state professional employer shall file the report required by subsection 2 not later than 30 calendar days after recognition.

Sec. 33. *1. Collective bargaining entails a mutual obligation between a state professional employer and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:*

(a) The subjects of mandatory bargaining set forth in subsection 2;

(b) The negotiation of an agreement;

(c) The resolution of any question arising under an agreement; and

(d) The execution of a written contract incorporating the provisions of an agreement.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Maternity or paternity leave and family medical leave.

(f) Other paid or nonpaid leaves of absence.

(g) Except as otherwise provided in subsection 3, insurance and health care benefits provided by the state professional employer.

(h) Total hours of work required of a professional employee on each workday or workweek.

(i) Total number of days of work required of a professional employee in a work year.

(j) Discharge and disciplinary procedures.

(k) Recognition clause.

(l) The method for determining the classification and titles of professional employees in the bargaining unit.

(m) Deduction of dues for the recognized professional organization.

(n) Protection of professional employees in the bargaining unit from discrimination because of participation in recognized professional organizations consistent with the provisions of sections 6 to 52, inclusive, of this act.

(o) ~~*[No strike provisions consistent with the provisions of this chapter.*~~

~~*(p)]*~~ *Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.*

~~*[(q)]*~~ *(p) General savings clauses.*

~~*[(r)]*~~ *(q) Except as otherwise provided in section 38 of this act, the duration of collective bargaining agreements.*

~~*[(s)]*~~ *(r) Safety of professional employees.*

~~*[(t)]*~~ *(s) Facilities for meeting with students for professional employees who have teaching or advising responsibilities.*

~~[(u)]~~ (t) Policies for the transfer and reassignment of professional employees.

~~[(v)]~~ (u) Procedures for reduction in or addition to the workforce consistent with the provisions of sections 6 to 52, inclusive, of this act.

3. The following are not subject to negotiation pursuant to this section:

(a) Pension or retirement benefits provided by the Public Employees' Retirement System pursuant to chapter 286 of NRS to persons employed by this State, state agencies, as described in subsection 2 of NRS 286.070, and the Public Employees' Retirement System.

(b) Benefits provided by the Public Employees' Benefits Program pursuant to NRS 287.0402 to 287.049, inclusive, to persons employed by a participating state agency as defined in NRS 287.04054.

(c) Provisions governing participation in the Public Employees' Deferred Compensation Program pursuant to NRS 287.250 to 287.370, inclusive.

4. The following are not subjects within the scope of mandatory bargaining and are reserved to the state professional employer without negotiation:

(a) Except as otherwise provided in paragraph ~~[(u)]~~ (t) of subsection 2, the right to hire, direct, assign or transfer an employee. This right does not include the right to assign or transfer an employee as a form of discipline.

(b) The right to determine the quality and quantity of services to be offered to the public.

(c) Safety of the public.

5. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of sections 6 to 52, inclusive, of this act, a state professional employer is entitled to take whatever actions may be necessary to carry out its responsibilities during a state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070. Those actions may include the suspension of any such collective bargaining agreement or any portion thereof for the duration of the emergency or disaster to the extent necessary to carry out the responsibilities of the state professional employer. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

6. This section does not preclude, but the provisions of sections 6 to 52, inclusive, of this act, do not require, a state professional employer to negotiate subject matters outside of the scope of mandatory bargaining or consult with any professional employee or professional organization on any such matter. A state professional employer shall discuss subject matters outside the scope of mandatory bargaining but is not required to negotiate those matters.

Sec. 34. *1. Whenever an exclusive representative or a state professional employer desires to negotiate any matter which is subject to negotiation pursuant to the provisions of sections 6 to 52, inclusive, of this act, it shall give written notice to the other party.*

2. The parties shall commence negotiations not later than 60 calendar days following the notification provided for in subsection 1.

Sec. 35. *1. An exclusive representative shall:*

(a) Act as the representative of all professional employees within each bargaining unit that it represents; and

(b) In good faith and on behalf of each bargaining unit that it represents, individually or collectively, bargain with a state professional employer concerning the wages, hours and other terms and conditions of employment for the professional employees within each bargaining unit that it represents.

2. A professional organization may serve as an exclusive representative for multiple bargaining units.

Sec. 36. *1. A state professional employer shall designate a representative to conduct negotiations concerning collective bargaining agreements on behalf of the state professional employer. For the Nevada System of Higher Education, where a bargaining unit has been determined pursuant to section 26 of this act and that bargaining unit is unique to an institution within the System, a representative of that institution may be, but is not required to be, designated as the representative to conduct negotiations concerning collective bargaining agreements on behalf of the Nevada System of Higher Education for that institution.*

2. A representative designated pursuant to subsection 1 shall, on behalf of the state professional employer, negotiate in good faith with an exclusive representative concerning a collective bargaining agreement, as required by section 33 of this act.

3. A state professional employer shall comply with reasonable requests by an exclusive representative to furnish data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of the subjects of mandatory bargaining described in section 33 of this act. This subsection shall not be construed to require a state professional employer to furnish to the exclusive representative any advice or training received by representatives of the state professional employer concerning collective bargaining.

Sec. 37. *1. Each collective bargaining agreement negotiated between a state professional employer and an exclusive representative pursuant to sections 6 to 52, inclusive, of this act must be in writing and must include, without limitation:*

(a) A procedure to resolve grievances that applies to all professional employees in the bargaining unit and culminates in binding arbitration as the final stage of appeal by either party. Such a procedure:

(1) Must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreements, the applicability of any law, rule or regulation relating to the employment and appeal of discipline and other adverse personnel actions; and

(2) May, for professional employees of academic institutions, incorporate established shared governance mechanisms, including, without limitation, oversight by a faculty senate and peer review.

(b) A nonappropriation clause that provides that any provision of the collective bargaining agreement which requires the Legislature to appropriate money is effective only:

(1) To the extent of the legislative appropriation; and

(2) Until the collective bargaining agreement is reopened and the provision is renegotiated.

2. A professional employee in a bargaining unit who is aggrieved by the failure of the state professional employer or its designated representative to comply with the requirements of NRS 281.755 may pursue a grievance related to that failure through:

(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or

(b) The procedure prescribed by NRS 288.115,

➥ but once the professional employee has properly filed a grievance in writing under the procedure described in paragraph (a) or filed a complaint under the procedure described in paragraph (b), the professional employee may not proceed in an alternative manner.

3. If there is a conflict between any provision of a collective bargaining agreement between a state professional employer and an exclusive representative and:

(a) Any policy, procedure or regulation adopted by the state professional employer, the provision of the agreement prevails unless the provision of the agreement is outside the lawful scope of collective bargaining.

(b) An existing statute, the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.

Sec. 38. *If the parties to collective bargaining cannot agree to a new collective bargaining agreement before the end of the term of a collective bargaining agreement, the terms of the existing collective bargaining agreement remain in effect until a new collective bargaining agreement takes effect.*

Sec. 39. *Whenever a professional organization enters into negotiations with a state professional employer pursuant to sections 6 to 52, inclusive, of this act, the professional organization may, at the sole expense of the professional organization, be represented by an attorney licensed to practice law in this State.*

Sec. 40. *1. The draft of any new collective bargaining agreement or similar agreement or of any proposed modifications to an existing collective bargaining agreement or similar agreement between a state professional employer and an exclusive representative must be submitted in writing by the professional organization to the members of the organization within the*

relevant bargaining unit before a vote on the ratification of the agreement is taken.

2. A vote on the ratification of a collective bargaining agreement must be conducted in accordance with the internal rules and procedures of the professional organization.

3. Any new or modified collective bargaining agreement or similar agreement between a state professional employer and an exclusive representative must be approved, at a public hearing, by:

(a) If the agreement concerns professional employees of the Nevada System of Higher Education, the Board of Regents of the University of Nevada; or

(b) If the agreement does not concern professional employees of the Nevada System of Higher Education, the State Board of Examiners.

4. Not less than 3 business days before the date of the hearing conducted pursuant to subsection 3, the Board of Regents of the University of Nevada or the State Board of Examiners, as applicable, shall cause the following documents to be posted and made available on the Internet website used by the Board of Regents or the State Board of Examiners, as applicable, to provide public notice of meetings:

(a) The proposed collective bargaining agreement and any exhibits or other attachments to the proposed agreement;

(b) If the proposed collective bargaining agreement is a modification of a previous agreement, a document showing any language added to or deleted from the previous agreement; and

(c) Any supporting material prepared for the Board of Regents or the State Board of Examiners, as applicable, relating to the financial impact of the agreement.

Sec. 41. *If a provision of a collective bargaining agreement:*

1. Does not require an act of the Legislature to be given effect, the provision becomes effective in accordance with the terms of the agreement.

2. Requires an act of the Legislature to be given effect:

(a) The state professional employer shall request that the Governor request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision;

(b) The Governor shall request the drafting of a legislative measure pursuant to NRS 218D.175 to effectuate the provision; and

(c) The provisions become effective, if at all, on the date on which the act of the Legislature becomes effective.

Sec. 42. *1. If a provision of a collective bargaining agreement requires the Legislature to appropriate money to implement the provision:*

(a) The state professional employer that is a party to the agreement shall include the full amount necessary to fund the provision in the proposed budget of the state professional employer submitted to the Chief of the Budget Division of the Office of Finance pursuant to NRS 353.210.

(b) The Governor may include in the biennial proposed executive budget of the State any amount of money the Governor deems appropriate for the state professional employer. If such amount is not sufficient to fully fund the provision of the collective bargaining agreement, the Governor shall submit to the Legislature and the state professional employer a statement setting forth the reasons for not including the amount necessary to fully fund the provision.

2. If the Legislature does not appropriate the amount of money that is necessary to implement fully a provision of a collective bargaining agreement, any such agreement may be opened by either party to that agreement solely for the purpose of renegotiating the provision that was not fully funded by the appropriation. All other terms and conditions of the collective bargaining agreement remain in full force and effect.

Sec. 43. *1. Either party may request mediation through the Federal Mediation and Conciliation Service if the parties do not reach a collective bargaining agreement:*

(a) Not later than 120 calendar days after the date on which the parties began negotiations; or

(b) On or before any later date set by the agreement of the parties in writing.

2. The mediator shall bring the parties together as soon as possible after his or her appointment and shall attempt to settle each issue in dispute not later than 21 calendar days after his or her appointment or any later date set by the agreement of the parties.

Sec. 44. *1. If a mediator appointed pursuant to section 43 of this act determines that his or her services are no longer helpful, or if the parties do not reach a collective bargaining agreement through mediation within 21 calendar days after the appointment of the mediator or on or before any later date set by agreement of the parties, the mediator shall discontinue mediation and the parties shall attempt to agree upon an impartial arbitrator.*

2. If the parties do not agree upon an impartial arbitrator within 5 business days after the date on which mediation is discontinued pursuant to subsection 1 or on or before any later date set by agreement of the parties, the parties shall request from the Federal Mediation and Conciliation Service a list of seven potential arbitrators. Not later than 5 business days after receipt of the list of arbitrators, the parties shall select an arbitrator from the list by alternately striking one name until the name of only one arbitrator remains, and the parties must accept that arbitrator to hear the dispute in question. The party who will strike the first name must be determined by a coin toss.

3. The arbitrator shall begin arbitration proceedings not later than 15 calendar days after the appointment or any later date set by agreement of the parties.

4. The arbitrator and the parties shall apply and follow the procedures for arbitration that are prescribed by any rules adopted by the Board

pursuant to NRS 288.110. During arbitration, the parties retain their respective duties to negotiate in good faith.

5. The arbitrator may administer oaths or affirmations, take testimony and issue and seek enforcement of a subpoena in the same manner as the Board pursuant to NRS 288.120, and, except as otherwise provided in subsection 7, the provisions of NRS 288.120 apply to any subpoena issued by the arbitrator.

6. The arbitrator shall render a decision not later than 15 calendar days after beginning arbitration proceedings or any later date set by agreement of the parties.

7. The state professional employer and the exclusive representative shall each pay one-half of the cost of arbitration.

Sec. 45. *1. For issues in dispute after arbitration proceedings are held pursuant to section 44 of this act, the arbitrator shall incorporate either the final offer of the state professional employer or the final offer of the exclusive representative into his or her decision. The decision of the arbitrator must be limited to a selection of one of the two final offers of the parties. As incorporated in his or her decision, the arbitrator shall not revise or amend the selected final offer of the applicable party on any issue.*

2. To determine which final offer to incorporate into his or her decision, the arbitrator shall assess the reasonableness of:

(a) The position of each party as to each issue in dispute; and

(b) The proposed contractual terms and provisions contained in each final offer.

3. In assessing reasonableness pursuant to subsection 2, the arbitrator shall:

(a) Compare the salaries, wages, hours and other terms and conditions of employment for the professional employees within the bargaining unit with the salaries, wages, hours and other terms and conditions of employment for other employees performing similar services and for other employees generally:

(1) In public employment in comparable communities or institutions; and

(2) In private employment in comparable communities or institutions.

(b) Consider, without limitation:

(1) The financial ability of the state professional employer to pay the costs associated with the proposed collective bargaining agreement, with due regard for the primary obligation of the state professional employer to safeguard the health, safety and welfare of the people of this State and to fulfill the mission of the state professional employer;

(2) Any legal or contractual restrictions on funds based on the sources of those funds, including, without limitation, legislative appropriations, fees, gifts and federal, state, local and private grants and contracts;

(3) The average prices paid by consumers for goods, services and housing in the geographic location where the professional employees work; and

(4) Such other factors as are normally or traditionally used as part of collective bargaining, mediation, arbitration or other methods of dispute resolution to determine the wages, hours and other terms and conditions of employment for professional employees in public or private employment.

4. The decision of the arbitrator is final and binding upon the parties.

Sec. 46. *The following proceedings, required by or conducted pursuant to this chapter, are not subject to any provision of NRS which requires a meeting to be open or public:*

1. Any negotiation or informal discussion between a state professional employer and a professional organization or professional employees as individuals.

2. Any meeting of a mediator with either party or both parties to a negotiation.

3. Any meeting or investigation conducted by a mediator or arbitrator.

4. Any meeting of a state professional employer with its management representative or representatives.

5. Deliberations of the Board toward a decision on a complaint, appeal or petition for declaratory relief.

Sec. 47. *1. It is a prohibited practice for a state professional employer or its designated representative to willfully:*

(a) Interfere with, restrain or coerce any professional employee in the exercise of any right guaranteed under the provisions of sections 6 to 52, inclusive, of this act.

(b) Dominate, interfere or assist in the formation or administration of any professional organization.

(c) Discriminate in regard to hiring, tenure or any term or condition of employment to encourage or discourage membership in any professional organization.

(d) Discharge or otherwise discriminate against any professional employee because the professional employee has:

(1) Signed or filed an affidavit, petition or complaint or given any information or testimony under this chapter; or

(2) Formed, joined or chosen to be represented by any professional organization.

(e) Refuse to bargain collectively in good faith with an exclusive representative as required by sections 33, 35 and 36 of this act.

(f) Deny to any professional organization the rights guaranteed to it under sections 6 to 52, inclusive, of this act.

(g) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin or because of political or personal reasons or affiliations.

(h) Fail to provide the data required by subsection 3 of section 36 of this act.

(i) Fail to comply with the requirements of NRS 281.755.

2. It is a prohibited practice for a professional organization or its designated agent to willfully:

(a) Interfere with, restrain or coerce any professional employee in the exercise of any right guaranteed under the provisions of sections 6 to 52, inclusive, of this act.

(b) If the professional organization is an exclusive representative, refuse to bargain collectively in good faith with a state professional employer, as required by sections 33, 35 and 36 of this act.

(c) Discriminate because of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, national origin or because of political or personal reasons or affiliations.

3. As used in this section:

(a) "Bargain collectively" includes the entire bargaining process, including mediation and arbitration, as provided in sections 6 to 52, inclusive, of this act.

(b) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(c) "Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

Sec. 48. *1. To establish that a party committed a prohibited practice in violation of section 47 of this act, the party aggrieved by the practice must file a complaint with the Board in accordance with procedures prescribed by the Board.*

2. Except as otherwise provided in this section, the Board shall hear a complaint filed pursuant to subsection 1 in accordance with the provisions of NRS 288.110 and any rules adopted by the Board pursuant to that section.

3. The Board shall conduct any hearing on the complaint in accordance with:

(a) The provisions of chapter 233B of NRS that apply to a contested case; and

(b) Any rules adopted by the board pursuant to NRS 288.110.

4. If the Board finds at the hearing that the party accused in the complaint has committed a prohibited practice, the Board:

(a) Shall order the party to cease and desist from engaging in the prohibited practice; and

(b) May order any other affirmative relief that is necessary to remedy the prohibited practice.

5. The Board or any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 4 may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

6. Any order or decision issued by the Board pursuant to this section concerning the merits of a complaint is a final decision in a contested case and may be appealed pursuant to the provisions of chapter 233B of NRS that apply to a contested case, except that a party aggrieved by the order or decision of the Board must file a petition for judicial review not later than 10 business days after being served with the order or decision of the Board.

Sec. 49. *1. Except as otherwise provided by specific statute, a professional organization and a state professional employer may sue or be sued as an entity pursuant to sections 6 to 52, inclusive, of this act.*

2. If any action or proceeding is brought by or against a professional organization pursuant to sections 6 to 52, inclusive, of this act, the district court in and for the county in which the professional organization maintains its principal office or the county in which the claim arose has jurisdiction over the claim.

3. A natural person and his or her assets are not subject to liability for any judgment awarded pursuant to sections 6 to 52, inclusive, of this act, against a state professional employer or a professional organization.

Sec. 50. *1. On or before July 1 of each year, the Board shall charge and collect a fee from each state professional employer that has recognized one or more professional organizations in an amount not to exceed $10 for each professional employee who was, in the first pay period of the immediately preceding fiscal year:*

(a) Employed by the state professional employer; and

(b) In a bargaining unit that had an exclusive representative.

2. A state professional employer shall pay the fee imposed pursuant to subsection 1 on or before July 31 of each year. A state professional employer shall not impose the fee against its employees.

3. If a state professional employer fails to pay the fee assessed pursuant to subsection 1 on or before July 1 of that year, the Board shall impose a civil penalty not to exceed $10 for each professional employee employed by the state professional employer for whom the fee was not paid.

4. A state professional employer may not receive a reduction in the amount of the fee imposed pursuant to subsection 1 or a refund of that amount if a professional employee is not employed for a full calendar year. The fee must be imposed whether or not the professional employee is a member of a professional organization.

5. To carry out the provisions of this section, the Board may, by any reasonable means, verify the identities and number of professional employees employed by a state professional employer in bargaining units that have an exclusive representative.

Sec. 51. *1. Except as otherwise provided in subsection 5, a state professional employer may use the services of the Division of Human Resource Management of the Department of Administration to provide support to the state professional employer to carry out the provisions of sections 6 to 52, inclusive, of this act.*

2. If a state professional employer uses the services of the Division of Human Resource Management pursuant to subsection 1, the Division may charge an annual fee to the state professional employer for each professional employee who is within a bargaining unit with a designated exclusive representative. The state professional employer shall pay the annual fee to the Division on or before the date on which the payment is due, as specified by the Division. The Division may specify a different due date for the annual fee for each state professional employer.

3. Any money received from the fees collected pursuant to subsection 2 must be accounted for separately for each state professional employer and may only be used by the Division of Human Resource Management to provide support to the state professional employer to carry out the provisions of sections 6 to 52, inclusive, of this act, including, without limitation, the personnel and operating costs of the Division in providing such support.

4. To carry out the provisions of this section, the Division of Human Resource Management may verify by any reasonable means the number of professional employees of the state professional employer within bargaining units that are represented by a professional organization as the exclusive representative.

5. As the entity with the authority to fix salaries and establish policies and procedures of the unclassified personnel of the Nevada System of Higher Education pursuant to chapter 396 of NRS, the Board of Regents of the University of Nevada shall [conduct] carry out the provisions of sections 6 to 52, inclusive, of this act, including, without limitation:

(a) Conducting its own negotiations ; and

(b) Providing for its own representation in any disciplinary matter, investigation or grievance process,

↪ pursuant to the provisions of sections 6 to 52, inclusive, of this act.

Sec. 52. ***1. A state professional employer may use the services of the Attorney General to provide support to the state professional employer to carry out the provisions of sections 6 to 52, inclusive, of this act.***

2. If a state professional employer uses the services of the Attorney General pursuant to subsection 1, the Attorney General may charge the state professional employer for those services pursuant to NRS 228.113.

Sec. 53. NRS 288.015 is hereby amended to read as follows:

288.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 288.029 to 288.074, inclusive, ***and sections 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 54. NRS 288.032 is hereby amended to read as follows:

288.032 "Collective bargaining" means a method of determining conditions of employment by negotiation between representatives of the Executive Department ***, state professional employer*** or local government employer and an employee organization ***, professional organization*** or labor organization, entailing a mutual obligation of the Executive Department ***, state professional employer*** or local government employer, as applicable, and the

representative of the state or local government employees to meet at reasonable times and bargain in good faith with respect to:

1. Wages, hours and other terms and conditions of employment;

2. The negotiation of an agreement;

3. The resolution of any question arising under a negotiated agreement; or

4. The execution of a written contract incorporating any agreement reached if requested by either party,

➥ but this obligation does not compel either party to agree to a proposal or require the making of a concession.

Sec. 55. NRS 288.065 is hereby amended to read as follows:

288.065 "Mediation" means assistance by an impartial third party to reconcile differences between the Executive Department ***, a state professional employer*** or a local government employer and an exclusive representative through interpretation, suggestion and advice.

Sec. 56. NRS 288.074 is hereby amended to read as follows:

288.074 "Strike" means any concerted:

1. Stoppage of work, slowdown or interruption of operations by employees of the State of Nevada or local government employees;

2. Absence from work by employees of the State of Nevada or local government employees upon any pretext or excuse, such as illness, which is not founded in fact; or

3. Interruption of the operations of the State of Nevada or any local government employer by any employee organization ***, professional organization*** or labor organization.

Sec. 57. NRS 288.080 is hereby amended to read as follows:

288.080 1. The Government Employee-Management Relations Board is hereby created, consisting of five members, broadly representative of the public and not closely allied with any employee organization, ***any professional organization,*** any labor organization, the Executive Department ***, any state professional employer*** or any local government employer.

2. Not more than three of the members of the Board may be members of the same political party, and at least three of the members must reside in southern Nevada. The term of office of each member is 4 years.

3. The Governor shall appoint the members of the Board.

Sec. 58. NRS 288.090 is hereby amended to read as follows:

288.090 1. The members of the Board shall annually elect one of their number as Chair and one as Vice Chair. Except as otherwise provided in this section, any three members of the Board constitute a quorum, and a majority of a quorum present at any meeting may exercise all the power and authority conferred on the Board.

2. Except by a majority vote of the entire membership of the Board, the Board may not:

(a) Elect a Chair or Vice Chair;

(b) Appoint the Commissioner or Secretary of the Board, or terminate the employment of the Commissioner or Secretary;

(c) Adjust the fee charged to local government employers pursuant to NRS 288.139 or impose a civil penalty for failure to pay the fee;

(d) Make or adopt any rule or regulation; ~~[or]~~

(e) ***Grant permission to a state professional employer to withdraw recognition from a professional organization pursuant to section 19 of this act; or***

(f) Grant permission to a local government employer to withdraw recognition from an employee organization or order an election pursuant to NRS 288.160.

3. Whenever less than five members of the Board are present at any meeting, not more than two of the members present may be members of the same political party.

4. The Board may, within the limits of legislative appropriations and any other available money:

(a) Appoint a Commissioner and a Secretary, who are in the unclassified service of the State; and

(b) Employ such additional clerical personnel as may be necessary, who are in the classified service of the State.

Sec. 59. NRS 288.110 is hereby amended to read as follows:

288.110 1. The Board may make rules governing:

(a) Proceedings before it;

(b) Procedures for fact-finding ~~[.]~~ ***, mediation and arbitration;***

(c) ***The recognition, as defined in section 14 of this act, of professional organizations;***

(d) The recognition, as defined in NRS 288.136, of employee organizations;

~~[(d)]~~ ***(e) The designation of the exclusive representative, as defined in section 10 of this act, of a bargaining unit of professional employees in accordance with sections 27 to 31, inclusive, of this act;***

(f) The designation of the exclusive representative ***, as defined in NRS 288.430,*** of a bargaining unit in accordance with the provisions of NRS 288.520, 288.525 and 288.530; and

~~[(e)]~~ ***(g)*** The determination of bargaining units.

2. The Board may hear and determine any complaint arising out of the interpretation of, or performance under, the provisions of this chapter by the Executive Department, ***any state professional employer,*** any local government employer, any employee, as defined in NRS 288.425, ***any professional employee, as defined in section 13 of this act,*** any local government employee, any employee organization ***, any professional organization*** or any labor organization. Except as otherwise provided in this subsection and NRS 288.115, 288.280 and 288.625 ~~[.]~~ ***and section 48 of this act,*** the Board shall conduct a hearing within 180 days after it decides to hear a complaint. If a complaint alleges a violation of paragraph (a) of subsection 1 of NRS 288.620 ***,*** ~~[or]~~ paragraph (b) of subsection 2 of NRS 288.620, ***subsection 1 of section 47 of this act or paragraph (b) of subsection 2 of section 47 of this act,*** the Board shall conduct a hearing not later than 45 days after it decides to hear the

complaint, unless the parties agree to waive this requirement. The Board, after a hearing, if it finds that the complaint is well taken, may order any person or entity to refrain from the action complained of or to restore to the party aggrieved any benefit of which the party has been deprived by that action. Except when an expedited hearing is conducted pursuant to NRS 288.115, the Board shall issue its decision within 120 days after the hearing on the complaint is completed.

3. Any party aggrieved by the failure of any person to obey an order of the Board issued pursuant to subsection 2, or the Board at the request of such a party, may apply to a court of competent jurisdiction for a prohibitory or mandatory injunction to enforce the order.

4. The Board may not consider any complaint or appeal filed more than 6 months after the occurrence which is the subject of the complaint or appeal.

5. The Board may decide without a hearing a contested matter:

(a) In which all of the legal issues have been previously decided by the Board, if it adopts its previous decision or decisions as precedent; or

(b) Upon agreement of all the parties.

6. The Board may award reasonable costs, which may include attorneys' fees, to the prevailing party.

7. As used in this section ~~[, "bargaining unit"]~~ ***:***

(a) "Arbitration" has the meaning ascribed to it in NRS 288.410 or section 7 of this act, as applicable.

(b) "Bargaining unit" has the meaning ascribed to it in NRS 288.134 or 288.415 ~~[.]~~ ***or section 8 of this act, as applicable.***

Sec. 60. NRS 288.710 is hereby amended to read as follows:

288.710 1. If a strike is commenced or continued in violation of an order issued pursuant to NRS 288.705, the court may:

(a) Punish each employee organization ***, professional organization*** or labor organization guilty of such violation by a fine of not more than $50,000 against each employee organization ***, professional organization*** or labor organization for each day of continued violation.

(b) Punish any officer of an employee organization ***, professional organization*** or labor organization who is wholly or partly responsible for such violation by a fine of not more than $1,000 for each day of continued violation, or by imprisonment as provided in NRS 22.110.

(c) Punish any employee of the State or of a local government employer who participates in such strike by ordering the dismissal or suspension of such employee.

2. Any of the penalties enumerated in subsection 1 may be applied alternatively or cumulatively, in the discretion of the court.

Sec. 61. NRS 218D.175 is hereby amended to read as follows:

218D.175 1. Except as otherwise provided in subsection 2, for a regular session, the Governor or the Governor's designated representative may request the drafting of not more than 110 legislative measures which have been approved by the Governor or the Governor's designated representative on

behalf of the officers, agencies, boards, commissions, departments and other units of the Executive Department. The requests must be submitted to the Legislative Counsel on or before August 1 preceding the regular session.

2. The Governor or the Governor's designated representative may request at any time before or during a regular session, without limitation, the drafting of as many legislative measures as are necessary to carry out the provisions of NRS 288.400 to 288.630, inclusive ~~[.]~~ ***, or sections 6 to 52, inclusive, of this act.***

3. The Director of the Office of Finance may request on or before the 19th day of a regular session, without limitation, the drafting of as many legislative measures as are necessary to implement the budget proposed by the Governor and to provide for the fiscal management of the State. In addition to the requests otherwise authorized pursuant to this section, the Governor may request the drafting of not more than 5 legislative measures on or before the 19th day of a regular session to propose the Governor's legislative agenda.

4. For a regular session, the following constitutional officers may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than the following numbers of legislative measures, which must be submitted to the Legislative Counsel on or before September 1 preceding the regular session:

Lieutenant Governor	3
Secretary of State	6
State Treasurer	5
State Controller	5
Attorney General	20

5. In addition to the requests authorized by subsection 4, the Secretary of State may request, without the approval of the Governor or the Governor's designated representative, the drafting of not more than 2 legislative measures, which must be submitted to the Legislative Counsel on or before December 31 preceding the regular session.

6. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel. The legislative measures requested pursuant to subsections 1 and 4 must be prefiled on or before the third Wednesday in November preceding the regular session. A legislative measure that is not prefiled on or before that day shall be deemed withdrawn.

Sec. 62. 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 sections ~~[21,]~~ 29 and 46 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. 63. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725 ~~[.]~~ ***and section 46 of this act,*** which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

➥ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 64. NRS 396.251 is hereby amended to read as follows:

396.251 1. The Board of Regents may establish policies and procedures for personnel which govern student employees, physicians engaged in a program for residency training and postdoctoral fellows of the System and which are separate from the policies and procedures established for the unclassified personnel of the System. Any such policy or procedure does not diminish the eligibility of those persons for coverage as employees under the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS.

2. ***Except as otherwise provided in sections 6 to 52, inclusive, of this act:***

(a) In establishing policies and procedures pursuant to subsection 1, the Board of Regents is not bound by any of the other provisions of this chapter or the provisions of title 23 of NRS. ~~[~~Those~~]~~

(b) The provisions ***of this chapter and the provisions of title 23 of NRS*** do not apply to a student employee, a physician engaged in a program for residency training or a postdoctoral fellow of the System unless otherwise provided by the Board of Regents.

3. In the event of a conflict between the policies and procedures established pursuant to subsection 1 and the provisions of a collective bargaining agreement entered into pursuant to sections 6 to 52, inclusive, of this act, the provisions of the agreement prevail.

Sec. 65. NRS 396.280 is hereby amended to read as follows:

396.280 The Board of Regents shall have ~~[~~the~~]~~ ***:***

1. The power to fix the salaries of the academic staff of the System.

2. The authority to conduct collective bargaining negotiations and to enter into collective bargaining agreements with the professional employees of the System pursuant to sections 6 to 52, inclusive, of this act to establish the terms and conditions of employment of the academic staff and other professional employees of the System. As used in this subsection, "professional employee" has the meaning ascribed to it in section 13 of this act.

Sec. 65.3. **1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Nevada System of Higher Education for personnel and operating expenses associated with the changes relating to collective bargaining in this act the following sums:**

For the Fiscal Year 2023-2024..... $600,671

For the Fiscal Year 2024-2025..... $1,290,630

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. 65.5. **1. There is hereby appropriated from the State General Fund to the Interim Finance Committee for allocation to the Office of the Attorney General for personnel, operating and information services expenses associated with the changes relating to collective bargaining in this act the following sums:**

For the Fiscal Year 2023-2024..... $181,380

For the Fiscal Year 2024-2025..... $230,755

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. 66. 1. Except as otherwise provided in subsection 2, insofar as they conflict with the provisions of such an agreement, the amendatory provisions of this act do not apply during the current term of any collective bargaining agreement entered into before July 1, 2023, but do apply to any extension or renewal of such an agreement and to any such agreement entered into on or after July 1, 2023.

2. If a collective bargaining agreement entered into before July 1, 2023, has a provision authorizing the reopening of negotiations, the amendatory provisions of this act do not apply to the reopened negotiations of the provisions of that collective bargaining agreement if a renegotiated collective bargaining agreement is entered into before January 1, 2024.

3. If a state professional employer has established a bargaining unit for any of its professional employees or has designated a professional organization as the exclusive representative for a bargaining unit as of July 1, 2023, such bargaining unit or exclusive representative shall be deemed the bargaining unit or exclusive representative representing the same professional employees on and after July 1, 2023, until such time, if any, the bargaining unit or exclusive representative is changed or modified in accordance with the provisions of this act.

4. As used in this section:

(a) "Bargaining unit" has the meaning ascribed to it in section 8 of this act.

(b) "Exclusive representative" has the meaning ascribed to it in section 10 of this act.

(c) "Professional employee" has the meaning ascribed to it in section 13 of this act.

(d) "Professional organization" has the meaning ascribed to it in section 4 of this act.

(e) "State professional employer" has the meaning ascribed to it in section 5 of this act.

Sec. 67. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 279.

Bill read third time.

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

Amendment No. 888.

AN ACT relating to the Nevada System of Higher Education; prohibiting the assessment of tuition charges against ~~[a student]~~ **certain students** within the System ~~[whose]~~ **with a** parent **who** is a veteran who has been awarded the Purple Heart; requiring the waiver of the payment of registration fees and certain other fees assessed against such a student; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the Board of Regents of the University of Nevada to assess tuition charges for students at all campuses of the Nevada System of Higher Education who are not residents of Nevada. Existing law also prevents the Board of Regents from assessing tuition charges against veterans who have been awarded the Purple Heart. (NRS 396.540) Section 1 of this bill prohibits the Board of Regents from assessing tuition charges against the child of a veteran who has been awarded the Purple Heart.]~~

Existing law authorizes the Board of Regents to grant a waiver of registration and certain other fees to certain persons, including a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart. (NRS 396.5443) **Section 2** of this bill requires the Board of Regents to **, in certain circumstances,** waive the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is the child of **such** a veteran ~~[of the Armed Forces of the United States who has been awarded the Purple Heart]~~ to the extent that the fees exceed the amount of any federal educational benefits to which the student is entitled. **Section 2** additionally provides that a child who is eligible to receive such a waiver may use it for: (1) ten years after he or she attains 18 years of

age; or (2) if he or she enrolls in the System before attaining 18 years of age, for 10 years after the date of enrollment.

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

Section 1. ~~[NRS 396.540 is hereby amended to read as follows:~~

~~396.540 1. For the purposes of this section:~~

~~(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.~~

~~(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.~~

~~(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.~~

~~2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:~~

~~(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;~~

~~(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;~~

~~(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:~~

~~(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or~~

~~(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the student is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;~~

~~(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);~~

~~(e) All public school teachers who are employed full time by school districts in the State of Nevada;~~

~~(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;~~

~~(g) Employees of the System who take classes other than during their regular working hours;~~

~~(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;~~

~~(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;~~

~~(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged;~~

~~(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart~~ **~~[.]~~** ***~~and the children of such veterans;~~***

~~(l) All students who are:~~

~~(1) Veterans using Post 9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after January 1, 2013; or~~

~~(2) Spouses or dependents using Post 9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive;~~

~~(m) All students who are using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566, inclusive; and~~

~~(n) Students who graduated from a high school located in this State, regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System.~~

~~3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States than the exemptions provided pursuant to subsection 2, if required for the receipt of federal money.~~

~~4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.~~**~~]~~**

(Deleted by amendment.)

Sec. 2. NRS 396.5443 is hereby amended to read as follows:

396.5443 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is ~~[a]~~ ***:***

(a) A veteran of the Armed Forces of the United States who has been awarded the Purple Heart ~~**[.** ***or the child of such a veteran.]***~~ ***; or***

(b) The child of such a veteran, if:

(1) The veteran is a bona fide resident of this State, or was a bona fide resident of this State at the time of his or her death; and

(2) The child of the veteran graduated from a high school located in this State.

2. The amount of the waiver must be equal to:

(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or

(b) If the student is not entitled to receive any federal educational benefits for a semester, the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

4. For the purpose of assessing fees and charges against a student to whom a waiver is granted pursuant to this section, including, without limitation, tuition charges pursuant to NRS 396.540, such a student shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may grant more favorable waivers of registration fees, laboratory fees and any other mandatory fees for veterans of the Armed Forces of the United States who have been awarded the Purple Heart ***or the child of such a veteran*** than the waiver provided pursuant to this section if required for the receipt of federal money.

6. A child of a veteran of the Armed Forces of the United States who has been awarded the Purple Heart may use a waiver granted pursuant to this section for 10 years after the child attains 18 years of age, or, if the child enrolls in the System before attaining 18 years of age, for 10 years after the date of such enrollment.

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

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 321.

Bill read third time.

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

Amendment No. 867.

AN ACT relating to public safety; setting forth certain requirements and restrictions concerning foil balloons that are sold, offered for sale or manufactured in this State; prohibiting, with certain exceptions, a person from selling, offering for sale or manufacturing a foil balloon that fails to meet

certain requirements; requiring the Public Utilities Commission of Nevada to adopt a standard for the testing and evaluation of the dielectric performance of foil balloons; providing enhanced penalties in certain circumstances for committing assault or battery upon a utility worker; prohibiting a person from committing certain acts against the infrastructure of a public utility; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-10 of this bill set forth certain requirements and restrictions concerning the manufacturing and sale of foil balloons, which **section 5** of this bill defines, in general, to mean a balloon that is constructed of electrically conductive material and that is not a hot air balloon or a balloon used in a governmental or scientific research project.

Section 2 sets forth certain legislative findings and declarations concerning foil balloons.

Section 7 of this bill requires a person who manufactures a foil balloon in this State to include certain markings on the foil balloon. **Section 7** also prohibits a person from selling, offering for sale or distributing a foil balloon that is filled with a gas that is lighter than air unless: (1) an object of sufficient weight is affixed to the balloon or its appurtenance to counter the lift capability of the foil balloon; and (2) no electrically conductive string, tether or streamer or other electrically conductive object is attached to the foil balloon.

Section 9 of this bill requires the Public Utilities Commission of Nevada to adopt a standard for the testing and evaluation of the dielectric performance of foil balloons. **Section 9**: (1) requires that standard to be the P2845 Standard, if the P2845 Standard is deemed final and approved; and (2) sets forth the conditions under which the P2845 Standard is deemed final and approved. **Section 6** of this bill defines "P2845 Standard" to mean, in general, a certain specified standard for the testing and evaluation of the dielectric performance of foil balloons established by the Institute of Electrical and Electronics Engineers.

Section 8 of this bill: (1) requires any foil balloon sold, offered for sale or manufactured in this State to have been tested in accordance with, and meet the performance standards set forth in, the standard adopted by the Commission pursuant to **section 9**; and (2) prohibits a person from selling, offering for sale or manufacturing a foil balloon in this State unless the foil balloon meets those requirements. **Section 8** provides for the gradual implementation of those requirements by setting forth certain deadlines by which certain percentages of the foil balloons sold, offered for sale or manufactured by a person must comply with those requirements. **Section 8** sets forth certain circumstances under which those deadlines may be extended.

Section 10 provides for the imposition of a civil penalty against a person who sells, offers for sale or manufactures a foil balloon in violation of **sections 2-10** not to exceed $50 for each balloon sold, offered for sale or manufactured, not to exceed $2,500 for each day on which a violation occurs. **Section 10** authorizes the Attorney General, a district attorney or a city attorney to: (1)

recover the civil penalties in a civil action; and (2) bring an action to enjoin any violation of **sections 2-10**.

Existing law: (1) makes it unlawful to commit certain acts involving theft or damage to property of a public utility; (2) prescribes certain criminal penalties for the commission of such unlawful acts; and (3) provides for a civil action for damages for an injury to or the destruction of the property of a public utility. (NRS 704.800, 704.805) **Section 11** of this bill makes it unlawful for a person, with the intent to interfere or otherwise prevent the performance of the normal function of any infrastructure owned by a public utility, to: (1) commit any trespass upon the infrastructure; or (2) intentionally or recklessly deface, damage or tamper with the infrastructure. **Section 12** of this bill authorizes a public utility to bring a civil action for damages against any person who violates the prohibition created by **section 11**.

Under existing law, if a person commits an assault upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty and the person knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver or a transit operator, the person is guilty of: (1) a category B felony if the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon; (2) a category D felony if the person is a probationer, prisoner or parolee; or (3) if neither of those circumstances is present, a gross misdemeanor. (NRS 200.471) Additionally, under existing law, if a person commits a battery upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator, and the person knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver or a transit operator, the person is guilty of: (1) a category B felony if the battery causes substantial bodily harm or is committed by strangulation; or (2) if those circumstances are not present and no greater penalty is provided by law, a gross misdemeanor. (NRS 200.481) **Sections 10.3 and 10.6** of this bill provide for the imposition of those penalties for an assault or battery committed upon a utility worker.

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. Electric utilities in this State are responsible for delivering safe, reliable energy through large transmission and distribution networks. Equipment failure or damage from weather, animals and human activity can cause power outages.

2. Electric utilities report that foil balloons are among the top causes of outages. Foil balloons are coated with a shiny metallic film that conducts electricity. If a foil balloon contacts power lines, this can create an electrical fault that can damage power lines, cause blackouts and start fires.

3. Because of the risk of power outages and fires caused by foil balloons coming into contact with power lines, other states and jurisdictions have considered bans on foil balloons.

4. Modern technology has advanced to allow for the manufacturing of foil balloons that resist conducting electricity. The Institute of Electrical and Electronics Engineers is developing standards for such balloons.

5. Requiring foil balloons to be tested and to meet performance standards concerning their dielectric performance will minimize the risks of power outages and fires.

Sec. 3. *As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections ~~[4, 5 and 6]~~ 3.5 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3.5. "Commencement date" means the date on which the regulation adopted by the Commission establishing the P2845 Standard pursuant to section 9 of this act becomes effective, or on June 20, 2027, whichever is later.

Sec. 4. *"Commission" means the Public Utilities Commission of Nevada.*

Sec. 5. *1. "Foil balloon" means a balloon that is constructed of electrically conductive material.*

2. The term does not include a hot air balloon or a balloon used in a governmental or scientific research project.

Sec. 6. *"P2845 Standard" means the "Standard for Testing and Evaluating the Dielectric Performance of Celebratory Balloons in Contact with Overhead Power Distribution Lines Rated up to 38 kV System Voltage," IEEE P2845, of the Institute of Electrical and Electronics Engineers.*

Sec. 7. *1. A person who manufactures a foil balloon in this State shall include on the foil balloon a suitable, permanent mark that:*

(a) Identifies the manufacturer of the foil balloon.

(b) If the foil balloon meets the requirements of section 8 of this act, indicates that the foil balloon meets those requirements. If the Commission has adopted the P2845 Standard pursuant to section 9 of this act, any marking specified in the P2845 Standard shall be deemed to be a suitable mark for the purposes of this subsection.

2. A person shall not sell, offer for sale or distribute a foil balloon that is filled with a gas that is lighter than air in this State after the commencement date unless:

(a) An object of sufficient weight is affixed to the foil balloon or its appurtenance to counter the lift capability of the foil balloon; and

(b) No electrically conductive string, tether or streamer or any other electrically conductive object is attached to the foil balloon.

Sec. 8. *1. Except as otherwise provided in this section, a person shall not sell, offer to sell or manufacture a foil balloon in this State after the*

***commencement date** unless the foil balloon meets the requirements set forth in this section.*

2. Except as otherwise provided in this section, any foil balloon sold, offered for sale or manufactured in this State after the commencement date must be tested in accordance with, and meet the performance standards set forth in, a standard for the testing and evaluation of the dielectric performance of foil balloons adopted by the Commission pursuant to section 9 of this act.

3. Except as otherwise provided in subsections 4 and 5, a person who sells, offers for sale or manufactures foil balloons in this State after the commencement date shall ensure that:

(a) Not less than 25 percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, 2027.

(b) Not less than 55 percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, 2028.

(c) Not less than 80 percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, 2029.

(d) One hundred percent of the foil balloons sold, offered for sale or manufactured by the person comply with the provisions of this section on or before June 30, 2030.

4. A period described in subsection 3 must be tolled during any period in which a serious development, manufacturing, production or supply chain issue or event in the nature of force majeure occurs if the issue or event:

(a) Makes it infeasible to develop, manufacture, produce or sell foil balloons in compliance with the requirements of this section; and

(b) Is outside of the control of the person who sells, offers to sell or manufactures a foil balloon in this State.

5. If a period of tolling is required pursuant to subsection 4, the period must be:

(a) Twenty four months; or

(b) Until the serious development, manufacturing, production or supply chain issue or event in the nature of force majeure is resolved,

➥ whichever occurs ~~[first,]~~ later.

6. As used in this section, "infeasible" means incapable of being accomplished in a successful manner within a reasonable time, taking into account economic, environmental, legal, social and technological factors.

Sec. 9. *1. The Commission shall adopt, by regulation, a standard for testing and evaluating the dielectric performance of foil balloons. If the P2845 Standard is final and approved, the Commission shall adopt the P2845 Standard as the standard required by this section.*

2. For the purposes of subsection 1, the P2845 Standard shall be deemed to be final and approved if the Institute for Electrical and Electronics Engineers has:

(a) Published an interim version of the P2845 Standard;

(b) Completed a trial of the interim version of the P2845 Standard; and

(c) After any materially substantive adjustments, if any, to the interim version, published a final version of the P2845 Standard.

Sec. 10. ***1. A person who sells, offers for sale or manufactures a foil balloon in violation of sections 2 to 10, inclusive, of this act is subject to a civil penalty not to exceed $50 for each such foil balloon sold, offered for sale or manufactured, except that the penalty against the person must not exceed $2,500 for each day on which a violation occurs.***

2. A civil penalty imposed pursuant to subsection 1 must be recovered in a civil action brought by the Attorney General or by the district attorney or city attorney for the jurisdiction in which the violation occurred.

3. Any civil penalty collected pursuant to this section by:

(a) The Attorney General must be paid to the State Treasurer for credit to the State General Fund.

(b) A district attorney or city attorney must deposited in the county or city treasury, as applicable.

4. In determining whether to impose a civil penalty pursuant to subsection 1, the court shall consider:

(a) The nature, extent and severity of the violation;

(b) If multiple violations occurred, the number of violations;

(c) The economic effect of the civil penalty on the person;

(d) The annual revenue of the person in both sales of foil balloons and total sales;

(e) Whether the person took good faith measures to comply with the requirements of sections 2 to 10, inclusive, of this act and when such measures were taken;

(f) The deterrent effect that the imposition of the penalty would have on both the person and the regulated community as a whole;

(g) The willfulness of the person responsible for the violation; and

(h) Any other factors that justice may require.

5. The Attorney General or the district attorney or city attorney of a county or city, as applicable, in which a person sells, offers for sale or manufactures a foil balloon in violation of sections 2 to 10, inclusive, of this act may bring an action to enjoin the violation.

Sec. 10.3. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(d) "Provider of health care" means a physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing

assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, an emergency medical technician, an advanced emergency medical technician and a paramedic.

(e) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(f) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(g) "Sports official" has the meaning ascribed to it in NRS 41.630.

(h) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(i) "Taxicab driver" means a person who operates a taxicab.

(j) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

(k) "Utility worker" means an employee ~~[or contractor]~~ of a public utility as defined in NRS 704.020 ~~[.]~~ whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver ***,*** ~~[or]~~ a transit operator ***or a utility worker*** who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator ***, a utility worker*** or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver **,** ~~[or]~~ a transit operator ***or a utility worker*** who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator ***, a utility worker*** or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 10.6. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

(e) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

(g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(h) "Sports official" has the meaning ascribed to it in NRS 41.630.

(i) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

(j) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(k) "Taxicab driver" means a person who operates a taxicab.

(l) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

(m) "Utility worker" means an employee ~~[or contractor]~~ of a public utility as defined in NRS 704.020 ~~[,]~~ whose official duties require the employee to:

(1) Interact with the public;

(2) Perform tasks related to the operation of the public utility; and

(3) Wear identification, clothing or a uniform that identifies the employee as working for the public utility.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon an officer, provider of health care, school employee, taxicab driver ***,*** ~~[or]~~ transit operator ***or utility worker*** who was performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator ***, utility worker*** or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator ***, utility worker*** or sports official,

➥ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer, provider of health care, school employee, taxicab driver ***,*** ~~[or]~~ transit operator ***or utility worker*** who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator ***, utility worker*** or sports official, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

Sec. 11. NRS 704.800 is hereby amended to read as follows:

704.800 1. It is unlawful for a person to obtain any water, gas, electricity, power or other service, goods or product provided by a public utility with the intent to avoid payment therefor, by:

(a) Opening, breaking into, tapping or connecting with any pipe, flume, ditch, conduit, reservoir, wire, meter or other apparatus belonging to or used by any other person or by the State, any county, city, district or municipality, and taking and removing therefrom or allowing to flow or be taken therefrom any water, gas, electricity or power belonging to another;

(b) Connecting a pipe, tube, flume, conduit, wire or other instrument or appliance with any pipe, conduit, tube, flume, wire, line, pole, lamp, meter or other apparatus belonging to or used by any water, irrigation, gas, electric or power company or corporation, or belonging to or used by any other person in such a manner as to take therefrom water, gas, electricity or power for any purpose or use without passing through the meter or instrument or other means provided for registering the quantity consumed or supplied;

(c) Altering, disconnecting, removing, injuring or preventing the action of any headgate, meter or other instrument used to measure or register the quantity of water, gas, electricity or power used or supplied; or

(d) Injuring or interfering with the efficiency of any meter, pipe, conduit, flume, wire, pole, line, lamp, fixture, hydrant or other attachment or apparatus belonging to or used by any water, irrigation, gas, electric or power company or corporation.

2. ***It is unlawful for a person, with the intent to interfere with or otherwise prevent the performance of the normal function of any infrastructure owned by a public utility and without the consent of the public utility, to:***

(a) Commit any trespass upon the infrastructure; or

(b) Intentionally or recklessly deface, damage or tamper with the infrastructure.

3. If the value of the service involved or the property damaged or stolen is:

(a) Five hundred dollars or more, a person who violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) Less than $500, a person who violates the provisions of this section is guilty of a misdemeanor.

➥ In determining the value of the service involved, the value of all services unlawfully obtained or attempted to be obtained within 3 years before the time the indictment is found or the information is filed may be aggregated.

~~[3.]~~ ***4.*** This section applies when the service involved either originates or terminates, or both originates and terminates, in this state, or when the charges for the service would have been billable in the normal course by a person providing the service in this state but for the fact that the service was obtained

or attempted to be obtained by one or more of the means set forth in subsection 1.

Sec. 12. NRS 704.805 is hereby amended to read as follows:

704.805 1. Any public utility may bring a civil action for damages against any person who ~~[willfully]~~ ***:***

(a) Willfully and knowingly obtains, attempts to obtain or solicits, aids or abets another to obtain any service provided by the public utility by:

~~[(a)]~~ ***(1)*** Opening, breaking into, tapping or connecting with any pipe, flume, ditch, conduit, reservoir, wire, meter or other apparatus owned or used by another person;

~~[(b)]~~ ***(2)*** Bypassing any meter or other instrument used to register the quantity consumed or supplied; or

~~[(c)]~~ ***(3)*** Altering, disconnecting, removing, injuring or preventing the action of any meter or other instrument used to register the quantity consumed or supplied ~~[.]~~ ***; or***

(b) Violates subsection 2 of NRS 704.800,

➥ and recover a sum equal to treble the amount of the actual damages, plus all reasonable costs and expenses incurred by the public utility because of that conduct, including the cost of equipment, investigating the matter and expert witnesses and attorney's fees.

2. There is a rebuttable presumption that the person responsible for payment for the delivery of the service of a public utility to any premises caused or had knowledge of any act specified in ***paragraph (a) of*** subsection 1 if the person:

(a) Is the occupant of the premises; or

(b) Has any access to the system for delivery of the service to the premises.

3. The presumption provided in subsection 2 only shifts the burden of going forward with the evidence and does not shift the burden of proof to the defendant.

4. A person who willfully or negligently injures or destroys the property of a public utility which is used in the actual production, distribution or delivery of the service provided by the public utility is liable to the public utility for the cost of the repair or replacement of the property injured or destroyed, including the direct and indirect costs attributable to the repair or replacement but subtracting the value, if any, of salvage.

5. Nothing in this section abridges or alters any other right of action or remedy available to a public utility before or after July 1, 1985.

6. As used in this section, "direct and indirect costs attributable to repair or replacement" include, but are not limited to, costs for:

(a) Labor;

(b) Materials;

(c) Supervision of employees;

(d) Supplies;

(e) Tools;

(f) Taxes;

(g) Transportation;
(h) General and administrative expenses;
(i) Allocable benefits for employees;
(j) Allowances for meals; and
(k) Any other related expenses.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 322.

Bill read third time.

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

Amendment No. 893.

AN ACT relating to public health; prohibiting a person from selling or offering to sell a kratom product to an end user unless the kratom product has been registered with the ~~[State Department]~~ **Division** of ~~[Agriculture;]~~ **Public and Behavioral Health of the Department of Health and Human Services;** setting forth requirements for the registration of a kratom product with the ~~[Department;]~~ **Division;** requiring a person who registers a kratom product to pay certain expenses and report certain information relating to the kratom product to the ~~[Department;]~~ **Division;** authorizing the ~~[Department]~~ **Division** to adopt certain regulations governing kratom products; revising provisions establishing certain prohibited acts relating to kratom products; exempting a person who engages in certain acts relating to kratom products from certain criminal or legal penalties if certain substances in those products are designated as controlled substances; prohibiting the State Board of Pharmacy from including certain substances on a schedule of controlled substances; providing penalties; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "kratom product" to mean, in general, any product or ingredient containing any part of the leaf of the *Mitragyna Speciosa* plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine, or any synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine. Existing law prohibits a person from: (1) selling or offering to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years; (2) preparing, distributing, advertising, selling or offering to sell a kratom product that is adulterated with certain substances; and (3) selling a kratom product that does not have a label that meets certain requirements. Existing law provides for the imposition of a civil penalty of not more than $1,000 against a person who violates those prohibitions. (NRS 597.998)

Section 5 of this bill revises the definition of kratom product to mean food containing any part of the leaf of the *Mitragyna Speciosa* plant. **Section 9** of

this bill revises the prohibited acts relating to kratom products set forth under existing law to revise: (1) requirements relating to the type of kratom products that a person is prohibited from preparing, distributing, advertising, selling or offering to sell; and (2) the information that must be included on a label for a kratom product. **Section 9** eliminates the civil penalty imposed for engaging in such prohibited acts and **section 8.7** of this bill instead provides for the imposition of administrative fines by the ~~[State Department]~~ **Division** of ~~[Agriculture]~~ **Public and Behavioral Health of the Department of Health and Human Services** for certain violations relating to kratom products.

Section 6 of this bill prohibits a person from selling or offering to sell a kratom product to an end user unless the kratom product has been registered with the ~~[Department.]~~ **Division. Section 6** sets forth certain requirements for a person to register a kratom product with the ~~[Department.]~~ **Division.**

Sections 6.5 and 8 of this bill set forth circumstances under which the ~~[Department]~~ **Division** may require a person who registers a kratom product to submit the kratom product to a laboratory for certain additional testing. **Section 7.5** of this bill requires a person who registers a kratom product to submit to the ~~[Department]~~ **Division** a copy of certain reports concerning the kratom product that are required to be submitted to the United States Food and Drug Administration.

Section 7 of this bill authorizes the ~~[Board]~~ **Division** to adopt certain regulations to carry out the provisions of this bill. **Section 9.8 of this bill makes an appropriation from the State General Fund to the Division for personnel, travel, operating, equipment and information services expenses to carry out the provisions of this bill.**

Existing law authorizes the State Board of Pharmacy to adopt regulations to add, delete or reschedule substances as controlled substances in schedules I, II, III, IV or V pursuant to the Uniform Controlled Substances Act. (NRS 453.146) Existing law prohibits certain substances from being included on such a schedule. (NRS 453.2186) **Section 9.5** of this bill prohibits the Board from including mitragynine or any of its constituent alkaloids on any schedule unless the substance is designated as a controlled substance pursuant to federal law. **Section 8.3** of this bill provides that if mitragynine or any of its constituent alkaloids is added to a schedule of controlled substances, a person who engages in the possession, delivery, production, sale or use of a kratom product that meets the requirements of this bill and who confines his or her activities to those authorized by this bill does not commit a violation of any law, ordinance, rule or regulation of this State or any political subdivision of this State and any such conduct must not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.

Sections 2.5-4.5 of this bill define certain other words and terms for the purposes of this bill.

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

Section 1. Chapter 597 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8.7, inclusive, of this act.

Sec. 2. ***As used in NRS 597.998 and sections 2 to 8.7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2.5 to 5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Certificate of analysis" means a document produced by a laboratory describing the results of the laboratory's testing of a kratom product.***

Sec. 3. ~~***["Department"]***~~ ***"Division" means the*** ~~***[State Department]***~~ ***Division of*** ~~***[Agriculture,]***~~ ***Public and Behavioral Health of the Department of Health and Human Services.***

Sec. 4. ***"Food" means any food, food product, food ingredient, dietary ingredient, dietary supplement or beverage intended for ultimate human consumption.***

Sec. 4.5. ***"Kratom extract" means a kratom product containing any part of the leaf of the Mitragyna Speciosa plant that has been extracted and concentrated to provide a dosage that is more standardized.***

Sec. 5. ***"Kratom product" means food containing any part of the leaf of the Mitragyna Speciosa plant, or an extract thereof, which is manufactured as a powder, capsule, pill or other edible form.***

Sec. 6. ***1. A person shall not sell or offer to sell a kratom product to an end user unless the kratom product has been registered with the*** ~~***[Department]***~~ ***Division pursuant to this section.***

2. A person who wishes to register a kratom product must submit to the ~~***[Department:]***~~ ***Division:***

(a) An application on a form prescribed by the ~~***[Department;]***~~ ***Division.***

(b) A fee in an amount established by the ~~***[Department]***~~ ***Division by regulation*** ~~***. [;]***~~

(c) A certificate of analysis for the kratom product which:

(1) Is produced by an independent laboratory that meets any requirements set forth in regulations adopted by the ~~***[Department]***~~ ***Division pursuant to section 7 of this act*** ~~***. [; and]***~~ ***Such requirements may include, without limitation, a requirement that the independent laboratory meet any accreditation standards required by the Division relating to the testing of food.***

(2) Provides sufficient information about the kratom product to enable the ~~***[Department]***~~ ***Division to determine whether the kratom product complies with the provisions of NRS 597.998 and sections 2 to 8.7, inclusive, of this act*** ~~***. [; and]***~~

(d) Any other information and documentation that the ~~***[Department]***~~ ***Division deems necessary to ensure that the kratom product meets the***

requirements of NRS 597.998 and sections 2 to 8.7, inclusive, of this act and the regulations adopted pursuant thereto.

3. A registration issued pursuant to this section expires 1 year after issuance and may be renewed by submitting to the ~~[Department]~~ Division an application for renewal and the same fees and materials required by paragraphs (b), (c) and (d) of subsection 2 for an initial registration.

Sec. 6.5. *1. If the ~~[Department]~~ Division has reasonable cause to believe that the information contained on the label of, or the certificate of analysis for, a kratom product is inaccurate, the ~~[Department]~~ Division may require the person who registered the kratom product to send the kratom product to a laboratory selected by the ~~[Department]~~ Division to conduct testing on the kratom product.*

2. After the testing conducted pursuant to subsection 1 is completed, the ~~[Department]~~ Division shall send the person who registered the kratom product a bill for the costs of the testing. If the person fails to pay those costs within a period of time after the receipt of the bill established by the ~~[Department]~~ Division by regulation, the ~~[Department]~~ Division shall revoke the registration of the kratom product.

Sec. 7. *The ~~[Department]~~ Division may adopt regulations as it determines to be necessary or advisable to carry out the provisions of NRS 597.998 and sections 2 to 8.7, inclusive of this act.*

Sec. 7.5. *1. If a person submits to the United States Food and Drug Administration a report pursuant to 21 U.S.C. § 379aa-1 concerning a serious adverse event involving a kratom product that the person has registered pursuant to section 6 of this act, the person shall send a copy of that report to the ~~[Department]~~ Division by certified mail within a period of time established by the ~~[Department]~~ Division by regulation.*

2. Failure to send to the ~~[Department]~~ Division a copy of the report described in subsection 1 within the time required by subsection 1, constitutes grounds for the revocation of the registration of the kratom product about which the report relates.

Sec. 8. *1. Any person may report to the ~~[Department]~~ Division on a form prescribed by the ~~[Department]~~ Division a suspected violation of NRS 597.998 or sections 2 to 8.7, inclusive, of this act.*

2. If the ~~[Department]~~ Division determines that the allegations in a complaint are credible and relate to the content or labeling of, or a certificate of analysis for, a kratom product, the ~~[Department]~~ Division shall require the person who committed the alleged violation to obtain and provide to the ~~[Department,]~~ Division, within a period of time prescribed by the ~~[Department]~~ Division by regulation, a new certificate of analysis which complies with paragraph (c) of subsection 2 of section 6 of this act for the kratom product.

3. If a person fails to provide the ~~[Department]~~ Division with a certificate of analysis pursuant to subsection 2, the ~~[Department]~~ Division shall revoke the registration for the kratom product.

Sec. 8.3. ***Notwithstanding any other provision of law, if mitragynine or any of its constituent alkaloids are added to schedule I, II, III, IV or V by the State Board of Pharmacy by regulation pursuant to NRS 453.146, a person who engages in the possession, delivery, production, sale or use of a kratom product that meets the requirements of NRS 597.998 and sections 2 to 8.7, inclusive, of this act and who confines his or her activities to those authorized by NRS 597.998 and sections 2 to 8.7, inclusive, of this act does not violate any law, ordinance, rule or regulation of this State or any political subdivision of this State and such conduct may not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.***

Sec. 8.7. ***1. A person who violates any provision of NRS 597.998 and sections 2 to 8.7, inclusive, of this act is subject to an administrative fine in an amount not to exceed $500 for a first offense and $1,000 for a second or subsequent offense.***

2. Upon the request of a person to whom an administrative fine is issued, the ~~[Department]~~ Division shall provide notice of and conduct a hearing in accordance with the provisions of chapter 233B of NRS.

Sec. 9. NRS 597.998 is hereby amended to read as follows:

597.998 1. A person shall not knowingly ***distribute,*** sell or offer to sell any material, compound, mixture or preparation containing a kratom product to a child under the age of 18 years.

2. A person shall not knowingly prepare, distribute, advertise, sell or offer to sell a kratom product that ~~[is]~~ ***:***

(a) Is ~~[combined, packaged or]~~ adulterated ***, as defined in 21 U.S.C. § 342, or combined or packaged*** with ~~[a]~~ ***:***

(1) A controlled substance or a dangerous drug, as defined in chapter 454 of NRS, or any poisonous or deleterious substance; or

(2) Any substance that affects the quality or strength of the kratom product to such a degree as to render the kratom product injurious to a consumer ~~[. A person has not violated the provisions of this subsection if he or she can show by a preponderance of evidence that he or she relied in good faith upon the representations of a manufacturer, processor, packer or distributor of the kratom product.~~

~~3. A person shall not sell a kratom product that does not have a label that clearly sets forth the ingredients and directions for the safe and effective use of the kratom product.~~

~~4. A person who violates any provision of this section is subject to a civil penalty of not more than $1,000 for each violation.~~

~~5. As used in this section, "kratom product" means any product or ingredient containing:~~

~~(a) Any part of the leaf of the Mitragyna Speciosa plant if the plant contains the alkaloid mitragynine or 7-hydroxymitragynine; or~~

~~(b) A synthetic material that contains the alkaloid mitragynine or 7-hydroxymitragynine,~~

~~→ regardless of whether the product or ingredient is labeled or sold for human consumption.]~~ ***;***

(b) Contains a level of 7-hydroxymitragynine in the alkaloid fraction that is greater than 1 percent of the alkaloid composition of the kratom product;

(c) Contains a synthetic alkaloid, including, without limitation, synthetic mitragynine, synthetic 7-hydroxymitragynine or any synthetically derived compound of the Mitragyna Speciosa plant;

(d) Does not include a label that complies with any requirements for the labeling of food established by the State Board of Health by regulations adopted pursuant to NRS 439.200 or 446.940 and that clearly sets forth:

(1) The recommended size of an individual serving;

(2) The maximum limits for individual servings per day;

(3) The number of servings equal to the size of one recommended individual serving that are contained in the package; and

(4) Directions for the safe and effective use of the kratom product.

(e) A kratom extract which contains levels of residual solvents that exceed the levels authorized by chapter 467 of the United States Pharmacopeia-National Formulary, published by the United States Pharmacopeial Convention.

Sec. 9.5. NRS 453.2186 is hereby amended to read as follows:

453.2186 1. Authority to control pursuant to NRS 453.146, 453.218, 453.2182 and 453.2184 does not extend to distilled spirits, wine, malt beverages or tobacco.

2. ***The Board shall not include mitragynine or any of its constituent alkaloids on any schedule unless the substance is designated as a controlled substance pursuant to federal law.***

3. The Board shall not include any nonnarcotic substance on any schedule if that substance is in a form suitable for final dosage and has been approved by the Food and Drug Administration for sale over the counter without a prescription, unless the Board affirmatively finds that:

(a) The substance itself or one or more of its active ingredients is an immediate precursor of a controlled substance; and

(b) The substance is materially misbranded or mislabeled, or the public interest requires the scheduling of the substance as a controlled substance in schedule I, II, III or IV.

~~[3.]~~ ***4.*** In determining whether the public interest requires the scheduling of the substance, the Board shall consider:

(a) Whether the customary methods of marketing and distributing the substance are likely to lead to its unlawful distribution or use, including any relevant information with regard to a manufacturer or distributor of the substance concerning:

(1) His or her record of compliance with applicable federal, state and local statutes, ordinances and regulations;

(2) His or her past experience in the manufacture and distribution of controlled substances, and the existence in his or her establishment of effective controls against the unlawful distribution or use of the substance;

(3) Whether he or she has ever been convicted under any federal or state law relating to a controlled substance; and

(4) Whether he or she has ever furnished materially falsified or fraudulent material in any application filed pursuant to NRS 453.011 to 453.552, inclusive;

(b) Whether the substance is controlled under the federal Controlled Substances Act;

(c) The status of any pending proceeding to determine whether the substance should be controlled or exempted from control;

(d) Any history of abuse or misuse of the substance in this State; and

(e) Any other factors which are relevant to the public health and safety.

~~[4.]~~ ***5.*** In determining whether a substance is misbranded or mislabeled, the Board shall consider the requirements of the federal Food, Drug, and Cosmetic Act and the Code of Federal Regulations concerning indications for its use and any advertising for a use not so indicated.

Sec. 9.8. **1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for personnel, travel, operating, equipment and information services expenses to carry out the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $121,162

For the Fiscal Year 2024-2025..... $140,010

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

2. **Section 9.8 of this act becomes effective on July 1, 2023.**

3. Sections 1 to 9.5, inclusive, of this act become effective:

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

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

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 441.

Bill read third time.

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

Amendment No. 869.

AN ACT relating to industrial insurance; revising **requirements for the administration of certain insurance claims; revising** certain requirements to ~~[make]~~ **maintain** certain insurance records **and make them** available for inspection; removing the requirement that certain entities maintain a telephone service to accept collect calls from injured employees; revising the circumstances under which the Administrator of the Division of Industrial Relations of the Department of Business and Industry is authorized to remove a physician or chiropractic physician from a list or panel of physicians and chiropractic physicians who may provide certain medical services relating to the Nevada Industrial Insurance Act; requiring the Administrator to publish annual and quarterly reports; authorizing certain physicians and chiropractic physicians to decline to perform certain evaluations under certain circumstances; **revising procedures for the selection of a physician or chiropractic physician to perform certain evaluations and examinations;** revising provisions relating to independent medical examinations; revising provisions relating to benefits for a permanent partial disability; revising provisions relating to an appeal of certain determinations of the Administrator; ~~[requiring certain insurance claims to be administered by certain persons;]~~ revising procedures for the reimbursement of an insurer that pays for an increase in certain compensation or benefits; ~~[repealing certain restrictions relating to associations of self-insured employers;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Industrial Insurance Act, which provides for the payment of compensation to employees who are injured or disabled as the result of an occupational injury. (Chapters 616A-616D of NRS)

Existing law requires certain insurers to maintain an office in this State that is operated by the insurer or its third-party administrator and to provide access to files relating to industrial insurance claims at that office. (NRS 616B.021, 616B.027) **Section ~~[1]~~ 1.5** of this bill requires the insurer to make such files available for inspection and reproduction by electronic means or at an office operated by the insurer or its third-party administrator located in this State. **Section ~~[1]~~ 1.5** also authorizes the insurer to keep physical records concerning a claim filed in this State at a location outside this State if those records are made available for inspection and reproduction in certain electronic forms or at offices located in this State.

Section 2 of this bill permits an office operated by an insurer or its third-party administrator to keep reproductions of certain files rather than the original copies. **Section 2** also removes the requirement that an insurer accept collect calls from injured employees.

Existing law requires a person who acts as a third-party administrator pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act to administer claims arising under each plan of insurance that the person administers from one or more offices located in this State and maintain in those offices all of the records concerning those claims. (NRS 616B.503) Section 2.3 of this bill removes that requirement. Instead, section 1 of this bill establishes certain authorizations and requirements concerning the administration of claims arising under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act. Section 1: (1) authorizes an employee of a private carrier who is licensed as a company adjuster or a third-party administrator for a private carrier to administer such claims from a location in or outside this State; and (2) requires records concerning such claims to be maintained at offices located in this State or in certain electronic forms. Section 1 also: (1) authorizes an employee of a private carrier who is not licensed as a company adjuster or a third-party administrator for a self-insured employer or an association of self-insured public or private employers to administer such claims only from one or more offices located in this State; and (2) requires records concerning such claims to be maintained at those offices. Section 2 requires an employee of a private carrier or a third-party administrator who administers a claim from a location outside of this State to make himself or herself available to communicate in real time with a claimant or a representative of a claimant at certain times.

Existing law requires the Commissioner to take certain disciplinary action against a third-party administrator for certain violations. (NRS 616B.506) Section 2.7 of this bill requires the Commissioner to also take such disciplinary action against a third-party administrator who violates the provisions of section 1.

Existing law requires an insurer to keep a list of physicians and chiropractic physicians from which an injured employee may choose to receive treatment and include in that list a certain number of physicians or chiropractic physicians from a panel established and maintained by the Administrator of the Division of Industrial Relations of the Department of Business and Industry. Existing law also sets forth procedures and limitations governing the removal of a physician or chiropractic physician from an insurer's list. (NRS 616C.087, 616C.090) **Section 4** of this bill expands the circumstances under which a physician or chiropractic physician may be involuntarily removed from an insurer's list and requires the Administrator to adopt regulations prescribing the format of the list which insurers must maintain. **Section 5** of this bill revises the reasons for which the Administrator may remove a

physician or chiropractic physician from a panel and authorizes certain persons to notify the Administrator if the person believes a physician or chiropractic physician satisfies certain criteria for removal from a panel. **Section 5** also authorizes a physician or chiropractic physician who is removed from a panel to reapply under certain circumstances for inclusion on the panel.

Existing law provides that an employee who is injured by an accident arising out of and in the course of employment is entitled to receive compensation under the **Nevada Industrial Insurance** Act for a permanent partial disability which is rated during an evaluation by certain physicians or chiropractic physicians. (NRS 616C.490) **Section 7** of this bill revises the methodology by which those physicians or chiropractic physicians are selected to perform such an evaluation and authorizes such a physician or chiropractic physician to decline to perform an evaluation if the physician or chiropractic physician believes he or she is not qualified to rate the disability at issue. **Sections 3 and 7** of this bill require the Administrator to prepare annual and quarterly reports containing certain information about those physicians and chiropractic physicians and the frequency with which they perform such evaluations and certain other examinations.

Existing law authorizes an injured employee, subject to various requirements and restrictions, to obtain an independent medical examination concerning an injury that is the subject of a claim filed pursuant to the **Nevada Industrial Insurance** Act. (NRS 616C.145) **Section 6** of this bill provides that such an injured employee is entitled to request such an independent examination for a permanent partial disability to determine if the employee has a ratable impairment or to dispute the initial rating determination of the employee's injury. **Section 6** also identifies the method by which the rate of reimbursement relating to certain independent medical examinations must be determined and authorizes an insurer to recover the cost of a second examination to determine a rating of a permanent partial disability under certain circumstances.

Existing law authorizes an injured employee who disagrees with the percentage of disability determined by a physician or chiropractic physician to obtain a second determination of the percentage of disability by selecting the next physician or chiropractic physician in rotation from the list of qualified physicians and chiropractic physicians maintained by the Administrator. (NRS 616C.100) Section 5.5 of this bill requires the physician or chiropractic physician to be selected at random from that list.

Existing law authorizes certain persons to request a hearing before a hearing officer of matters relating to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act. (NRS 616C.315) If necessary to resolve a medical question concerning the rating of an employee's permanent disability, existing law authorizes a hearing officer to refer the employee for examination by a rating physician or chiropractic physician who, with certain exceptions, must be selected in rotation from the list of

physicians and chiropractic physicians maintained by the Administrator. (NRS 616C.330, 616C.360) Sections 6.8 and 6.9 of this bill instead require the physician or chiropractic physician to be selected at random from the list.

Existing law provides that a claimant under the **Nevada Industrial Insurance** Act may elect to receive payment for a permanent partial disability in a lump sum under certain circumstances. (NRS 616C.495) **Section 8** of this bill requires an insurer to use the actuarial annuity tables adopted by the Division that are in effect on the date on which the claimant demands payment in a lump sum to calculate the present value of the lump sum payable.

Existing law authorizes the Administrator to order an insurer or certain other persons to pay to a claimant a benefit penalty if the Administrator determines the insurer or other person has refused to process a claim for compensation pursuant to the **Nevada Industrial Insurance** Act or committed certain other violations. (NRS 616D.120) Existing law authorizes a person to contest a decision of the Administrator to impose or refuse to impose a benefit penalty by filing a notice of appeal with an appeals officer. (NRS 616D.140) **Section 9** of this bill revises certain procedural requirements relating to such an appeal and authorizes a claimant on whose behalf a benefit penalty is imposed to bring a civil action to recover the amount of the benefit penalty.

~~[Section 10 of this bill requires all claims brought pursuant to the Act or the Nevada Occupational Diseases Act to be administered by: (1) a salaried employee of an insurer located in this State; (2) a licensed adjuster located in or outside this State; or (3) a person authorized to adjust claims under the authority of a registered third-party administrator acting on behalf of an insurer located in or outside this State. Section 10 also exempts certain persons from those requirements and requires all files relating to a claim filed pursuant to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act to be made available for inspection at certain locations in this State or by electronic means.~~

~~Section 10.5 of this bill repeals provisions prohibiting an association's administrator employed by an association of self-insured public or private employers and a third-party administrator of an association of public or private employers from holding a financial interest in or serving as employee, officer or director of one another.]~~

Existing law authorizes an insurer or employer who pays an annual increase in compensation for permanent total disability to a claimant or dependent who is entitled to such compensation due to certain industrial injuries or disablements to obtain reimbursement from the Administrator and sets forth the procedure for obtaining such a reimbursement. (NRS 616C.266) Similarly, existing law entitles an insurer who pays an increase in certain death benefits to a widow, widower, surviving child or surviving dependent parent to be reimbursed annually for the amount of that increase and sets forth procedures for obtaining reimbursement. (NRS 616C.268) **Sections 6.3 and 6.7** of this bill revise the procedures governing the issuance of such reimbursement to an

insurer and impose various requirements on the Administrator with respect to such reimbursement.

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

Section 1. **Chapter 616B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. An employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location in or outside of this State. All records concerning a claim administered pursuant to this subsection must be maintained at one or more offices located in this State or by computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original.

2. An employee of a private carrier who is not licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a self-insured employer or an association of self-insured public or private employers may administer claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS only from one or more offices located in this State. All records concerning a claim administered pursuant to this subsection must be maintained in those offices.

3. The Commissioner may:

(a) Under exceptional circumstances, waive the requirements of subsections 1 and 2; and

(b) Adopt regulations to carry out the provisions of this section.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 616B.021 is hereby amended to read as follows:

616B.021 1. An insurer shall ~~[provide access to]~~ ***make*** the files of claims ***available for inspection and reproduction:***

(a) At an office operated by the insurer or its third-party administrator located in ~~[its offices.]~~ ***this State; or***

(b) By electronic means.

2. The physical records in a file concerning a claim filed in this State may be kept at ~~[an office located]~~ ***a location*** outside this State if all records in the file are ~~[accessible]~~ ***made available for inspection and reproduction*** at ~~[offices]~~ ***an office operated by the insurer or its third-party administrator that is*** located in this State ~~[on]~~ ***or by*** computer in a microphotographic, electronic or other similar format that produces an accurate reproduction of the original. If a claim filed in this State is open, the records in the file must be reproduced and available for inspection during
regular business hours within 24 hours after requested by the employee or the employee's designated agent, the employer or the employer's designated

agent, or the Administrator or the Administrator's designated agent. If a claim filed in this State is closed, the records in the file must be reproduced and available for inspection during regular business hours within 14 days after requested by such persons.

3. Upon request, the insurer shall make copies or other reproductions of anything in the file and may charge a reasonable fee for this service. Copies or other reproductions of materials in the file which are requested by the Administrator or the Administrator's designated agent, or the Nevada Attorney for Injured Workers or his or her designated agent must be provided free of charge.

4. The Administrator may adopt regulations concerning the:

(a) Maintenance of records in a file on claims that are open or closed; and

(b) Preservation, examination and use of records which have been stored on computer or in a microphotographic, electronic or similar format by an insurer.

5. This section does not require an insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.

Sec. 2. NRS 616B.027 is hereby amended to read as follows:

616B.027 1. Every insurer shall:

(a) Provide an office in this State operated by the insurer or its third-party administrator in which:

(1) A complete file ***, or a reproduction of the complete file,*** of each claim is accessible, in accordance with the provisions of NRS 616B.021;

(2) Persons authorized to act for the insurer and, if necessary, licensed pursuant to chapter 683A of NRS, may receive information related to a claim and provide the services to an employer and his or her employees required by chapters 616A to 617, inclusive, of NRS; and

(3) An employee or his or her employer, upon request, is provided with information related to a claim filed by the employee or a copy or other reproduction of the information from the file for that claim, in accordance with the provisions of NRS 616B.021.

(b) Provide statewide toll-free telephone service to the office maintained pursuant to paragraph (a) **.** ~~[or accept collect calls from injured employees.]~~

2. Each private carrier shall provide:

(a) Adequate services to its insured employers in controlling losses; and

(b) Adequate information on the prevention of industrial accidents and occupational diseases.

3. An employee of a private carrier who is licensed as a company adjuster pursuant to chapter 684A of NRS or a person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for a private carrier who administers a claim arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS from a location outside of this State pursuant to subsection 1 of section 1 of this act shall make himself or herself available to communicate in real time with the claimant or a representative of the claimant Monday through Friday, 9 a.m.

to 5 p.m. local time in this State, excluding any day declared to be a legal holiday pursuant to NRS 236.015.

Sec. 2.3. **NRS 616B.503 is hereby amended to read as follows:**

616B.503 1. A person shall not act as a third-party administrator for an insurer without a certificate issued by the Commissioner pursuant to NRS 683A.08524.

2. A person who acts as a third-party administrator pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS shall:

(a) ~~[Administer from one or more offices located in this State all of the claims arising under each plan of insurance that the person administers and maintain in those offices all of the records concerning those claims;~~

~~(b)]~~ Administer each plan of insurance directly, without subcontracting with another third-party administrator; and

~~[(c)]~~ ***(b)*** Upon the termination of the person's contract with an insurer, transfer forthwith to a certified third-party administrator chosen by the insurer all of the records in the person's possession concerning claims arising under the plan of insurance.

3. The Commissioner may, under exceptional circumstances, waive the requirements of subsection 2.

Sec. 2.7. **NRS 616B.506 is hereby amended to read as follows:**

616B.506 The Commissioner shall impose an administrative fine, not to exceed $1,000 for each violation, and may withdraw the certification of any third-party administrator who:

1. Fails to comply with regulations of the Commissioner regarding reports or other requirements necessary to carry out the purposes of chapters 616A to 616D, inclusive, or chapter 617 of NRS; or

2. Violates any provision of NRS 616B.503 ***, section 1 of this act*** or any regulation adopted by the Commissioner or the Administrator concerning the administration of the plan of insurance.

Sec. 3. Chapter 616C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Administrator shall, not later than 30 days after the end of each calendar quarter, publish and make publicly available on the Internet website of the Division a report containing:

(a) The name of each rating physician or chiropractic physician, listed in alphabetical order by last name, who conducted an examination or evaluation on an injured employee pursuant to NRS 616.100, 616C.145, 616C.330, 616C.360 or 616C.490 in the immediately preceding calendar quarter; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a), the number of examinations or evaluations that were conducted by the rating physician or chiropractic physician as result of:

(1) The selection of the rating physician or chiropractic physician ~~[in rotation]~~ at random from the list of qualified physicians and chiropractic

physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490; and

(2) An agreement by an insurer and an injured employee.

2. The Administrator shall retain an archive which is accessible by the public of each report published pursuant to subsection 1.

Sec. 3.5. NRS 616C.050 is hereby amended to read as follows:

616C.050 1. An insurer shall provide to each claimant:

(a) Upon written request, one copy of any medical information concerning the claimant's injury or illness.

(b) A statement which contains information concerning the claimant's right to:

(1) Receive the information and forms necessary to file a claim;

(2) Select a treating physician or chiropractic physician and an alternative treating physician or chiropractic physician in accordance with the provisions of NRS 616C.090;

(3) Request the appointment of the Nevada Attorney for Injured Workers to represent the claimant before the appeals officer;

(4) File a complaint with the Administrator;

(5) When applicable, receive compensation for:

(I) Permanent total disability;

(II) Temporary total disability;

(III) Permanent partial disability;

(IV) Temporary partial disability;

(V) All medical costs related to the claimant's injury or disease; or

(VI) The hours the claimant is absent from the place of employment to receive medical treatment pursuant to NRS 616C.477;

(6) Receive services for rehabilitation if the claimant's injury prevents him or her from returning to gainful employment;

(7) Review by a hearing officer of any determination or rejection of a claim by the insurer within the time specified by statute; and

(8) Judicial review of any final decision within the time specified by statute.

2. The insurer's statement must include a copy of the form designed by the Administrator pursuant to subsection ~~[9]~~ ***12*** of NRS 616C.090 that notifies injured employees of their right to select an alternative treating physician or chiropractic physician. The Administrator shall adopt regulations for the manner of compliance by an insurer with the other provisions of subsection 1.

Sec. 4. NRS 616C.087 is hereby amended to read as follows:

616C.087 1. The Legislature hereby declares that:

(a) The choice of a treating physician or chiropractic physician is a substantive right and substantive benefit of an injured employee who has a claim under the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act.

(b) The injured employees of this State have a substantive right to an adequate choice of physicians and chiropractic physicians to treat their industrial injuries and occupational diseases.

2. Except as otherwise provided in this subsection and subsections 3 and 4 ~~[, an]~~ ***:***

(a) The panel maintained by the Administrator pursuant to NRS 616C.090 must not include a physician or chiropractic physician in a discipline or specialization if the physician or chiropractic physician does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization; and

(b) An insurer's list of physicians and chiropractic physicians from which an injured employee may choose pursuant to NRS 616C.090 must include not less than 12 physicians or chiropractic physicians, as applicable, in each of the following disciplines and specializations, without limitation, from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090:

~~[(a)]~~ ***(1)*** Orthopedic surgery on spines;
~~[(b)]~~ ***(2)*** Orthopedic surgery on shoulders;
~~[(c)]~~ ***(3)*** Orthopedic surgery on elbows;
~~[(d)]~~ ***(4)*** Orthopedic surgery on wrists;
~~[(e)]~~ ***(5)*** Orthopedic surgery on hands;
~~[(f)]~~ ***(6)*** Orthopedic surgery on hips;
~~[(g)]~~ ***(7)*** Orthopedic surgery on knees;
~~[(h)]~~ ***(8)*** Orthopedic surgery on ankles;
~~[(i)]~~ ***(9)*** Orthopedic surgery on feet;
~~[(j)]~~ ***(10)*** Neurosurgery;
~~[(k)]~~ ***(11)*** Neurology;
~~[(l)]~~ ***(12)*** Cardiology;
~~[(m)]~~ ***(13)*** Pulmonology;
~~[(n)]~~ ***(14)*** Psychiatry;
~~[(o)]~~ ***(15)*** Pain management;
~~[(p)]~~ ***(16)*** Occupational medicine;
~~[(q)]~~ ***(17)*** Physiatry or physical medicine;
~~[(r)]~~ ***(18)*** General practice or family medicine; and
~~[(s)]~~ ***(19)*** Chiropractic medicine.

➥ If the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 contains fewer than 12 physicians or chiropractic physicians, as applicable, for a discipline or specialization specifically identified in this subsection, all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

3. For any other discipline or specialization not specifically identified in subsection 2, the insurer's list must include not fewer than 8 physicians or chiropractic physicians, as applicable, unless the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS

616C.090 contains fewer than 8 physicians or chiropractic physicians, as applicable, for that discipline or specialization, in which case all of the physicians or chiropractic physicians, as applicable, on the panel for that discipline or specialization must be included on the insurer's list.

4. For each county whose population is 100,000 or more, an insurer's list of physicians and chiropractic physicians must include for that county a number of physicians and chiropractic physicians, as applicable, that is not less than the number required pursuant to subsections 2 and 3 and that also maintain in that county:

(a) An active practice; and

(b) A physical office.

5. If an insurer fails to maintain a list of physicians and chiropractic physicians that complies with the requirements of subsections 2, 3 and 4, an injured employee may choose a physician or chiropractic physician from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090.

6. Each insurer shall, not later than October 1 of each year, update the list of physicians and chiropractic physicians and file the list with the Administrator. The list must be certified by an adjuster who is licensed pursuant to chapter 684A of NRS.

7. Upon receipt of a list of physicians and chiropractic physicians that is filed pursuant to subsection 6, the Administrator shall:

(a) Stamp the list as having been filed; and

(b) Indicate on the list the date on which it was filed.

8. The Administrator shall:

(a) Provide a copy of an insurer's list of physicians and chiropractic physicians to any member of the public who requests a copy; or

(b) Post a copy of each insurer's list of physicians and chiropractic physicians on an Internet website maintained by the Administrator and accessible to the public for viewing, printing or downloading.

9. At any time, a physician or chiropractic physician may request in writing that he or she be removed from an insurer's list of physicians and chiropractic physicians. The insurer must comply with the request and omit the physician or chiropractic physician from the next list which the insurer files with the Administrator.

10. A physician or chiropractic physician may not be involuntarily removed from an insurer's list of physicians and chiropractic physicians except for good cause. As used in this subsection, "good cause" means that one or more of the following circumstances apply:

(a) The physician or chiropractic physician has died or is disabled.

(b) The license of the physician or chiropractic physician has been revoked or suspended.

(c) The physician or chiropractic physician has been convicted of:

(1) A felony; or

(2) A crime for a violation of a provision of chapter 616D of NRS.

(d) The physician or chiropractic physician has been removed from the panel of physicians and chiropractic physicians maintained by the Administrator pursuant to NRS 616C.090 by the Administrator upon a finding that the physician or chiropractic physician ~~[has]~~ ***:***

(1) Has failed to comply with the standards for treatment of industrial injuries or occupational diseases as established by the Administrator ~~[.]~~ ***; or***

(2) Does not accept and treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS.

11. Unless a physician or chiropractic physician, as applicable, is removed from an insurer's list of physicians and chiropractic physicians pursuant to subsection 10, an injured employee may continue to receive treatment from that physician or chiropractic physician even if:

(a) The employer of the injured employee changes insurers or administrators.

(b) The physician or chiropractic physician is no longer included in the applicable insurer's list of physicians and chiropractic physicians, provided that the physician or chiropractic physician agrees to continue to accept compensation for that treatment at the rates which:

(1) Were previously agreed upon when the physician or chiropractic physician was most recently included in the list; or

(2) Are newly negotiated but do not exceed the amounts provided under the fee schedule adopted by the Administrator.

12. The Administrator shall adopt regulations prescribing the form in which a list of physicians and chiropractic physicians created by an employer, insurer or third-party administrator pursuant to this section must be maintained. The Administrator shall require that any such list be in a format which is easily searchable, including, without limitation, an indexed database, a portable document format, a spreadsheet with data that may be filtered, a comma-separated values file or any other comparable format.

Sec. 5. NRS 616C.090 is hereby amended to read as follows:

616C.090 1. The Administrator shall establish, maintain and update not less frequently than annually on or before July 1 of each year, a panel of physicians and chiropractic physicians who have demonstrated special competence and interest in industrial health to treat injured employees under chapters 616A to 616D, inclusive, or chapter 617 of NRS. The Administrator shall maintain the following information relating to each physician and chiropractic physician on the panel:

(a) The name of the physician or chiropractic physician.

(b) The title or degree of the physician or chiropractic physician.

(c) The legal name of the practice of the physician or chiropractic physician and the name under which the practice does business.

(d) The street address of the location of every office of the physician or chiropractic physician.

(e) The telephone number of every office of the physician or chiropractic physician.

(f) Every discipline and specialization practiced by the physician or chiropractic physician.

(g) Every condition and part of the body which the physician or chiropractic physician will treat.

2. Every employer whose insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 shall maintain a list of those physicians and chiropractic physicians on the panel who are reasonably accessible to his or her employees.

3. An injured employee whose employer's insurer has not entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 may choose a treating physician or chiropractic physician from the panel of physicians and chiropractic physicians. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician from the panel if the choice is made within 90 days after his or her injury. The insurer shall notify the first physician or chiropractic physician in writing. The notice must be postmarked within 3 working days after the insurer receives knowledge of the change. The first physician or chiropractic physician must be reimbursed only for the services the physician or chiropractic physician, as applicable, rendered to the injured employee up to and including the date of notification. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is on the panel. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list.

4. An injured employee whose employer's insurer has entered into a contract with an organization for managed care or with providers of health care pursuant to NRS 616B.527 must choose a treating physician or chiropractic physician pursuant to the terms of that contract. If the injured employee is not satisfied with the first physician or chiropractic physician he or she so chooses, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract without the approval of the insurer if the choice is made within 90 days after his or her injury. Except as otherwise provided in this subsection, any further change is subject to the approval of the insurer or by order of a hearing officer or appeals

officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If the insurer takes no action on the request within 10 days, the request shall be deemed granted. If the injured employee, after choosing a treating physician or chiropractic physician, moves to a county which is not served by the organization for managed care or providers of health care named in the contract and the insurer determines that it is impractical for the injured employee to continue treatment with the physician or chiropractic physician, the injured employee must choose a treating physician or chiropractic physician who has agreed to the terms of that contract unless the insurer authorizes the injured employee to choose another physician or chiropractic physician. If the treating physician or chiropractic physician refers the injured employee to a specialist for treatment, the insurer shall provide to the injured employee a list that includes the name of each physician or chiropractic physician with that specialization who is available pursuant to the terms of the contract with the organization for managed care or with providers of health care pursuant to NRS 616B.527, as appropriate. Not later than 14 days after receiving the list, the injured employee shall select a physician or chiropractic physician from the list. If the employee fails to select a physician or chiropractic physician, the insurer may select a physician or chiropractic physician with that specialization. If a physician or chiropractic physician with that specialization is not available pursuant to the terms of the contract, the organization for managed care or the provider of health care may select a physician or chiropractic physician with that specialization.

5. If the injured employee is not satisfied with the physician or chiropractic physician selected by himself or herself or by the insurer, the organization for managed care or the provider of health care pursuant to subsection 4, the injured employee may make an alternative choice of physician or chiropractic physician pursuant to the terms of the contract. A change in the treating physician or chiropractic physician may be made at any time but is subject to the approval of the insurer or by order of a hearing officer or appeals officer. A request for a change of physician or chiropractic physician must be granted or denied within 10 days after a written request for such a change is received from the injured employee. If no action is taken on the request within 10 days, the request shall be deemed granted. Any request for a change of physician or chiropractic physician must include the name of the new physician or chiropractic physician chosen by the injured employee. If the insurer denies a request for a change in the treating physician or chiropractic physician under this subsection, the insurer must include in a written notice of denial to the injured employee the specific reason for the denial of the request.

6. Except when emergency medical care is required and except as otherwise provided in NRS 616C.055, the insurer is not responsible for any charges for medical treatment or other accident benefits furnished or ordered by any physician, chiropractic physician or other person selected by the injured employee in disregard of the provisions of this section or for any compensation

for any aggravation of the injured employee's injury attributable to improper treatments by such physician, chiropractic physician or other person.

7. The Administrator may order necessary changes in a panel of physicians and chiropractic physicians and shall ~~[suspend]~~ ***:***

(a) Suspend or remove any physician or chiropractic physician from a panel for good cause shown in accordance with NRS 616C.087 ~~[.]~~ ***; and***

(b) Remove from being included on a panel as a practitioner of a discipline or specialization any physician or chiropractic physician who does not accept and treat injured employees for industrial injuries or occupational diseases in that discipline or specialization.

8. ***Any interested person may notify the Administrator, on a form prescribed by the Administrator, if the person believes that a physician or chiropractic physician does not accept and treat injured employees:***

(a) Under chapters 616A to 616D, inclusive, or chapter 617 of NRS for industrial injuries or occupational diseases; or

(b) For industrial injuries or occupational diseases in a discipline or specialization for which the physician or chiropractic physician is included on a panel of physicians and chiropractic physicians maintained by the Administrator pursuant to this section.

9. If the Administrator receives notice pursuant to subsection 8, the Administrator shall:

(a) Conduct an investigation to determine whether the physician or chiropractic physician may remain on the panel for a discipline or specialization; and

(b) Publish or cause to be published on the Internet website of the Division not later than 90 days after receiving the notice the results of the investigation.

10. A physician or chiropractic physician who is removed pursuant to paragraph (b) of subsection 7 from a discipline or specialization on a panel may request, on a form prescribed by the Administrator, to be reinstated on a panel for that discipline or specialization if the physician or chiropractic physician demonstrates to the satisfaction of the Administrator that he or she accepts and treats injured employees for that discipline or specialization.

11. An injured employee may receive treatment by more than one physician or chiropractic physician:

(a) If the insurer provides written authorization for such treatment; or

(b) By order of a hearing officer or appeals officer.

~~[9.]~~ ***12.*** The Administrator shall design a form that notifies injured employees of their right pursuant to subsections 3, 4 and 5 to select an alternative treating physician or chiropractic physician and make the form available to insurers for distribution pursuant to subsection 2 of NRS 616C.050.

Sec. 5.5. **NRS 616C.100 is hereby amended to read as follows:**

616C.100 1. If an injured employee disagrees with the percentage of disability determined by a physician or chiropractic physician, the injured

employee may obtain a second determination of the percentage of disability. If the employee wishes to obtain such a determination, the employee must select the ~~[next]~~ physician or chiropractic physician ~~[in rotation]~~ ***at random*** from the list of qualified physicians or chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490. If a second determination is obtained, the injured employee shall pay for the determination. If the physician or chiropractic physician selected to make the second determination finds a higher percentage of disability than the first physician or chiropractic physician, the injured employee may request a hearing officer or appeals officer to order the insurer to reimburse the employee pursuant to the provisions of NRS 616C.330 or 616C.360.

2. The results of a second determination made pursuant to subsection 1 may be offered at any hearing or settlement conference.

Sec. 6. NRS 616C.145 is hereby amended to read as follows:

616C.145 1. An injured employee may obtain an independent medical examination:

(a) Except as otherwise provided in subsections 2 and 3, whenever a dispute arises from a determination issued by the insurer regarding the approval of care, the direction of a treatment plan or the scope of the claim;

(b) Within 30 days after an injured employee receives any report generated pursuant to a medical examination requested by the insurer pursuant to NRS 616C.140; or

(c) At any time by leave of a hearing officer or appeals officer after the denial of any therapy or treatment.

2. An injured employee is entitled to an independent medical examination pursuant to paragraph (a) of subsection 1 only:

(a) For a claim for compensation that is open;

(b) When the closure of a claim for compensation is under dispute pursuant to NRS 616C.235; or

(c) When a hearing or appeal is pending pursuant to NRS 616C.330 or 616C.360.

3. An injured employee is entitled to only one independent medical examination per calendar year pursuant to paragraph (a) of subsection 1.

4. Except as otherwise provided in subsection 5, an independent medical examination must not involve treatment and must be conducted by a physician or chiropractic physician selected by the injured employee from the panel of physicians and chiropractic physicians established pursuant to subsection 1 of NRS 616C.090.

5. ~~[If the dispute concerns the rating of a permanent disability,]~~ ***An injured employee is entitled to request*** an independent medical examination ~~[may be conducted by a rating physician or chiropractic physician.]~~ ***pursuant to paragraph (a) of subsection 1 for a permanent partial disability to determine if the injured employee has a ratable impairment or, if the injured employee is seeking to dispute an initial rating determination, to obtain a second rating.*** The injured employee must select the ~~[next]~~ rating physician or

chiropractic physician ~~[in rotation]~~ ***at random*** from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician. ***Nothing in this subsection shall be construed to prohibit an injured employee from obtaining a determination for a permanent partial disability pursuant to NRS 616C.100.***

6. The insurer shall:

(a) Pay the costs of any independent medical examination conducted pursuant to this section in accordance with ~~[NRS 616C.260;]~~ ***subsection 7;*** and

(b) Upon request, receive a copy of any report or other document that is generated as a result of the independent medical examination.

7. ***The rates of reimbursement for an independent medical examination conducted pursuant to this section must be:***

(a) For an independent medical examination other than an independent medical examination conducted pursuant to subsection 5, the rates applicable to independent medical examinations, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

(b) For an independent medical examination conducted pursuant to subsection 5, the rates applicable to a permanent partial disability, as set forth in the schedule of fees established by the Administrator pursuant to NRS 616C.260.

8. If an injured employee requests an independent medical examination pursuant to subsection 5 to obtain a second rating and the second rating does not result in a higher percentage of disability than the initial rating determination, the insurer may recover the cost of the independent medical examination, determined in accordance with the rates of reimbursement specified in paragraph (b) of subsection 7, from the amount of the award for permanent partial disability that the injured employee is entitled to be paid for that claim pursuant to NRS 616C.490.

9. The provisions of this section do not apply to an independent medical examination ordered by a hearing officer pursuant to subsection 3 of NRS 616C.330 or by an appeals officer pursuant to subsection 3 of NRS 616C.360.

Sec. 6.3. NRS 616C.266 is hereby amended to read as follows:

616C.266 1. An insurer, including an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an annual increase in compensation for a permanent total disability to a claimant or a dependent of a claimant pursuant to subsection 2 of NRS 616C.473 is entitled to be reimbursed for the amount of that increase in accordance with this section if the insurer provides to the Administrator all of the following:

(a) The name of the claimant or dependent of a claimant to whom the insurer paid the increase in compensation.

(b) The claim number under which the compensation for a permanent total disability was paid to the claimant or dependent of a claimant.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the permanent total disability of the injured employee.

(d) The date on which the disability of the injured employee was determined or deemed to be total and permanent.

(e) The amount of the compensation for a permanent total disability to which the claimant or dependent of a claimant was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in compensation for a permanent total disability.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the items required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement for payments of increases in compensation for permanent total disability which were made in the immediately preceding calendar year.

3. ~~[~~An~~]~~ ***If an*** insurer ~~[~~may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by~~]~~ ***complies with subsection 2,*** the Administrator ~~[~~.~~]~~ ***shall:***

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. ~~[~~If~~]~~ ***A person who is aggrieved by a written determination of*** the Administrator ~~[~~approves an insurer's request for reimbursement,~~]~~ ***pursuant to this section may appeal*** the ~~[~~Administrator must withdraw from the Uninsured Employers' Claim Account established pursuant to NRS 616A.430 an amount of the income realized from the investment of the assets in that Account that is necessary to reimburse~~]~~ ***determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after*** the ~~[~~insurer or employer for~~]~~ ***date on which*** the ~~[~~cost~~]~~ ***insurer receives notice*** of the ~~[~~increase in compensation paid to claimants and dependents pursuant to subsection 2 of NRS 616C.473. If the income realized from the investment of the assets in the Account is insufficient to pay such reimbursement, the Administrator must pay the remainder of the reimbursement from the assessments levied by the Administrator pursuant to NRS 232.680.~~]~~ ***Administrator's determination.***

5. ***The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.***

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is subject, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in compensation for a permanent total disability pursuant to subsection 1.

8. If an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer, the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement under this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 6.7. NRS 616C.268 is hereby amended to read as follows:

616C.268 1. An insurer, including, without limitation, an employer who provides accident benefits for injured employees pursuant to NRS 616C.265, who pays an increase in death benefits to a widow, widower, surviving child or surviving dependent parent pursuant to NRS 616C.508 is entitled to be reimbursed for the amount of that increase from the Fund for Workers' Compensation and Safety if the insurer provides to the Administrator all of the following:

(a) The name of the widow, widower, surviving child or surviving dependent parent to whom the insurer paid the increase in death benefits.

(b) The claim number under which death benefits were paid to the widow, widower, surviving child or surviving dependent parent.

(c) The date of the industrial injury or disablement from an occupational disease which resulted in the eligibility of the widow, widower, surviving child or surviving dependent parent for death benefits.

(d) The date of the death of the injured employee who is the:

(1) Spouse of the widow or widower;

(2) Parent of the surviving child; or

(3) Child of the surviving dependent parent.

(e) The amount of the death benefit to which the widow, widower, surviving child or surviving dependent parent was entitled as of December 31, 2019.

(f) Proof of the insurer's payment of the increase in death benefits.

(g) The amount of reimbursement requested by the insurer.

2. An insurer must provide the Administrator with the information required pursuant to subsection 1 not later than March 31 of each year to be eligible for reimbursement pursuant to this section for payments of increases in death benefits which were made in the immediately preceding calendar year.

3. ~~[An]~~ ***If an*** insurer ~~[may not be reimbursed pursuant to this section unless the insurer's request for reimbursement is approved by]~~ ***complies with subsection 2,*** the Administrator ~~[.]~~ ***shall:***

(a) Not later than 60 days after the date on which the Administrator receives the information required by subsection 1, issue a written determination approving or rejecting the insurer's request for reimbursement. If the Administrator fails to issue the written determination within those 60 days, the request for reimbursement is deemed approved.

(b) Not later than July 1 of each year, provide the insurer with a detailed list of reimbursements approved or rejected by the Administrator.

4. ***A person who is aggrieved by a written determination of the Administrator pursuant to this section may appeal the determination by filing a request for a hearing before an appeals officer. The request must be filed not later than 30 days after the date on which the insurer receives notice of the Administrator's determination.***

5. The Administrator shall, not later than May 31 of each year, mail to each insurer an invoice for any assessment levied by the Administrator pursuant to NRS 232.680 to be used to pay reimbursement pursuant to this section. Each insurer shall, not later than July 31 of each year, pay to the Department of Business and Industry the amount of the assessment.

6. The Administrator shall make every effort to collect from an insurer the amount of the assessment described in subsection 5. If the Administrator is not able to collect the amount of the assessment within 60 days after July 31, the Administrator shall notify the Commissioner that the insurer is delinquent. An insurer who fails or refuses to pay the amount of an assessment within 60 days after July 31 is subject, after notice and a hearing held pursuant to NRS 679B.310 to 679B.370, inclusive, to revocation of the insurer's certificate of authority to transact insurance in this State.

7. The Administrator shall, not later than December 31 of each year, reimburse each insurer that has paid an annual increase in death benefits pursuant to subsection 1.

8. If an insurer fails to pay the amount of the assessment described in subsection 5, the Administrator shall apportion to the insurers that have paid the amount of the assessment an amount of reimbursement calculated in the same manner in which the Administrator determines the assessment rate applied to those insurers pursuant to NRS 232.680. Upon receipt of the amount of the assessment that is paid after July 31, the Administrator shall pay to each insurer, the remaining amount of reimbursement to which the insurer is entitled.

9. An insurer may elect to apply any approved reimbursement made pursuant to this section towards any current or future assessment levied by the Administrator pursuant to NRS 232.680.

Sec. 6.8. **NRS 616C.330 is hereby amended to read as follows:**

616C.330 1. The hearing officer shall:

(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his or her receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may order an independent medical examination, which must not involve treatment, and refer the employee to a physician or chiropractic physician of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractic physician is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractic physician. The rating physician or chiropractic physician must be selected ~~[in rotation]~~ ***at random*** from the list of qualified physicians and chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician or chiropractic physician. The insurer shall pay the costs of any medical examination requested by the hearing officer.

4. The hearing officer may consider the opinion of an examining physician, chiropractic physician, physician assistant or advanced practice registered nurse, in addition to the opinion of an authorized treating physician, chiropractic physician, physician assistant or advanced practice registered nurse, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the hearing officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS

616C.260 for the type of service performed, or the usual fee of that physician or chiropractic physician for such service, whichever is less.

6. The hearing officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. The hearing officer may allow or forbid the presence of a court reporter and the use of a tape recorder in a hearing.

8. The hearing officer shall render his or her decision within 15 days after:

(a) The hearing; or

(b) The hearing officer receives a copy of the report from the medical examination the hearing officer requested.

9. The hearing officer shall render a decision in the most efficient format developed by the Chief of the Hearings Division of the Department of Administration.

10. The hearing officer shall give notice of the decision to each party by mail. The hearing officer shall include with the notice of the decision the necessary forms for appealing from the decision.

11. Except as otherwise provided in NRS 616C.380, the decision of the hearing officer is not stayed if an appeal from that decision is taken unless an application for a stay is submitted by a party. If such an application is submitted, the decision is automatically stayed until a determination is made on the application. A determination on the application must be made within 30 days after the filing of the application. If, after reviewing the application, a stay is not granted by the hearing officer or an appeals officer, the decision must be complied with within 10 days after the refusal to grant a stay.

12. References to a physician assistant and an advanced practice registered nurse in this section are for the purposes of the examination and treatment of an injured employee which are authorized to be provided by a physician assistant or advanced practice registered nurse in the exclusive context of an initial examination and treatment pursuant to NRS 616C.010.

Sec. 6.9. **NRS 616C.360 is hereby amended to read as follows:**

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him or her on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) Order an independent medical examination and refer the employee to a physician or chiropractic physician of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractic physician is on the insurer's panel of providers of health care. If the medical question concerns the rating of a

permanent disability, the appeals officer may refer the employee to a rating physician or chiropractic physician. The rating physician or chiropractic physician must be selected ~~[in rotation]~~ ***at random*** from the list of qualified physicians or chiropractic physicians maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an independent review organization, submit the matter to an independent review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. The appeals officer may consider the opinion of an examining physician, chiropractic physician, physician assistant or advanced practice registered nurse, in addition to the opinion of an authorized treating physician, chiropractic physician, physician assistant or advanced practice registered nurse, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractic physician for such service, whichever is less.

6. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. Any party to the appeal or contested case or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

8. Except as otherwise provided in subsection 9, the appeals officer shall render a decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

9. The appeals officer shall render a decision on a contested claim submitted pursuant to subsection 2 of NRS 616C.345 within 15 days after:

(a) The date of the hearing; or

(b) If the appeals officer orders an independent medical examination, the date the appeals officer receives the report of the examination,

➥ unless both parties to the contested claim agree to a later date.

10. The appeals officer may affirm, modify or reverse any decision made by a hearing officer and issue any necessary and proper order to give effect to his or her decision.

11. References to a physician assistant and an advanced practice registered nurse in this section are for the purposes of the examination and treatment of an injured employee which are authorized to be provided by a physician assistant or advanced practice registered nurse in the exclusive context of an initial examination and treatment pursuant to NRS 616C.010.

Sec. 7. NRS 616C.490 is hereby amended to read as follows:

616C.490 1. Except as otherwise provided in NRS 616C.175, every employee, in the employ of an employer within the provisions of chapters 616A to 616D, inclusive, of NRS, who is injured by an accident arising out of and in the course of employment is entitled to receive the compensation provided for permanent partial disability. As used in this section, "disability" and "impairment of the whole person" are equivalent terms.

2. Except as otherwise provided in subsection 3:

(a) Within 30 days after receiving from a physician or chiropractic physician a report indicating that the injured employee may have suffered a permanent disability and is stable and ratable, the insurer shall schedule an appointment with the rating physician or chiropractic physician selected pursuant to this subsection to determine the extent of the employee's disability.

(b) Unless the insurer and the injured employee otherwise agree to a rating physician or chiropractic physician:

(1) The insurer shall select the rating physician or chiropractic physician from the list of qualified rating physicians and chiropractic physicians designated by the Administrator, to determine the percentage of disability in accordance with the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted and supplemented by the Division pursuant to NRS 616C.110.

(2) Rating physicians and chiropractic physicians must be selected ~~[in rotation]~~ ***at random*** from the list of qualified physicians and chiropractic physicians designated by the Administrator ~~[, according to their area of specialization and the order in which their names appear on the list]~~ unless the ~~[next]~~ physician or chiropractic physician ***who is selected*** is currently an employee of the insurer making the selection, in which case ~~[the insurer must select the]~~ ***another random selection must be made until a*** physician or chiropractic physician ~~[who is next on the list and]~~ who is not currently an employee of the insurer ~~[.]~~ ***is selected.***

(3) A rating physician or chiropractic physician selected pursuant to subparagraph (1) or (2) may decline the selection if he or she believes he or she does not have the ability to rate the disability at issue.

3. Notwithstanding any other provision of law, an injured employee or the legal representative of an injured employee may, at any time, without limitation, request that the Administrator select a rating physician or chiropractic physician from the list of qualified physicians and chiropractic

physicians designated by the Administrator. The Administrator, upon receipt of the request, shall immediately select for the injured employee the rating physician or chiropractic physician ~~[who is next in rotation on]~~ ***at random from*** the list ~~. [, according to the area of specialization.]~~

4. If an insurer contacts a treating physician or chiropractic physician to determine whether an injured employee has suffered a permanent disability, the insurer shall deliver to the treating physician or chiropractic physician that portion or a summary of that portion of the American Medical Association's Guides to the Evaluation of Permanent Impairment as adopted by the Division pursuant to NRS 616C.110 that is relevant to the type of injury incurred by the employee.

5. At the request of the insurer, the injured employee shall, before an evaluation by a rating physician or chiropractic physician is performed, notify the insurer of:

(a) Any previous evaluations performed to determine the extent of any of the employee's disabilities; and

(b) Any previous injury, disease or condition sustained by the employee which is relevant to the evaluation performed pursuant to this section.

➥ The notice must be on a form approved by the Administrator and provided to the injured employee by the insurer at the time of the insurer's request.

6. Unless the regulations adopted pursuant to NRS 616C.110 provide otherwise, a rating evaluation must include an evaluation of the loss of motion, sensation and strength of an injured employee if the injury is of a type that might have caused such a loss. Except in the case of claims accepted pursuant to NRS 616C.180, no factors other than the degree of physical impairment of the whole person may be considered in calculating the entitlement to compensation for a permanent partial disability.

7. The rating physician or chiropractic physician shall provide the insurer with his or her evaluation of the injured employee. After receiving the evaluation, the insurer shall, within 14 days, provide the employee with a copy of the evaluation and notify the employee:

(a) Of the compensation to which the employee is entitled pursuant to this section; or

(b) That the employee is not entitled to benefits for permanent partial disability.

8. Each 1 percent of impairment of the whole person must be compensated by a monthly payment:

(a) Of 0.5 percent of the claimant's average monthly wage for injuries sustained before July 1, 1981;

(b) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after July 1, 1981, and before June 18, 1993;

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

➥ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

9. Compensation benefits may be paid annually to claimants who will be receiving less than $100 a month.

10. If there is a previous disability, the percentage of disability for a subsequent injury must be determined pursuant to NRS 616C.099.

11. In the event of a dispute over an award of compensation for permanent partial disability, the insurer shall commence making installment payments to the injured employee for that portion of the award that is not in dispute:

(a) Not later than the date by which such payment is required pursuant to subsection 8 or 9, as applicable; and

(b) Without requiring the injured employee to make an election whether to receive his or her compensation in installment payments or in a lump sum.

12. The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

13. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

14. This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

15. The Administrator shall prepare and publish on the Internet website of the Division an annual report which contains:

(a) The name of each rating physician or chiropractic physician who was selected in the immediately preceding year to conduct an evaluation to determine the extent of an employee's disability pursuant to this section; and

(b) For each rating physician or chiropractic physician identified pursuant to paragraph (a):

(1) The number of times the rating physician or chiropractic physician was selected to conduct an evaluation to determine the extent of an employee's disability; and

(2) The number of evaluations that the rating physician or chiropractic physician completed.

Sec. 8. NRS 616C.495 is hereby amended to read as follows:

616C.495 1. Except as otherwise provided in NRS 616C.380, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his or her compensation in a lump sum. A claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616C.505, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, and before July 1, 1995, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(d) Any claimant injured on or after July 1, 1995, and before January 1, 2016, who incurs a disability that:

(1) Does not exceed 25 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 25 percent may:

(I) Elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

(II) To the extent that the insurer has offered to provide compensation in a lump sum up to the present value of an award for disability of 30 percent, elect to receive his or her compensation in a lump sum up to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this sub-subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(e) Any claimant injured on or after January 1, 2016, and before July 1, 2017, who incurs a disability that:

(1) Does not exceed 30 percent may elect to receive his or her compensation in a lump sum.

(2) Exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of 30 percent. If the claimant elects to receive compensation pursuant to this subparagraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(f) Any claimant injured on or after July 1, 2017, who incurs a disability that exceeds 30 percent may elect to receive his or her compensation in a lump sum equal to the present value of an award for a disability of up to 30 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 30 percent.

(g) If the permanent partial disability rating of a claimant seeking compensation pursuant to this section would, when combined with any

previous permanent partial disability rating of the claimant that resulted in an award of benefits to the claimant, result in the claimant having a total permanent partial disability rating in excess of 100 percent, the claimant's disability rating upon which compensation is calculated must be reduced by such percentage as required to limit the total permanent partial disability rating of the claimant for all injuries to not more than 100 percent.

2. If the claimant elects to receive his or her payment for a permanent partial disability in a lump sum pursuant to subsection 1, all of the claimant's benefits for compensation terminate. Except as otherwise provided in paragraph (d), the claimant's acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting the claimant waives all of his or her rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his or her disability, except:

(a) The right of the claimant to:

(1) Reopen his or her claim in accordance with the provisions of NRS 616C.390; or

(2) Have his or her claim considered by his or her insurer pursuant to NRS 616C.392;

(b) Any counseling, training or other rehabilitative services provided by the insurer;

(c) The right of the claimant to receive a benefit penalty in accordance with NRS 616D.120; and

(d) The right of the claimant to conclude or resolve any contested matter which is pending at the time that the claimant executes his or her election to receive his or her payment for a permanent partial disability in a lump sum. The provisions of this paragraph do not apply to:

(1) The scope of the claim;

(2) The claimant's stable and ratable status; and

(3) The claimant's average monthly wage.

3. The claimant, when he or she demands payment in a lump sum pursuant to subsection 2, must be provided with a written notice which prominently displays a statement describing the effects of accepting payment in a lump sum of an entire permanent partial disability award, any portion of such an award or any uncontested portion of such an award, and that the claimant has 20 days after the mailing or personal delivery of the notice within which to retract or reaffirm the demand, before payment may be made and the claimant's election becomes final.

4. Any lump-sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

5. Except as otherwise provided in this subsection, the total lump-sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his or her

permanent partial disability before electing to receive payment for that disability in a lump sum, the lump-sum payment must be calculated for the remaining payment of compensation.

6. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection 8 of NRS 616C.490 and actuarial annuity tables adopted by the Division. The tables must be reviewed annually by a consulting actuary and must be adjusted accordingly on July 1 of each year by the Division using:

(a) The most recent unisex "Static Mortality Tables for Defined Benefit Pension Plans" published by the Internal Revenue Service; and

(b) The average 30-Year Treasury Constant Maturity Rate for March of the current year as reported by the Board of Governors of the Federal Reserve System.

7. ***To calculate the present value of a lump sum payable to a claimant, the insurer shall use the actuarial annuity tables adopted by the Division that are in effect on the date on which the claimant demands payment in a lump sum.***

8. If a claimant would receive more money by electing to receive compensation in a lump sum than the claimant would if he or she receives installment payments, the claimant may elect to receive the lump-sum payment.

Sec. 9. NRS 616D.140 is hereby amended to read as follows:

616D.140 1. If a person wishes to contest a decision of the Administrator to impose or refuse to impose a benefit penalty pursuant to NRS 616D.120, the person must file a notice of appeal with an appeals officer in accordance with this section. The notice of appeal must set forth the reasons the proposed benefit penalty should or should not be imposed.

2. A person who is aggrieved by:

(a) A written determination of the Administrator; or

(b) The failure of the Administrator to respond within 90 days to a written request mailed to the Administrator by the person who is aggrieved,

➥ may appeal from the determination or failure to respond by filing a request for a hearing before an appeals officer. The request must be filed within 30 days after the date on which the notice of the Administrator's determination was mailed by the Administrator or within ~~[100]~~ ***120*** days after the date on which the unanswered written request was mailed to the Administrator, as applicable. The failure of the Administrator to respond to a written request for a determination within 90 days after receipt of the request shall be deemed by the appeals officer to be a denial of the request. ***After the expiration of the 90-day period after the receipt of the request, the Administrator shall have no further jurisdiction to issue a determination concerning the request, and only the appeals officer shall have jurisdiction over the decision to impose or refuse to impose the benefit penalty.***

3. If a notice of appeal is not filed as required by this section, the imposition of or refusal to impose the benefit penalty shall be deemed a final order and is not subject to review by any court or agency.

4. A hearing held pursuant to this section must be conducted by the appeals officer as a hearing de novo. The appeals officer shall render a written decision on the appeal. Except as otherwise provided in this section, the provisions of NRS 616C.345 to 616C.385, inclusive, apply to an appeal filed pursuant to this section.

5. A benefit penalty imposed pursuant to NRS 616D.120 must be paid to the claimant on whose behalf it is imposed. If such a payment is not made within the period required by NRS 616D.120, the benefit penalty may be recovered in a civil action brought by the Administrator ~~[on behalf of]~~ ***or*** the claimant in a court of competent jurisdiction in the county in which the claimant resides, in which the violation occurred or in which the person who is required to pay the benefit penalty has his or her principal place of business.

6. Any party aggrieved by a decision issued pursuant to this section by an appeals officer may appeal the decision directly to the district court.

Sec. 10. ~~[Chapter 684A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. All claims arising under chapters 616A to 616D, inclusive, or chapter 617 of NRS shall be administered by:*~~

~~*(a) A salaried employee of an insurer located in this State;*~~

~~*(b) An adjuster located in or outside this State, who holds a license pursuant to this chapter; or*~~

~~*(c) A person authorized to adjust claims under the authority of a third-party administrator who holds a certificate of registration issued by the Commissioner pursuant to NRS 683A.08524 acting on behalf of an insurer located in or outside this State.*~~

~~*2. All files relating to a claim filed pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS must be made available for inspection:*~~

~~*(a) At the office of an insurer or a third-party administrator located in this State; or*~~

~~*(b) By electronic means.*~~

~~*3. A person who is not located in this State and who administers a claim pursuant to subsection 1 that is filed by a claimant located in this State shall make himself or herself available to communicate in real time with the claimant or a representative of the claimant Monday through Friday, 9 a.m. to 5 p.m. local time in this State, excluding any day declared to be a legal holiday pursuant to NRS 236.015.*~~

~~*4. The provisions of this section do not apply to:*~~

~~*(a) A self-insured employer, as defined by NRS 616A.305;*~~

~~*(b) An association of self-insured private employers, as defined by NRS 616A.050; or*~~

~~*(c) An association of self-insured public employers, as defined by NRS 616A.055.]*~~ **(Deleted by amendment.)**

Sec. 10.5. ~~[NRS 616B.371 is hereby repealed.]~~ **(Deleted by amendment.)**

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

2. Sections 1 to 10.5, inclusive, of this act become effective ~~[:~~

~~(a) Upon]~~ **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]~~ **on** January 1, 2024, for all other purposes.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~616B.371 Association's administrator prohibited from financial interest in third-party administrator; third-party administrator prohibited from financial interest in association's administrator; contractual requirement.~~

~~1. An association's administrator employed by an association of self-insured public or private employers, or an employee, officer or director of an association's administrator, may not be an employee, officer or director of a third-party administrator employed by the association or have a direct or indirect financial interest in the third-party administrator of the association.~~

~~2. The third-party administrator of an association of self-insured public or private employers, or an employee, officer or director of the third-party administrator, may not be an employee, officer or director of an association's administrator employed by the association or have a direct or indirect financial interest in that association's administrator~~

~~3. Any contract entered into by an association of self-insured public or private employers and a third-party administrator must include a provision which states that, unless the Commissioner otherwise provides, the third-party administrator shall administer any claim or other obligation of the association to its conclusion during the period of the contract.]~~

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 139.

Bill read third time.

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

Amendment No. 890.

AN ACT relating to governmental agencies; ~~[requiring a governmental agency]~~ **authorizing an agency of criminal justice** that collects demographic information on race or ethnicity to include a category for persons of Middle Eastern or North African descent; **requiring any other governmental agency that collects demographic information on race or ethnicity to include a**

category for persons of Middle Eastern or North African descent; making an appropriation; 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) **Section 1** of this bill ~~[requires governmental agencies that collect]~~ **authorizes an agency of criminal justice that collects** demographic information on race or ethnicity to include a separate category for persons of Middle Eastern or North African descent. **Section 1 requires any other governmental agency that collects demographic information on race or ethnicity to include a separate category for persons of Middle Eastern or North African descent.**

Section 1 defines "agency of criminal justice" to mean: (1) any court; and (2) any governmental agency or subunit of any governmental agency which performs a function in the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its budget to a function in the administration of criminal justice, including, without limitation, a local law enforcement agency, the Nevada Highway Patrol, the Division of Parole and Probation of the Department of Public Safety and the Department of Corrections. (NRS 179A.030)

Section 2 of this bill makes a conforming change to apply the relevant definition of governmental agency to **section 1**.

Section 2.5 of this bill makes an appropriation to the Division of Welfare and Supportive Services of the Department of Health and Human Services for computer programming 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 239B of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[A]*~~ ***An agency of criminal justice, as defined in NRS 179A.030, that collects information from a person related to the race or ethnicity of the person may include a separate category for persons of Middle Eastern or North African descent. Any other governmental agency that collects information from a person related to the race or ethnicity of the person shall include a separate category for persons of Middle Eastern or North African descent.***

Sec. 2. NRS 239B.024 is hereby amended to read as follows:

239B.024 As used in NRS 239B.022 and 239B.026 ~~[,]~~ ***and section 1 of this act,*** "governmental agency" means an officer, board, commission, department, division, bureau, district or any other unit of government of the State or a local government.

Sec. 2.5. **1. There is hereby appropriated from the State General Fund to the Division of Welfare and Supportive Services of the**

Department of Health and Human Services the sum of $140,400 for the cost of computer programming to carry out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2024, 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, 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.

Sec. 3. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. **Section 2.5 of this act becomes effective on July 1, 2023.**

3. Sections 1, 2 and 3 of this act become effective:

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

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

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 266.

Bill read third time.

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

Amendment No. 896.

AN ACT relating to governmental administration; requiring the governing body of certain counties and cities to ensure that public notices are issued in certain languages; requiring each such county and city to develop a language access plan; requiring the Office for New Americans created in the Office of the Governor to employ a person to perform certain duties related to language access; requiring the Director of the Office for New Americans to submit a biannual report to the Legislature relating to language access plans of state agencies and local governments; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the head of each agency of the Executive Department of the State Government to designate one or more employees of the agency to be responsible for developing and biennially revising a language access plan for the agency that meets certain requirements. (NRS 232.0081) Similarly, **sections 3 and 6** of this bill, respectively, require each board of county commissioners and governing body of a city to: (1) designate one or more

employees of the county or city, as applicable, to be responsible for developing and biennially revising a language access plan for the county or city, as applicable, that meets certain requirements; and (2) on or before August 1 of each even-numbered year, submit the language access plan to the Office for New Americans created in the Office of the Governor.

Section 4 of this bill requires the Director of the Office for New Americans to, on or before September 30 of each even-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature, or if the Legislature is not in session, the Legislative Commission, setting forth any recommendations for legislation relating to language access plans of state agencies or local governments. **Section 4** further requires the Director of the Office to employ a person to serve as the language access coordinator to: (1) coordinate with each governing body required to create a language access plan; (2) provide oversight, central coordination, consultation and technical assistance to any state agency, board of county commissioners and governing body of a city in the implementation of language access plans; (3) provide any state agency, board of county commissioners and governing body of a city with a policy manual containing baseline policies and procedures for compliance with language access requirements; (4) maintain a publicly available roster of language interpreters and translators in positions that regularly have contact with the public and the languages each interpreter or translator speaks; (5) train any state agency, board of county commissioners and governing body of a city to effectively recruit and retain language interpreters and translators and to support the recruitment and retention process; (6) receive and investigate complaints relating to language access against any state agency, board of county commissioners or governing body of a city and work with the Director to resolve such complaints; (7) implement an annual budget and procurement strategy for expenses related to state language access plans; and (8) provide any local government with the demographical information of persons with limited English proficiency who are constituents of the local government. **Section 7.5 of this bill makes an appropriation to the Office for personnel, travel, operating, equipment and information technology expenses associated with implementing the provisions of this bill.**

Sections 2 and 7 of this bill require the board of county commissioners in a county whose population is 100,000 or more (currently Clark and Washoe Counties) and the governing body of a city whose population is 25,000 or more located in such a county (currently the Cities of Henderson, Las Vegas, North Las Vegas, Reno and Sparks) to ensure that any public notice which is issued by the planning commission of the county or city, as applicable, sets forth a link to the Internet website of the county or city, as applicable, that includes the public notice in every language in which voting materials are required to be prepared in the county pursuant to federal and state law. **Sections 2 and 7** further require such boards of county commissioners and such governing bodies of cities to make a good faith effort to find certified translators to

translate such information. **Sections 2 and 7** provide that the respective county, county employees, city and city employees are not liable for any such translation.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The board of county commissioners in a county whose population is 100,000 or more shall:***

(a) Ensure that any public notice issued by the planning commission of the county:

(1) Sets forth the link to the Internet website of the county and a statement that information regarding the public notice is available in other languages on that Internet website; and

(2) Is available on the Internet website of the county in every language in which voting materials are required to be prepared in the county pursuant to 52 U.S.C. § 10503 and NRS 293.2699.

(b) Make a good faith effort to find certified translators to translate the information required pursuant to this section.

2. The county and employees of the county are not liable for any mistake made in translating the information required pursuant to this section.

3. As used in this section, "public notice" means any notice or other written matter that the planning commission of the county is required to send by mail to a person or post in a public manner, including, without limitation, by posting on an Internet website.

Sec. 3. ***1. Each board of county commissioners shall designate one or more employees of the county to be responsible for developing and biennially revising a language access plan for the county that meets the requirements of subsection 2.***

2. A language access plan must assess existing needs of the residents of the county for language services and the degree to which the county has met those needs. The plan must include recommendations to expand language services, if needed, to improve access to the services provided by the county. The plan must:

(a) Outline the compliance of the county and any contractors, grantees, assignees, transferees or successors of the county with existing federal and state laws and regulations and any requirements associated with funding received by the county concerning the availability of language services and accessibility of the services provided by the county or any contractors, grantees, assignees, transferees or successors to residents of the county who are persons with limited English proficiency;

(b) Provide an inventory of language services currently provided by the county, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to residents served by the county in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

(2) Oral language services offered by language and type;

(3) Procedures and resources used by the county for outreach to persons with limited English proficiency who are residents of the county, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and

(4) Any resources made available to employees of the county related to cultural competency;

(c) Provide an inventory of the training and resources provided to employees of the county who serve residents who are persons with limited English proficiency, including, without limitation, training and resources regarding:

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) Recording in the electronic records of the county that a resident served by the county is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;

(4) Communicating with the board concerning the needs of the residents served by and eligible to receive any services from the county for language services; and

(5) Notifying residents who are persons with limited English proficiency who are eligible for or currently receiving services from the county of the services available from the county in the preferred language of those residents at a literacy level and in a format that is likely to be understood by those residents; and

(d) Identify areas in which the services described in paragraph (b) and the training and resources described in paragraph (c) do not meet the needs of residents who are persons with limited English proficiency in the county, including, without limitation:

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the county; and

(II) That translators and interpreters used by the county adequately represent the preferred languages spoken by residents of the county; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred language of residents who are persons with limited English proficiency who are eligible for or currently receiving services from the county and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. Each board of county commissioners shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof; and

(b) Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of residents who are persons with limited English proficiency served by the county as identified pursuant to paragraph (d) of subsection 2, in the proposed budget for the county.

5. On or before August 1 of each even-numbered year, each board of county commissioners shall submit the language access plan developed and revised pursuant to subsection 1 to the Office for New Americans created in the Office of the Governor pursuant to NRS 223.910.

6. As used in this section:

(a) "Language services" has the meaning ascribed to it in NRS 232.0081.

(b) "Oral language services" has the meaning ascribed to it in NRS 232.0081.

(c) "Person with limited English proficiency" has the meaning ascribed to it in NRS 232.0081.

(d) "Translation services" has the meaning ascribed to it in NRS 232.0081.

Sec. 4. NRS 223.920 is hereby amended to read as follows:

223.920 The Director of the Office for New Americans created by NRS 223.910 shall ensure that the Office:

1. Serves as the coordinating office for each state agency that is responsible for a program that provides services to immigrants in this State, including, without limitation, a program that:

(a) Relates to professional licensing, registration, permitting or similar types of authorization issued by a regulatory body;

(b) Connects immigrants to entrepreneurial and other business resources and workforce development training and programs; and

(c) Assists immigrants in areas relating to quality of life, including, without limitation, education, housing and health care.

2. Reviews and analyzes the policies and programs of state agencies relating to immigrants and makes recommendations to the Governor on such policies and programs, including, without limitation, the elimination of duplication in existing state programs.

3. Provides information and assistance relating to issues affecting immigrants to state agencies, both directly and by serving as a clearinghouse for information received from state agencies, other departments of the State Government, political subdivisions of this State, any other state or the Federal Government.

4. Engages in state and federal advocacy and makes recommendations concerning law and policy affecting immigrants to advance economic and population growth in this State.

5. Develops sustainable partnerships with community foundations and other nonprofit and private sector entities that serve immigrant communities in this State.

6. ***Employs a person to serve as the language access coordinator who:***

(a) Coordinates with:

~~[(a)]~~ ***(1) Each board of county commissioners and each governing body of a city required to develop a language access plan pursuant to section 3 or 6 of this act, as applicable;***

(2) Refugee resettlement agencies in this State to identify gaps in programs provided by those agencies; and

~~[(b)]~~ ***(3)*** State agencies to assist in efforts to resettle, integrate and assimilate refugees in this State ~~[.]~~ ***;***

(b) Provides oversight, central coordination, consultation and technical assistance to any state agency, board of county commissioners and governing body of a city in the implementation of language access plans;

(c) Provides any state agency, board of county commissioners and governing body of a city with a policy manual containing baseline policies and procedures for compliance with language access plans;

(d) Maintains a publicly available roster of language interpreters and translators in positions that regularly have contact with the public and the languages each interpreter or translator speaks;

(e) Trains any state agency, board of county commissioners and governing body of a city to effectively recruit and retain language interpreters and translators and to support the recruitment and retention process;

(f) Receives and investigates complaints relating to language access against any state agency, board of county commissioners or governing body of a city and works with the Director to resolve such complaints;

(g) Implements an annual budget and procurement strategy for expenses related to state language access plans; and

(h) Provides any local government with the demographical information of persons with limited English proficiency who are constituents of the local government.

7. On or before September 30 of each even-numbered year, submits a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, that sets forth any recommendations for legislation relating to language access plans of state agencies or local governments.

8. As used in this section, "person with limited English proficiency" has the meaning ascribed to it in NRS 232.0081.

Sec. 5. Chapter 268 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

Sec. 6. ***1. The governing body of a city shall designate one or more employees of the city to be responsible for developing and biennially revising a language access plan for the city that meets the requirements of subsection 2.***

2. A language access plan must assess existing needs of the residents of the city for language services and the degree to which the city has met those needs. The plan must include recommendations to expand language services, if needed, to improve access to the services provided by the city. The plan must:

(a) Outline the compliance of the city and any contractors, grantees, assignees, transferees or successors of the city with existing federal and state laws and regulations and any requirements associated with funding received by the city concerning the availability of language services and accessibility of the services provided by the city or any contractors, grantees, assignees, transferees or successors to residents of the city who are persons with limited English proficiency;

(b) Provide an inventory of language services currently provided by the city, including, without limitation:

(1) Procedures for designating certain information and documents as vital and providing such information and documents to residents served by the city in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the information and documents relate;

(2) Oral language services offered by language and type;

(3) Procedures and resources used by the city for outreach to persons with limited English proficiency who are residents of the city, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and

(4) Any resources made available to employees of the city related to cultural competency;

(c) Provide an inventory of the training and resources provided to employees of the city who serve residents who are persons with limited English proficiency, including, without limitation, training and resources regarding:

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) Recording in the electronic records of the city that a resident served by the city is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;

(4) Communicating with the governing body concerning the needs of the residents served by and eligible to receive any services from the city for language services; and

(5) Notifying residents who are persons with limited English proficiency who are eligible for or currently receiving services from the city of the services available from the city in the preferred language of those residents at a literacy level and in a format that is likely to be understood by those residents; and

(d) Identify areas in which the services described in paragraph (b) and the training and resources described in paragraph (c) do not meet the needs of residents who are persons with limited English proficiency in the city, including, without limitation:

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the city; and

(II) That translators and interpreters used by the city adequately represent the preferred languages spoken by residents of the city; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred language of residents who are persons with limited English proficiency who are eligible for or currently receiving services from the city and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. The governing body of a city shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof; and

(b) Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of residents who are persons with limited English proficiency served

by the city as identified pursuant to paragraph (d) of subsection 2, in the proposed budget for the city.

5. On or before August 1 of each even-numbered year, the governing body of a city shall submit the language access plan developed and revised pursuant to subsection 1 to the Office for New Americans created in the Office of the Governor pursuant to NRS 223.910.

6. As used in this section:

(a) "Language services" has the meaning ascribed to it in NRS 232.0081.

(b) "Oral language services" has the meaning ascribed to it in NRS 232.0081.

(c) "Person with limited English proficiency" has the meaning ascribed to it in NRS 232.0081.

(d) "Translation services" has the meaning ascribed to it in NRS 232.0081.

Sec. 7. *1. The governing body of a city whose population is 25,000 or more located in a county whose population is 100,000 or more shall:*

(a) Ensure that any public notice issued by the planning commission of the city:

(1) Sets forth a link to the Internet website of the city and a statement that information regarding the public notice is available in other languages on that Internet website; and

(2) Is available on the Internet website of the city in every language in which voting materials are required to be prepared in the city pursuant to 52 U.S.C. § 10503 and NRS 293.2699.

(b) Make a good faith effort to find certified translators to translate the information required pursuant to this section.

2. The city and employees of the city are not liable for any mistake made in translating the information required pursuant to this section.

3. As used in this section, "public notice" means any notice or other written matter that the planning commission of the city is required to send by mail to a person or post in a public manner, including, without limitation, by posting on an Internet website.

Sec. 7.5. **1. There is hereby appropriated from the State General Fund to the Office for New Americans in the Office of the Governor for personnel, travel, operating, equipment and information technology expenses associated with implementing the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $104,560

For the Fiscal Year 2024-2025..... $84,350

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. 8. 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. 9. 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. 10. **1. This section becomes effective upon passage and approval.**

2. Section 7.5 of this act becomes effective on July 1, 2023.

3. Sections 1, 3 to 6, inclusive, 8 and 9 of this act become effective on October 1, 2023.

4. Sections 2 and 7 of this act become effective on January 1, 2024.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 283.

Bill read third time.

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

Amendment No. 866.

AN ACT relating to health care; authorizing the Department of Health and Human Services to establish an incentive payment under the Medicaid program for doula services provided in rural areas; requiring the Department to seek an increase to certain reimbursement rates under the Medicaid program for doula services; **making an appropriation and authorizing certain expenditures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Health and Human Services to administer the Medicaid program. (NRS 422.270) Existing law requires the Director of the Department, to the extent authorized by federal law, to include under Medicaid coverage for certain doula services. (NRS 422.27717) **Section 1** of this bill authorizes the Department to establish an incentive payment for enrolled doulas who provide doula services to recipients of Medicaid in rural areas of this State. **Section 1** also makes changes to reflect that federal law requires services provided under a federal waiver to be included in a waiver document that is separate from the State Plan for Medicaid. **Section 1.5** of this bill requires the Department to submit to the United States Secretary of Health and Human Services on or before October 1, 2023, a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis pursuant to the State Plan for certain services provided

by a doula to an amount that is intended to cover the cost of the services. **Section 1.3 of this bill makes an appropriation to the Division of Health Care Financing and Policy of the Department and authorizes certain related expenditures for increases in reimbursement rates and actuarial expenses associated with carrying out the provisions of this bill.**

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

Section 1. NRS 422.27177 is hereby amended to read as follows:

422.27177 1. The Director shall, to the extent authorized by federal law, include ~~[in the State Plan for]~~ ***under*** Medicaid ~~[a requirement that the State pay the nonfederal share of expenditures incurred]~~ ***coverage*** for doula services provided by an enrolled doula.

2. The Department shall apply to the Secretary of Health and Human Services for a waiver granted pursuant to 42 U.S.C. § 1315 or apply for an amendment of the State Plan for Medicaid that authorizes the Department to receive federal funding to ~~[include in the State Plan for Medicaid]~~ ***provide*** coverage of doula services provided by an enrolled doula. The Department shall fully cooperate in good faith with the Federal Government during the application process to satisfy the requirements of the Federal Government for obtaining a waiver or amendment pursuant to this section.

3. A person who wishes to receive reimbursement through the Medicaid program for doula services provided to a recipient of Medicaid must submit to the Division:

(a) An application for enrollment in the form prescribed by the Division; and

(b) Proof that he or she possesses the required training and qualifications prescribed by the Division pursuant to subsection 4.

4. The Division, in consultation with community-based organizations that provide services to pregnant women in this State, shall prescribe the required training and qualifications for enrollment pursuant to subsection 3 to receive reimbursement through Medicaid for doula services.

5. ***The Department may establish a program to provide incentive payments for enrolled doulas who provide doula services to recipients of Medicaid in rural areas of this State.***

6. As used in this section:

(a) "Doula services" means services to provide education and support relating to childbirth, including, without limitation, emotional and physical support provided during pregnancy, labor, birth and the postpartum period.

(b) "Enrolled doula" means a doula who is enrolled with the Division pursuant to this section to receive reimbursement through Medicaid for doula services.

Sec. 1.3. **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 increases in**

reimbursement rates under the Medicaid program for services provided by doulas and actuarial expenses associated with implementing the provisions of this act the following sums:

For the Fiscal Year 2023-2024..... $165,891

For the Fiscal Year 2024-2025..... $205,515

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 $300,726 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 $378,409 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. 1.5. 1. On or before October 1, 2023, the Department of Health and Human Services shall submit to the United States Secretary of Health and Human Services a request to amend the State Plan for Medicaid to increase the rate of reimbursement which is provided on a fee-for-service basis pursuant to the State Plan for services provided by a doula to an amount that is intended to cover the cost of the services.

2. The request submitted pursuant to subsection 1 must be supported using methods for determining reimbursement rates accepted by the Secretary.

Sec. 2. 1. This ~~[act becomes]~~ **section and sections 1 and 1.5 of this act become** effective upon passage and approval.

2. Section 1.3 of this act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 290.

Bill read third time.

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

Amendment No. 877.

ASSEMBLYMEN BROWN-MAY; CARTER, D'SILVA, GONZÁLEZ, **HAFEN,** KOENIG, NGUYEN AND TORRES

JOINT SPONSOR: SENATOR GOICOECHEA

AN ACT relating to motor vehicles; authorizing, under certain circumstances, a dealer and purchaser to enter into a written return agreement to cancel a vehicle sale; revising provisions relating to the registration of certain vehicles when the certificate of title is lost, unlawfully detained or otherwise not available; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that whenever application is made to the Department of Motor Vehicles for registration of a motor vehicle of which the ownership has been transferred, the person transferring the vehicle is authorized to designate the person receiving the vehicle to provide the information required by the Department relating to odometer disclosures if the: (1) certificate of title is lost, unlawfully detained by one in possession or otherwise not available; and (2) model year is 9 years old or newer. (NRS 482.415) **Section 4** of this bill provides instead that this process applies to the registration of a motor vehicle of which the model year is 2011 or newer and the vehicle is less than 20 years old.

Section 1 of this bill authorizes a dealer licensed in this State and the purchaser of a vehicle to enter into a written return agreement to cancel the sale. Upon entering into such a written agreement, the sale is cancelled. The dealer is required, within 15 days, to return to the purchaser or secured party, as applicable, all money, taxes and fees that were collected by the dealer at the time of the sale. **Section 1** provides that if such a written agreement is entered into, the dealer may submit an application to the Department of Motor Vehicles for a certificate of title. **Section 1** further requires **[**~~, under certain circumstances,~~**]** the Department of Motor Vehicles to issue a certificate of title **[**~~not later than 7 days~~**]** after receiving such an application. Finally, **section 1**: (1) prohibits, under certain circumstances, a dealer from selling in this State the vehicle that is the subject of such a cancellation of sale until the dealer receives the certificate of title from the Department of Motor Vehicles; (2) requires a dealer to retain the written return agreement to cancel a vehicle sale with the sales records for the transaction; and (3) provides that the cancellation of a sale pursuant to **section 1** does not negate the fact that the vehicle has been the subject of a previous retail sale.

Section 2 of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Section 3 of this bill creates an exception to the general requirement that an existing certificate of title be endorsed by the transferor and transferee when an ownership interest in the vehicle is transferred. (NRS 482.400)

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

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, a dealer licensed in this State and the purchaser of a vehicle may enter into a written return agreement to cancel the sale of the vehicle. Upon entering into such an agreement, the sale is cancelled and the dealer shall, not later than 15 days after the sale is cancelled, return to the purchaser or secured party, as applicable, all of the money, taxes and fees that were collected by the dealer at the time of sale.

2. If a dealer and purchaser enter into a written return agreement to cancel the sale of a vehicle pursuant to subsection 1, the dealer may submit an application for a certificate of title to the Department of Motor Vehicles. Any such application for a certificate of title must be in the form prescribed by the Department of Motor Vehicles, may request the expedited processing of the application and must include, without limitation:

(a) A copy of the written return agreement described in subsection 1;

(b) The fees required for the issuance of a certificate of title pursuant to NRS 482.429;

(c) If the Department has already issued a certificate of title for the vehicle in relation to the sale:

(1) The certificate of title that the Department issued to the purchaser; or

(2) An affidavit certifying that the certificate of title issued to the purchaser by the Department is unavailable and needs to be cancelled by the Department; and

(d) If the Department of Motor Vehicles has not issued a certificate of title for the vehicle in relation to the sale, the certificate of title upon which the title transfer to the purchaser was made.

3. Except as otherwise provided in subsection 8, ~~[if an application for a certificate of title requests the expedited processing of the application, not later than 7 days after receiving the application,]~~ the Department of Motor Vehicles shall issue the certificate of title to the dealer that sets forth:

(a) The dealer as the owner of the vehicle; and

(b) An odometer reading, as recorded at the time of the sale.

4. Except as otherwise provided in subsection 8, if an application for a certificate of title submitted pursuant to subsection 2 does not request the expedited processing of the application, the Department of Motor Vehicles shall at its standard processing time, issue the certificate of title to the dealer that sets forth:

(a) The dealer as the owner of the vehicle; and

(b) An odometer reading, as recorded at the time of the sale.

5. A dealer shall not sell in this State a vehicle that is the subject of a cancellation of sale pursuant to this section if the dealer has submitted an application for a certificate of title pursuant to subsection 2 until the dealer receives the certificate of title from the Department of Motor Vehicles.

6. A dealer must retain a written return agreement to cancel the sale of a vehicle entered into pursuant to subsection 1 with the sales records related to the sale between the dealer and purchaser.

7. The cancellation of the sale of a vehicle pursuant to a written return agreement entered into pursuant to subsection 1 does not negate the fact that the vehicle has been the subject of a previous retail sale.

8. Nothing in this section shall be construed to prohibit the Department of Motor Vehicles from reviewing an application for a certificate of title submitted pursuant to subsection 2 for the accuracy and completeness of any information contained therein, or conduct any necessary investigations before issuing a certificate of title.

Sec. 2. NRS 482.245 is hereby amended to read as follows:

482.245 1. The certificate of registration must contain upon the face thereof the date issued, the registration number assigned to the vehicle, the name and address of the registered owner, the county where the vehicle is to be based unless it is deemed to have no base, a description of the registered vehicle and such other statement of facts as may be determined by the Department.

2. The certificate of title must contain upon the face thereof the date issued, the name and address of the registered owner and the owner or lienholder, if any, a description of the vehicle, any entries required by NRS 482.423 to 482.428, inclusive, ***and section 1 of this act,*** a reading of the vehicle's odometer as provided to the Department by the person making the sale or transfer, the word "rebuilt" if it is a rebuilt vehicle, the information required pursuant to subsection 4 of NRS 482.247 if the certificate of title is a certificate of title in beneficiary form pursuant to NRS 482.247 and such other statement of facts as may be determined by the Department. The reverse side of the certificate of title must contain forms for notice to the Department of a transfer of the title or interest of the owner or lienholder and application for registration by the transferee. If a new certificate of title is issued for a vehicle, it must contain the same information as the replaced certificate, except to the extent that the information has changed after the issuance of the replaced certificate. Except as otherwise required by federal law, the certificate of title of a vehicle which the Department knows to have been stolen must not contain any statement or other indication that the mileage specified in the certificate or registered on the odometer is anything other than the actual mileage traveled by the vehicle, in the absence of proof that the odometer of the vehicle has been disconnected, reset or altered.

Sec. 3. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in this subsection and subsections 3, 6 and 7, and NRS 482.247, ***and section 1 of this act,*** upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of title issued for the

vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate. The Department may, by regulation, prescribe alternative methods by which a signature may be affixed upon a manufacturer's certificate of origin or a manufacturer's statement of origin issued for a vehicle. The alternative methods must ensure the authenticity of the signatures.

2. Within 5 days after the transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of title under the provisions of this chapter, the person or persons whose title or interest is to be transferred may submit electronically to the Department a notice of the transfer. The Department may provide, by request and at the discretion of the Department, information submitted to the Department pursuant to this section to a tow car operator or other interested party. The Department shall adopt regulations establishing:

(a) Procedures for electronic submissions pursuant to this section; and

(b) Standards for determining who may receive information from the Department pursuant to this section.

3. The Department shall provide a form for use by a dealer for the transfer of ownership of a vehicle. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of title issued for a vehicle, the form becomes a part of that certificate of title. The Department may charge a fee not to exceed the cost to provide the form.

4. Except as otherwise provided in subsections 5, 6 and 7, the transferee shall immediately apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

5. If the transferee is a dealer who intends to resell the vehicle, the transferee is not required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is resold, the purchaser shall apply for registration as provided in NRS 482.215 and shall pay the governmental services taxes due.

6. If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of title for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of title for the vehicle.

(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection 5. The wholesale vehicle auctioneer is not required to comply with subsection 1 if the wholesale vehicle auctioneer:

(1) Does not take an ownership interest in the vehicle;

(2) Auctions the vehicle to a vehicle dealer or automobile wrecker who is licensed as such in this or any other state; and

(3) Stamps his or her name, his or her identification number as a vehicle dealer and the date of the auction on the certificate of title and the bill of sale and any other documents of transfer for the vehicle.

7. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the Department or its agent the certificate of registration and the license plate or plates for the vehicle, if the license plate or plates have not been removed from the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a governmental services tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply for registration as provided in NRS 482.215 and pay the governmental services taxes due.

8. As used in this section, "wholesale vehicle auctioneer" means a dealer who:

(a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this or any other state; and

(b) Does not in the ordinary course of business buy, sell or own the vehicles he or she auctions.

Sec. 4. NRS 482.415 is hereby amended to read as follows:

482.415 1. Whenever application is made to the Department for registration of a vehicle previously registered pursuant to this chapter and the applicant is unable to present the certificate of registration or certificate of title previously issued for the vehicle because the certificate of registration or certificate of title is lost, unlawfully detained by one in possession or otherwise not available, the Department may receive the application, investigate the circumstances of the case and require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to a new certificate of registration and certificate of title, it may register the applicant's vehicle and issue new certificates and a new license plate or plates to the person or persons entitled thereto. An applicant who is unable to satisfy the Department that the applicant is entitled to a new certificate of title pursuant to this subsection may obtain a new certificate of title pursuant to the provisions of NRS 482.2605.

2. Whenever application is made to the Department for the registration of a motor vehicle of which the:

(a) Ownership has been transferred;

(b) Certificate of title is lost, unlawfully detained by one in possession or otherwise not available; and

(c) Model year is ~~[9 years old]~~ ***2011*** or newer ~~[,]~~ ***and the motor vehicle is less than 20 years old,***

➥ the transferor of the motor vehicle may, to furnish any information required by the Department to carry out the provisions of NRS 484D.330, designate the transferee of the motor vehicle as attorney-in-fact on a form for a power of attorney provided by the Department.

3. The Department shall provide the form described in subsection 2. The form must be:

(a) Produced in a manner that ensures that the form may not be easily counterfeited; and

(b) Substantially similar to the form set forth in Appendix E of Part 580 of Title 49 of the Code of Federal Regulations.

4. The Department may charge a fee not to exceed 50 cents for each form it provides.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 357.

Bill read third time.

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

Amendment No. 892.

AN ACT relating to education; replacing the required course or unit of a course of instruction concerning the human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility with a required course or unit of a course in sexuality education; revising the membership and duties of the advisory committee established in each school district for such a course; revising provisions governing consent to participate in such a course or unit of a course; requiring the board of trustees of each school district to submit to the Legislature an annual report concerning such a course or unit of a course of instruction; requiring the adoption of statewide standards concerning such a course or unit of a course; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a course or unit of a course of instruction concerning the human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility which must be taught by a teacher or school nurse whose qualifications have been approved by the board of trustees. Existing law requires each board of trustees to establish an advisory committee to advise the district concerning the content of and materials to be used in such a course. (NRS 389.036) **Section 2** of this bill revises these requirements by requiring the board of trustees of a school district to establish a course or unit of a course of instruction in evidence-based, factual instruction in sexuality education. **Section 2** also: (1) adds two pupils who attend schools in the district to the membership of the advisory committee; and (2) requires each member of the advisory committee to have one vote on each matter requiring a vote. **Section 2** additionally requires the advisory committee to make recommendations on the persons who will provide instruction in a course or unit of a course in sexuality education. **Section 3** of this bill requires the standards adopted by the Council to Establish Academic Standards for Public Schools for instruction in health to include standards for sexuality education.

Section 2 requires the course or unit of a course of instruction to: (1) comply with such standards of content and performance established by the Council for a course of study in health; and (2) be appropriate for the ages of pupils who receive the instruction. **Section 3** also authorizes the Council to include topics related to sexuality education in the standards for other courses where appropriate.

Existing law further requires notice to be given to a parent or guardian of a pupil to whom such a course or unit of such a course of instruction will be offered and requires the school district to provide a form for the parent or guardian of a pupil to provide written permission for the pupil to participate in the course or unit of a course. (NRS 389.036) **Section 2** replaces this form by requiring the school district to provide a form for the parent or guardian of a pupil to refuse to authorize a pupil's participation in specific lessons in the course or the entire course. **Section 2** authorizes a school district to make this form available on a secure Internet website and requires the form to include an option for a parent or guardian of a pupil to refuse permission for the pupil to participate in a course of sexuality education: (1) for that school year only; or (2) for any school year in which the pupil is enrolled in the school district.

Section 1 of this bill requires the board of trustees of each school district to submit an annual report on the status of the establishment of such a course or unit of such a course of instruction in the district to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education.

Section 3.5 of this bill makes an appropriation to the Department of Education for costs related to the development and implementation of standards of content and performance for the course in sexuality education established in section 2.

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

Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before July 1 of each year, the board of trustees of each school district shall prepare and submit a report on the status of the establishment of a course or unit of a course of instruction in sexuality education pursuant to NRS 389.036 to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on Education.

2. The report submitted pursuant to subsection 1 must include, without limitation, the following information relating to the course or unit of a course of instruction, categorized by school and grade level:

(a) The number of pupils who participated in the course or unit of a course of instruction; and

(b) The number of pupils who did not participate in the course or unit of a course of instruction based on the choice of the parent or guardian of the pupil.

3. The report must also include the total number of hours of instruction and the content of the curriculum of the course or unit of a course of instruction established by the school district pursuant to NRS 389.036 for each grade level in the school district in which the instruction was taught.

4. If only a portion of the curriculum of the school district relating to the course or unit of a course of instruction was taught or if fewer hours of instruction were taught than the number of hours of instruction reported pursuant to subsection 3, the report must indicate which portion of the curriculum was not taught, if any, and the reason for its exclusion.

Sec. 2. NRS 389.036 is hereby amended to read as follows:

389.036 1. The board of trustees of a school district shall ~~[establish]~~ ***:***

(a) Establish a course or unit of a course of ~~[:~~

~~(a) Factual]~~ ***evidence-based, factual*** instruction ~~[concerning the human immunodeficiency virus; and~~

~~(b) Instruction on the human reproductive system, related communicable diseases and sexual responsibility.~~

~~2.]~~ ***in sexuality education. The course or unit of a course of instruction must comply with the standards of content and performance for a course of study in health established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520 and must be appropriate for the ages of the pupils who receive the instruction. The course must include, without limitation, instruction concerning:***

(1) Reproductive and sexual anatomy and physiology, including, without limitation, biological, psychological and emotional changes that accompany maturation;

(2) Puberty, pregnancy, parenting, body image and gender stereotypes;

(3) Sexually transmitted infections and related communicable diseases;

(4) The benefits, potential side effects and proper use of methods approved by the United States Food and Drug Administration for preventing pregnancy and sexually transmitted infections;

(5) The ways in which the use of alcohol and drugs affect responsible decision making;

(6) The impact of media and peers on the thoughts, feelings and behaviors of pupils related to sexuality;

(7) How to identify, prevent and respond to domestic violence, sexual abuse and sexual assault, including, without limitation, medical and legal resources and counseling for survivors of such crimes;

(8) Statutes related to age of consent and statutory rape, including, without limitation, NRS 200.366, 200.727, 201.230, 201.540 and 201.550, and preventing statutory rape;

(9) Statutes related to the transmission and possession of sexually explicit images, including, without limitation, NRS 200.604, 200.727, 200.730 and 200.780, and avoiding participation in such acts and the exploitation of others through the creation and transmission of such images over the Internet or in any other manner; and

(10) The manner in which to locate and access reproductive health services, including, without limitation, obtaining contraceptives, barrier methods, cancer screenings and testing for and the treatment of sexually transmitted infections; and

(b) Periodically revise the content of the course or unit of a course of instruction established pursuant to paragraph (a) as necessary to ensure that the content is current, appropriate for the ages of the pupils and, as applicable, medically accurate.

2. The course or unit of a course established pursuant to subsection 1 must:

(a) Use instructional methods and materials that promote the inclusion and acceptance of pupils regardless of race, gender, gender identity or expression, religion, sexual orientation, ethnic or cultural background or disability;

(b) Promote the development of skills, including, without limitation, setting goals that are needed to make responsible decisions about sexuality and sexual behavior throughout life;

(c) Be designed to provide equally meaningful instruction to pupils regardless of their level of sexual experience or whether they are currently engaging in sexual activity;

(d) Emphasize that abstaining from sexual activity is the only way to ensure the avoidance of pregnancy and sexually transmitted infections;

(e) Emphasize the use of interpersonal skills to develop healthy relationships, including, without limitation, friendships, marriage and romantic and familial relationships; and

(f) Involve the parents or guardians of pupils in the instruction provided and encourage pupils to communicate with their families concerning issues related to sexuality.

3. Each board of trustees shall appoint an advisory committee consisting of:

(a) Five parents of children who attend schools in the district; ~~[and]~~

(b) ***Two pupils who attend schools in the district; and***

(c) Four representatives, one from each of ~~[four of]~~ the following professions or occupations:

(1) Medicine or nursing;

(2) Counseling;

(3) Religion; ***and***

(4) ~~[Pupils who attend schools in the district; or~~

~~(5)]~~ Teaching.

~~[➥ This]~~

4. Each member of the advisory committee appointed pursuant to subsection 3 is entitled to one vote on each matter requiring a vote.

5. The advisory committee ***appointed pursuant to subsection 3*** shall advise the district concerning the content of and materials to be used in a course ***or unit of a course*** of instruction established pursuant to this section,

~~[and]~~ the recommended ages of the pupils to whom the course ***or unit*** is offered ~~[.]~~ ***and the persons who will provide instruction in such a course. The advisory committee shall ensure that each person recommended to provide such instruction meets the requirements of subsection 6.*** The final decision on these matters must be that of the board of trustees.

~~[3.]~~ ***6.*** The subjects of the ~~[courses]~~ ***course or unit of a course of instruction*** may be taught only by a teacher ***,*** ~~[or]~~ school nurse ~~[whose qualifications have]~~ ***, provider of health care or other person who has*** been ~~[previously]~~ approved by the board of trustees. ***The board of trustees may approve a person for the purposes of this subsection if it determines that the person has demonstrated competency in the applicable subject and the use of the required instructional materials.***

~~[4.]~~ ***7.*** The parent or guardian of each pupil to whom a course ***or unit of a course of instruction established pursuant to this section*** is offered must first be furnished written notice that the course ***or unit of a course of instruction*** will be offered. ~~[The]~~ ***Except as otherwise provided in subsection 8, the*** notice must be given in the usual manner used by the local district to transmit written material to parents, and must contain a form for the signature of the parent or guardian of the pupil ~~[consenting to]~~ ***refusing to authorize*** the pupil's attendance. ***The form must allow the parent to refuse authorization for the pupil to attend specific lessons or the entirety of the course or unit of a course.*** Upon receipt of the written ~~[consent]~~ ***refusal*** of the parent or guardian, the pupil ~~[may attend the course. If the written consent of the parent or guardian is not received, the pupil]~~ must be excused from ~~[such attendance]~~ ***attending the course or unit of a course or the specific lesson for which authorization was refused, as applicable,*** without any penalty as to credits or academic standing. ***If the written refusal of the parent or guardian is not received, the pupil must attend each lesson of the course or unit of a course.*** Any course ***or unit of a course*** offered pursuant to this section is not a requirement for graduation.

~~[5.]~~ ***8. The form required to be provided to a parent or guardian of a pupil pursuant to subsection 7:***

(a) May be made available on the secure Internet website of the school district for the electronic signature of the parent or guardian and may be included with any online registration to register a child with a school.

(b) Must allow the parent or guardian of a pupil to refuse to authorize the pupil to attend a course or unit of a course of instruction established pursuant to this section during:

(1) The school year in which the authorization is refused; or

(2) Any school year in which the pupil is enrolled in the school district.

(c) Must include a notification that authorization may be refused at any time and, regardless of how authorization is refused, the parent or guardian will receive written notice pursuant to subsection 7 when a course or unit of a course of instruction established pursuant to subsection 1 will be offered.

9. All instructional materials to be used in a course ***or unit of a course of instruction established pursuant to this section*** must be available for inspection by parents or guardians of pupils at reasonable times and locations before the course is taught, and appropriate written notice of the availability of the material must be furnished to all parents and guardians.

10. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 3. NRS 389.520 is hereby amended to read as follows:

389.520 1. The Council shall:

(a) Establish standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, for the grade levels set forth in subsection 5, based upon the content of each course, that is expected of pupils for the following courses of study:

(1) English language arts;

(2) Mathematics;

(3) Science;

(4) Social studies, which includes only the subjects of history, geography, economics, civics, financial literacy and multicultural education;

(5) The arts;

(6) Computer education and technology, which includes computer science and computational thinking;

(7) Health;

(8) Physical education; and

(9) A foreign or world language.

(b) Establish a schedule for the periodic review and, if necessary, revision of the standards of content and performance. The review must include, without limitation, the review required pursuant to NRS 390.115 of the results of pupils on the examinations administered pursuant to NRS 390.105.

(c) Assign priorities to the standards of content and performance relative to importance and degree of emphasis and revise the standards, if necessary, based upon the priorities.

2. The standards for computer education and technology must include a policy for the ethical, safe and secure use of computers and other electronic devices. The policy must include, without limitation:

(a) The ethical use of computers and other electronic devices, including, without limitation:

(1) Rules of conduct for the acceptable use of the Internet and other electronic devices; and

(2) Methods to ensure the prevention of:

(I) Cyber-bullying;

(II) Plagiarism; and

(III) The theft of information or data in an electronic form;

(b) The safe use of computers and other electronic devices, including, without limitation, methods to:

(1) Avoid cyber-bullying and other unwanted electronic communication, including, without limitation, communication with on-line predators;

(2) Recognize when an on-line electronic communication is dangerous or potentially dangerous; and

(3) Report a dangerous or potentially dangerous on-line electronic communication to the appropriate school personnel;

(c) The secure use of computers and other electronic devices, including, without limitation:

(1) Methods to maintain the security of personal identifying information and financial information, including, without limitation, identifying unsolicited electronic communication which is sent for the purpose of obtaining such personal and financial information for an unlawful purpose;

(2) The necessity for secure passwords or other unique identifiers;

(3) The effects of a computer contaminant;

(4) Methods to identify unsolicited commercial material; and

(5) The dangers associated with social networking Internet sites; and

(d) A designation of the level of detail of instruction as appropriate for the grade level of pupils who receive the instruction.

3. The standards for social studies must include multicultural education, including, without limitation, information relating to contributions made by men and women from various racial and ethnic backgrounds. The Council shall consult with members of the community who represent the racial and ethnic diversity of this State in developing such standards.

4. The standards for health must include ~~[~~mental~~]~~ ***:***

(a) Mental health and the relationship between mental health and physical health ~~[.]~~ ***; and***

(b) Standards for sexuality education. The standards for other courses may include topics relating to sexuality education where appropriate.

5. The Council shall establish standards of content and performance for each grade level in kindergarten and grades 1 to 8, inclusive, for English language arts and mathematics. The Council shall establish standards of content and performance for the grade levels selected by the Council for the other courses of study prescribed in subsection 1.

6. The Council shall forward to the State Board the standards of content and performance established by the Council for each course of study. The State Board shall:

(a) Adopt the standards for each course of study, as submitted by the Council; or

(b) If the State Board objects to the standards for a course of study or a particular grade level for a course of study, return those standards to the Council with a written explanation setting forth the reason for the objection.

7. If the State Board returns to the Council the standards of content and performance for a course of study or a grade level, the Council shall:

(a) Consider the objection provided by the State Board and determine whether to revise the standards based upon the objection; and

(b) Return the standards or the revised standards, as applicable, to the State Board.

➥ The State Board shall adopt the standards of content and performance or the revised standards, as applicable.

8. The Council shall work in cooperation with the State Board to prescribe the examinations required by NRS 390.105.

9. As used in this section:

(a) "Computer contaminant" has the meaning ascribed to it in NRS 205.4737.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Electronic communication" has the meaning ascribed to it in NRS 388.124.

Sec. 3.5. **1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $115,609 for personnel, travel, contractor and other costs related to the development and implementation of standards of content and performance for the course in sexuality education established pursuant to NRS 389.636, as amended by section 2 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2024, 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, 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.

Sec. 4. The report of the board of trustees of a school district required pursuant to section 1 of this act for the 2022-2023 school year must:

1. Consist of information concerning the course or unit of a course of instruction concerning human immunodeficiency virus, the human reproductive system, related communicable diseases and sexual responsibility established pursuant to NRS 389.036, as that section existed on June 30, 2023.

2. Be submitted to the Director of the Legislative Counsel Bureau on or before October 1, 2023.

Sec. 5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 6. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 434.

Bill read third time.

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

Amendment No. 848.

AN ACT relating to prescription drugs; prohibiting certain pharmacy benefit managers and health carriers from taking certain actions against entities that participate in a federal program to facilitate the discounted purchase of prescription drugs; prohibiting a program administered by the Department of Health and Human Services to provide therapeutics to persons with human immunodeficiency virus from taking similar actions; imposing certain limitations on the use of money available to administer the program to provide therapeutics to persons with human immunodeficiency virus; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law creates a program, known as the 340B Program, by which certain hospitals and other facilities that provide health care to low-income patients are able to purchase certain drugs at discounted rates. (42 U.S.C. § 256b) Existing law prohibits a pharmacy benefit manger from prohibiting a pharmacist or pharmacy from taking certain actions to assist a person in obtaining a less expensive alternative or generic drug. (NRS 683A.179) Existing law imposes certain requirements relating to the operation of health carriers. (NRS 687B.470-687B.850) **Sections 1, 3, 6 and 7** of this bill prohibit pharmacy benefit managers and health carriers, including governmental entities that provide coverage for employees, from: (1) discriminating against a covered entity that participates in the 340B Program to purchase drugs at a discounted rate or a pharmacy that contracts with such an entity with regard to reimbursement; (2) taking certain actions to limit the ability of such an entity or pharmacy to receive the full benefit of participating in that program; (3) excluding such an entity or pharmacy from an insurance network because the entity or pharmacy participates in that program; (4) restricting the ability of a person to receive a 340B drug; or (5) taking certain other actions to limit the participation of an entity or pharmacy in the Program. **Section 1** exempts from those prohibitions a pharmacy benefit manager that manages prescription drug benefits under Medicaid **.** ~~[where reimbursement is provided on a fee-for-service basis.]~~ **Sections 1 and 3 also provide that the provisions of those sections do not prohibit the Department of Health and Human Services, the Division of Health Care Financing and Policy of the Department of Health and Human Services or a Medicaid managed care organization from taking certain actions necessary to comply with federal law or ensure the financial stability of the Medicaid program. Sections 2, 4 and 5** of this bill make conforming changes to indicate the proper placement of **sections 1 and 3** in the Nevada Revised Statutes.

Existing law authorizes the Department of Health and Human Services to administer a program pursuant to federal law to provide therapeutics to treat certain persons who have been diagnosed with the human immunodeficiency virus. (NRS 439.529) **Section 9** of this bill prescribes certain limitations on the

use of money allocated to the program. **Section 8** of this bill requires the program to take certain actions and refrain from certain activity to ensure that a covered provider that participates in the 340B Program to purchase drugs at a discounted rate or a pharmacy that contracts with such a provider receives the full benefit of participating in the Program. **Section 8** additionally prohibits the program administered by the Department from: (1) denying a request from such a covered provider or contract pharmacy to participate in the network of the program in certain circumstances; or (2) engaging in certain discrimination against a covered provider or contract pharmacy.

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

Section 1. Chapter 683A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pharmacy benefit manager shall not:

(a) Discriminate against a covered entity, a contract pharmacy or a 340B drug in the amount of reimbursement for any item or service or the procedures for obtaining such reimbursement;

(b) Assess any fee, chargeback, clawback or adjustment against a covered entity or contract pharmacy on the basis that the covered entity or contract pharmacy dispenses a 340B drug or otherwise limit the ability of a covered entity or contract pharmacy to receive the full benefit of purchasing the 340B drug at or below the ceiling price, as calculated pursuant to 42 U.S.C. § 256b(a)(1);

(c) Exclude a covered entity or contract pharmacy from any network because the covered entity or contract pharmacy dispenses a 340B drug;

(d) Restrict the ability of a person to receive a 340B drug, including, without limitation, by imposing a copayment, coinsurance, deductible or other cost-sharing obligation on the drug that is different from a similar drug on the basis that the drug is a 340B drug;

(e) Restrict the methods by which a covered entity or contract pharmacy may dispense or deliver a 340B drug or the entity through which a covered entity may dispense or deliver such a drug in a manner that does not apply to drugs that are not 340B drugs; or

(f) Prohibit a covered entity or contract pharmacy from purchasing a 340B drug or interfere with the ability of a covered entity or contract pharmacy to purchase a 340B drug.

2. This section does not ~~[apply]~~ :

(a) Apply to a pharmacy benefit manager that has entered into a contract with the Department of Health and Human Services pursuant to NRS 422.4053 when the pharmacy benefit manager is managing prescription drug benefits under Medicaid ~~[where reimbursement is provided on a fee-for-service basis,]~~ , including, without limitation, where such benefits are delivered through a Medicaid managed care organization.

(b) Prohibit the Department of Health and Human Services, the Division of Health Care Financing and Policy of the Department of Health and Human Services or a Medicaid managed care organization from taking such actions as are necessary to:

(1) Prevent duplicate discounts or rebates where prohibited by 42 U.S.C. § 256b(a)(5)(A); or

(2) Ensure the financial stability of the Medicaid program, including, without limitation, by including or enforcing provisions in any contract with a pharmacy benefit manager entered into pursuant to NRS 422.4053.

3. As used in this section:

(a) "340B drug" means a prescription drug that is purchased by a covered entity under the 340B Program.

(b) "340B Program" means the drug pricing program established by the United States Secretary of Health and Human Services pursuant to section 340B of the Public Health Service Act, 42 U.S.C. § 256b, as amended.

(c) "Contract pharmacy" means a pharmacy that enters into a contract with a covered entity to dispense 340B drugs and provide related pharmacy services to the patients of the covered entity.

(d) "Covered entity" has the meaning ascribed to it in 42 U.S.C. § 256b(a)(4).

(e) "Medicaid managed care organization" has the meaning ascribed to it in 42 U.S.C. § 1396b(m).

(f) "Network" means a defined set of providers of health care who are under contract with a pharmacy benefit manager or third party to provide health care services to covered persons.

Sec. 2. NRS 683A.171 is hereby amended to read as follows:

683A.171 As used in NRS 683A.171 to 683A.179, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 683A.172 to 683A.176, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health carrier shall not:

(a) Discriminate against a covered entity, a contract pharmacy or a 340B drug in the amount of reimbursement for any item or service or the procedures for obtaining such reimbursement;

(b) Assess any fee, chargeback, clawback or adjustment against a covered entity or contract pharmacy on the basis that the covered entity or contract pharmacy dispenses a 340B drug or otherwise limit the ability of a covered entity or contract pharmacy to receive the full benefit of purchasing the 340B drug at or below the ceiling price, as calculated pursuant to 42 U.S.C. § 256b(a)(1);

(c) Exclude a covered entity or contract pharmacy from any network because the covered entity or contract pharmacy dispenses a 340B drug;

(d) Restrict the ability of a person to receive a 340B drug, including, without limitation, by imposing a copayment, coinsurance, deductible or other cost-sharing obligation on the drug that is different from a similar drug on the basis that the drug is a 340B drug;

(e) Restrict the methods by which a covered entity or contract pharmacy may dispense or deliver a 340B drug or the entity through which a covered entity may dispense or deliver such a drug in a manner that does not apply to drugs that are not 340B drugs; or

(f) Prohibit a covered entity or contract pharmacy from purchasing a 340B drug or interfere with the ability of a covered entity or contract pharmacy to purchase a 340B drug.

2. This section does not prohibit the Department of Health and Human Services, the Division of Health Care Financing and Policy of the Department of Health and Human Services or a Medicaid managed care organization from taking such actions as are necessary to:

(a) Prevent duplicate discounts or rebates where prohibited by 42 U.S.C. § 256b(a)(5)(A); or

(b) Ensure the financial stability of the Medicaid program, including, without limitation, by including or enforcing provisions in any relevant contract.

3. As used in this section:

(a) "340B drug" means a prescription drug that is purchased by a covered entity under the 340B Program.

(b) "340B Program" means the drug pricing program established by the United States Secretary of Health and Human Services pursuant to section 340B of the Public Health Service Act, 42 U.S.C. § 256b, as amended.

(c) "Contract pharmacy" means a pharmacy that enters into a contract with a covered entity to dispense 340B drugs and provide related pharmacy services to the patients of the covered entity.

(d) "Covered entity" has the meaning ascribed to it in 42 U.S.C. § 256b(a)(4).

(e) "Medicaid managed care organization" has the meaning ascribed to it in 42 U.S.C. § 1396b(m).

Sec. 4. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 687B.670 is hereby amended to read as follows:

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 3 of this act;***

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health

carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 3 of this act;*** and

3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~[.]~~ ***, and section 3 of this act.***

Sec. 6. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 ***and section 3 of this act*** apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district,

municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 7. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, ***and section 3 of this act,*** in the same

manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 8. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Department administers a program pursuant to NRS 439.529:

(a) The program may not prohibit or interfere with the ability of a covered provider or contract pharmacy to purchase, administer or dispense, as applicable, a 340B drug, regardless of whether the drug is dispensed or administered to a person participating in the program or whether the program pays all, part or none of the cost of the drug.

(b) When a covered provider or contract pharmacy dispenses or administers a drug that is eligible to be a 340B drug to a person participating in the program and the program pays the insurance premium of the person and the copayment, coinsurance, deductible or other cost-sharing obligation of the person, the program shall pay to the covered provider or contract pharmacy the full amount of the copayment, coinsurance, deductible or other cost-sharing obligation, regardless of whether the drug is a 340B drug.

(c) The program may not deny a request from a covered provider or contract pharmacy to be included in the network of the program if the covered provider or contract pharmacy:

(1) Meets the terms and conditions for participation in the network of the program; and

(2) Requests to participate in the network of the program.

(d) The program shall not treat a covered provider or contract pharmacy differently from an entity that does not participate in the 340B Program or a pharmacy that has contracted with a covered provider, as applicable, in any manner, including, without limitation:

(1) In any regulation, guidance, policy, procedure or contract;

(2) With regard to participation in the network of the program; or

(3) In any matter relating to the dispensing of drugs or billing and reimbursement for drugs.

2. As used in this section:

(a) "340B drug" means a prescription drug that is purchased under the 340B Program.

(b) "340B Program" means the drug pricing program established by the United States Secretary of Health and Human Services pursuant to section 340B of the Public Health Service Act, 42 U.S.C. § 256b, as amended.

(c) "Contract pharmacy" means a pharmacy that enters into a contract with a covered provider to dispense 340B drugs and provide related pharmacy services to the patients of the covered provider.

(d) "Covered entity" has the meaning ascribed to it in 42 U.S.C. § 256b(a)(4).

(e) "Covered provider" means a covered entity other than the program established pursuant to NRS 439.529.

(f) "Network" means a defined set of providers of health care who are under contract with any program established pursuant to NRS 439.529 to provide health care services to persons who participate in the program.

Sec. 9. NRS 439.529 is hereby amended to read as follows:

439.529 1. The Department may, to the extent that money is available, administer a program pursuant to 42 U.S.C. §§ 300ff-21 et seq. to provide therapeutics to treat certain persons who have been diagnosed with the human immunodeficiency virus and to prevent the serious deterioration of the health of such persons. The program may include the provision of subsidies and pharmaceutical services.

2. The Director shall:

(a) Establish the criteria for eligibility for participation in the program administered pursuant to this section, which must be in accordance with the provisions of 42 U.S.C. §§ 300ff-21 et seq.; and

(b) Prescribe the manner in which the program will be administered and services will be provided.

3. The Department may use any other program administered by the Department to facilitate the provision of subsidies and services pursuant to this section, including, without limitation, the provision of subsidies for pharmaceutical services to senior citizens and persons with disabilities pursuant to NRS 439.635 to 439.690, inclusive. If the Department uses another program to facilitate the provision of subsidies and services pursuant to this section, the Department shall not commingle the money available to carry out the provisions of this section and the money available to carry out the other program.

4. Money available to carry out the provisions of this section must be accounted for separately by the Department. ***The Department shall use such money only to pay for or subsidize the cost of:***

(a) Drugs approved by the United States Food and Drug Administration;

(b) Insurance premiums, deductibles, copayments, coinsurance or other cost-sharing obligations associated with private health insurance; and

(c) Services that improve access to, adherence to and monitoring of drug treatment.

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

2. Sections 1 to 9, inclusive, of this act become effective:

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

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

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 58.

Bill read third time.

Roll call on Assembly Bill No. 58:
YEAS—41.
NAYS—None.
EXCUSED—Thomas.
Assembly Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 292.
Bill read third time.
Roll call on Assembly Bill No. 292:
YEAS—41.
NAYS—None.
EXCUSED—Thomas.
Assembly Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 487.
Bill read third time.
Roll call on Assembly Bill No. 487:
YEAS—41.
NAYS—None.
EXCUSED—Thomas.
Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 507.
Bill read third time.
Roll call on Assembly Bill No. 507:
YEAS—41.
NAYS—None.
EXCUSED—Thomas.
Assembly Bill No. 507 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 322 and Senate Bill No. 371 be taken from the General File and placed on the Chief Clerk's Desk.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 62, 403, 463; Senate Bill No. 14.

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

Assembly in recess at 3:02 p.m.

ASSEMBLY IN SESSION

At 8:40 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 234, 274, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 242, 380, 390, 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Revenue, to which were referred Senate Bills Nos. 126, 428, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Revenue, to which was referred Assembly Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHEA BACKUS, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 491, 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. 519, 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. 45, 158, 208, 428, 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. 150, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 155, 253, 323, 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 Bill No. 160; Senate Bill No. 362, 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. 386, 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*

Assembly Bill No. 490.

Bill read second time.

The following amendment was proposed by the Committee on Revenue:

Amendment No. 832.

The Title of Assembly Bill No. 490 is hereby amended as follows:

AN ACT relating to economic development; authorizing the creation of an academic medical district in a contiguous area that meets certain requirements; requiring the governance of an academic medical district by a board of directors; prescribing the conditions and procedure for the dissolution of an academic medical district; authorizing the creation of a tax increment area and the issuance of bonds and other securities for certain projects within an academic medical district; authorizing an academic medical district to engage in certain other activity; requiring an academic medical district to report certain information to a participating governmental entity; prescribing the proper venue for an action against an academic medical district; authorizing a governmental entity to convey certain property rights to an academic medical district; authorizing a business located in an academic medical district to receive a partial abatement of certain taxes under certain conditions; **authorizing certain public hospitals and the Board of Regents of the University of Nevada to enter into an agreement to affiliate with a public or private entity for certain purposes;** and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

Sections 1-25 of this bill enact provisions authorizing the creation of an academic medical district. **Section 2** of this bill provides that the provisions of those sections may be known and cited as the Academic Medical District Act. **Section 10** of this bill sets forth certain legislative findings concerning academic medical districts. **Section 11** of this bill requires the provisions of the Academic Medical District Act to be liberally construed to facilitate economic development and access to quality health care for the residents of this State.

Section 4 of this bill defines "academic medical center" to mean **a collaborative venture between** an educational institution **and a nonprofit or public hospital** that **[:] includes:** (1) ~~[includes an accredited medical school and at least one school for certain other providers of health care; and (2) owns or is affiliated with a teaching hospital or health care system.]~~ **the school of medicine at the University of Nevada, Las Vegas, or the University of Nevada, Reno; (2) a teaching hospital that maintains an accredited program of residency training with a certain number of residency positions; and (3) a physician practice plan for teaching students and residents.** **Sections 5-9** of this bill define certain other terms. **Section 12** of

this bill authorizes the creation of an academic medical district only in a contiguous area that includes an academic medical center, a full-service ~~[nonprofit]~~ **public** hospital with at least 200 inpatient beds and at least 50 acres of land. **Section 13** of this bill authorizes one or more boards of county commissioners or one or more governing bodies of incorporated cities, or both, to create an academic medical district by ordinance. **Section 13** requires such a participating entity to hold at least three public hearings before adopting such an ordinance. **Section 15** of this bill prescribes the procedure: (1) for a participating entity to withdraw from an academic medical district; and (2) to dissolve an academic medical district.

Section 14 of this bill authorizes a participating entity to adopt an ordinance creating a tax increment area consisting of all or part of the academic medical district for the purpose of creating a special account for the payment of bonds or other securities issued to defray the cost of certain infrastructure and capital projects within the academic medical district. If a participating entity designates such a tax increment area, **section 14** provides for the allocation of a portion of the taxes levied upon taxable property in the tax increment area each year to pay the bond requirements of loans, money advanced to, or indebtedness incurred by the municipality to finance or refinance the project. **Section 22** of this bill authorizes the issuance of such bonds or securities by counties or incorporated cities that have created an academic medical district.

Section 16 of this bill: (1) requires an academic medical district to be governed by a board of directors; and (2) prescribes the required qualifications and terms of such directors. **Sections 16-18** of this bill establish certain procedures governing the operations of such a board of directors.

Section 18.5 of this bill authorizes a public hospital within an academic medical district to enter into an agreement to affiliate with a publicly or privately owned entity to undertake any project within the academic medical district and requires certain approval of such an agreement before it becomes effective.

Section 19 of this bill authorizes an academic medical district to: (1) act jointly with other persons and entities; (2) enter into agreements; (3) purchase insurance; **and** (4) market, advertise and promote the academic medical district **. [**~~; and (5) establish and maintain commercially reasonable compensation for use of the facilities of the academic medical district.~~**]** **Section 19 prohibits an academic medical district from taking action related to a public hospital within the academic medical district that is within the authority of the hospital governing board or the board of hospital trustees for the public hospital pursuant to existing law.** **Section 20** of this bill authorizes an academic medical district to ~~[accept public and private funding.]~~ **establish certain compensation for the use of the facilities owned, constructed, operated or maintained by the academic medical district but prohibits the academic medical district from establishing such compensation for services provided at a public hospital within the academic medical district.**

Section 23 of this bill requires an academic medical district, upon the request of a participating entity, to report to the participating entity concerning issues and activities necessary for the operation of the district. **Section 24** of this bill requires any action against an academic medical district to be brought in the county where the principal office of the academic medical district is located. **Section 25** of this bill authorizes any governmental entity to convey certain rights in real property to an academic medical district.

Existing law authorizes the Office of Economic Development to approve an abatement or partial abatement of certain property taxes, business taxes and sales and use taxes in certain circumstances. (NRS 274.310, 274.320, 274.330, 360.750, 360.752, 360.753, 360.754) **Section 31** of this bill authorizes a business located in an academic medical district or a person who intends to locate or expand a business in an academic medical district to apply for a partial abatement of: (1) local sales and use taxes imposed on the purchase of tangible personal property used to provide health care or conduct scientific research; and (2) the excise tax on wages paid to critical medical or scientific employees. **Section 31** requires the Office to grant such an application if: (1) the applicant enters into an agreement authorizing the Office to conduct audits of the applicant and to remain in business in the academic medical district for a certain period of time; and (2) the Office finds that the business meets certain requirements relating to wages and benefits for employees and economic activity in the academic medical district. Additionally, if the applicant is requesting a partial abatement of certain taxes imposed for the benefit of public schools, **section 31** requires the applicant to obtain the approval of a supermajority of the Board of Economic Development. **Sections 35 and 36** of this bill provide for the duration and amount of the abatement of taxes if an application for such an abatement is approved. **Sections 26-29 and 32-34** of this bill make various changes so that a partial abatement granted pursuant to **section 31** is treated in the same manner as other similar abatements authorized by law.

Section 36.3 of this bill authorizes the Board of Regents of the University of Nevada to enter into an agreement with a public or private entity, whether for profit or not for profit, to promote and enhance an educational program or student life at an institution within the Nevada System of Higher Education. Section 36.7 of this bill establishes that any such agreement is subject to the policies established by the Board of Regents governing contracts that faculty members and employees of the System may enter into or from which they may benefit.

Section 4 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 4. ***"Academic medical center" means a collaborative venture between an educational institution and a nonprofit or public hospital that ~~[,]~~ includes:***

1. ~~[Includes a]~~ The school of medicine ~~[that is accredited by the Liaison Committee on Medical Education, or its successor organization, or a school of osteopathic medicine that is accredited by the Commission on Osteopathic

~~*College Accreditation, or its successor organization;]*~~ *at the University of Nevada, Las Vegas, or the University of Nevada, Reno.*

2. ~~*[Includes at least one school for the education of providers of health care, other than physicians, dentists, nurses, optometrists or pharmacists;]*~~ *A teaching hospital that maintains a program of residency training that is approved by the Accreditation Council for Graduate Medical Education, or its successor organization, and that maintains at least 100 positions for residents participating in the program; and*

3. ~~*[Owns or is affiliated with a teaching hospital or health care system.]*~~ *A physician practice plan which provides for the teaching of students and residents and which is organized and maintained by the school of medicine described in subsection 1 or the teaching hospital described in subsection 2.*

Section 8 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 8. *"Project" means:*

1. An undertaking described in subsection 1 or 2 of NRS 278C.140.

2. A project for any infrastructure or capital project necessary or desirable ~~*[for]*~~ *to further the purposes of an academic medical district.*

Section 10 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 10. *The Legislature hereby finds and declares that the creation of one or more academic medical districts:*

1. Is essential to:

(a) ~~*[Develop and diversify the economy of the]*~~ *Improve access to health care and outcomes of health care in this State;*

(b) ~~*[Provide employment opportunities for Nevadans;]*~~ *Increase the access of patients to clinical trials and health care provided as a result of clinical trials;*

(c) ~~*[Increase the access of patients to clinical trials and health care provided as a result of clinical trials;]*~~ *Identify and address gaps in access to health care and health outcomes for minority populations and veterans in this State;*

(d) Provide employment opportunities for Nevadans; and

~~*[(d) Improve access to health care and outcomes of health care in this State.]*~~

(e) Develop and diversify the economy of the State.

2. Will facilitate commerce and economic development in this State through:

(a) Strategic investment in facilities of postsecondary educational institutions and programs to increase the number of providers of health care in this State; and

(b) Comprehensive and, where feasible, joint planning, development, management and operation of health care facilities and supporting infrastructure to facilitate the growth of academic medical centers.

Section 12 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 12. ***1. Subject to the requirements set forth in this section and section 13 of this act, an academic medical district may be created only in a contiguous area that includes:***

(a) An academic medical center;

(b) A full-service ~~[nonprofit]~~ public hospital with not less than 200 inpatient beds; and

(c) At least 50 acres of land.

2. All areas within the boundaries of an academic medical district must be within the boundaries of the county or counties and incorporated city or cities, as applicable, of one or more of the participating entities which create the academic medical district in accordance with section 13 of this act.

Section 14 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 14. ***1. If an academic medical district is created by one participating entity, the participating entity, on behalf of the county or incorporated city in which the academic medical district is located, may adopt an ordinance creating a tax increment area within the academic medical district consisting of all or any portion of the academic medical district for the purpose of creating a special account for the payment of bonds or securities issued or loans, money advanced or indebtedness incurred to defray the cost of a project, as supplemented by the Local Government Securities Law.***

2. If an academic medical district is created by two or more participating entities, the participating entities may enter into an interlocal or cooperative agreement for the ordering of a project whose boundaries encompass all or part of the academic medical district and the creation of the tax increment area and the tax increment account pertaining thereto. A tax increment area created pursuant to this subsection must be administered as provided in the interlocal or cooperative agreement, notwithstanding any provision of this section to the contrary. If the participating entities enter into an interlocal or cooperative agreement pursuant to this subsection, the participating entities may, in accordance with the procedures set forth in the interlocal or cooperative agreement:

(a) Jointly take any action required to be taken by a participating entity for the creation of a tax increment area pursuant to this section, except that each governing body must adopt an ordinance in order to create the tax increment area;

(b) Enter into contracts for the undertaking; and

(c) Issue bonds or otherwise finance the cost of the undertaking.

3. A participating entity may amend an ordinance creating a tax increment area pursuant to this section by adopting a supplemental ordinance to:

(a) Modify the project by specifying new projects or removing or modifying projects specified in the original ordinance . ~~[.]~~

(b) ~~[Add]~~ Except as otherwise provided in this paragraph, add areas to or remove areas from a tax increment area . ~~[; and]~~ An area may be added to the tax increment area only if the participating entity finds that the addition of the area to the tax increment area:

(1) Increases access to clinical trials or clinical research within the academic medical district;

(2) Is necessary to accommodate the expansion of the medical school within the academic medical district; or

(3) Otherwise promotes the purposes of the academic medical district related to health care.

(c) Make such other changes, additions or deletions as the governing body determines will further its objectives within the tax increment area.

➥ The amount of taxes to be allocated to a tax increment account pursuant to subsection ~~[5]~~ 6 must be computed separately for the original tax increment area and each addition of land thereto.

4. A participating entity shall not adopt an ordinance creating a tax increment area pursuant to this section unless:

(a) The board has determined that the project described in the ordinance is necessary or desirable to further the purposes of the academic medical district.

(b) The participating entity makes a finding at a public hearing that the project will benefit the academic medical district.

5. If the participating entity is not the board of county commissioners for the county in which the academic medical district is or will be located, the participating entity must, at least 45 days before making the finding required by subsection 4, provide to the board of county commissioners in the county in which the academic medical district is or will be located:

(a) Written notice of the time and place of the meeting at which the participating entity will consider making that finding; and

(b) Each analysis prepared by or for or presented to the participating entity regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to section 22 of this act on the provision of local governmental services.

➥ After the receipt of the notice required by this subsection and before the date of the meeting at which the participating entity will consider making the finding required by subsection 4, the board of county commissioners may conduct a hearing regarding the fiscal effect on local governmental services, if any, of the project and the use of any money proposed to be pledged pursuant to section 22 of this act, and may submit to the participating entity any comments regarding that fiscal effect. The participating entity may consider those comments when making any finding pursuant to subsection 4.

6. After the effective date of the ordinance adopted pursuant to subsection 1, any taxes levied upon taxable property in the tax increment

area each year by or for the benefit of the State, the municipality and any public body must be divided as follows:

(a) That portion of the taxes that would be produced by the rate upon which the tax is levied each year by or for each of those taxing agencies upon the total sum of the assessed value of the taxable property in the tax increment area as shown upon the last equalized assessment roll used in connection with the taxation of the property by the taxing agency, must be allocated to and when collected must be paid into the funds of the respective taxing agencies as taxes by or for the taxing agencies on all other property are paid.

(b) Except as otherwise provided in this section, the portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) must be allocated to, and when collected must be paid into, the tax increment account pertaining to the undertaking to pay the bond requirements of loans, money advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, incurred by the municipality to finance or refinance, in whole or in part, the undertaking. Unless the total assessed valuation of the taxable property in the tax increment area exceeds the total assessed value of the taxable property in the area as shown by the last equalized assessment roll referred to in this subsection, all of the taxes levied and collected upon the taxable property in the area must be paid into the funds of the respective taxing agencies. When the loans, advances and indebtedness, if any, and interest thereon, have been paid, all money thereafter received from taxes upon the taxable property in the tax increment area must be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

~~*[6.]*~~ *7. The portion of the taxes levied each year in excess of the amount determined pursuant to paragraph (a) of subsection* ~~*[5]*~~ *6 which is attributable to any tax rate levied by a taxing agency:*

(a) To produce revenue in an amount sufficient to make annual repayments of the principal of, and the interest on, any bonded indebtedness that was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the debt service fund of that taxing agency.

(b) In excess of any tax rate of that taxing agency applicable to the last taxation of the property before the effective date of the ordinance, if that additional rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(c) Pursuant to NRS 387.3285 or 387.3287, if that rate was approved by a majority of the registered voters within the area of the taxing agency voting upon the question, must be allocated to, and when collected must be paid into, the appropriate fund of that taxing agency.

(d) For the support of the public schools within a county school district pursuant to NRS 387.195, must be allocated to, and when collected must be paid into, the State Education Fund.

~~[7.]~~ 8. The provisions of paragraph (a) of subsection ~~[6]~~ 7 include, without limitation, a tax rate approved for bonds of a county school district issued pursuant to NRS 350.020, including, without limitation, amounts necessary for a reserve account in the debt service fund.

~~[8.]~~ 9. A tax increment area must expire not more than 30 years after the date on which the ordinance which creates the area becomes effective.

~~[9.]~~ 10. As used in this section, the term "last equalized assessment roll" means the assessment roll in existence on the 15th day of March immediately preceding the effective date of the ordinance.

Section 16 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 16. *1. An academic medical district must be governed by a board of directors with an odd-numbered membership set by the participating entity or entities. If there is more than one participating entity, the membership of the board of directors must be agreed to by all of the participating entities. The board of directors must be composed of:*

(a) One director appointed by each county that is a participating entity, if any;

(b) One director appointed by each city that is a participating entity, if any; ~~[and]~~

(c) One director who is a member of the board of hospital trustees of a public hospital located in the academic medical district, selected from a nomination made by that board of hospital trustees; and

(d) Any other directors appointed in accordance with this section and as provided in an ordinance adopted by a participating entity pursuant to section 13 of this act ~~[.]~~ , which must include, without limitation, at least one but not more than two directors who are members of the participating entity.

2. A director of an academic medical district must work or reside within the boundaries of the participating entity that appoints him or her.

3. ~~[The following persons are not eligible to be appointed to a board:~~

~~(a) An elected official of any governmental entity.~~

~~(b) An employee of a participating entity.~~

~~4.]~~ Except as otherwise provided in this section, the directors of an academic medical district must be appointed to terms of 4 years. The terms must be staggered in such a manner that, to the extent possible, the terms of one-half of the directors will expire every 2 years. The initial directors of the academic medical district shall, at the first meeting of the board after their appointment, draw lots to determine which directors will initially serve terms of 2 years and which will serve terms of 4 years. A director may be reappointed.

~~[5.]~~ 4. A vacancy occurring during the term of a director must be filled by the appointing participating entity for the unexpired term as soon as is reasonably practicable.

NEW section 18.5 of Assembly Bill No. 490 is hereby added as follows:

Sec. 18.5. ***A public hospital located within an academic medical district may enter into an agreement to affiliate with a publicly or privately owned entity, whether for profit or not for profit, to undertake any project within the academic medical district. Before becoming effective, any such agreement must be approved by the hospital governing board and the board of hospital trustees for the public hospital.***

Section 19 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 19. ***1. An academic medical district may:***

(a) Act jointly with any other person, private or public, inside or outside this State or the United States, in the performance of any power or duty under this chapter.

(b) Enter into an agreement with any person, including, without limitation, the United States or any other governmental entity, for any purpose of the academic medical district.

(c) Purchase and pay premiums for insurance of any type in an amount considered necessary or advisable by the board.

(d) Market, advertise and promote the use of any real or personal property that the academic medical district constructs, owns, leases, operates ***[,*** ***regulates]*** ***or maintains.***

2. An academic medical district may not:

(a) Exercise the power of eminent domain.

(b) Provide retail utility services or duplicate a service or facility of a governmental entity.

(c) Take any action related to a public hospital within the academic medical district that is within the authority of the hospital governing board or the board of hospital trustees for the public hospital pursuant to chapter 450 of NRS.

Section 20 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 20. ***1.*** ***[An]*** ***Except as otherwise provided in this subsection, an academic medical district shall establish and maintain rates, rentals, fees, charges or other compensation that is commercially reasonable and nondiscriminatory for the use of the facilities owned, constructed, operated [, regulated] or maintained by the academic medical district. An academic medical district may not establish and maintain rates, rentals, fees, charges or other compensation for services provided at a public hospital within the academic medical district.***

2. An academic medical district may accept any public or private funding, grant or donation.

Section 31 of Assembly Bill No. 490 is hereby amended as follows:

Sec. 31. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An owner of a business that provides health care or conducts scientific research and is located within the boundaries of an academic medical district or a person who intends to locate or expand such a business within

the boundaries of an academic medical district may apply to the Office of Economic Development pursuant to this section for a partial abatement of one or more of:

(a) The local sales and use taxes imposed on the purchase or use of tangible personal property described in section 36 of this act.

(b) The taxes imposed pursuant to chapter 363B of NRS on the wages paid by the business to critical medical or scientific employees, as defined by regulation of the Office of Economic Development.

2. Notwithstanding the provisions of any law to the contrary and except as otherwise provided in subsection 3, the Office of Economic Development shall approve an application for a partial abatement if the Office makes the following determinations:

(a) Not later than 1 year after the date on which the application was received by the Office, the applicant has executed an agreement with the Office which:

(1) Complies with the requirements of NRS 360.755;

(2) States the date on which the abatement becomes effective, as agreed to by the applicant and the Office, which must not be earlier than the date on which the Office received the application and not later than 1 year after the date on which the Office approves the application;

(3) States that the business will, after the date on which a certificate of eligibility for the partial abatement is issued pursuant to subsection 4, continue in operation within the boundaries of the academic medical district for a period specified by the Office, which must be not less than 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(4) Binds any successor in interest of the applicant for the specified period;

(b) The business is registered pursuant to the laws of this State or the applicant commits to obtaining a valid business license and all other permits required by the county, city or town in which the business operates;

(c) The average hourly wage that will be paid by the business to its employees in this State during the period of partial abatement is not less than ~~[100]~~ 125 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year;

(d) The business will, by the eighth calendar quarter following the calendar quarter in which the abatement becomes effective, offer a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees, and the health care benefits the business offers to its employees in this State will meet the minimum requirements for health care benefits established by the Office;

(e) If the business is:

(1) A new business, that it will have five or more full-time employees on the payroll of the business within 1 year after receiving its certificate of eligibility for a partial abatement; or

(2) An existing business, that it will increase its number of full-time employees on the payroll of the business in this State by 3 percent or three employees, whichever is greater, within 1 year after receiving its certificate of eligibility for a partial abatement;

(f) The business meets at least one of the following requirements:

(1) The business will make a new capital investment of at least $250,000 within the boundaries of the academic medical district where the business is located within 1 year after receiving a certificate of eligibility for a partial abatement;

(2) The business will maintain and possess within the boundaries of the academic medical district where the business is located tangible personal property having a value of not less than $5,000,000 during the period of partial abatement; or

(3) The business develops, refines or owns a patent or other intellectual property; and

(g) If the application is for the partial abatement of the taxes imposed by the Local School Support Tax Law, the application has been approved by a vote of at least two-thirds of the members of the Board of Economic Development created by NRS 231.033.

3. The Office of Economic Development:

(a) Shall approve or deny an application submitted pursuant to this section and notify the applicant of its decision not later than 45 days after receiving the application.

(b) Must not:

(1) Consider an application for a partial abatement unless the Office has requested a letter of acknowledgment of the request for the partial abatement from any affected county, school district, city or town and has complied with the requirements of NRS 360.757; or

(2) Approve a partial abatement for any applicant for a period of more than 10 years.

4. If the Office of Economic Development approves an application for a partial abatement pursuant to this section, the Office shall immediately forward a certificate of eligibility for the partial abatement to:

(a) The Department; and

(b) The Nevada Tax Commission.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Office of Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If an applicant for a partial abatement pursuant to this section fails to execute the agreement described in paragraph (a) of subsection 2 within 1

year after the date on which the application was received by the Office, the applicant must not be approved for a partial abatement pursuant to this section unless the applicant submits a new application.

7. If a business whose partial abatement has been approved pursuant to this section and whose partial abatement is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (a) of subsection 2,

➥ the business shall repay to the Department the amount of the partial abatement that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the partial abatement required to be repaid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. The Office of Economic Development may adopt such regulations as the Office determines to be necessary to carry out the provisions of this section.

9. The Nevada Tax Commission may adopt such regulations as the Commission determines are necessary to carry out the provisions of this section.

10. An applicant for a partial abatement who is aggrieved by a final decision of the Office of Economic Development may petition a court of competent jurisdiction to review the decision in the manner provided in chapter 233B of NRS.

11. As used in this section:

(a) "Academic medical district" has the meaning ascribed to it in section 5 of this act.

(b) "Full-time employee" means a person who is in a permanent position of employment and works an average of 30 hours per week during the applicable period set forth in subparagraph (3) of paragraph (a) of subsection 2.

(c) "Local sales and use taxes" means any taxes imposed on the gross receipts of any retailer from the sale of tangible personal property sold at retail, or stored, used or otherwise consumed, in any political subdivision of this State, except the taxes imposed by the Sales and Use Tax Act.

NEW section 36.3 of Assembly Bill No. 490 is hereby added as follows:

Sec. 36.3. **Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Board of Regents may enter into an agreement to affiliate with a publicly or privately owned entity, whether for profit or not for profit, to

further promote and enhance an educational program or student life at an institution within the System.

2. An agreement entered into pursuant to this section must include, without limitation:

(a) Standards that must be met by the entity;

(b) An allocation of any costs or profits that must be shared between the entity and the institution;

(c) Identification of shared goals and responsibilities;

(d) Provisions governing the joint employment and supervision of employees, if applicable;

(e) Provisions governing the shared review and allocation of the use of facilities, resources and employees, if applicable; and

(f) A provision stating that the requirements of NRS 338.020 to 338.090, inclusive, apply to any construction work performed under the agreement even if the construction work does not qualify as a public work, as defined in NRS 338.010.

NEW section 36.7 of Assembly Bill No. 490 is hereby added as follows:

Sec. 36.7. **NRS 396.255 is hereby amended to read as follows:**

396.255 The Board of Regents shall, to carry out the purposes of subsection 3 of NRS 281.221, subsection 3 of NRS 281.230, subsection 3 of NRS 281A.430 and NRS 396.1215, ***and section 36.3 of this act,*** establish policies governing the contracts that faculty members and employees of the System may enter into or benefit from.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 491.

Bill read second time.

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

Amendment No. 911.

SUMMARY—Makes appropriations to the Nevada System of Higher Education for enrollment recovery at **and to support certain expenditures for** certain institutions. (BDR S-1180)

AN ACT making appropriations to the Nevada System of Higher Education for enrollment recovery at **and to support certain expenditures for** certain institutions within the System; and providing other matters properly relating thereto.

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

Section 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$420,503]~~ **$419,555** for

the Great Basin College budget account for enrollment recovery at Great Basin College.

Sec. 2. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$11,560,948]~~ **$12,139,324** for the College of Southern Nevada budget account for enrollment recovery at the College of Southern Nevada.

Sec. 3. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of ~~[$593,495]~~ **$1,012,772** for the Truckee Meadows Community College budget account for enrollment recovery at Truckee Meadows Community College.

Sec. 4. **There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $297,917 for the Western Nevada College budget account to support instructional and operational expenditures for Western Nevada College.**

Sec. 5. **There is hereby appropriated from the State General Fund to the Nevada System of Higher Education the sum of $855,490 for the Nevada State College budget account to support instructional and operational expenditures for Nevada State College.**

~~[Sec. 4.]~~ ***Sec. 6.*** Any remaining balance of the appropriations made by sections 1 ~~[, 2 and 3]~~ **to 5, 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. 5.]~~ ***Sec. 7.*** This act becomes effective upon passage and approval.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 519.

Bill read second time.

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

Amendment No. 875.

AN ACT relating to capital projects; requiring the board of county commissioners of certain counties to levy a property tax for capital projects of school districts; authorizing the board of county commissioners of certain counties to levy a property tax for capital projects of school districts for which a grant is available from the ~~[Account]~~ **Fund** to Assist Rural School Districts in Financing Capital Improvements; **exempting that property tax from certain partial abatements; exempting both property taxes from the statutory limitation on the total ad valorem tax levy;** creating the ~~[Account]~~

Fund to Assist Rural School Districts in Financing Capital Improvements; **requiring the board of county commissioners of certain counties to establish an oversight panel for school district capital improvement projects;** making appropriations to the ~~[Account;]~~ **Fund;** making an appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district to establish a fund for capital projects. (NRS 387.328) Existing law also creates the Fund to Assist School Districts in Financing Capital Improvements from which a grant of money may be obtained if certain emergency conditions exist within the school district. (NRS 387.333, 387.3335)

Section 2 of this bill requires the board of county commissioners of a county whose population is 52,500 or more and less than 57,500 (currently Elko County), to levy a tax at a rate of not less than 1 cent and not more than 25 cents on each $100 of assessed valuation of taxable property within the county. **Section 2** requires any money collected from such a tax to be deposited in the county treasury for credit to the fund for capital projects to be held and expended in the same manner as other money deposited in that fund. **Section 6** of this bill authorizes the school district of a county where such a tax is imposed to pledge the proceeds of the tax, and the portion of the governmental services tax whose allocation to the school district is based on the amount of the property tax levy attributable to its debt service, to the payment of any bonds or other obligations the school district issued for capital projects. **Section 8** of this bill provides that, if the board of county commissioners of a county which is required to levy such a tax does not adopt an ordinance levying the tax on or before June 30, 2024, the tax is levied at a rate of 25 cents on each $100 of assessed valuation of taxable property within the county.

Section 4 of this bill creates the ~~[Account]~~ **Fund** to Assist Rural School Districts in Financing Capital Improvements and requires the money in the ~~[Account]~~ **Fund** to be used to make grants to school districts in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) for certain capital projects.

Section 3 of this bill authorizes the board of county commissioners of a county whose population is less than 100,000, other than a board which is required to levy a tax pursuant to **section 2**, to levy a tax on all taxable property in the county for a capital project for which a grant may be obtained from the ~~[Account.]~~ **Fund. Section 3** requires the board of county commissioners to determine the amount of money required for the capital project, excluding any amount that the board anticipates will be covered by a grant from the ~~[Account,]~~ **Fund,** and fix a rate of taxation which will raise that amount. **Section 3** requires the revenue from the tax to be expended for: (1) a capital project for which a grant was made from the ~~[Account;]~~ **Fund;** or (2) if the amount collected for a fiscal year exceeds the amount of the grant for that year,

in the same manner as other money in the fund for capital projects established by the school district. **Section 5.5 of this bill requires the board of county commissioners of a county which levies a tax pursuant to section 2 or 3 to establish an oversight panel for school district capital improvement projects.**

Section 5 of this bill requires the board of trustees of a school district in a county which levies a tax pursuant to **section 3** and authorizes the board of trustees of a school district in a county which levies a tax pursuant to **section 2** during a fiscal year to apply to the Director of the Office of Finance in the Office of the Governor for a grant of money from the ~~[Account.]~~ **Fund.** **Section 5** requires the Director of the Office of Finance to make a grant of money from the ~~[Account]~~ **Fund** in an amount which is equal to: (1) the total amount of tax assessed pursuant to **section 3** by the county for the capital project during the immediately preceding fiscal year; or (2) the amount of the proceeds of the tax imposed pursuant to **section 2** for the immediately preceding fiscal year which the board of trustees of the school district has certified will be dedicated to the capital project.

Existing law, in general, limits the total amount of property taxes which may be imposed to $3.64 on each $100 of assessed valuation. (NRS 361.453) Sections 2 and 3 exempt the rates for the property taxes in those sections from this limitation. Section 7 of this bill makes a conforming change to indicate these exemptions from the limitation.

Existing law provides a partial abatement of the property taxes levied on property for which an assessed valuation has previously been established, a remainder parcel of real property, certain single-family residences and certain residential rental dwellings. (NRS 361.4722, 361.4723, 361.4724) With certain exceptions, existing law exempts new or increased property taxes from those partial abatements if a legislative act that became effective after April 6, 2005, imposed a duty on a taxing entity to levy the tax or increase the rate of the tax. (NRS 361.4726) Section 7.5 of this bill exempts the new property tax authorized to be levied by section 3 from those partial tax abatements.

Section 9 of this bill makes appropriations from the State General Fund to the ~~[Account]~~ **Fund** for grants to school districts in counties whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties), including grants for capital projects for schools located on qualified tribal land. **Section 10** of this bill makes an appropriation to the Elko County School District for the construction of a school on the Duck Valley Indian Reservation.

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

Section 1. Chapter 387 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to ~~[5,]~~ **5.5,** inclusive, of this act.

Sec. 2. *1. The board of county commissioners of a county whose population is 52,500 or more and less than 57,500 shall, in addition to any taxes levied in accordance with NRS 387.195, levy a tax at a rate of not less than 1 cent and not more than 25 cents on each $100 of assessed valuation of taxable property within the county for capital projects of a school district, including, without limitation, capital projects for schools located on qualified tribal land.*

2. Any money collected pursuant to this section must be deposited in the county treasury for credit to the fund for capital projects established pursuant to NRS 387.328, to be held and expended in the same manner as other money deposited in that fund.

3. The rate of any tax levied pursuant to subsection 1 must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.

4. As used in this section, "qualified tribal land" means any real property:

(a) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(b) Over which an Indian tribe exercises governmental power.

Sec. 3. *1. Except for a board of county commissioners which is required to levy a tax pursuant to section 2 of this act, the board of county commissioners of a county whose population is less than 100,000, may, in addition to any taxes levied in accordance with NRS 387.195, levy a tax at a rate established by the board of county commissioners on all taxable property in the county for a capital project of the school district for which a grant may be obtained from the ~~[Account]~~ Fund to Assist Rural School Districts in Financing Capital Improvements created ~~[pursuant to]~~ by section 4 of this act. The board of county commissioners shall determine the amount of money necessary, when combined with money anticipated to be received as a grant from the ~~[Account,]~~ Fund, to pay the costs of the proposed capital project or the principal and interest on bonds or other obligations issued for one or more purposes set forth in subsection 5 of section 4 of this act, and shall fix a rate which, when levied upon every dollar of assessed valuation of taxable property in the district, will raise that amount.*

2. Any money collected pursuant to this section must be deposited in the county treasury for credit to the fund for capital projects established pursuant to NRS 387.328, to be expended:

(a) For a capital project of a school district for which a grant to the school district was made from the ~~[Account]~~ Fund to Assist Rural School Districts in Financing Capital Improvements pursuant to section 5 of this act; or

(b) With respect to any money collected in excess of the amount of the grant made from the ~~[Account]~~ Fund to Assist Rural School Districts in Financing Capital Improvements for the fiscal year pursuant to section 5 of

this act, in the same manner as other money deposited in ~~[that]~~ the fund ~~[.]~~ for capital projects.

3. The proceeds of the tax collected pursuant to this section may be pledged to the payment of principal and interest on bonds or other obligations issued for one or more of the purposes set forth in subsection 5 of section 4 of this act. The proceeds of such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of the school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

4. The rate of any tax levied pursuant to subsection 1 must not be included in the total ad valorem tax levy for the purposes of the application of the limitation in NRS 361.453.

Sec. 4. *1. The ~~[Account]~~ Fund to Assist Rural School Districts in Financing Capital Improvements is hereby created in the State Treasury, to be administered by the Director of the Office of Finance. All money received and held by the State Treasurer for the purpose of the ~~[Account]~~ Fund must be deposited in the ~~[Account.]~~Fund.*

2. The Director of the Office of Finance may accept gifts and grants from any source for deposit in the ~~[Account.]~~Fund.

3. The money in the ~~[Account]~~ Fund must be invested as the money in other state funds is invested. All interest and income earned on the money in the ~~[Account]~~ Fund must be credited to the ~~[Account.]~~Fund.

4. Claims against the ~~[Account]~~ Fund must be paid as other claims against the State are paid.

5. Money in the ~~[Account]~~ Fund must be used to make grants to school districts in counties whose population is less than 100,000, for the following purposes:

(a) Construction, design or purchase of new buildings for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(b) Enlarging, remodeling or repairing existing buildings or grounds for schools, including, but not limited to, teacherages, dormitories, dining halls, gymnasiums and stadiums.

(c) Acquiring sites for building schools, or additional real property for necessary purposes related to schools, including, but not limited to, playgrounds, athletic fields and sites for stadiums.

Sec. 5. *1. Following any fiscal year in which a county levies a tax imposed pursuant to section 3 of this act, the board of trustees of the school district in the county shall apply to the Director of the Office of Finance for a grant of money from the ~~[Account]~~ Fund created pursuant to section 4 of this act on a form provided by the Director.*

2. Following any fiscal year in which a county levies a tax imposed pursuant to section 2 of this act, the board of trustees of the school district in the county may apply to the Director of the Office of Finance for a grant

of money from the ~~[Account]~~ Fund created pursuant to section 4 of this act on a form provided by the Director.

3. The application for a grant of money from the ~~[Account]~~ Fund submitted pursuant to this section must be accompanied by:

(a) A description of the capital project for which the grant is requested, which must be a capital project described by subsection 5 of section 4 of this act; and

(b) Either:

(1) Documentation of the amount of the tax assessed pursuant to section 3 of this act for the capital project for which the grant is requested in the immediately preceding fiscal year; or

(2) A statement by the board of trustees of the school district in a county which has levied a tax imposed pursuant to section 2 of this act certifying the amount of the proceeds of the tax imposed pursuant to section 2 of this act for the immediately preceding fiscal year which will be dedicated to the capital project.

4. To the extent that money is available for that purpose in the ~~[Account]~~ Fund and if the Director of the Office of Finance determines that the capital project for which the grant is requested is a project for which a grant may be made from the ~~[Account,]~~ Fund, the Director shall make a grant of money from the ~~[Account]~~ Fund to a school district that submits an application pursuant to subsection 1 or 2 in an amount that is equal to:

(a) The total amount of tax assessed by the county for the capital project pursuant to section 3 of this act in the immediately preceding fiscal year; or

(b) If the school district is located in a county which levies a tax imposed pursuant to section 2 of this act, the amount of the proceeds of the tax imposed pursuant to section 2 of this act for the immediately preceding fiscal year which the board of trustees of the school district has certified will be dedicated to the capital project.

5. The Director of the Office of Finance shall adopt regulations that prescribe the annual deadline for submission of an application to the Director by a school district pursuant to this section.

Sec. 5.5. 1. The board of county commissioners of a county whose population is less than 100,000 and which levies a tax pursuant to section 2 or 3 of this act shall establish an oversight panel for school district capital improvement projects, consisting of five members selected as follows:

(a) One member who is the chair of the board of county commissioners of the county, or his or her designee, who shall serve as the chair of the oversight panel;

(b) One member who is a member of the board of trustees of the school district in the county, appointed by the president of the board of trustees of the school district;

(c) One member who is a member of a federally recognized Indian tribe or nation located in whole or in part within the boundaries of the county,

appointed by the executive head of the federally recognized Indian tribe or nation;

(d) One member who is a resident of the county and has experience in the building of school facilities, appointed by the president of the board of trustees of the school district in the county; and

(e) One member who is a resident of the county and has experience in the financing of public works projects, appointed by the chair of the board of county commissioners of the county.

2. After the initial terms, the term of each member of the oversight panel is 2 years. Members of the oversight panel are eligible for reappointment.

3. The oversight panel shall meet at least once each calendar quarter.

4. The oversight panel shall:

(a) Review all credits to and debits from the fund for capital projects established pursuant to NRS 387.328;

(b) Recommend future uses of the money raised by the county from levying a tax imposed pursuant to section 2 or 3 of this act;

(c) Review the amount of any appropriation, grant, gift or donation received by the county for the construction of school facilities located on qualified tribal land; and

(d) Make a recommendation for the date of termination of a tax levied pursuant to section 2 or 3 of this act if the date of termination of the tax is not otherwise fixed.

Sec. 6. NRS 387.328 is hereby amended to read as follows:

387.328 1. The board of trustees of each school district shall establish a fund for capital projects for the purposes set forth in subsection 1 of NRS 387.335. The money in the fund for capital projects may be transferred to the debt service fund to pay the cost of the school district's debt service.

2. The board of trustees may accumulate money in the fund for capital projects for a period not to exceed 20 years.

3. That portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service must be deposited in the county treasury to the credit of the fund established under subsection 1 or the school district's debt service fund.

4. No money in the fund for capital projects at the end of the fiscal year may revert to the county school district fund, nor may the money be a surplus for any other purpose than those specified in subsection 1.

5. The proceeds of the taxes deposited in the fund for capital projects pursuant to NRS 244.3354, 268.0962, 375.070, 377C.110 and 387.3288 ***and section 2 of this act*** and, in a county whose population is 100,000 or more but less than 700,000, the portion of the governmental services tax whose allocation to the school district pursuant to NRS 482.181 is based on the amount of the property tax levy attributable to its debt service may be pledged to the payment of the principal and interest on bonds or other obligations issued for one or more of the purposes set forth in NRS 387.335. The proceeds of

such taxes so pledged may be treated as pledged revenues for the purposes of subsection 3 of NRS 350.020, and the board of trustees of a school district may issue bonds for those purposes in accordance with the provisions of chapter 350 of NRS.

Sec. 7. NRS 361.453 is hereby amended to read as follows:

361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723, 387.3288 and 450.760, ***and sections 2 and 3 of this act,*** the total ad valorem tax levy for all public purposes must not exceed $3.64 on each $100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

2. Any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each $100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is less than 45,000, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada Tax Commission was at least $3.50 on each $100 of assessed valuation on June 25, 1998;

(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;

(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the

governing body to provide an essential service to the residents of the county, city or unincorporated town.

Sec. 7.5. **NRS 361.4726 is hereby amended to read as follows:**

361.4726 1. Except as otherwise provided by specific statute, if any legislative act which becomes effective after April 6, 2005, imposes a duty on a taxing entity to levy a new ad valorem tax or to increase the rate of an existing ad valorem tax, the amount of the new tax or increase in the rate of the existing tax is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

2. The amount of any tax imposed pursuant to NRS 354.705 and 387.3288 ***and section 3 of this act*** is exempt from each partial abatement from taxation provided pursuant to NRS 361.4722, 361.4723 and 361.4724.

3. For the purposes of this section, "taxing entity" does not include the State.

Sec. 8. If the board of county commissioners of a county whose population is 52,500 or more and less than 57,500, has not adopted an ordinance levying the tax pursuant to section 2 of this act on or before June 30, 2024, a tax shall be levied pursuant to section 2 of this act at a rate of 25 cents on each $100 of assessed valuation of taxable property within the county. The tax shall be collected and administered in the same manner as though the board of county commissioners had adopted an ordinance levying the tax pursuant to section 2 of this act at that rate.

Sec. 9. 1. There is hereby appropriated from the State General Fund to the ~~[Account]~~ **Fund** to Assist Rural School Districts in Financing Capital Improvements created by section 4 of this act the sum of $25,000,000, for grants to school districts, and the sum of $25,000,000, for grants to school districts for capital projects for schools located on qualified tribal land.

2. As used in this section, "qualified tribal land" means any real property:

(a) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(b) Over which an Indian tribe exercises governmental power.

Sec. 10. 1. There is hereby appropriated from the State General Fund to the Elko County School District the sum of $64,500,000 for the construction of a school on the Duck Valley Indian Reservation to replace the Owyhee Combined School.

2. All money appropriated by subsection 1 must be used only for the purposes specified in subsection 1 and no portion of the money may be set aside, distributed or otherwise committed or used for any other purpose, including, without limitation, any costs related to other buildings or facilities.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2028, 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 15, 2028, 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 15, 2028.

Sec. 11. Notwithstanding the provisions of NRS 218D.430 and 218D.435, a committee may vote on this act before the expiration of the period prescribed for the return of a fiscal note in NRS 218D.475. This section applies retroactively from and after May 21, 2023.

Sec. 12. This act becomes effective on July 1, 2023.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 126, 234, 242, 274, 380, 390, 428, and 435 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 45.

Bill read third time.

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

Amendment No. 891.

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

Legislative Counsel's Digest:

Existing law requires the State Treasurer to perform certain duties relating to the financing of higher education, including designating a Student Loan Ombudsman and administering the Nevada College Savings Trust Fund and the Millennium Scholarship Trust Fund. (NRS 226.400, 226.560, 353B.320, 353B.350, 396.926) **Section 6** of this bill creates the Student Loan Repayment for Providers of Health Care in Underserved Communities Program to repay the student education loans of qualified providers of health care who work in certain underserved communities. **Section 6** requires the State Treasurer to ensure that at least 15 percent of the money available for the Program in any year is used to repay the student education loans of providers of health care who commit to practicing in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties). With regard to other money available for the Program, **section 6** requires the State Treasurer

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

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

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

Existing law authorizes the University of Nevada School of Medicine to establish a Nevada Health Service Corps to encourage practitioners to practice in areas of Nevada in which a shortage of that type of practitioner exists. (NRS 396.900) Existing law authorizes the School of Medicine to authorize the Corps to administer a program under which money for loans is repaid on behalf of practitioners who practice in such areas. (NRS 396.903) Existing law authorizes the School of Medicine to apply for matching money available for the program from the Federal Government. (NRS 396.902) Section 12 requires the State Treasurer to transfer certain money from the Abandoned Property Trust Account to the School of Medicine for the purpose of obtaining such federal matching money.

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

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

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

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

Sec. 4. ***"Provider of health care" means:***

1. A physician;

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS;

3. A dentist;

4. A licensed nurse;

5. A person who holds a license as an attendant or is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

6. An optometrist;

7. An audiologist;

8. A practitioner of respiratory care;

9. A podiatric physician;

10. A psychologist;

11. A clinical professional counselor;

12. A perfusionist;

13. A pharmacist or pharmacy technician;

14. An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

15. A midwife; or

16. A provider of doula services who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to receive reimbursement through Medicaid pursuant to NRS 422.27177.

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

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

2. The State Treasurer shall administer the Program.

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

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

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

(c) With regard to money available for the Program other than money used for the purpose described in paragraph (b), prioritize the repayment of student education loans for providers of primary care, providers of health care who commit to accepting as patients recipients of Medicaid or insurance pursuant to the Children's Health Insurance Program and other providers of health care specified by the regulations adopted by the State Treasurer pursuant to section 8 of this act; and

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

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

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

(3) Organizations that represent providers of health care;

(4) Tribal governments; and

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

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

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

1. Is a current resident of this State;

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

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

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

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

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

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

(e) In a geographic area that has been subject to historical instances of redlining, segregation or other discriminatory practices on the basis of race, color, religion, national origin, disability, sexual orientation, sex or gender identity or expression, as determined by the State Treasurer in accordance with the regulations adopted pursuant to section 8 of this act; or

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

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

2. The State Treasurer:

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

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

(c) Shall adopt regulations establishing the:

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

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

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

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

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

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

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

Sec. 9. *The State Treasurer:*

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

2. Shall post information about the Program, including, without limitation, the requirements to be eligible to receive repayment of student education loans from the Program and the procedure to apply for such repayment, on an Internet website maintained by the State Treasurer.

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

2. Money for the Account may be provided:

(a) By direct legislative appropriation;

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

(c) As provided in subsection 5.

3. Money in the Account must be used solely:

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

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

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

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

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

226.570 The Student Loan Ombudsman shall:

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

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

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

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

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

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

7. Disseminate information concerning the availability of the Student Loan Ombudsman to assist student loan borrowers, potential student loan borrowers, institutions of higher education, student loan servicers and any other persons who participate in providing a student education loan, with any concerns relating to student loan servicing.

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

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

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

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

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

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

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

(a) Any costs in connection with the sale of abandoned property.

(b) Any costs of mailing and publication in connection with any abandoned property.

(c) Reasonable service charges.

(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.

(e) Any valid claims filed pursuant to this chapter.

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

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

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

(c) ***The next ~~[$5,000,000]~~ $2,500,000 each year must be transferred to the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities created by section 10 of this act.***

(d) If the Nevada Health Service Corps is established pursuant to NRS 396.900, the next $250,000 each year must be transferred to the University

of Nevada School of Medicine for the purpose of obtaining matching money for the Corps from the Federal Government pursuant to subsection 1 of NRS 396.902.

(e) The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640 and any claims approved for payment by the Administrator pursuant to NRS 120A.525. No such claim may be satisfied from money in the Millennium Scholarship Trust Fund **,** ~~[or]~~ the Grant Matching Account ~~[.]~~ ***or the Account for Student Loan Repayment for Providers of Health Care in Underserved Communities.***

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

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

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247,

360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117,

692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 8 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

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

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

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

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

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 150.

Bill read third time.

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

Amendment No. 913.

AN ACT relating to education; revising provisions prohibiting the Board of Regents of the University of Nevada from assessing tuition charges against certain students who are Native American; revising provisions requiring the Board of Regents to grant certain waivers of fees for certain students who are Native American; making an appropriation to the Nevada System of Higher Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board of Regents of the University of Nevada to grant a waiver of registration fees, laboratory fees and other mandatory fees assessed each semester for a Native American student who demonstrates that the student: (1) is a member of a federally recognized Indian tribe or nation, all or part of which is located in this State, or who is certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of the tribe or nation, regardless of membership status; (2) is eligible for enrollment in a school within the Nevada System of Higher Education; (3) has been a resident of this State for at least 1 year; (4) has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester, or the equivalent of a 2.0 grade point average if a different scale is used; and (5) has completed the Free Application for Federal Student Aid. (NRS 396.5449) **Section 1.3** of this bill ~~[removes the requirement to be a resident of this State for at least 1 year to be eligible for the waiver.]~~ **: (1) allows a student who is a member or descendant of an Indian tribe or nation located outside of this State and who meets all other requirements to receive such a waiver; and (2) revises the residency requirement to include students who are bona fide residents of this State, who are members or descendants of Indian tribes or nations located at least partially in this State or who have resided on qualified tribal land for at least 1 year.**

Existing law requires the waiver to be granted to a student who enrolls in any program offered by a school within the System, including, without

limitation, a trade or vocational program, a graduate program or a professional program. (NRS 396.5449) Existing law provides that a pupil enrolled in high school may earn college credit for a dual credit course taken while in high school and apply the credit received for such a course to the total number of credits required for graduation from his or her high school. (NRS 389.160) **Section 1.3**: (1) ~~[revises the requirement for the waiver to be granted to a student who enrolls in any program offered by a school within the System by excluding a course or program in a field other than health, social work, science, technology, engineering, art or mathematics in support of which an appropriation has not been made by the Legislature;]~~ **clarifies that the waiver applies to any course or program, whether for a degree or not, offered during any academic period;** and (2) requires the waiver to be granted to an eligible student who enrolls in a dual credit course offered by a school within the System.

Existing law requires the amount of the waiver to be limited based on the federal education benefits to which a student is entitled during a semester. (NRS 396.5449) **Section 1.3** removes this requirement and instead requires the amount of the waiver to equal the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

Existing law prohibits the Board of Regents from assessing tuition charges against certain students. (NRS 396.540, 396.5449) **Section 1** of this bill makes a conforming change to reflect the prohibition against the Board of Regents assessing tuition charges against students who have been granted the waiver. **Section 1.7** of this bill makes an appropriation to the System to defray the cost of granting the waiver.

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

Section 1. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

(a) "Bona fide resident" shall be construed in accordance with the provisions of NRS 10.155 and policies established by the Board of Regents, to the extent that those policies do not conflict with any statute. The qualification "bona fide" is intended to ensure that the residence is genuine and established for purposes other than the avoidance of tuition.

(b) "Matriculation" has the meaning ascribed to it in regulations adopted by the Board of Regents.

(c) "Tuition charge" means a charge assessed against students who are not residents of Nevada and which is in addition to registration fees or other fees assessed against students who are residents of Nevada.

2. The Board of Regents may fix a tuition charge for students at all campuses of the System, but tuition charges must not be assessed against:

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System;

(b) All students whose families reside outside of the State of Nevada, providing such students have themselves been bona fide residents of the State of Nevada for at least 12 months before their matriculation at a university, state college or community college within the System;

(c) All students whose parent, legal guardian or spouse is a member of the Armed Forces of the United States who:

(1) Is on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California; or

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare
Training Center located at Pickel Meadow, California, on the date on which the student is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;

(d) All students who are using benefits under the Marine Gunnery Sergeant John David Fry Scholarship pursuant to 38 U.S.C. § 3311(b)(8);

(e) All public school teachers who are employed full-time by school districts in the State of Nevada;

(f) All full-time teachers in private elementary, secondary and postsecondary educational institutions in the State of Nevada whose curricula meet the requirements of chapter 394 of NRS;

(g) Employees of the System who take classes other than during their regular working hours;

(h) Members of the Armed Forces of the United States who are on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California;

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date of discharge;

(j) Except as otherwise provided in subsection 3, veterans of the Armed Forces of the United States who were honorably discharged;

(k) Veterans of the Armed Forces of the United States who have been awarded the Purple Heart;

(l) All students who are:

(1) Veterans using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after January 1, 2013; or

(2) Spouses or dependents using Post-9/11 Educational Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive;

(m) All students who are using Survivors' and Dependents' Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566, inclusive; ~~[and]~~

(n) Students who graduated from a high school located in this State, regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System ~~[.]~~ ***; and***

(o) All students who have been granted a waiver pursuant to NRS 396.5449.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States than the exemptions provided pursuant to subsection 2, if required for the receipt of federal money.

4. The Board of Regents may grant exemptions from tuition charges each semester to other worthwhile and deserving students from other states and foreign countries, in a number not to exceed a number equal to 3 percent of the total matriculated enrollment of students for the last preceding fall semester.

Sec. 1.3. NRS 396.5449 is hereby amended to read as follows:

396.5449 1. The Board of Regents shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who ***:*** ~~[is Native American and demonstrates that the student:]~~

(a) Is a member of a federally recognized Indian tribe or nation ~~[, all or part of which is located within the boundaries of this State,]~~ or ~~[who is]~~ certified by the enrollment department of such a tribe or nation or by the Bureau of Indian Affairs as being a descendant of an enrolled member of ~~[such]~~ a tribe or nation, ~~[all or part of which is located within the boundaries of this State,]~~ regardless of membership status;

(b) Is eligible for enrollment in a school within the System ~~[.]~~ ***, including, without limitation, enrollment in a dual credit course through a program for dual credit;***

(c) ~~[Has been]~~ ***Is*** ~~[a]~~ ***:***

(1) A bona fide resident of this State ***, as defined in NRS 396.540 ;***

(2) A member or descendant of an enrolled member of an Indian tribe or nation, all or part of which is located within the boundaries of this State; or

(3) Currently a resident on qualified tribal land, whether his or her actual residence was located within or outside of the boundaries of this State, and has been such a resident for not less than 1 year;

(d) Has maintained at least a 2.0 grade point average, on a 4.0 scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used; and

(e) Has completed the Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090 ~~[.]~~ ***unless the student is or will be enrolled exclusively in one or more dual credit courses through a program for dual credit.***

2. The amount of the waiver must be equal to ~~[:~~

~~(a) If the student is entitled to receive any federal educational benefits for a semester, the balance of registration fees, laboratory fees and any other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal educational benefits to which the student is entitled for that semester; or~~

~~(b) If the student is not entitled to receive any federal educational benefits for a semester,]~~ the full amount of the registration fees, laboratory fees and any other mandatory fees assessed against the student for that semester.

3. The waiver must be granted to a student who enrolls in any ***course or*** program ***, whether for a degree or not,*** offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program ***,*** ~~[or]~~ a professional program ~~[.]~~ ***or a dual credit course through a program for dual credit,*** ~~***[except a course or program in a field other than health, social work, science, technology, engineering, arts or mathematics in support of which an appropriation has not been made by the Legislature,]***~~ ***offered during any academic period, including courses offered during the summer and between terms or semesters.***

4. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, the person shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may request documentation confirming that the student is a member or descendant of a member of a federally recognized Indian tribe or nation ***.*** ~~[, all or part of which is located within the boundaries of this State.]~~

6. As used in this section:

(a) "Program for dual credit" means a program through which a pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school or a pupil enrolled in a program designed to meet the requirements of an adult standard diploma, may enroll in a dual credit course offered by a school within the System.

(b) "Qualified tribal land" means any real property:

(1) For which legal title is vested in, or held in trust for the benefit of, an Indian tribe or an individual Native American, and which is subject to restrictions against alienation pursuant to federal law; and

(2) Over which a federally recognized Indian tribe or nation, all or part of which is located within the boundaries of this State, exercises governmental power.

Sec. 1.7. 1. There is hereby appropriated from the State General Fund to the Nevada System of Higher Education to defray the cost of granting waivers pursuant to NRS 396.5449 the following sums:

For the Fiscal Year 2023-2024 ..... ~~[$450,000]~~ **$457,449**

For the Fiscal Year 2024-2025 ..... ~~[$450,000]~~ **$457,449**

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

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 155.

Bill read third time.

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

Amendment No. 862.

ASSEMBLYMEN PETERS; **BROWN-MAY, DICKMAN,** GONZÁLEZ, **HAFEN, KASAMA,** NGUYEN, ORENTLICHER **,** ~~[AND]~~ THOMAS **AND WATTS**

AN ACT relating to health care; requiring policies of health insurance to include coverage of biomarker testing **for the diagnosis, treatment, appropriate management and ongoing monitoring of cancer** in certain circumstances; establishing certain conditions relating to such required coverage; **providing for a study of the cost-effectiveness of biomarker testing; making an appropriation and authorizing certain expenditures;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires public and private policies of insurance regulated under Nevada law to include certain coverage. (NRS 287.010, 287.04335, 422.2717-422.27248, 689A.04033-689A.0465, 689B.0303-689B.0379, 689C.1655-689C.169, 689C.194-689C.195, 689C.425, 695A.184-695A.1875, 695B.1901-695B.1949, 695C.050, 695C.1691-695C.176, 695G.162-695G.177) **Sections 13-15, 17, 19, 20, 22-25 and 27** of this bill require certain public and private health plans, including Medicaid and health plans for state and local government employees, to provide coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ **cancer** when such biomarker

testing is supported by medical and scientific evidence. **Sections 13-15, 17, 19, 20, 22-25 and 27** require such health plans to: (1) provide the required coverage in a manner that limits disruptions in care and the need for multiple specimens; and (2) establish a process for requesting an exception to a policy excluding coverage for biomarker testing **for the diagnosis, treatment, management or ongoing monitoring of cancer** or appealing a denial of coverage for **such** biomarker testing. **Sections 13-17, 19, 20, 22-25 and 27** additionally require such health plans to respond to any request for preauthorization for **such** biomarker testing within: (1) 24 hours for urgent requests; or (2) 72 hours for all other requests. **Sections 13-17, 19, 20, 22-25 and 27** clarify that an insurer is not required to cover biomarker testing for screening purposes or in certain circumstances. **Sections 11, 18 and 21** of this bill make conforming changes to indicate the proper placement of **sections 15, 17 and 20**, respectively, in the Nevada Revised Statutes. **Section 26** of this bill authorizes the Commissioner of Insurance to suspend or revoke the certificate of a health maintenance organization that fails to comply with the requirements of **section 24** of this bill. The Commissioner would also be authorized to take such action against other private health insurers who fail to comply with the requirements of **section 17, 19, 20, 22, 23 or 27** of this bill. (NRS 680A.200) **Section 28.5 of this bill appropriates and authorizes the expenditure of money for the Division of Health Care Financing and Policy of the Department of Health and Human Services to contract with a qualified person to determine the cost-effectiveness of providing coverage for biomarker testing under Medicaid for the diagnosis, treatment, management or ongoing monitoring of diseases or conditions other than cancer. Section 29.5 of this bill requires the Joint Interim Standing Committee on Health and Human Services, in coordination with the Department of Health and Human Services, to conduct a study during the 2023-2024 interim concerning the cost-effectiveness of biomarker testing.**

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 10, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. 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 15 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. 12. (Deleted by amendment.)

Sec. 13. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self-insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, ***and section 19 of this act,*** 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be

budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 14. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, ***and section 27 of this act,*** 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the

same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 15. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, the Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. The Director shall:

(a) Ensure that the coverage required by subsection 1 is provided in a manner that limits disruptions in care and the need for multiple specimens.

(b) Include in the State Plan for Medicaid a clear and readily accessible process for a recipient of Medicaid or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[.]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the Department.

3. If the State Plan for Medicaid requires a recipient of Medicaid to obtain prior authorization for a biomarker test described in subsection 1, the State Plan must require a response to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require the State Plan for Medicaid to include coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(d) Where a more cost-effective test is equally capable of meeting the medical needs of the recipient of Medicaid.

5. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 16. NRS 687B.225 is hereby amended to read as follows:

687B.225 1. Except as otherwise provided in NRS 689A.0405, 689A.0412, 689A.0413, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689C.1675, 695A.1856, 695B.1912, 695B.1913, 695B.1914, 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695G.170, 695G.171, 695G.1714 and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) ~~[Respond]~~ ***Unless a shorter time period is prescribed by a specific statute, including, without limitation, sections 17, 19, 20, 22, 23, 24 and 27 of this act, respond*** to any request for approval by the insured or member pursuant to this section within 20 days after it receives the request.

2. The procedure for prior authorization may not discriminate among persons licensed to provide the covered care.

Sec. 17. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. An insurer shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[,]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 18. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive ~~[.]~~ ***, and section 17 of this act.***

Sec. 19. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, an insurer that issues a policy of group health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment,

appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. An insurer shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[;]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the insurer.

3. If an insurer requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the insurer shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require an insurer to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the insurer;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this

section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 20. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a carrier that issues a health benefit plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A carrier shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[;]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the carrier.

3. If a carrier requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the carrier shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a carrier to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that is not in the applicable network plan of the carrier;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 21. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, ***and section 20 of this act,*** to the extent applicable and not in conflict with the express provisions of NRS 687B.408 and 689C.360 to 689C.600, inclusive.

Sec. 22. Chapter 695A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a society that issues a benefit contract shall include in the contract coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A society shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[,]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the society.

3. If a society requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the society shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a society to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the society;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the benefit contract or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A gene mutation or characteristic; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 23. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a hospital or medical service corporation that issues a policy of health insurance shall include in the policy coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A hospital or medical service corporation shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[.]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the hospital or medical service corporation.

3. If a hospital or medical service corporation requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the hospital or medical service corporation shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a hospital or medical service corporation to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the hospital or medical service corporation;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the policy or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic

process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a policy of health insurance offered by a hospital or medical service corporation under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the hospital or medical service corporation. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 24. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a health maintenance organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A health maintenance organization shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an enrollee or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[,]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the health maintenance organization.

3. If a health maintenance organization requires an enrollee to obtain prior authorization for a biomarker test described in subsection 1, the health maintenance organization shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a health maintenance organization to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the health maintenance organization;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the enrollee.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent, diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 25. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 ***and section 24 of this act*** apply to a health maintenance organization that provides health

care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

Sec. 26. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, ***and section 24 of this act*** or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The Commissioner certifies that the health maintenance organization:

(1) Does not meet the requirements of subsection 1 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, inclusive;

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees or creditors or to the general public;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 27. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. Subject to the limitations prescribed by subsection 4, a managed care organization that issues a health care plan shall include in the plan coverage for medically necessary biomarker testing for the diagnosis, treatment, appropriate management and ongoing monitoring of ~~[a disease or condition]~~ cancer when such biomarker testing is supported by medical and scientific evidence. Such evidence includes, without limitation:

(a) The labeled indications for a biomarker test or medication that has been approved or cleared by the United States Food and Drug Administration;

(b) The indicated tests for a drug that has been approved by the United States Food and Drug Administration or the warnings and precautions included on the label of such a drug;

(c) A national coverage determination or local coverage determination, as those terms are defined in 42 C.F.R. § 400.202; or

(d) Nationally recognized clinical practice guidelines or consensus statements.

2. A managed care organization shall:

(a) Provide the coverage required by subsection 1 in a manner that limits disruptions in care and the need for multiple specimens.

(b) Establish a clear and readily accessible process for an insured or provider of health care to:

(1) Request an exception to a policy excluding coverage for biomarker testing ~~[.]~~ for the diagnosis, treatment, management or ongoing monitoring of cancer; or

(2) Appeal a denial of coverage for such biomarker testing; and

(c) Make the process described in paragraph (b) available on an Internet website maintained by the managed care organization.

3. If a managed care organization requires an insured to obtain prior authorization for a biomarker test described in subsection 1, the managed care organization shall respond to a request for such prior authorization:

(a) Within 24 hours after receiving an urgent request; or

(b) Within 72 hours after receiving any other request.

4. The provisions of this section do not require a managed care organization to provide coverage of biomarker testing:

(a) For screening purposes;

(b) Conducted by a provider of health care for whom the biomarker testing is not within his or her scope of practice, training and experience;

(c) Conducted by a provider of health care or a facility that does not participate in the network plan of the managed care organization;

(d) That has not been determined to be medically necessary by a provider of health care for whom such a determination is within his or her scope of practice, training and experience; or

(e) Where a more cost-effective test is equally capable of meeting the medical needs of the insured.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2023, has the legal effect of including the coverage required by this section, and any provision of the plan or renewal which is in conflict with the provisions of this section is void.

6. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

(c) "Consensus statement" means a statement aimed at a specific clinical circumstance that is:

(1) Made for the purpose of optimizing the outcomes of clinical care;

(2) Made by an independent, multidisciplinary panel of experts that has established a policy to avoid conflicts of interest;

(3) Based on scientific evidence; and

(4) Made using a transparent methodology and reporting procedure.

(d) "Medically necessary" means health care services or products that a prudent provider of health care would provide to a patient to prevent,

diagnose or treat an illness, injury or disease, or any symptoms thereof, that are necessary and:

(1) Provided in accordance with generally accepted standards of medical practice;

(2) Clinically appropriate with regard to type, frequency, extent, location and duration;

(3) Not primarily provided for the convenience of the patient or provider of health care;

(4) Required to improve a specific health condition of a patient or to preserve the existing state of health of the patient; and

(5) The most clinically appropriate level of health care that may be safely provided to the patient.

(e) "Nationally recognized clinical practice guidelines" means evidence-based guidelines establishing standards of care that include, without limitation, recommendations intended to optimize care of patients and are:

(1) Informed by a systemic review of evidence and an assessment of the risks and benefits of alternative options for care; and

(2) Developed using a transparent methodology and reporting procedure by an independent organization or society of medical professionals that has established a policy to avoid conflicts of interest.

(f) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(g) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 28. (Deleted by amendment.)

Sec. 28.5. **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 the sum of $325,000 for the cost of contracting with a qualified person to determine the cost-effectiveness of providing coverage for biomarker testing under Medicaid for the diagnosis, treatment, management or ongoing monitoring of diseases or conditions other than cancer.**

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. Expenditure of $325,000 not appropriated from the State General Fund or State Highway Fund is hereby authorized during Fiscal Year 2023-2024 and Fiscal Year 2024-2025 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.

4. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

Sec. 29. (Deleted by amendment.)

Sec. 29.5. **1. During the 2023-2024 interim, the Joint Interim Standing Committee on Health and Human Services, in coordination with the Department of Health and Human Services, shall study the cost-effectiveness of biomarker testing, including, without limitation, the cost-effectiveness of biomarker testing:**

(a) For the diagnosis, treatment, management or ongoing monitoring of specific diseases or conditions; and

(b) To screen for specific diseases or conditions or traits associated with specific diseases or conditions.

2. The Joint Interim Standing Committee on Health and Human Services shall submit a report of the results of the study, including any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 83rd Session of the Nevada Legislature.

3. As used in this section:

(a) "Biomarker" means a characteristic that is objectively measured and evaluated as an indicator of a normal biological process, a pathogenic process or a pharmacological response to a specific therapeutic intervention and includes, without limitation:

(1) An interaction between a gene and a drug that is being used by or considered for use by the patient;

(2) A mutation or characteristic of a gene; and

(3) The expression of a protein.

(b) "Biomarker testing" means the analysis of the tissue, blood or other biospecimen of a patient for the presentation of a biomarker and includes, without limitation, single-analyte tests, multiplex panel tests and whole genome, whole exome and whole transcriptome sequencing.

Sec. 30. 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. 31. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 10, inclusive, 12, **and** 28 ~~[and 29]~~ **to 29.5, inclusive,** of this act become effective on July 1, 2023.

3. Sections 11, 13 to 27, inclusive, and 30 of this act become effective:

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

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

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 158.

Bill read third time.

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

Amendment No. 887.

AN ACT relating to emergency medical services; ratifying the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides for the certification and regulation of advanced emergency medical technicians, emergency medical technicians and paramedics in this State. (Chapter 450B of NRS) **Section 2** of this bill ratifies the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact. The Compact authorizes: (1) emergency medical service personnel who are certified in this State to perform their professional duties in any other state that has ratified the Compact; and (2) emergency medical service personnel who are certified in another state that has ratified the Compact to perform their professional duties in this State. **Sections 1, 3-7 and 9-21** of this bill make various changes to clarify that a person who is authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic under the Compact, including by serving as an attendant on an ambulance or air ambulance: (1) is not prohibited from doing so because he or she is not licensed or certified in this State; and (2) is legally equivalent to an emergency medical technician, advanced emergency medical technician or paramedic who is certified in this State for certain purposes. **Section 8** of this bill provides that a person who is authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic under the Compact is not eligible for an endorsement to provide community paramedicine services. **Section 21.5 of this bill makes an appropriation to the Division of Public and Behavioral Health of the**

Department of Health and Human Services to cover certain fees related to the coordinated database established under the Compact.

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

Section 1. NRS 441A.195 is hereby amended to read as follows:

441A.195 1. Except as otherwise provided in NRS 259.047, a law enforcement officer, correctional officer, emergency medical attendant, firefighter, county coroner or medical examiner or any of their employees or volunteers, any other person who is employed by or is a volunteer for an agency of criminal justice or any other public employee or volunteer for a public agency who, in the course of his or her official duties, comes into contact with human blood or bodily fluids, or the employer of such a person or the public agency for which the person volunteers, may petition a court for an order requiring the testing of a person or decedent for exposure to a communicable disease if:

(a) The officer, emergency medical attendant, firefighter, county coroner or medical examiner or their employee or volunteer, other person employed by or volunteering for an agency of criminal justice or other public employee or volunteer for a public agency was likely exposed to a communicable disease; and

(b) Testing of the person or decedent is necessary to determine the appropriate treatment for the officer, emergency medical attendant, firefighter, county coroner, medical examiner, employee or volunteer.

2. When possible, before filing a petition pursuant to subsection 1, the person, employer or public agency for which the person volunteers, and who is petitioning shall submit information concerning the likely exposure to a communicable disease to the designated health care officer for the employer or public agency or, if there is no designated health care officer, the person designated by the employer or public agency to document and verify likely exposure to communicable diseases, for verification that there was substantial exposure. Each designated health care officer or person designated by an employer or public agency to document and verify likely exposure to communicable diseases shall establish guidelines based on current scientific information to determine substantial exposure.

3. A court shall promptly hear a petition filed pursuant to subsection 1 and determine whether there is probable cause to believe that a likely transfer of blood or other bodily fluids occurred between the person who filed the petition or on whose behalf the petition was filed and the person or decedent who likely exposed him or her to a communicable disease. If the court determines that such probable cause exists, the court shall:

(a) Order the person who likely exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease to submit two appropriate specimens to a local hospital or medical laboratory for testing for exposure to a communicable disease; or

(b) Order that two appropriate specimens be taken from the decedent who likely exposed the petitioner, or the person on whose behalf the petition was filed, to a communicable disease and be submitted to a local hospital or medical laboratory for testing for exposure to the communicable disease.

➥ The local hospital or medical laboratory shall perform the test in accordance with generally accepted medical practices and shall disclose the results of the test in the manner set forth in NRS 629.069.

4. If a judge or a justice of the peace enters an order pursuant to this section, the judge or justice of the peace may authorize the designated health care officer or the person designated by the employer or public agency to document and verify likely exposure to a communicable disease to sign the name of the judge or justice of the peace on a duplicate order. Such a duplicate order shall be deemed to be an order of the court. As soon as practicable after the duplicate order is signed, the duplicate order must be returned to the judge or justice of the peace who authorized the signing of it and must indicate on its face the judge or justice of the peace to whom it is to be returned. The judge or justice of the peace, upon receiving the returned order, shall endorse the order with his or her name and enter the date on which the order was returned. Any failure of the judge or justice of the peace to make such an endorsement and entry does not in and of itself invalidate the order.

5. Except as otherwise provided in NRS 629.069, all records submitted to the court in connection with a petition filed pursuant to this section and any proceedings concerning the petition are confidential and the judge or justice of the peace shall order the records and any record of the proceedings to be sealed and to be opened for inspection only upon an order of the court for good cause shown.

6. A court may establish rules to allow a judge or justice of the peace to conduct a hearing or issue an order pursuant to this section by electronic or telephonic means.

7. The employer of a person or the public agency for which the person volunteers, who files a petition or on whose behalf a petition is filed pursuant to this section or the insurer of the employer or public agency, shall pay the cost of performing the test pursuant to subsection 3.

8. As used in this section:

(a) "Agency of criminal justice" has the meaning ascribed to it in NRS 179A.030.

(b) "Emergency medical attendant" means a person ~~[licensed]~~ ***who is:***

(1) Licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS ~~[.]~~ ***; or***

(2) Authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

Sec. 2. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact is hereby ratified and entered into with all other jurisdictions legally joining the Compact, in substantially the form set forth in this section:

RECOGNITION OF EMERGENCY MEDICAL SERVICES PERSONNEL LICENSURE INTERSTATE COMPACT

SECTION 1. PURPOSE

In order to protect the public through verification of competency and ensure accountability for patient care related activities all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs and paramedics. This Compact is intended to facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This Compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This Compact is designed to achieve the following purposes and objectives:

1. Increase public access to EMS personnel;

2. Enhance the states' ability to protect the public's health and safety, especially patient safety;

3. Encourage the cooperation of member states in the areas of EMS personnel licensure and regulation;

4. Support licensing of military members who are separating from an active duty tour and their spouses;

5. Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action and significant investigatory information;

6. Promote compliance with the laws governing EMS personnel practice in each member state; and

7. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.

SECTION 2. DEFINITIONS

In this Compact:

A. "Advanced emergency medical technician (AEMT)" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

B. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions and state court judgments enforcing adverse actions by the state EMS authority.

C. "Alternative program" means a voluntary, nondisciplinary substance abuse recovery program approved by a state EMS authority.

D. "Certification" means the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated and legally defensible examination.

E. "Commission" means the national administrative body of which all states that have enacted the Compact are members.

F. "Emergency medical technician (EMT)" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

G. "Home state" means a member state where an individual is licensed to practice emergency medical services.

H. "License" means the authorization by a state for an individual to practice as an EMT, AEMT, paramedic or a level in between EMT and paramedic.

I. "Medical director" means a physician licensed in a member state who is accountable for the care delivered by EMS personnel.

J. "Member state" means a state that has enacted this Compact.

K. "Privilege to practice" means an individual's authority to deliver emergency medical services in remote states as authorized under this Compact.

L. "Paramedic" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

M. "Remote state" means a member state in which an individual is not licensed.

N. "Restricted" means the outcome of an adverse action that limits a license or the privilege to practice.

O. "Rule" means a written statement by the Commission promulgated pursuant to Section 12 of this Compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the Compact, or is an organizational, procedural or practice requirement of the Commission and has the force and effect of statutory law in a member state and includes the amendment, repeal or suspension of an existing rule.

P. "Scope of practice" means defined parameters of various duties or services that may be provided by an individual with specific credentials.

Whether regulated by rule, statute or court decision, it tends to represent the limits of services an individual may perform.

Q. "Significant investigatory information" means:

1. Investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or

2. Investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond.

R. "State" means any state, commonwealth, district or territory of the United States.

S. "State EMS authority" means the board, office or other agency with the legislative mandate to license EMS personnel.

SECTION 3. HOME STATE LICENSURE

A. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this Compact.

B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this Compact.

C. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

1. Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

2. Has a mechanism in place for receiving and investigating complaints about individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

4. Not later than 5 years after activation of the Compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. § 731.202 and submit documentation of such as promulgated in the rules of the Commission; and

5. Complies with the rules of the Commission.

SECTION 4. COMPACT PRIVILEGE TO PRACTICE

A. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with Section 3.

B. To exercise the privilege to practice under the terms and provisions of this Compact, an individual must:

1. Be at least 18 years of age;

2. Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic or state recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

3. Practice under the supervision of a medical director.

C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the Commission.

D. Except as provided in Section 4, subsection C, an individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action it shall promptly notify the home state and the Commission.

E. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

F. If an individual's privilege to practice in any remote state is restricted, suspended or revoked the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the Commission, and under the following circumstances:

1. The individual originates a patient transport in a home state and transports the patient to a remote state;

2. The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state;

3. The individual enters a remote state to provide patient care and/or transport within that remote state;

4. The individual enters a remote state to pick up a patient and provide care and transport to a third member state; and

5. Other conditions as determined by rules promulgated by the Commission.

SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply, and to the extent any terms or provisions of this Compact conflict with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

A. Member states shall consider a veteran, active military service member and member of the National Guard and Reserves separating from an active duty tour, and a spouse thereof, who holds a current valid and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

B. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the National Guard and Reserves separating from an active duty tour, and their spouses.

C. All individuals functioning with a privilege to practice under this Section remain subject to the adverse actions provisions of Section 8.

SECTION 8. ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

B. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

1. All home state adverse action orders shall include a statement that the individual's Compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

2. An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

C. A member state shall report adverse actions and any occurrences that the individual's Compact privileges are restricted, suspended or revoked to the Commission in accordance with the rules of the Commission.

D. A remote state may take adverse action on an individual's privilege to practice within that state.

E. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

F. A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

G. Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY

A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this Compact to:

1. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses and/or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state EMS authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist orders to restrict, suspend or revoke an individual's privilege to practice in the state.

SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE

A. The Compact states hereby create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice.

1. The Commission is a body politic and an instrumentality of the Compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting and Meetings

1. Each member state shall have and be limited to one delegate. The responsible official of the state EMS authority or his or her designee shall be the delegate to this Compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the governor of the state will determine which entity will be responsible for assigning the delegate.

2. Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 12.

5. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:

a. Noncompliance of a member state with its obligations under the Compact;

b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase or sale of goods, services or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigatory records compiled for law enforcement purposes;

i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or

j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the Compact, including, but not limited to, bylaws and/or rules:

1. Establishing the fiscal year of the Commission;

2. Providing reasonable standards and procedures;

a. For the establishment and meetings of other committees; and

b. Governing any general or specific delegation of any authority or function of the Commission;

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;

4. Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;

6. Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees; and

7. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations.

D. The Commission shall publish its bylaws and file a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any.

E. The Commission shall maintain its financial records in accordance with the bylaws.

F. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

G. The Commission shall have the following powers:

1. The authority to promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same, provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed, provided that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

12. To provide and receive information from, and to cooperate with, law enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of EMS personnel licensure and practice.

H. Financing of the Commission

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

3. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

I. Qualified Immunity, Defense and Indemnification

1. The members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel, and

provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 11. COORDINATED DATABASE

A. The Commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action and significant investigatory information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Significant investigatory information;

4. Adverse actions against an individual's license;

5. An indicator that an individual's privilege to practice is restricted, suspended or revoked;

6. Nonconfidential information related to alternative program participation;

7. Any denial of application for licensure and the reasons for such denial; and

8. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.

E. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

SECTION 12. RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission; and

2. On the website of each member state EMS authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least 25 persons;

2. A governmental subdivision or agency; or

3. An association having at least 25 members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this Section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this Section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing, provided that the usual rulemaking procedures provided in the Compact and in this Section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety or welfare;

2. Prevent a loss of Commission member state funds;

3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 13. OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

A. Oversight

1. The executive, legislative and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact or promulgated rules.

B. Default, Technical Assistance and Termination

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor and the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The

prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

C. Dispute Resolution

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and nonmember states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL AND AMENDMENT

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.

B. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

C. Any member state may withdraw from this Compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until 6 months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 15. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. If this Compact shall be held contrary to the constitution of any state member thereto, the Compact shall remain in full force and effect as to the remaining member states. Nothing in this Compact supersedes state law or rules related to licensure of EMS agencies.

Sec. 3. NRS 450B.025 is hereby amended to read as follows:

450B.025 "Advanced emergency medical technician" means a person ~~[certified]~~ ***who is:***

1. Certified by the health officer as having satisfactorily completed a program of training for certification as an advanced emergency medical technician pursuant to NRS 450B.191 ~~[.]~~ ***; or***

2. Practicing as an advanced emergency medical technician in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

Sec. 4. NRS 450B.065 is hereby amended to read as follows:

450B.065 "Emergency medical technician" means a person ~~[certified]~~ ***who is:***

1. Certified by the health officer as having satisfactorily completed a program of training for certification as an emergency medical technician pursuant to NRS 450B.1905 ~~[.]~~ ***; or***

2. Practicing as an emergency medical technician in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

Sec. 5. NRS 450B.095 is hereby amended to read as follows:

450B.095 "Paramedic" means a person ~~[certified]~~ ***who is:***

1. Certified by the health officer as having satisfactorily completed a program of training for certification as a paramedic pursuant to NRS 450B.195 ~~[.]~~ ***; or***

2. Practicing as a paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

Sec. 6. NRS 450B.191 is hereby amended to read as follows:

450B.191 1. A program of training for certification as an advanced emergency medical technician must be supervised by a licensed physician and approved by the health authority.

2. A program of training for certification as an advanced emergency medical technician must include an approved curriculum in intravenous therapy and the management of a passage for air to the lungs. Only a certified emergency medical technician with experience as established by the board is eligible for this training.

3. In order to maintain certification, each advanced emergency medical technician must annually:

(a) Comply with the requirements established by the board for continuing medical education; and

(b) Demonstrate his or her skills as required by regulation of the board.

4. The board may by regulation prescribe the curriculum and other requirements for training and maintaining certification as an advanced emergency medical technician. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for advanced emergency medical technicians.

5. A person shall not represent himself or herself to be an advanced emergency medical technician unless the person has on file with the health authority a currently valid certificate demonstrating successful completion of the program of training required by this section ~~[.]~~ ***or is practicing under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

6. Except as authorized by subsection 7 of NRS 450B.160 ~~[.]~~ ***and the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act,*** an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as an advanced emergency medical technician without fulfilling the requirements established by the board.

Sec. 7. NRS 450B.195 is hereby amended to read as follows:

450B.195 1. Only a certified emergency medical technician with experience as established by the board is eligible for training as a paramedic.

2. A program of training for certification as a paramedic must be supervised by a licensed physician and approved by the health authority.

3. To maintain certification, each paramedic must annually:

(a) Comply with the requirements established by the board for continuing medical education; and

(b) Demonstrate his or her skills as required by regulation of the board.

4. The board may by regulation prescribe the curriculum and other requirements for training and maintaining certification as a paramedic. The curriculum must be at least equivalent to any curriculum or educational standards prepared by the United States Department of Transportation as a national standard for paramedics.

5. A person shall not represent himself or herself to be a paramedic unless the person has on file with the health authority a currently valid certificate

evidencing the person's successful completion of the program of training required by this section ~~[.]~~ ***or is practicing under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

6. Except as authorized by subsection 7 of NRS 450B.160 ~~[.]~~ ***and the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act,*** an attendant or firefighter shall not perform, and the owner, operator, director or chief officer of an ambulance or a fire-fighting agency shall not offer, emergency care as a paramedic without fulfilling the requirements established by the board.

Sec. 8. NRS 450B.199 is hereby amended to read as follows:

450B.199 As used in this section and NRS 450B.1993 and 450B.1996, unless the context otherwise requires, "emergency medical provider" means an emergency medical technician, advanced emergency medical technician or paramedic ~~[.]~~ ***who is certified pursuant to this chapter.***

Sec. 9. NRS 450B.225 is hereby amended to read as follows:

450B.225 1. Except as otherwise provided in subsection 2 ~~[.]~~ ***or as otherwise authorized by the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act,*** during any period in which an air ambulance is used to provide medical transportation services for which a permit is required, the air ambulance must be staffed with, at a minimum:

(a) One primary attendant who:

(1) Is an emergency medical services registered nurse who has at least 3 years of critical care nursing experience;

(2) Has successfully completed an air ambulance attendant course which includes didactic and clinical components and is approved or in compliance with requirements set by the board; and

(3) Has demonstrated proficiency in basic prehospital skills and advance procedures as specified by the board; and

(b) One secondary attendant who meets the same qualifications as a primary attendant pursuant to paragraph (a) or:

(1) Is certified as a paramedic;

(2) Has at least 3 years of field experience as a paramedic;

(3) Has successfully completed an air ambulance attendant course which includes didactic and clinical components and is approved or in compliance with requirements set by the board; and

(4) Has demonstrated proficiency in basic prehospital skills and advance procedures as specified by the board.

2. If, as determined by the pilot and medical director of the air ambulance, the weight of the secondary attendant could compromise the performance of the air ambulance, safety or patient care, an air ambulance providing medical transportation services may be staffed with only a primary attendant as described in paragraph (a) of subsection 1.

3. The board may adopt regulations specifying the acceptable documentation of the requirements set forth in paragraph (a) or (b) of subsection 1.

4. The health authority may issue a letter of endorsement and identification card to an emergency medical services registered nurse or paramedic who satisfies the requirements of paragraph (a) or (b) of subsection 1.

Sec. 10. NRS 450B.255 is hereby amended to read as follows:

450B.255 A person shall not represent himself or herself to be an emergency medical technician, advanced emergency medical technician or paramedic unless the person has been issued a currently valid certificate by the health authority ~~[.]~~ ***or is practicing under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

Sec. 11. NRS 450B.260 is hereby amended to read as follows:

450B.260 1. Except as otherwise provided in this section ~~[,]~~ ***or as authorized by the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act,*** the public or private owner of an ambulance or air ambulance or a fire-fighting agency which owns a vehicle used in providing medical care to sick or injured persons at the scene of an emergency or while transporting those persons to a medical facility shall not permit its operation and use by any person not licensed under this chapter.

2. An ambulance carrying a sick or injured patient must be occupied by a driver and an attendant, each of whom is licensed as an attendant pursuant to this chapter ***,*** ~~[or]~~ exempt from licensing pursuant to subsection 7 of NRS 450B.160 ~~[,]~~ ***or authorized to practice in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act,*** except as otherwise provided in subsection 5 or in geographic areas which may be designated by the board and for which the board may prescribe lesser qualifications.

3. An air ambulance carrying a sick or injured patient must be occupied by a licensed attendant, ~~[or]~~ a person exempt from licensing pursuant to subsection 7 of NRS 450B.160 ~~[,]~~ ***or a person authorized to practice in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act,*** in addition to the pilot of the aircraft.

4. The pilot of an air ambulance is not required to have a license under this chapter.

5. A person who operates or uses a vehicle owned by a fire-fighting agency is not required to be licensed under this chapter, except that such a vehicle may not be used to provide the level of medical care provided by an advanced emergency medical technician or paramedic to sick or injured persons:

(a) At the scene of an emergency unless at least one person in the vehicle is licensed to provide the care; or

(b) While transporting those persons to a medical facility unless at least two persons in the vehicle are licensed to provide the care.

6. Nothing in this section precludes the operation of an aircraft in this State in a manner other than as an air ambulance.

Sec. 12. NRS 450B.655 is hereby amended to read as follows:

450B.655 "Dedicated advanced life support ambulance" means an ambulance equipped to provide advanced life support that:

1. Is capable of transporting a patient from a special event to a hospital but, upon delivering the patient, immediately returns to the site of the special event; and

2. Is staffed by:

(a) At least one licensed attendant who is an emergency medical technician and one licensed attendant who is a paramedic; or

(b) At least two other attendants, each with an equivalent or a higher level of skill than the levels described in paragraph (a) and each of whom is licensed pursuant to this chapter **,** ~~[or]~~ exempt from licensure pursuant to subsection 7 of NRS 450B.160 ~~[.]~~ ***or authorized to practice in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

Sec. 13. NRS 450B.660 is hereby amended to read as follows:

450B.660 "First-aid station" means a fixed location at the site of a special event that is staffed by:

1. At least one licensed attendant who is an emergency medical technician, advanced emergency medical technician or paramedic; or

2. A person with a higher level of skill than the levels described in subsection 1 who is capable of providing emergency medical care within his or her scope of practice and is licensed pursuant to this chapter **,** ~~[or]~~ exempt from licensure pursuant to subsection 7 of NRS 450B.160 ~~[.]~~ ***or authorized to practice in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

Sec. 14. NRS 450B.670 is hereby amended to read as follows:

450B.670 "Roving emergency medical technician team" means a team at the site of a special event that:

1. Consists of two or more ~~[licensed attendants who are]~~ emergency medical technicians, advanced emergency medical technicians or paramedics ~~[;]~~ ***who are licensed attendants or authorized to serve as attendants under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act;*** and

2. Has the medical supplies necessary to provide emergency medical care.

Sec. 15. NRS 450B.675 is hereby amended to read as follows:

450B.675 "Roving intermediate emergency medical technician team" means a roving emergency medical team that consists of two or more ~~[licensed attendants who are]~~ advanced emergency medical technicians or paramedics ~~[.]~~ ***who are licensed attendants or authorized to serve as attendants under the***

Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

Sec. 16. NRS 450B.712 is hereby amended to read as follows:

450B.712 1. An authorized entity may obtain an order for auto-injectable epinephrine from a physician, osteopathic physician, physician assistant or advanced practice registered nurse, pursuant to NRS 630.374, 632.239 or 633.707 to be maintained by the authorized entity at any location under control of the authorized entity where allergens capable of causing anaphylaxis may be present. If a dose of auto-injectable epinephrine maintained by the authorized entity is used or expires, the authorized entity may obtain an additional dose of auto-injectable epinephrine to replace the used or expired dose.

2. Auto-injectable epinephrine maintained by an authorized entity pursuant to this section may be provided to a person for self-administration or may be administered to any person reasonably believed to be experiencing anaphylaxis by:

(a) An owner, employee or agent of the authorized entity who has received the training required pursuant to NRS 450B.714; or

(b) A person, other than an owner, employee or agent of the authorized entity, who is trained to recognize the symptoms of anaphylaxis and to administer auto-injectable epinephrine, who may include, without limitation, a provider of health care, a provider of emergency medical services, an athletic trainer or a family member of a person who suffers from allergies capable of causing anaphylaxis.

3. An authorized entity shall:

(a) Store auto-injectable epinephrine in a designated, secure location that is easily accessible and in compliance with the instructions provided by the manufacturer of the auto-injectable epinephrine and any requirements prescribed by the board; and

(b) Designate one or more employees or agents who have received the training described in NRS 450B.714 to be responsible for the storage, maintenance and oversight of the auto-injectable epinephrine maintained by the authorized entity.

4. Not later than 30 days after a dose of auto-injectable epinephrine maintained by an authorized entity is administered, the authorized entity shall report, on a form prescribed by the board, the circumstances surrounding such administration. The board shall publish an annual report summarizing and analyzing the information reported by authorized entities pursuant to this subsection.

5. As used in this section:

(a) "Provider of emergency medical services" means a person ~~[licensed]~~ ***who is:***

(1) Licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to this chapter ~~[.]~~ ***; or***

(2) Authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

(b) "Provider of health care" means a physician, nurse or physician assistant registered or licensed in this State.

Sec. 17. NRS 41.139 is hereby amended to read as follows:

41.139 1. Except as otherwise provided in subsection 2, a peace officer, firefighter or emergency medical attendant may bring and maintain an action for damages for personal injury caused by the willful act of another person, or by another person's lack of ordinary care or skill in the management of the person's property, if the conduct causing the injury:

(a) Occurred after the person who caused the injury knew or should have known of the presence of the peace officer, firefighter or emergency medical attendant;

(b) Was intended to injure the peace officer, firefighter or emergency medical attendant;

(c) Violated a statute, ordinance or regulation:

(1) Intended to protect the peace officer, firefighter or emergency medical attendant; or

(2) Prohibiting resistance to or requiring compliance with an order of a peace officer or firefighter; or

(d) Was arson.

2. This section does not impose liability on the employer of the peace officer, firefighter or emergency medical attendant.

3. As used in this section:

(a) "Emergency medical attendant" means a person ~~[licensed]~~ ***who is:***

(1) Licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS ~~[.]~~ ***; or***

(2) Authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

(b) "Peace officer" has the meaning ascribed to it in NRS 169.125.

Sec. 18. NRS 41.504 is hereby amended to read as follows:

41.504 1. Any physician, physician assistant or registered nurse who in good faith gives instruction or provides supervision to an emergency medical attendant, physician assistant or registered nurse, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in giving that instruction or providing that supervision.

2. An emergency medical attendant, physician assistant, registered nurse or licensed practical nurse who obeys an instruction given by a physician,

physician assistant, registered nurse or licensed practical nurse and thereby renders emergency care, at the scene of an emergency or while transporting an ill or injured person from the scene of an emergency, is not liable for any civil damages as a result of any act or omission, not amounting to gross negligence, in rendering that emergency care.

3. As used in this section, "emergency medical attendant" means a person ~~[licensed]~~ ***who is:***

(a) Licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS ~~[.]~~ ***; or***

(b) Authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.

Sec. 19. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the

infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS ~~[.]~~ ***or practicing as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

(n) A peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. ***The provisions of subsection 8 do not apply to the employer of a person practicing as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act.***

11. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 20. NRS 484B.767 is hereby amended to read as follows:

484B.767 1. Except as otherwise provided in this section, a peace officer, a firefighter, an emergency medical technician, an advanced emergency medical technician or a paramedic certified pursuant to chapter 450B of NRS ***or authorized to practice in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act*** or an employee of a pedestrian mall, who operates a bicycle, an electric bicycle or an electric scooter while on duty, is not required to comply with any provision of NRS or any ordinance of a local government relating to the operation of a bicycle, an electric bicycle or an electric scooter while on duty if he or she:

(a) Is responding to an emergency call or the peace officer is in pursuit of a suspected violator of the law; or

(b) Determines that noncompliance with any such provision is necessary to carry out his or her duties.

2. The provisions of this section do not:

(a) Relieve a peace officer, firefighter, emergency medical technician, advanced emergency medical technician, paramedic or employee of a pedestrian mall from the duty to operate a bicycle, an electric bicycle or an electric scooter with due regard for the safety of others.

(b) Protect such a person from the consequences of the person's disregard for the safety of others.

3. As used in this section, "pedestrian mall" has the meaning ascribed to it in NRS 268.811.

Sec. 21. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS ~~[.]~~ ***or authorized to practice as an emergency medical technician, advanced emergency medical technician or paramedic in this State under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact ratified by section 2 of this act;***

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A licensed physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractic physician;

(s) An athletic trainer;

(t) A perfusionist;

(u) A doctor of Oriental medicine in any form;

(v) A medical laboratory director or technician;

(w) A pharmacist;

(x) A licensed dietitian;

(y) An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;

(bb) A behavior analyst, assistant behavior analyst or registered behavior technician; or

(cc) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 21.5. **1. There is hereby appropriated from the State General Fund to the Division of Public and Behavioral Health of the Department of Health and Human Services for maintenance fees and software licenses to connect to the coordinated database established under the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact the following sums:**

For the Fiscal Year 2023-2024..... $5,000

For the Fiscal Year 2024-2025..... $5,000

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. 22. 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. 23. 1. This section becomes effective upon passage and approval.

2. **Section 21.5 of this act becomes effective on July 1, 2023.**

3. Sections 1 to ~~[22.]~~ **21,** inclusive, **and 22** of this act become effective:

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

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

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 160.

Bill read third time.

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

Amendment No. 889.

AN ACT relating to criminal records; providing for the automatic sealing of criminal records relating to certain convictions of a person and certain charges against a person; authorizing the Records, Communications and Compliance Division of the Department of Public Safety and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, necessary for the automatic sealing of criminal records; requiring the Administrative Office of the Courts to submit annual reports to the Legislature and adopt certain other rules; creating the Advisory Task Force on Automatic Record Sealing and

establishing the duties of the Task Force; requiring the Task Force to submit certain reports to the Administrative Office of the Courts and the Legislature; expanding the circumstances in which there is a rebuttable presumption that criminal records should be sealed; revising provisions relating to a petition to seal criminal records relating to certain charges brought against a person; **applying provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence;** authorizing the Central Repository for Nevada Records of Criminal History and its employees to inquire into and inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm; **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain procedures pursuant to which a person is authorized to petition a court for the sealing of criminal records relating to: (1) convictions for certain offenses; (2) charges against a person that were dismissed or declined for prosecution or for which the person was acquitted; (3) a conviction which has been set aside; and (4) a conviction for an offense that has been decriminalized. Existing law: (1) establishes certain requirements concerning the amount of time that must elapse after a person was convicted or charged before the records relating to the conviction or charge are eligible to be sealed through the filing of such a petition; and (2) sets forth the circumstances under which a court is authorized or required to grant the petition. (NRS 179.245, 179.255, 179.271)

Section 1.3 of this bill requires the Records, Communications and Compliance Division of the Department of Public Safety, not later than January 1, **~~[~~2026,~~]~~ 2027,** to develop and implement a process to identify each: (1) conviction of a person and each charge against a person that becomes an eligible conviction and eligible charge; and (2) agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge. **Section 1.3** defines "eligible conviction" and "eligible charge" to mean, in general, certain convictions **of** or charges **against a person after January 1, 2027,** if the records relating to the conviction or charge are eligible to be sealed pursuant to the provisions of existing law governing the sealing of records. After the development and implementation of the process of identifying eligible convictions and eligible charges, **section 1.3** requires the Division to, each month: (1) identify and compile a list of each conviction or charge that has become an eligible conviction or eligible charge in the immediately preceding month and each person or governmental entity identified as having possession of records relating to those eligible convictions and eligible charges; and (2) transmit the list to the Administrative Office of the Courts to recommend the sealing of the records relating to a listed eligible conviction or eligible charge.

Section 1.3 requires the Administrative Office of the Courts, not later than January 1, **[**~~2026,~~**]** **2027,** to develop and implement a process to review **[**~~and approve~~**]** such a list received from the Division and to transmit to every court having jurisdiction each conviction of a person or charge against a person that has become an eligible conviction or eligible charge. **Section 1.3** also requires the Administrative Office of the Courts, upon receiving such a list from the Division, to confirm each eligible conviction and eligible charge and notify every court having jurisdiction over the sealing of each eligible conviction or eligible charge. **Section 1.3** requires a court that receives such a notification from the Administrative Office of the Courts to then provide notice to the appropriate prosecuting attorney or agency and authorizes the prosecuting attorney or agency to object to the sealing of the records relating to each listed eligible conviction or eligible charge. **Section 1.3** further establishes the circumstances in which the court may order the records to be sealed. **Section 5** of this bill requires the order to be sent to the persons and governmental entities named in the order, who are then required to seal records relating to the eligible conviction or eligible charge. **Section 1.3** also: (1) authorizes the Division and the Administrative Office of the Courts to adopt any rules or regulations, as applicable, that are necessary to carry out the provisions of **section 1.3**; and (2) requires the Administrative Office of the Courts to submit certain annual reports to the Legislature beginning on January 31, **[**~~2027.~~**]** **2028.**

Existing law provides, in general, that there is a rebuttable presumption that certain records of a person should be sealed if the person petitions the court for the sealing of such records and satisfies all statutory requirements. (NRS 179.2445) **Section 3.5** of this bill provides that there is also a rebuttable presumption that certain records of a person should be sealed if a court receives a list of confirmed eligible convictions or charges from the Administrative Office of the Courts pursuant to **section 1.3** and the records relate to such confirmed eligible convictions or charges. **Sections 3.7 and 3.9** of this bill make conforming changes to reflect the change in **section 3.5**.

Existing law provides that if a court seals certain records of a person, certain civil rights of the person are restored. Existing law requires the person to be given documentation demonstrating that fact. If the documentation is lost, damaged or destroyed, the person is authorized to request that a court issue an order to restore his or her civil rights. (NRS 179.285) **Section 6** of this bill makes a technical, nonsubstantive change to existing law by reorganizing the language in existing law. **Section 6.5** of this bill provides for the restoration of civil rights if the records of a person are sealed pursuant to **section 1.3**. However, under **section 6.5**, the person is not required to be given documentation demonstrating that fact. Instead, **section 6.5** authorizes a person who was not given documentation of the restoration of his or her civil rights to request that a court issue an order in the same manner as a person whose documentation is lost, damaged or destroyed.

Section 7 of this bill authorizes a person who is the subject of records that are sealed pursuant to **section 1.3** to petition a court to allow for the inspection of the records. **Section 8** of this bill authorizes certain other governmental entities to inspect such records under certain circumstances. **Section 7.5** of this bill authorizes the Central Repository for Nevada Records of Criminal History and its employees to inspect certain sealed records relating to a violation or alleged violation of the prohibition against certain persons owning or possessing a firearm. (NRS 202.360)

Sections 5-7 of this bill also apply provisions relating to records that have been sealed pursuant to certain provisions of law to records that are sealed after a court finds that a person was wrongfully convicted of a felony and enters a certificate of innocence.

If a person is arrested and the charges against the person are dismissed or declined for prosecution or the person is acquitted of the charges, existing law authorizes the person to petition a court for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. (NRS 179.255) **Section 4** of this bill authorizes a person against whom multiple charges were brought, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, to petition for the sealing of those portions of the records relating to the arrest of the person and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.

Section 2 of this bill provides that it is the public policy of this State to enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Section 1.7 of this bill creates the Advisory Task Force on Automatic Record Sealing and establishes requirements concerning the membership of the Task Force. **Section 1.7** establishes the general duties of the Task Force, including reviewing the current petition-based process for the sealing of records and identifying the ways in which the process can be streamlined to simplify the process for petitioners. **Section 1.7** also requires the Task Force to prepare and submit a report to the Administrative Office of the Courts and the Legislature: (1) on or before July 1, 2024, that sets forth the initial activities and findings of the Task Force; ~~[and]~~ (2) on or before July 1, 2025, **that sets forth the activities, findings and initial recommendations of the Task Force; and (3) on or before July 1, 2026,** that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records of criminal history. **Section 8.3** of this bill requires the Administrative Office of the Courts, before January 1, 2025, to adopt rules to streamline the process for filing a petition for the sealing of records, as recommended by the Task Force.

Sections 2-3.3 of this bill make conforming changes to indicate the proper placement of **sections 1.3 and 1.7** in the Nevada Revised Statutes.

Section 8.1 of this bill makes an appropriation from the State General Fund to the Department of Public Safety for the technology costs associated with complying with the provisions of section 1.3. Section 8.15 of this bill makes an appropriation from the State General Fund to the Department for the provision of support to the Task Force, including for the administrative costs of supporting the Task Force and employing or contracting with persons to perform certain functions. Section 8.2 of this bill makes an appropriation from the State General Fund to the Interim Finance Committee for allocation to the Department for the award of grants of money to criminal justice agencies to support technology or system upgrades for the purpose of complying with the provisions of section 1.3.

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

Section 1. Chapter 179 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.

Sec. 1.3. ***1. Not later than January 1, ~~[2026,]~~ 2027, the Division shall develop and implement a process to identify, based on data maintained in the records of the Division, each:***

(a) Conviction of a person that becomes an eligible conviction;

(b) Charge against a person that becomes an eligible charge; and

(c) Agency of criminal justice or public or private company, agency, officer and other custodian of records that may reasonably be identified as having possession of records relating to a conviction or charge that becomes an eligible conviction or eligible charge.

2. After the development and implementation of the process described in subsection 1, the Division shall, each month:

(a) Identify each:

(1) Conviction of a person or charge against a person that has become an eligible conviction or eligible charge in the immediately preceding month; and

(2) Agency of criminal justice or public or private company, agency, officer or other custodian of records that may reasonably be identified as having possession of records relating to an eligible conviction or eligible charge identified pursuant to subparagraph (1);

(b) Compile a list of each eligible conviction, eligible charge and person or governmental entity identified pursuant to paragraph (a); and

(c) Transmit the list compiled pursuant to paragraph (b) to the Administrative Office of the Courts to recommend the sealing of records relating to an eligible conviction or eligible charge identified on the list.

3. Not later than January 1, ~~[2026,]~~ 2027, the Administrative Office of the Courts shall develop and implement a process to review ~~[and approve]~~ the list received from the Division pursuant to paragraph (c) of subsection 2 and transmit to every court having jurisdiction each:

(a) Conviction of a person that has become an eligible conviction; and

(b) Charge against a person that has become an eligible charge.

4. Upon receiving a list transmitted by the Division pursuant to paragraph (c) of subsection 2, the Administrative Office of the Courts shall confirm each eligible conviction and eligible charge and, not later than 30 business days after receiving the list from the Division, notify every court having jurisdiction over the sealing of records relating to each confirmed eligible conviction and eligible charge to order the sealing of such records.

5. A court that receives notification from the Administrative Office of the Courts pursuant to subsection 4 shall, not later than 15 calendar days after receiving such notification, provide notice to the appropriate prosecuting attorney or agency. The prosecuting attorney or agency may object to the sealing of such records not later than 30 calendar days after receiving notice from the court.

6. If, not later than 30 calendar days after receiving notice from the court pursuant to subsection 5, a prosecuting attorney or agency:

(a) Stipulates to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records.

(b) Does not stipulate to the sealing of the records, the court shall apply the presumption set forth in NRS 179.2445 and order the sealing of the records without a hearing. Each person or governmental entity identified on the list as having possession of records relating to an eligible conviction or eligible charge to which the order applies must be named in the order.

(c) Objects to the sealing of the records, the court may conduct a hearing on the matter. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in NRS 179.2445, the court shall apply the presumption and order the sealing of the records.

7. The Division and the Administrative Office of the Courts shall take such actions as are necessary to ensure public awareness of the provisions of this section. Such actions may include, without limitation, the posting of appropriate information on an Internet website maintained by the Division or the Administrative Office of the Courts or the conducting of a public awareness campaign.

8. The Division and the Administrative Office of the Courts may adopt any rules or regulations, as applicable, that are necessary to carry out the provisions of this section, including, without limitation, rules or regulations concerning:

(a) Contracting with any vendors to update any necessary technology; and

(b) Applying for any grants available to carry out the provisions of this section.

9. The provisions of this section do not prohibit a person from petitioning the court for the sealing of any eligible records in accordance with any other applicable provision of law.

10. If a person believes that his or her records have been sealed, the person may make a written request to the appropriate court to confirm that his or her records have been sealed and review such records.

11. On or before January 31, ~~[2027,]~~ 2028, and each year thereafter, the Administrative Office of the Courts shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to Legislature that sets forth, to the extent possible, the number of records that were identified to be eligible for sealing and the number of records that were ordered to be sealed during the previous calendar year.

12. As used in this section:

(a) "Division" means the Records, Communications and Compliance Division of the Department of Public Safety.

(b) "Eligible charge" means any charge against a person on or after January 1, 2027, if the records relating to the charge are eligible to be sealed pursuant to ~~[subsection 1 of NRS 179.255.]~~ paragraph (c) or (g) of subsection 1 of NRS 179.245 for a drug-related conviction, including, without limitation, a conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351.

(c) "Eligible conviction" means any conviction of a person on or after January 1, 2027, if the records relating to the conviction are eligible to be sealed pursuant to paragraph (c) or (g) of subsection 1 of NRS 179.245 for a drug-related conviction, including, without limitation, a conviction pursuant to paragraph (a) of subsection 2 of NRS 453.336, subsection 4 or 5 of NRS 453.336, subsection 2 of NRS 453.3393 or NRS 453.560 or 454.351, and the person has not been, in the time period prescribed in the applicable provision, charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations.

Sec. 1.7. *1. The Advisory Task Force on Automatic Record Sealing is hereby created. The Task Force consists of:*

(a) Fifteen members appointed by the ~~[Department of Public Safety in accordance with subsection 2,]~~ Legislative Commission from recommendations submitted by the applicable participating entities consisting of:

(1) One member who is a representative of the Administrative Office of the Courts;

(2) One member who is a representative of the Nevada Supreme Court ~~[;]~~ or his or her designee;

(3) One member who is a representative of a district court;

(4) One member who is a representative of a justice court;

(5) ~~[One member who is a representative of an outlying justice court;~~

~~(6)]~~ One member who is a representative of a municipal court;

~~[(7)]~~ (6) One member who is a representative of a district attorney's office;

~~[(8)]~~ (7) One member who is a representative of the Office of the Attorney General;

~~[(9)]~~ (8) One member who is a representative of the Office of the Clark County Public Defender or the Office of the Washoe County Public Defender or who is an attorney in private practice and experienced in defending criminal actions;

~~[(10)]~~ (9) One member who is a representative of ~~[a]~~ an urban law enforcement agency;

(10) One member who is a representative of a rural law enforcement agency;

(11) One member who is a representative of the Division of Parole and Probation of the Department of Public Safety;

(12) One member who is a representative of the Department of Corrections; ~~[and]~~

(13) ~~[Three]~~ One member who is a representative of the Records, Communications and Compliance Division of the Department of Public Safety; and

(14) Two members who are representatives from nonprofit organizations focused on issues relating to criminal justice;

(b) ~~[Two members who are Senators, one of whom]~~ One member of the Senate who is appointed by the Majority Leader of the Senate ; ~~[and one of whom is appointed by the Minority Leader of the Senate;]~~ and

(c) ~~[Two members who are members]~~ One member of the Assembly ~~[, one of whom]~~ who is appointed by the Speaker of the Assembly . ~~[and one of whom is appointed by the Minority Leader of the Assembly.]~~

2. ~~[The Department of Public Safety shall solicit applications for appointment to the Task Force pursuant to paragraph (a) of subsection 1.]~~ When appointing members to the Task Force pursuant to paragraph (a) of subsection 1, the ~~[Department]~~ Legislative Commission shall ensure that all regions of this State are represented.

3. At the first meeting of the Task Force, the members shall elect a Chair and Vice Chair by a majority vote.

4. The Department of Public Safety shall provide the Task Force with such staff as is necessary for the Task Force to carry out its duties pursuant to this section.

5. The members of the Task Force serve without compensation or per diem allowance. If sufficient money is available, a member of the Task Force may, upon written request, receive reimbursement for travel expenses provided for state officers and employees generally while engaged in the business of the Task Force.

6. The Task Force : ~~[shall:]~~

(a) Shall:

(1) Review the current petition-based process for the sealing of records and identify the ways in which the process can be streamlined to simplify the process for petitioners;

~~[(b)]~~ *(2) Conduct research on methods to implement the provisions of section 1.3 of this act, including, without limitation, necessary technology and system upgrades within the criminal justice system of this State;*

~~[(c)]~~ *(3) Identify and assess any technology and system gaps, necessary infrastructure and policy constraints to support the implementation of the automatic sealing of records;* ~~[and~~

~~(d)]~~ *(4) Develop a timeline for implementation that includes benchmarks to implement the provisions of section 1.3 of this act; and*

(5) Recommend approaches to improve the ability of this State to expand future provisions concerning the automatic sealing of records, including, without limitation, the feasibility of retroactively sealing eligible charges and convictions ~~[.]~~ *; and*

(b) May consider, in its discretion, any other matters submitted by a member of the Task Force.

7. The ~~[Task Force]~~ *Department of Public Safety may:*

(a) Enter into a contract with a consultant or vendor to perform the research necessary for the Task Force to carry out its duties; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to assist the Task Force in carrying out its duties.

8. The Task Force shall:

(a) On or before July 1, 2024, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the initial activities and findings of the Task Force, including, without limitation, the ways in which the petition-based process for the sealing of records can be streamlined; ~~[and]~~

(b) On or before July 1, 2025, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the activities, findings and initial recommendations of the Task Force; and

(c) On or before July 1, 2026, prepare and submit a report to the Administrative Office of the Courts and the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, that sets forth the final activities, findings and recommendations of the Task Force to support the implementation of the automatic sealing of records.

9. The meetings of the Task Force are closed to the public and are not subject to the provisions of chapter 241 of NRS.

Sec. 2. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to ~~[favor]~~ *:*

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive ~~[.]~~ *, and section 1.7 of this act; and*

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 2.3. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~[section]~~ ***sections 1.3 and*** 1.7 of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 2.7. NRS 179.2405 is hereby amended to read as follows:

179.2405 The Legislature hereby declares that the public policy of this State is to:

1. Favor the giving of second chances to offenders who are rehabilitated and the sealing of the records of such persons in accordance with NRS 179.2405 to 179.301, inclusive, and ~~[sections]~~ ***section*** 1.3 ~~[and 1.7]~~ of this act; and

2. Enhance and modernize the sharing of information between agencies of criminal justice by having records shared in a timely manner in accordance with statutory requirements.

Sec. 3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, ***and section 1.7 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.1. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~[section]~~ ***sections 1.3 and*** 1.7 of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.3. NRS 179.241 is hereby amended to read as follows:

179.241 As used in NRS 179.2405 to 179.301, inclusive, and ~~[sections]~~ ***section*** 1.3 ~~[and 1.7]~~ of this act, unless the context otherwise requires, the words and terms defined in NRS 179.242, 179.243 and 179.244 have the meanings ascribed to them in those sections.

Sec. 3.5. NRS 179.2445 is hereby amended to read as follows:

179.2445 1. Except as otherwise provided in subsection 2, upon the ~~[filing]~~ ***:***

(a) Filing of a petition for the sealing of records pursuant to NRS 179.245, 179.247, 179.255, 179.259 or 179.2595, there is a rebuttable presumption that the records should be sealed if the applicant satisfies all statutory requirements for the sealing of the records.

(b) Receipt by a court of the list of confirmed eligible convictions or eligible charges from the Administrative Office of the Courts pursuant to section 1.3 of this act, there is a rebuttable presumption that the records relating to the confirmed eligible convictions or eligible charges should be sealed.

2. The presumption set forth in ***paragraph (a) of*** subsection 1 does not apply to a defendant who is given a dishonorable discharge from probation pursuant to NRS 176A.850 and applies to the court for the sealing of records relating to the conviction.

Sec. 3.7. NRS 179.245 is hereby amended to read as follows:

179.245 1. Except as otherwise provided in subsection 6 and NRS 176.211, 176A.245, 176A.265, 176A.295, 179.247, 179.259, 201.354 and 453.3365, a person may petition the court in which the person was convicted for the sealing of all records relating to a conviction of:

(a) A category A felony, a crime of violence or residential burglary pursuant to NRS 205.060 after 10 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(b) Except as otherwise provided in paragraphs (a) and (e), a category B, C or D felony after 5 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(c) A category E felony after 2 years from the date of release from actual custody or discharge from parole or probation, whichever occurs later;

(d) Except as otherwise provided in paragraph (e), any gross misdemeanor after 2 years from the date of release from actual custody or discharge from probation, whichever occurs later;

(e) A violation of NRS 422.540 to 422.570, inclusive, a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later;

(f) Except as otherwise provided in paragraph (e), if the offense is punished as a misdemeanor, a battery pursuant to NRS 200.481, harassment pursuant to NRS 200.571, stalking pursuant to NRS 200.575 or a violation of a temporary or extended order for protection, after 2 years from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later; or

(g) Any other misdemeanor after 1 year from the date of release from actual custody or from the date when the person is no longer under a suspended sentence, whichever occurs later.

2. A petition filed pursuant to subsection 1 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(c) Include a list of any other public or private agency, company, official or other custodian of records that is reasonably known to the petitioner to have possession of records of the conviction and to whom the order to seal records, if issued, will be directed; and

(d) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific conviction to which the records to be sealed pertain; and

(3) Date of arrest relating to the specific conviction to which the records to be sealed pertain.

3. Upon receiving a petition pursuant to this section, the court shall notify the law enforcement agency that arrested the petitioner for the crime and the prosecuting attorney, including, without limitation, the Attorney General, who prosecuted the petitioner for the crime. The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

4. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 3 and the court makes the findings set forth in subsection 5, the court may order the sealing of the records in accordance with subsection 5 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, the court shall apply the presumption and seal the records.

5. If the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction which are in the custody of any agency of criminal justice or any public or private agency, company, official or other custodian of records in the State of Nevada, and may also order all such records of the petitioner returned to the file of the court where the proceeding was commenced from, including, without limitation, the Federal Bureau of Investigation and all other agencies of criminal justice which maintain such records and which are reasonably known by either the petitioner or the court to have possession of such records.

6. A person may not petition the court to seal records relating to a conviction of:

(a) A crime against a child;

(b) A sexual offense;

(c) Invasion of the home with a deadly weapon pursuant to NRS 205.067;

(d) A violation of NRS 484C.110 or 484C.120 that is punishable as a felony pursuant to paragraph (c) of subsection 1 of NRS 484C.400;

(e) A violation of NRS 484C.430;

(f) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430;

(g) A violation of NRS 488.410 that is punishable as a felony pursuant to NRS 488.427; or

(h) A violation of NRS 488.420 or 488.425.

7. The provisions of paragraph (e) of subsection 1 and paragraph (d) of subsection 6 must not be construed to preclude a person from being able to petition the court to seal records relating to a conviction for a violation of NRS 484C.110 or 484C.120 pursuant to this section if the person was found guilty of a violation of NRS 484C.110 or 484C.120 that is punishable pursuant to:

(a) Paragraph (b) of subsection 1 of NRS 484C.400; or

(b) Paragraph (c) of subsection 1 of NRS 484C.400 but had a judgment of conviction entered against him or her for a violation of paragraph (b) of subsection 1 of NRS 484C.400 because the person participated in the statewide sobriety and drug monitoring program established pursuant to NRS 484C.392.

8. If the court grants a petition for the sealing of records pursuant to this section, upon the request of the person whose records are sealed, the court may order sealed all records of the civil proceeding in which the records were sealed.

9. As used in this section:

(a) "Crime against a child" has the meaning ascribed to it in NRS 179D.0357.

(b) "Sexual offense" means:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368, if punishable as a felony.

(4) Battery with intent to commit sexual assault pursuant to NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this paragraph.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence, if the crime of violence is an offense listed in this paragraph.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Open or gross lewdness pursuant to NRS 201.210, if punishable as a felony.

(11) Indecent or obscene exposure pursuant to NRS 201.220, if punishable as a felony.

(12) Lewdness with a child pursuant to NRS 201.230.

(13) Sexual penetration of a dead human body pursuant to NRS 201.450.

(14) Sexual conduct between certain employees of a school or volunteers at a school and a pupil pursuant to NRS 201.540.

(15) Sexual conduct between certain employees of a college or university and a student pursuant to NRS 201.550.

(16) Luring a child or a person with mental illness pursuant to NRS 201.560, if punishable as a felony.

(17) An attempt to commit an offense listed in this paragraph.

Sec. 3.9. NRS 179.247 is hereby amended to read as follows:

179.247 1. If a person has been convicted of any offense listed in subsection 2, the person may petition the court in which he or she was convicted or, if the person wishes to file more than one petition and would otherwise need to file a petition in more than one court, the district court, for an order:

(a) Vacating the judgment; and

(b) Sealing all documents, papers and exhibits in the person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

2. A person may file a petition pursuant to subsection 1 if the person was convicted of:

(a) A violation of NRS 201.353 or 201.354, for engaging in prostitution or solicitation for prostitution, provided that the person was not alleged to be a customer of a prostitute;

(b) A crime under the laws of this State, other than a crime of violence; or

(c) A violation of a county, city or town ordinance, for loitering for the purpose of solicitation or prostitution.

3. A petition filed pursuant to subsection 1 must satisfy the requirements of NRS 179.245.

4. The court may grant a petition filed pursuant to subsection 1 if:

(a) The petitioner was convicted of a violation of an offense described in subsection 2;

(b) The participation of the petitioner in the offense was the result of the petitioner having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463 or 200.4631; and

(c) The petitioner files a petition pursuant to subsection 1 with due diligence after the petitioner has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

5. Before the court decides whether to grant a petition filed pursuant to subsection 1, the court shall:

(a) Notify the Central Repository for Nevada Records of Criminal History, the Office of the Attorney General and each office of the district attorney and law enforcement agency in the county in which the petitioner was convicted and allow the prosecuting attorney who prosecuted the petitioner for the crime and any person to testify and present evidence on behalf of any such entity; and

(b) Take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the granting of the petition.

6. If the prosecuting agency that prosecuted the petitioner for the crime stipulates to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case, the court shall apply the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, vacate the judgment and seal all documents, papers and exhibits related to the case. If the prosecuting agency does not stipulate to vacating the judgment of the petitioner and sealing all documents, papers and exhibits related to the case or does not file a written objection within 30 days after receiving notification pursuant to subsection 5 and the court makes the findings set forth in subsection 4, the court may vacate the judgment and seal all documents, papers and exhibits in accordance with subsection 7 without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, the court shall vacate the judgment, apply the presumption and seal all documents, papers and exhibits related to the case.

7. If the court grants a petition filed pursuant to subsection 1, the court shall:

(a) Vacate the judgment and dismiss the accusatory pleading; and

(b) Order sealed all documents, papers and exhibits in the petitioner's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

8. If a petition filed pursuant to subsection 1 does not satisfy the requirements of NRS 179.245 or the court determines that the petition is otherwise deficient with respect to the sealing of the petitioner's record, the

court may enter an order to vacate the judgment and dismiss the accusatory pleading if the petitioner satisfies all requirements necessary for the judgment to be vacated.

9. If the court enters an order pursuant to subsection 8, the court shall also order sealed the records of the petitioner which relate to the judgment being vacated in accordance with paragraph (b) of subsection 7, regardless of whether any records relating to other convictions are ineligible for sealing either by operation of law or because of a deficiency in the petition.

Sec. 4. NRS 179.255 is hereby amended to read as follows:

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed, the prosecuting attorney having jurisdiction declined prosecution of the charges or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed;

(b) The court having jurisdiction in which the charges were declined for prosecution:

(1) Any time after the applicable statute of limitations has run;

(2) Any time 8 years after the arrest; or

(3) Pursuant to a stipulation between the parties; or

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➥ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal, declination or acquittal. ***If a person has been arrested for alleged criminal conduct and multiple charges were brought against the person, consisting of both charges for which the person was convicted and charges which were disposed of by dismissal, declination or acquittal, a petition filed pursuant to this subsection may request the sealing of those portions of the records relating to the arrest and the subsequent proceedings that relate to the charges which were disposed of by dismissal, declination or acquittal.***

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by the petitioner's current, verified records received from the Central Repository for Nevada Records of Criminal History;

(b) Except as otherwise provided in paragraph (c), include the disposition of the proceedings for the records to be sealed;

(c) If the petition references NRS 453.3365, include a certificate of acknowledgment or the disposition of the proceedings for the records to be sealed from all agencies of criminal justice which maintain such records;

(d) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to

have possession of records of the arrest and of the proceedings leading to the dismissal, declination or acquittal and to whom the order to seal records, if issued, will be directed; and

(e) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed, including, without limitation, the:

(1) Date of birth of the petitioner;

(2) Specific charges that were dismissed or of which the petitioner was acquitted; and

(3) Date of arrest relating to the specific charges that were dismissed or of which the petitioner was acquitted.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed, declined for prosecution or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed, declined for prosecution or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at any hearing on the petition.

6. If the prosecuting agency that prosecuted or declined to prosecute the petitioner for the crime stipulates to the sealing of the records, the court shall apply the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445 and seal the records. If the prosecuting agency does not stipulate to the sealing of the records or does not file a written objection within 30 days after receiving notification pursuant to subsection 4 or 5 and the court makes the findings set forth in subsection 7 or 8, as applicable, the court may order the sealing of the records in accordance with subsection 7 or 8, as applicable, without a hearing. If the court does not order the sealing of the records or the prosecuting agency files a written objection, a hearing on the petition must be conducted. At the hearing, unless an objecting party presents evidence sufficient to rebut the presumption set forth in ***paragraph (a) of subsection 1 of*** NRS 179.2445, the court shall apply the presumption and seal the records.

7. If the court finds:

(a) That there has been an acquittal and there is no evidence that further action will be brought against the person, the court shall order sealed all records of the arrest and of the proceedings leading to the acquittal which are

in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada; or

(b) That prosecution was declined or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the declination or dismissal which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

8. If the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of any agency of criminal justice or any public or private company, agency, official or other custodian of records in the State of Nevada.

9. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed pursuant to subsection 7, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 5. NRS 179.275 is hereby amended to read as follows:

179.275 Where the court orders the sealing of a record pursuant to NRS 34.970, ***41.910,*** 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[,]~~ ***or section 1.3 of this act,*** a copy of the order must be sent to:

1. The Central Repository for Nevada Records of Criminal History; and

2. Each agency of criminal justice and each public or private company, agency, official or other custodian of records named in the order, and that person shall seal the records in his or her custody which relate to the matters contained in the order, shall advise the court of compliance and shall then seal the order.

Sec. 6. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, ***41.910,*** 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365:

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. ~~[A]~~ ***If a*** person ~~[who]~~ has had his or her records sealed in this State or any other state and ~~[whose]~~ ***was not given*** official documentation of the restoration of civil rights ***or if that documentation*** is lost, damaged or destroyed ***, the person*** may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 6.5. NRS 179.285 is hereby amended to read as follows:

179.285 Except as otherwise provided in NRS 179.301:

1. If the court orders a record sealed pursuant to NRS 34.970, 41.910, 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ~~[.]~~ ***or section 1.3 of this act:***

(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.

(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:

(1) The right to vote;

(2) The right to hold office; and

(3) The right to serve on a jury.

2. Upon the sealing of the person's records, ***except if the person's records were sealed pursuant to section 1.3 of this act,*** a person who is restored to his or her civil rights pursuant to subsection 1 must be given:

(a) An official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1; and

(b) A written notice informing the person that he or she has not been restored to the right to bear arms, unless the person has received a pardon and the pardon does not restrict his or her right to bear arms.

3. If a person has had his or her records sealed in this State or any other state and was not given official documentation of the restoration of civil rights or if that documentation is lost, damaged or destroyed, the person may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.

4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.

Sec. 7. NRS 179.295 is hereby amended to read as follows:

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 34.970, ***41.910,*** 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ***or section 1.3 of this act*** may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court may order such inspection. Except as otherwise provided in this section, subsection 9 of NRS 179.255 and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a proceeding for which records have been sealed pursuant to NRS 174.034, 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.247, 179.255, 179.259, 179.2595, 179.271, 201.354 or 453.3365 ***or section 1.3 of this act*** in determining whether to grant a petition pursuant to NRS 176.211, 176A.245, 176A.265, 176A.295, 179.245, 179.255, 179.259, 179.2595 or 453.3365 for a conviction of another offense.

Sec. 7.5. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 that constitute information relating to ~~[sexual]~~ ***:***

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 8. NRS 179.301 is hereby amended to read as follows:

179.301 1. The Nevada Gaming Control Board and the Nevada Gaming Commission and their employees, agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, ***or section 1.3 of this act,*** if the event or conviction was related to gaming, to determine the suitability or qualifications of any person to hold a state gaming license, manufacturer's, seller's or distributor's license or registration as a gaming employee pursuant to chapter 463 of NRS. Events and convictions, if any, which are the subject of an order sealing records:

(a) May form the basis for recommendation, denial or revocation of those licenses.

(b) Must not form the basis for denial or rejection of a gaming work permit unless the event or conviction relates to the applicant's suitability or qualifications to hold the work permit.

2. The Division of Insurance of the Department of Business and Industry and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255, ***or section 1.3 of this act,*** if the event or conviction was related to insurance, to determine the suitability or qualifications of any person to hold a license, certification or authorization issued in accordance with title 57 of NRS. Events and convictions, if any, which are the subject of an order sealing records may form the basis for recommendation, denial or revocation of those licenses, certifications and authorizations.

3. A prosecuting attorney may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 ***or section 1.3 of this act*** if:

(a) The records relate to a violation or alleged violation of NRS 202.485; and

(b) The person who is the subject of the records has been arrested or issued a citation for violating NRS 202.485.

4. The Central Repository for Nevada Records of Criminal History and its employees may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 ***or section 1.3 of this act*** that constitute information relating to:

(a) Sexual offenses, and may notify employers of the information in accordance with federal laws and regulations.

(b) A violation or alleged violation of NRS 202.360.

5. Records which have been sealed pursuant to NRS 179.245 or 179.255 ***or section 1.3 of this act*** and which are retained in the statewide registry established pursuant to NRS 179B.200 may be inspected pursuant to chapter 179B of NRS by an officer or employee of the Central Repository for Nevada Records of Criminal History or a law enforcement officer in the regular course of his or her duties.

6. The State Board of Pardons Commissioners and its agents and representatives may inquire into and inspect any records sealed pursuant to NRS 179.245 or 179.255 ***or section 1.3 of this act*** if the person who is the subject of the records has applied for a pardon from the Board.

7. As used in this section:

(a) "Information relating to sexual offenses" means information contained in or concerning a record relating in any way to a sexual offense.

(b) "Sexual offense" has the meaning ascribed to it in NRS 179A.073.

Sec. 8.1. **There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of $1,000,000 for the technology costs associated with complying with the provisions of section 1.3 of this act.**

Sec. 8.15. **There is hereby appropriated from the State General Fund to the Department of Public Safety the sum of $500,000 for the provision of support to the Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act, including, without limitation, for the administrative costs of supporting the Task Force and employing or contracting with persons to perform the functions described in paragraph (a) of subsection 6 of section 1.7 of this act.**

Sec. 8.2. **There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $1,000,000 for allocation to the Department of Public Safety for the award of grants of money to criminal justice agencies to support technology or system upgrades for the purpose of complying with the provisions of section 1.3 of this act.**

Sec. 8.25. **Any remaining balance of the appropriations made by sections 8.1, 8.15 and 8.2 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. 8.3. 1. Before January 1, 2025, the Administrative Office of the Courts shall adopt rules to streamline the process for filing a petition for the sealing of records of criminal history, as recommended by the Advisory Task Force on Automatic Record Sealing pursuant to section 1.7 of this act, including, without limitation, rules regarding:

(a) A standard order for the sealing of records of criminal history to be used by all courts having jurisdiction over the sealing of records of criminal history;

(b) The authority for a petitioner to file a request for the sealing of records of criminal history with one court; and

(c) Any other changes that will expedite or simplify the process for petitioners to seal records of criminal history.

2. As used in this section, "record of criminal history" has the meaning ascribed to it in NRS 179A.070.

Sec. 8.7. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. 1. This section and sections 1, 2, 3, 4, 6, 7.5, 8.3 and 8.7 become effective upon passage and approval.

2. **Sections 8.1 to 8.25, inclusive, of this act become effective on July 1, 2023.**

3. Section 1.3 of this act becomes effective:

(a) Upon passage and approval for the purpose of:

(1) The Division developing and implementing the process required pursuant to subsection 1 of that section;

(2) The Administrative Office of the Courts developing and implementing the process required pursuant to subsection 3 of that section; and

(3) The Division and the Administrative Office of the Courts adopting any rules or regulations, as applicable, and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2026, for all other purposes.

~~[3.]~~ **4.** Section 1.7 of this act becomes effective upon passage and approval and expires by limitation on June 30, ~~[2026.]~~ **2027.**

~~[4.]~~ **5.** Sections 3.5, 3.7, 3.9, 5, 6.5, 7 and 8 of this act become effective on January 1, 2026.

~~[5.]~~ **6.** Sections 2.3 and 3.1 of this act become effective on January 1, 2026, and expire by limitation on June 30, 2026.

~~[6.]~~ **7.** Sections 2.7 and 3.3 of this act become effective on July 1, 2026.

~~[7.]~~ **8.** As used in this section, "Division" means the Records, Communications and Compliance Division of the Department of Public Safety.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 208.

Bill read third time.

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

Amendment No. 906.

AN ACT relating to Medicaid; establishing a program to provide structured family caregiving to certain recipients of Medicaid; **making appropriations to and authorizing expenditures by certain divisions of the Department of Health and Human Services;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law authorizes a state to apply for a waiver that allows the state to receive financial contributions from the Federal Government toward the cost of providing certain home and community-based services for recipients of Medicaid who are elderly or disabled. (42 U.S.C. § 1396n(c)) Existing law requires the Department of Health and Human Services to apply for such a waiver covering certain home and community-based services for recipients of Medicaid with physical disabilities. (NRS 422.396)

Section 1 of this bill requires the Department to apply to the United States Secretary of Health and Human Services for a home and community-based services waiver to include structured family caregiving for recipients of Medicaid suffering from dementia. **Section 1** requires that the Department include in its application for the waiver: (1) an authorization for an applicant for or a recipient of Medicaid to choose his or her caregiver and the residence where the recipient will receive the structured family caregiving; and (2) a requirement that the caregiver be or become an employee of an agency to provide personal care services in the home or an intermediary service organization and receive a daily stipend through that employer. **Section 1** also requires a caregiver to receive certain training. **Section 2** of this bill makes a conforming change to indicate that **section 1** will be administered in the same manner as other provisions of existing law governing Medicaid. **Section 2.3 of this bill makes appropriations to, and authorizes expenditures by, the Division of Health Care Financing and Policy of the Department for costs relating to including such structured family caregiving as medical assistance under Medicaid. Section 2.6 of this bill makes appropriations to, and authorizes expenditures by, the Division of Welfare and Supportive Services of the Department for costs relating to system modifications to implement this bill.**

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall apply to the Secretary of Health and Human Services for a home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n(c). The waiver must authorize the Department to include structured family caregiving for persons suffering from dementia as medical assistance under Medicaid.

2. The waiver must:

(a) Authorize an applicant for or a recipient of Medicaid suffering from dementia to choose any:

(1) Person, including, without limitation, a spouse or a person who is legally responsible for the recipient, to serve as his or her caregiver; and

(2) Appropriate residence in which to receive structured family caregiving;

(b) Require a caregiver chosen by a recipient of Medicaid pursuant to paragraph (a), including, without limitation, a caregiver chosen by an applicant whose application is approved, to be or become an employee of an agency to provide personal care services in the home or an intermediary service organization;

(c) Establish a per diem rate to be paid to an agency to provide personal care services in the home or an intermediary service organization that employs a caregiver pursuant to paragraph (b);

(d) Require an agency to provide personal care services in the home or intermediary service organization that employs a caregiver pursuant to paragraph (b) to provide to the caregiver a daily stipend that is at least 65 percent of the per diem rate paid to the agency to provide personal care services in the home or intermediary service organization; and

(e) Require a caregiver chosen by a recipient of Medicaid pursuant to paragraph (a), including, without limitation, a caregiver chosen by an applicant whose application is approved, to complete any training the Aging and Disability Services Division of the Department determines to be necessary for the caregiver to provide adequate care to the recipient.

3. The Department shall:

(a) Cooperate with the Federal Government in obtaining a waiver pursuant to this section;

(b) If the Federal Government approves 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 an applicant for or a recipient of Medicaid suffering from dementia to receive structured family caregiving pursuant to this section; and

(c) Implement the amendments to the waiver only to the extent that the amendments are approved by the Federal Government.

4. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Intermediary service organization" has the meaning ascribed to it in NRS 449.4304.

(c) "Structured family caregiving" means the provision of services to a person who resides in the same residence as the caregiver on a full-time basis. The services provided may include, without limitation:

(1) Case management services;

(2) Personal care services;

(3) Personal assistance;

(4) Homemaker services; and

(5) Health-related services, including, without limitation, home health aide services.

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, ***and section 1 of this act,*** 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

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

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

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

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

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

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

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their

budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

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

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

Sec. 2.3. **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 the costs of including structured family caregiving for persons suffering from dementia as medical assistance under Medicaid pursuant to section 1 of this act and for personnel, travel, operating, equipment, information services expenses and system costs for changes to the Medicaid Management Information System associated with carrying out the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $50,662

For the Fiscal Year 2024-2025..... $100,400

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 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..... $85,382

For the Fiscal Year 2024-2025..... $223,781

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. 2.6. **1. There is hereby appropriated from the State General Fund to the Division of Welfare and Supportive Services of the Department of Health and Human Services the sum of $72,240 for system modifications to implement the provisions of this act.**

2. Expenditure of the sum of $650,160 during Fiscal Year 2023-2024 not appropriated from the State General Fund or the State Highway Fund is hereby authorized by the Division of Welfare and Supportive Services of the Department of Health and Human Services for the same purpose as set forth in subsection 1.

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. 3. 1. This section becomes effective upon passage and approval.

2. **Sections 2.3 and 2.6 of this act become effective on July 1, 2023.**

3. Sections 1 and 2 of this act become effective:

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

(b) On January 1, 2025, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 253.

Bill read third time.

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

Amendment No. 865.

SUMMARY—Provides for the ~~[licensure]~~ **permitting** and regulation of certain events at which the sale and consumption of cannabis or cannabis products is allowed. (BDR 56-152)

AN ACT relating to cannabis; providing for the ~~[licensure]~~ **permitting** and regulation by the ~~[Cannabis Compliance Board]~~ **board of county commissioners of a county and the governing body of an incorporated city** of certain events at which the sale and consumption of cannabis or cannabis products is allowed; **providing for the licensure and regulation by the Cannabis Compliance Board of persons who sell cannabis and cannabis products at such events;** setting forth certain requirements for the issuance of a ~~[temporary]~~ cannabis ~~[event]~~ **concierge sales** permit and ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license; setting forth certain requirements concerning the ~~[operation]~~ **sale** of **cannabis and cannabis products at** a temporary cannabis event; imposing various requirements on ~~[portable]~~ cannabis ~~[vendors;]~~ **concierges;** revising provisions relating to social equity applicants; ~~[requiring the Board to adopt regulations]~~ establishing certain fees; revising provisions relating to the consumption of cannabis in a public place; revising provisions relating to the excise tax on retail sales of cannabis and cannabis products; exempting a ~~[portable cannabis vendor]~~ **person** who ~~[holds]~~ **has been issued a permit to hold** a temporary cannabis event **and a cannabis concierge** from certain provisions prohibiting a person from maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance;

making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) This bill provides for the ~~[licensure]~~ **permitting** and regulation **by the board of county commissioners of a county and the governing body of an incorporated city** of events at which the sale of cannabis or cannabis products and the consumption of cannabis or cannabis products by persons 21 years of age or older is allowed. **Section 6** of this bill designates such events as "temporary cannabis events." **This bill also provides for the licensure and regulation by the Cannabis Compliance Board of persons who sell cannabis and cannabis products at temporary cannabis events. Section 4 of this bill designates such a person a "cannabis concierge."**

Section ~~[14]~~ 35.3 of this bill **authorizes the board of county commissioners of a county to adopt an ordinance providing for the issuance of a permit to authorize a person to hold a temporary cannabis event in an unincorporated area of the county. Section 35.3** prohibits a person from holding a temporary cannabis event **in an unincorporated area of a county** unless ~~[: (1) the person has been licensed by the Board as a portable cannabis vendor; and (2) the Board has issued a temporary cannabis event permit for the event.]~~ **the board of county commissioners has adopted such an ordinance and issued the person a permit. Section 35.3 also: (1) sets forth various requirements for the contents of such an ordinance, including, without limitation, requirements concerning the process by which a person may obtain a permit to hold a temporary cannabis event and requirements concerning the operation of such an event; and (2) authorizes a board of county commissioners that adopts such an ordinance to charge a fee for the issuance of a permit and engage in certain other activities. Section 35.6 of this bill establishes similar provisions for the governing body of an incorporated city for temporary cannabis events held in the incorporated city. Section ~~[4]~~ 14** of this bill ~~[defines "portable cannabis vendor" to mean, in general, a business that:]~~ **prohibits a person from selling cannabis or cannabis products at a temporary cannabis event unless:** (1) ~~[is]~~ **the person has been** licensed by the **Cannabis Compliance** Board ~~[,]~~ **as a cannabis concierge; and** (2) ~~[holds temporary cannabis events; and (3) purchases cannabis or cannabis products from an adult-use cannabis retail store and sells such cannabis or]~~ **the Board has issued the person a** cannabis ~~[products at]~~ **concierge sales permit for the** temporary cannabis ~~[events held by the business.]~~ **event. Section 18** of this bill establishes requirements for licensure as a ~~[portable]~~ cannabis ~~[vendor.]~~ **concierge. Section 14** sets forth certain requirements for a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** to obtain a ~~[temporary]~~ cannabis ~~[event]~~ **concierge sales** permit. ~~[Section 14.5 of this bill: (1) deems a temporary cannabis event permit~~

~~conditional until the portable cannabis vendor has obtained the necessary approvals from the local government having jurisdiction over the location where the temporary cannabis event will be located; (2) requires the Board to adopt regulations requiring the surrender of a conditional temporary cannabis event permit for the failure to obtain such approvals within a certain period of time; and (3) requires a portable cannabis vendor who is issued a temporary cannabis event permit to comply with all local ordinances and rules.~~

~~Section~~ **Sections 15 and 16** of this bill ~~[prohibits a person other than the portable cannabis vendor to whom the temporary cannabis event permit was issued from selling cannabis or cannabis products at a temporary cannabis event and sets]~~ **set** forth certain requirements for ~~[such]~~ sales ~~[. Section 16 of this bill imposes certain requirements and restrictions on a portable cannabis vendor relating to the operation of]~~ **of cannabis and cannabis products by a cannabis concierge at** a temporary cannabis event.

Section 19 of this bill requires a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** who ~~[holds]~~ **sells cannabis and cannabis products at** a temporary cannabis event to purchase all cannabis or cannabis products for resale at ~~[a]~~ **the** temporary cannabis event from an adult-use cannabis retail store.

Existing law defines "social equity applicant" to mean, in general, an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge who has been adversely affected by previous laws which criminalized activity relating to cannabis. (NRS 678B.065) Existing law requires the Board to adopt regulations establishing criteria for determining whether an applicant qualifies as a social equity applicant. (NRS 678B.323) **Section 24** of this bill expands the definition of "social equity applicant" to include an applicant for the issuance or renewal of a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license who has been adversely affected by previous laws which criminalized activity relating to cannabis. **Section 27** of this bill requires the Board to adopt regulations establishing criteria for determining whether such an applicant qualifies as a social equity applicant. **Section 21** of this bill ~~[requires the Board to issue the first portable cannabis vendor license to a social equity applicant and the second portable cannabis vendor license to an applicant who is not a social equity applicant. After the issuance of the first two portable cannabis vendor licenses, section 21 requires the Board to issue portable cannabis vendor licenses by alternately issuing such a license to a social equity applicant and an applicant who is not a social equity applicant.]~~ **imposes certain requirements and restrictions on the Board concerning the manner in which cannabis concierge licenses must be issued.**

Section 22 of this bill sets forth certain requirements for the issuance of a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license under circumstances in which more than one qualified applicant has applied for a license. **Section 22** requires the Board to revoke the license of a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** who **has held a cannabis concierge license for at least 18 months and** has not ~~[held]~~ **been issued a cannabis concierge sales permit for** a temporary

cannabis event in the immediately preceding 18 months and provides for the reissuance of such a revoked license. **Section 41.5 of this bill provides that a person who is issued one of the first five cannabis concierge licenses is deemed not to hold a license for the purposes of those requirements until 2 years after the date on which the license was issued. As such, under sections 22 and 41.5, the license of a such a person is not subject to revocation for failing to be issued a cannabis concierge sales permit until at least 42 months after the issuance of the license.**

Existing law imposes an excise tax on each retail sale of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge. (NRS 372A.290) **Section 39** of this bill applies this excise tax to retail sales of cannabis or cannabis products by a ~~[~~portable~~]~~ cannabis ~~[~~vendor.~~]~~ **concierge.** **Sections 36 and 38** of this bill make conforming changes to reflect the imposition of the excise tax on retail sales of cannabis or cannabis products by a ~~[~~portable~~]~~ cannabis ~~[~~vendor.

~~Section 20 of this bill authorizes a local government to charge a portable cannabis vendor a fee for holding a temporary cannabis event.~~] **concierge.**

Section 29 of this bill ~~[~~requires the Board to adopt regulations establishing~~]~~ **establishes certain** fees associated with a ~~[~~portable~~]~~ cannabis ~~[~~vendor~~]~~ **concierge** license ~~[~~. Existing law authorizes the Board to establish reduced fees for the initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge for social equity applicants. (NRS 678B.390) Section 29 similarly authorizes the Board to establish reduced fees for the initial issuance or renewal of a portable cannabis vendor license for social equity applicants.~~]~~ **and a cannabis concierge sales permit.**

Section 9 of this bill includes a ~~[~~portable~~]~~ cannabis ~~[~~vendor~~]~~ **concierge** within the definition of "cannabis establishment" provided in existing law, thereby subjecting such businesses to the requirements of existing law applicable to cannabis establishments. (NRS 678A.095) Similarly, **section 10** of this bill includes a ~~[~~temporary~~]~~ cannabis ~~[~~event~~]~~ **concierge sales** permit and a ~~[~~portable~~]~~ cannabis ~~[~~vendor~~]~~ **concierge** license within the definition of "license" provided in existing law, thereby subjecting the holders of such licenses to the provisions of existing law applicable to holders of other licenses issued by the Board. (NRS 678A.160) **Section 11** of this bill authorizes the Board to adopt regulations providing policies and procedures under which the Board is authorized to waive any requirement applicable to a cannabis establishment that the Board determines is not appropriate for a ~~[~~portable~~]~~ cannabis ~~[~~vendor.~~]~~ **concierge.** **Section 31** of this bill requires the Board to adopt regulations concerning the safe and healthful ~~[~~operation~~]~~ **conduct** of **sales of cannabis and cannabis products by a cannabis concierge at a** temporary cannabis ~~[~~events.~~]~~ **event.**

Section 23 of this bill provides that a ~~[~~portable~~]~~ cannabis ~~[~~vendor~~]~~ **concierge** license or ~~[~~temporary~~]~~ cannabis ~~[~~event~~]~~ **concierge sales** permit issued by the Board pursuant to the provisions of this bill is a revocable privilege. **Sections**

25 and 26 of this bill prohibit the issuance of a medical cannabis establishment license or an adult-use cannabis establishment license, respectively, if any of the persons proposed to be owners, officers or board members of the establishment have previously served in such a position for a cannabis establishment that has had a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license or ~~[temporary]~~ cannabis ~~[event]~~ **concierge sales** permit issued by the Board revoked.

Existing law requires the Board to adopt regulations setting forth procedures and requirements for the transfer of a license. (NRS 678B.380) **Section 28** of this bill ~~[specifies that]~~ **requires** such regulations ~~[must]~~ **to** set forth ~~[procedures and]~~ **certain specified authorizations and** requirements for the transfer of a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license**.** ~~[that is held by a social equity applicant.]~~

Section 30 of this bill revises provisions of existing law that prohibit a person from selling or advertising the sale of cannabis or cannabis products for the purpose of authorizing the holder of a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license to engage in such activities. (NRS 678B.530) Existing law exempts, in general, persons who hold certain licenses issued by the Board from state prosecution for certain offenses relating to cannabis. (NRS 678D.200) **Section 33** of this bill expands this exemption to include the holder of a ~~[portable]~~ cannabis ~~[vendor]~~ **concierge** license.

Existing law prohibits, with certain exceptions, the consumption of cannabis or cannabis products in a public place. (NRS 678C.300, 678D.300, 678D.310) **Sections 32, 34 and 35** of this bill revise these provisions for the purposes of authorizing a person to consume cannabis or cannabis products in an area designated for that activity at a temporary cannabis event.

Existing law prohibits a person from opening or maintaining a place for the purpose of unlawfully selling, giving away or using any controlled substance. (NRS 453.316) **Section 41** of this bill exempts ~~[a portable]~~ **from the application of this provision: (1) a person who has been issued a permit by the board of county commissioners of a county or the governing body of an incorporated city to hold a temporary** cannabis ~~[vendor]~~ **event and** whose activities are confined to those authorized under the provisions of **the ordinance adopted by the board of county commissioners or governing body, as applicable; and (2) a cannabis concierge who sells cannabis and cannabis products at a temporary cannabis event and whose activities are confined to those authorized by the provisions of** this bill **.** ~~[from the application of this provision.]~~

Section 41.3 of this bill makes an appropriation to the Department of Taxation for payments under the cost allocation plan for services of the Attorney General and for personnel, travel, operating, equipment and information services expenses associated with implementing the provisions of this bill.

Sections 4-7 of this bill define words and terms applicable to the provisions of this bill. **Sections 8 and 37** of this bill make conforming changes to indicate

the proper placement of new provisions in the Nevada Revised Statutes. **Section 40** of this bill makes a conforming change to reflect the addition of the provisions of **section 29**.

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

Section 1. Chapter 678A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~*[“Portable cannabis vendor”]*~~ *“Cannabis concierge” means a business that:*

1. Is licensed by the Board pursuant to section 18 of this act; and

2. ~~*[Permits, maintains, promotes, conducts, advertises, operates, undertakes, organizes, manages, sells or gives away tickets to temporary cannabis events; and*~~

~~*—3.]*~~ *Purchases cannabis or cannabis products from an adult-use cannabis retail store and sells such cannabis or cannabis products at a temporary cannabis event* ~~*[held by the business.]*~~ *for which a permit has been issued by the board of county commissioners of a county pursuant to section 35.3 of this act or the governing body of an incorporated city pursuant to section 35.6 of this act, as applicable.*

Sec. 5. ~~*[“Portable cannabis vendor]*~~ *“Cannabis concierge license” means a license that is issued by the Board pursuant to section 18 of this act to authorize the operation of a* ~~*[portable]*~~ *cannabis* ~~*[vendor.]*~~ *concierge.*

Sec. 5.5. “Cannabis concierge sales permit” means a license that is issued by the Board pursuant to section 14 of this act to authorize a cannabis concierge to sell cannabis and cannabis products at a temporary cannabis event.

Sec. 6. *“Temporary cannabis event” means an event* ~~*[held by a portable cannabis vendor for which a temporary cannabis event permit has been issued by the Board pursuant to section 14 of this act and]*~~ *at which:*

1. ~~*[The portable]*~~ *A cannabis* ~~*[vendor]*~~ *concierge sells cannabis or cannabis products to persons 21 years of age or older; and*

2. The consumption of cannabis or cannabis products by persons 21 years of age or older is allowed.

Sec. 7. ~~**[***“Temporary cannabis event permit” means a license that is issued by the Board pursuant to section 14 of this act to authorize a portable cannabis vendor to hold a temporary cannabis event.]***~~ **(Deleted by amendment.)**

Sec. 8. NRS 678A.010 is hereby amended to read as follows:

678A.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 678A.020 to 678A.240, inclusive, ***and sections 2 to*** ~~***[7,]***~~ ***6, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 9. NRS 678A.095 is hereby amended to read as follows:

678A.095 "Cannabis establishment" means:

1. An adult-use cannabis establishment; ~~[or]~~

2. A medical cannabis establishment ~~[.]~~ ***; or***

3. A ~~[portable]~~ cannabis ~~[vendor.]~~ concierge.

Sec. 10. NRS 678A.160 is hereby amended to read as follows:

678A.160 "License" means:

1. An adult-use cannabis establishment license; ~~[or]~~

2. A medical cannabis establishment license ~~[.]~~ ***;***

3. A ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit; or

4. A ~~[portable]~~ cannabis ~~[vendor]~~ concierge license.

Sec. 11. NRS 678A.450 is hereby amended to read as follows:

678A.450 1. The Board may adopt regulations necessary or convenient to carry out the provisions of this title. Such regulations may include, without limitation:

(a) Financial requirements for licensees.

(b) Establishing such investigative and enforcement mechanisms as the Board deems necessary to ensure the compliance of a licensee or registrant with the provisions of this title.

(c) Requirements for licensees or registrants relating to the cultivation, processing, manufacture, transport, distribution, testing, study, advertising and sale of cannabis and cannabis products.

(d) Policies and procedures to ensure that the cannabis industry in this State is economically competitive, inclusive of racial minorities, women and persons and communities that have been adversely affected by cannabis prohibition and accessible to persons of low-income seeking to start a business.

(e) Policies and procedures governing the circumstances under which the Board may waive the requirement to obtain a registration card pursuant to this title for any person who holds an ownership interest of less than 5 percent in any one cannabis establishment or an ownership interest in more than one cannabis establishment of the same type that, when added together, is less than 5 percent.

(f) Reasonable restrictions on the signage, marketing, display and advertising of cannabis establishments. Such a restriction must not require a cannabis establishment to obtain the approval of the Board before using a logo, sign or advertisement.

(g) Provisions governing the sales of products and commodities made from hemp, as defined in NRS 557.160, or containing cannabidiol by cannabis establishments.

(h) ***Policies and procedures governing the circumstances under which the Board may waive any requirement applicable to a cannabis establishment that the Board determines is not appropriate for a ~~[portable]~~ cannabis ~~[vendor.]~~ concierge.***

(i) Requirements relating to the packaging and labeling of cannabis and cannabis products.

2. The Board shall adopt regulations providing for the gathering and maintenance of comprehensive demographic information, including, without limitation, information regarding race, ethnicity, age and gender, concerning each:

(a) Owner and manager of a cannabis establishment.

(b) Holder of a cannabis establishment agent registration card.

3. The Board shall transmit the information gathered and maintained pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmission to the Legislature on or before January 1 of each odd-numbered year.

4. The Board shall, by regulation, establish a pilot program for identifying opportunities for an emerging small cannabis business to participate in the cannabis industry. As used in this subsection, "emerging small cannabis business" means a cannabis-related business that:

(a) Is in existence, operational and operated for a profit;

(b) Maintains its principal place of business in this State; and

(c) Satisfies requirements for the number of employees and annual gross revenue established by the Board by regulation.

Sec. 12. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 13 to 22, inclusive, of this act.

Sec. 13. (Deleted by amendment.)

Sec. 14. 1. A person shall not ~~[hold]~~ sell cannabis or cannabis products at a temporary cannabis event unless the person:

(a) Is a ~~[portable]~~ cannabis ~~[vendor;]~~ concierge; and

(b) Has been issued a ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit for the temporary cannabis event by the Board pursuant to this section.

2. A ~~[portable]~~ cannabis ~~[vendor]~~ concierge who wishes to obtain a ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit must submit to the Board the application ~~[deposit,]~~ fee, as set forth in ~~[subsection 6,]~~ NRS 678B.390, and an application on a form prescribed by the Board. The application must include:

(a) The name, address, telephone number and electronic mail address of the applicant;

(b) The physical address of the location at which the ~~[proposed]~~ temporary cannabis event will be held ; ~~[, the location of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the temporary cannabis event permit was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the temporary cannabis event permit was submitted to the Board or, if the temporary cannabis event will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of

~~*NRS 463.0177 and that existed on the date on which the application for the temporary cannabis event permit was submitted to the Board;]*~~

(c) The date or dates of the ~~[proposed]~~ temporary cannabis event ~~;~~ ~~[~~, ~~which must not exceed 3 consecutive days;]~~

(d) ~~[The number of persons reasonably expected to attend the proposed temporary cannabis event, which must be not less than 750 persons, estimated using the method set forth by the Board by regulation, and evidence to support this expectation;~~

~~(e) A diagram of the physical layout of the proposed temporary cannabis event, which clearly sets forth each:~~

~~(1) Entrance and exit to the proposed temporary cannabis event that will be used by participants during the event;~~

~~(2) Area within the proposed temporary cannabis event designated for the sale of cannabis or cannabis products;~~

~~(3) Area within the proposed temporary cannabis event designated for the consumption of cannabis or cannabis products; and~~

~~(4) Area within the proposed]~~ Evidence that the temporary cannabis event ~~[designated for the storage of cannabis or cannabis products;~~

~~(f)]~~ has been issued a permit by the board of county commissioners of the county pursuant to section 35.3 of this act or the governing body of the incorporated city pursuant to section 35.6 of this act, as applicable, where the temporary cannabis event will be located;

(e) Operating procedures consistent with the regulations of the Board for the safe and healthful ~~[operation]~~ conduct of sales of cannabis and cannabis products at temporary cannabis events, including, without limitation:

(1) Procedures to ensure the use of adequate security measures;

(2) The use of an inventory control system; and

(3) Procedures to ensure adequate controls for the sale of cannabis and cannabis products;

~~[(g) An attestation by the applicant that he or she understands and agrees to comply with the requirements set forth in section 16 of this act;]~~

(f) A plan to ensure adequate security of the operations of the cannabis concierge at the temporary cannabis event, including, without limitation, the security of the cannabis and cannabis products offered for sale and the money collected by the cannabis concierge at the temporary cannabis event;

(g) A plan for the disposition of any unsold cannabis at the temporary cannabis event, which must include:

(1) Entering into an agreement with the adult-use cannabis retail store from which the cannabis and cannabis products were purchased to provide for the return of unsold cannabis to the retail store;

(2) Entering into agreements with the adult-use cannabis retail store from which the cannabis and cannabis products were purchased and an adult-use cannabis distributor to provide for the delivery of cannabis and cannabis products to the cannabis concierge at the temporary cannabis event

in stages, so as to minimize the amount of cannabis and cannabis products in the possession of the cannabis concierge at any given time;

(3) Entering into an agreement with a person engaged in the disposal of cannabis and cannabis products who has been approved by the Board to provide for the destruction of unsold cannabis or cannabis products; or

(4) Any combination of subparagraphs (1), (2) and (3); and

(h) Such other information as the Board may require by regulation.

3. The Board shall issue a ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit to an applicant if:

(a) The application satisfies the requirements of this section;

(b) The applicant is a ~~[portable]~~ cannabis ~~[vendor]~~ concierge who is qualified in the determination of the Board pursuant to NRS 678B.200; and

(c) The ~~[temporary]~~ cannabis ~~[event]~~ concierge is not disqualified from ~~[being licensed]~~ being issued a cannabis concierge sales permit for the temporary cannabis event pursuant to any other applicable law.

4. Each ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit issued pursuant to this section must set forth the location and date or dates of the temporary cannabis event for which the ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit is issued.

5. The Board shall not issue a ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit to a ~~[portable]~~ cannabis ~~[vendor]~~ concierge that has ~~[held]~~ been issued a cannabis concierge sales permit for a temporary cannabis event that was held within the immediately preceding 30 days.

~~[6. The Board shall, by regulation, set forth the amount of the application deposit required by subsection 2, which must be an amount sufficient to cover the actual administrative cost of processing the application. Not more than 30 days after the issuance or denial of a temporary cannabis event permit pursuant to this section, the Board shall return to the applicant any unused money from the deposit.~~

~~7. For the purposes of paragraph (b) of subsection 2, the distance must be measured from the main entrance of the proposed temporary cannabis event to the closest point of the property line of a school, community facility or gaming establishment.~~

~~8. As used in this section, "community facility" has the meaning ascribed to it in NRS 678B.250.]~~

Sec. 14.5. *~~[1. The issuance by the Board of a temporary cannabis event permit pursuant to section 14 of this act shall be deemed to be conditional until the local government having jurisdiction over the location in which the event will be located has issued a business license for the operation of the temporary cannabis event, if applicable, and any other approval necessary for the operation of the temporary cannabis event.~~*

~~2. The Board shall adopt regulations:~~

~~(a) Requiring the surrender of a conditional temporary cannabis event permit if the portable cannabis vendor to which the permit is issued does not~~

~~*satisfy the requirements of subsection 1 within a period of time determined by the Board; and*~~

~~*(b) Authorizing a portable cannabis vendor to request an extension of the period of time established pursuant to paragraph (a) as a result of factors outside of the control of the portable cannabis vendor that cause a delay is satisfying the requirements of subsection 1.*~~

~~*3. A portable cannabis vendor that is issued a temporary cannabis event permit shall comply with all applicable ordinances and rules of the local government having jurisdiction over the location in which the temporary cannabis event will be located, including, without limitation, ordinances and rules pertaining to zoning and land use and ordinances and rules imposing any other requirement upon the portable cannabis vendor and the temporary cannabis event.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[1. A person shall not sell cannabis or cannabis products at a temporary cannabis event unless the person is the portable cannabis vendor to whom the temporary cannabis event permit was issued.*~~

~~*2.]*~~ ***Except as otherwise provided by regulations adopted by the Board, all provisions of this title and the regulations adopted pursuant thereto relating to the testing and labeling of cannabis and cannabis products and the sale of cannabis and cannabis products on the premises of an adult-use cannabis retail store or a retail cannabis consumption lounge also apply to cannabis and cannabis products sold by a cannabis concierge at a temporary cannabis event.***

Sec. 16. A ~~*[portable]*~~ ***cannabis*** ~~*[vendor]*~~ ***concierge that*** ~~*[holds]*~~ ***sells cannabis or cannabis products at a temporary cannabis event shall:***

1. ~~*[Ensure that only persons who are 18 years of age or older are allowed to access the temporary cannabis event and only persons 21 years of age or older are allowed to access areas within the temporary cannabis event designated for the sale or consumption of cannabis or cannabis products;*~~

~~*2.]*~~ ***Comply with all procedures and requirements prescribed by regulation of the Board for the collection and disposal of cannabis or cannabis products which are left at the temporary cannabis event and for the management of other cannabis waste;***

~~*[3.]*~~ ***2. Ensure that*** ~~*[all]*~~ ***the cannabis concierge engages in sales*** ~~*[and consumption]*~~ ***of cannabis or cannabis products at the temporary cannabis event*** ~~*[are confined to]*~~ ***only within the areas*** ~~*[within]*~~ ***of the event designated for such*** ~~*[activities;]*~~ ***sales;***

~~*[4. Ensure that firearms and other weapons are prohibited at the temporary cannabis event;*~~

~~*5.]*~~ ***3. Ensure that no sales of cannabis or cannabis products are conducted within 1 hour before the close of the temporary cannabis event on each day of the temporary cannabis event;***

~~*[6. Ensure that the temporary cannabis event is held entirely outdoors;]*~~ ***and***

~~[7.]~~ 4. Comply with any other requirements prescribed by regulation of the Board.

Sec. 17. (Deleted by amendment.)

Sec. 18. ***1. A person shall not engage in the business of a ~~[portable]~~ cannabis ~~[vendor]~~ concierge unless the person holds a ~~[portable]~~ cannabis ~~[vendor]~~ concierge license issued pursuant to this section.***

2. A person who wishes to engage in the business of a ~~[portable]~~ cannabis ~~[vendor]~~ concierge must submit to the Board an application on a form prescribed by the Board.

3. The Board shall issue a ~~[portable]~~ cannabis ~~[vendor]~~ concierge license to an applicant if:

(a) The person who wishes to engage in the business of a ~~[portable]~~ cannabis ~~[vendor]~~ concierge has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed ~~[portable]~~ cannabis ~~[vendor;]~~ concierge;

(II) The physical address where the proposed ~~[portable]~~ cannabis ~~[vendor]~~ concierge will be located;

(III) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed ~~[portable]~~ cannabis ~~[vendor,]~~ concierge, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report and for submission to the Federal Bureau of Investigation for its report; and

(IV) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed ~~[portable]~~ cannabis ~~[vendor;]~~ concierge;

(3) Operating procedures consistent with the rules of the Board for oversight of the proposed ~~[portable]~~ cannabis ~~[vendor;]~~ concierge; and

(4) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed ~~[portable]~~ cannabis ~~[vendor]~~ concierge have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its ~~[portable]~~ cannabis ~~[vendor]~~ concierge license or ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(c) None of the persons who are proposed to be owners, officers or board members of the proposed ~~[portable]~~ cannabis ~~[vendor]~~ concierge are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed ~~[portable]~~ cannabis ~~[vendor,]~~ concierge, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for its report and for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in sections 21 and 22 of this act, if an applicant for licensure to engage in the business of a ~~[portable]~~ cannabis ~~[vendor]~~ concierge satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant a ~~[portable]~~ cannabis ~~[vendor]~~ concierge license. A ~~[portable]~~ cannabis ~~[vendor]~~ concierge license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

Sec. 19. *A ~~[portable]~~ cannabis ~~[vendor]~~ concierge that ~~[holds]~~ sells cannabis and cannabis products at a temporary cannabis event shall purchase all cannabis or cannabis products for resale at the temporary cannabis event from an adult-use cannabis retail store.*

Sec. 20. ~~*[A local government having jurisdiction over the location in which a temporary cannabis event is to be held may charge the portable cannabis vendor a fee for holding the event.]*~~ **(Deleted by amendment.)**

Sec. 21. *1. Except as otherwise provided in section 22 of this act, the Board shall issue ~~[:~~*

~~(a) The]~~ the first ~~[portable]~~ five cannabis ~~[vendor license]~~ concierge licenses to ~~[a]~~ social equity ~~[applicant; and~~

~~(b) The second portable cannabis vendor license to an applicant who is not a social equity applicant.]~~ applicants. For 18 months after the date on which the Board issues the fifth cannabis concierge license pursuant to this subsection, the Board shall not issue any additional cannabis concierge licenses.

2. ~~[After the]~~ The Board ~~[has issued the first two portable cannabis vendor licenses pursuant to subsection 1,]~~ may, beginning 18 months after the date on which the Board issues the fifth cannabis concierge license pursuant to subsection 1, issue an additional 16 cannabis concierge licenses. The Board shall issue the first of those licenses to an applicant who is not a social equity applicant and the second of those licenses to a social equity applicant. In issuing the remaining 14 licenses, the Board:

(a) Shall issue ~~[portable]~~ cannabis ~~[vendor]~~ concierge licenses by alternately issuing such a license to ~~[a]~~ an applicant who is not a social equity applicant and an applicant who is ~~[not]~~ a social equity applicant; and

(b) Shall not issue a license to ~~[an applicant who is not]~~ a social equity applicant unless the previous license issued by the Board was issued to ~~[a]~~ an applicant who is not a social equity applicant and vice versa.

3. For 5 years after the date on which the Board issues the 16th cannabis concierge license pursuant to subsection 2, the Board shall not issue any additional cannabis concierge licenses.

4. The Board may, beginning 5 years after the date on which the Board issues the 16th cannabis concierge license pursuant to subsection 2, issue additional licenses in the manner prescribed by this subsection. The Board shall issue the first cannabis concierge license pursuant to this subsection to an applicant who is not a social equity applicant and the second cannabis concierge license to an applicant who is a social equity applicant. After the issuance of those two cannabis concierge licenses, the Board:

(a) Shall issue cannabis concierge licenses by alternately issuing a license to an applicant who is not a social equity applicant and an applicant who is a social equity applicant; and

(b) Shall not issue a cannabis concierge license to a social equity applicant unless the previous license issued by the Board was issued to an applicant who is not a social equity applicant and vice versa.

Sec. 22. ***1. Subject to the requirements of section 21 of this act, if there is more than one qualified applicant for a single ~~[portable]~~ cannabis ~~[vendor]~~ concierge license, the Board shall select the qualified applicant to be issued the license ~~[at random.]~~ on the basis of a lottery system.***

2. The Board shall revoke the license of a ~~[portable]~~ cannabis ~~[vendor]~~ concierge who has held a cannabis concierge license for at least 18 months and has not ~~[held]~~ been issued a ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit in the immediately preceding 18 months. If the ~~[portable]~~ cannabis ~~[vendor]~~ concierge whose license is revoked pursuant to this section is:

(a) A social equity applicant, the Board shall reissue the license to another qualified social equity applicant; and

(b) Not a social equity applicant, the Board shall reissue the license to another qualified applicant who is not a social equity applicant.

Sec. 23. NRS 678B.010 is hereby amended to read as follows:

678B.010 The Legislature hereby finds and declares that:

1. The purpose for licensing cannabis establishments and registering cannabis establishment agents is to protect the public health and safety and the general welfare of the people of this State.

2. Any:

(a) Medical cannabis establishment license issued pursuant to NRS 678B.210;

(b) Adult-use cannabis establishment license issued pursuant to NRS 678B.250;

(c) ~~*[Temporary cannabis event]*~~ ***Cannabis concierge sales permit issued pursuant to section 14 of this act;***

(d) ~~*[Portable cannabis vendor]*~~ ***Cannabis concierge license issued pursuant to section 18 of this act;***

(e) Cannabis establishment agent registration card issued pursuant to NRS 678B.340;

~~[(d)]~~ ***(f)*** Cannabis establishment agent registration card for a cannabis executive issued pursuant to NRS 678B.350; and

~~[(e)]~~ ***(g)*** Cannabis establishment agent registration card for a cannabis receiver issued pursuant to NRS 678B.355,

➥ is a revocable privilege and the holder of such a license or card, as applicable, does not acquire thereby any vested right.

Sec. 24. NRS 678B.065 is hereby amended to read as follows:

678B.065 "Social equity applicant" means an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge ***or*** ~~*[portable]*~~ ***cannabis*** ~~*[vendor]*~~ ***concierge license*** who has been adversely affected by provisions of previous laws which criminalized activity relating to cannabis, as determined by the Board in accordance with the regulations adopted pursuant to NRS 678B.323. Such adverse effects may include, without limitation, adverse effects on an owner or officer of the applicant.

Sec. 25. NRS 678B.210 is hereby amended to read as follows:

678B.210 1. A person shall not engage in the business of a medical cannabis establishment unless the person holds a medical cannabis establishment license issued by the Board pursuant to this section.

2. A person who wishes to engage in the business of a medical cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.220, 678B.230 and 678B.240, not later than 90 days after receiving an application to engage in the business of a medical cannabis establishment, the Board shall register the medical cannabis establishment and issue a medical cannabis establishment license and a random 20-digit alphanumeric identification number if:

(a) The person who wishes to operate the proposed medical cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed medical cannabis establishment;

(II) The physical address where the proposed medical cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated medical cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally

associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board or, if the proposed medical cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed medical cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls not less than $250,000 in liquid assets to cover the initial expenses of opening the proposed medical cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed medical cannabis establishment will be located or has the written permission of the property owner to operate the proposed medical cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed medical cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed medical cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an electronic verification system and an inventory control system pursuant to NRS 678C.420 and 678C.430;

(4) If the proposed medical cannabis establishment will sell or deliver medical cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board;

(5) If the city or county in which the proposed medical cannabis establishment will be located has enacted zoning restrictions, proof that the proposed location is in compliance with those restrictions and satisfies all applicable building requirements; and

(6) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its medical cannabis establishment license ***,*** ~~***[or]***~~ adult-use cannabis establishment license ***, ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit or ~~[portable]~~ cannabis ~~[vendor]~~ concierge license*** revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed medical cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed medical cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an application for registration as a medical cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and the establishment is not disqualified from being registered as a medical cannabis establishment pursuant to this section or other applicable law, the Board shall issue to the establishment a medical cannabis establishment license. A medical cannabis establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue a medical cannabis establishment license pursuant to this section, the Board shall consider the criteria of merit set forth in NRS 678B.240.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed medical cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 26. NRS 678B.250 is hereby amended to read as follows:

678B.250 1. A person shall not engage in the business of an adult-use cannabis establishment unless the person holds an adult-use cannabis establishment license issued pursuant to this section.

2. A person who wishes to engage in the business of an adult-use cannabis establishment must submit to the Board an application on a form prescribed by the Board.

3. Except as otherwise provided in NRS 678B.260, 678B.270, 678B.280, 678B.322 and 678B.324 to 678B.328, inclusive, the Board shall issue an adult-use cannabis establishment license to an applicant if:

(a) The person who wishes to operate the proposed adult-use cannabis establishment has submitted to the Board all of the following:

(1) The application fee, as set forth in NRS 678B.390;

(2) An application, which must include:

(I) The legal name of the proposed adult-use cannabis establishment;

(II) The physical address where the proposed adult-use cannabis establishment will be located and the physical address of any co-owned additional or otherwise associated adult-use cannabis establishments, the locations of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board, within 300 feet of a community facility that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board or, if the proposed adult-use cannabis establishment will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the proposed adult-use cannabis establishment was submitted to the Board;

(III) Evidence that the applicant controls liquid assets in an amount determined by the Board to be sufficient to cover the initial expenses of opening the proposed adult-use cannabis establishment and complying with the provisions of this title;

(IV) Evidence that the applicant owns the property on which the proposed adult-use cannabis establishment will be located or has the written permission of the property owner to operate the proposed adult-use cannabis establishment on that property;

(V) For the applicant and each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment, a complete set of the person's fingerprints and written permission of the person authorizing the Board to forward the fingerprints to the Central Repository for

Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(VI) The name, address and date of birth of each person who is proposed to be an owner, officer or board member of the proposed adult-use cannabis establishment;

(3) Operating procedures consistent with rules of the Board for oversight of the proposed adult-use cannabis establishment, including, without limitation:

(I) Procedures to ensure the use of adequate security measures; and

(II) The use of an inventory control system;

(4) If the proposed adult-use cannabis establishment will sell or deliver adult-use cannabis products, proposed operating procedures for handling such products which must be preapproved by the Board; and

(5) Such other information as the Board may require by regulation;

(b) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have been convicted of an excluded felony offense;

(c) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment have:

(1) Served as an owner, officer or board member for a cannabis establishment that has had its adult-use cannabis establishment license ***,*** ~~**[**or**]**~~ medical cannabis establishment license ***, ~~[temporary]~~ cannabis ~~[event]~~ concierge sales permit or ~~[portable]~~ cannabis ~~[vendor]~~ concierge license*** revoked;

(2) Previously had a cannabis establishment agent registration card revoked;

(3) Previously had a cannabis establishment agent registration card for a cannabis executive revoked; or

(4) Previously had a cannabis establishment agent registration card for a cannabis receiver revoked; and

(d) None of the persons who are proposed to be owners, officers or board members of the proposed adult-use cannabis establishment are under 21 years of age.

4. For each person who submits an application pursuant to this section, and each person who is proposed to be an owner, officer or board member of a proposed adult-use cannabis establishment, the Board shall submit the fingerprints of the person to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation to determine the criminal history of that person.

5. Except as otherwise provided in subsection 6, if an applicant for licensure to operate an adult-use cannabis establishment satisfies the requirements of this section, is qualified in the determination of the Board pursuant to NRS 678B.200 and is not disqualified from being licensed pursuant to this section or other applicable law, the Board shall issue to the applicant an adult-use cannabis establishment license. An adult-use cannabis

establishment license expires 1 year after the date of issuance and may be renewed upon:

(a) Submission of the information required by the Board by regulation; and

(b) Payment of the renewal fee set forth in NRS 678B.390.

6. In determining whether to issue an adult-use cannabis license pursuant to this section, the Board shall consider the criteria of merit and scoring guidelines set forth in NRS 678B.280 or 678B.324, as applicable.

7. For the purposes of sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the front door of the proposed adult-use cannabis establishment to the closest point of the property line of a school, community facility or gaming establishment.

8. As used in this section, "community facility" means:

(a) A facility that provides day care to children.

(b) A public park.

(c) A playground.

(d) A public swimming pool.

(e) A center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents.

(f) A church, synagogue or other building, structure or place used for religious worship or other religious purpose.

Sec. 27. NRS 678B.323 is hereby amended to read as follows:

678B.323 1. The Board shall adopt regulations establishing criteria to be used by the Board for determining whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge ~~[, cannabis event organizer license]~~ ***or*** ~~***[portable]***~~ ***cannabis*** ~~***[vendor]***~~ ***concierge license*** qualifies as a social equity applicant for the purposes of this chapter.

2. The regulations adopted pursuant to subsection 1 must establish the minimum percentage of ownership in a proposed independent cannabis consumption lounge ***or*** ~~***[portable]***~~ ***cannabis*** ~~***[vendor]***~~ ***concierge*** which will be held by a person or group of persons who have been adversely affected by provisions of previous laws which criminalized activity relating to cannabis for the applicant to qualify as a social equity applicant.

Sec. 28. NRS 678B.380 is hereby amended to read as follows:

678B.380 1. Except as otherwise provided by regulations adopted by the Board pursuant to subsection 2, the following are nontransferable:

(a) A cannabis establishment agent registration card.

(b) A cannabis establishment agent registration card for a cannabis executive.

(c) A cannabis establishment agent registration card for a cannabis receiver.

(d) A medical cannabis establishment license.

(e) An adult-use cannabis establishment license.

(f) A ~~***[temporary]***~~ ***cannabis*** ~~***[event]***~~ ***concierge sales permit.***

(g) A ~~***[portable]***~~ ***cannabis*** ~~***[vendor]***~~ ***concierge license.***

2. The Board shall adopt regulations which prescribe procedures and requirements by which a holder of a license ~~***[, including, without limitation, the holder of a portable cannabis vendor license who is a social equity applicant,]***~~ may transfer the license to another party who is qualified to hold such a license pursuant to the provisions of this chapter. Such regulations may give priority in the processing of transfers of licenses to a transfer in which the transferor is:

(a) Subject to a receivership;

(b) Involved in a recapitalization; or

(c) A party to a court proceeding involving financial distress.

3. The regulations adopted pursuant to subsection 2 must:

(a) Prohibit the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge from transferring the license until at least 2 years from the date on which the independent cannabis consumption lounge for which the license was issued became operational;

(b) Require the holder of an adult-use cannabis establishment license for an independent cannabis consumption lounge who wishes to cease operations before the independent cannabis consumption lounge for which the license was issued has been operational for at least 2 years to surrender the license to the Board; ~~***[and]***~~

(c) Require the Board to hold a license surrendered pursuant to paragraph (b) in reserve for issuance to an applicant for such a license in the future ~~***[.]***~~ ***;***

(d) Prohibit the holder of a cannabis concierge license from transferring the license until at least 5 years from the date on which the license was issued;

(e) Require the holder of a cannabis concierge license who wishes to cease operations before the cannabis concierge has held the license for at least 5 years to surrender the license to the Board;

(f) Require the Board to hold a cannabis concierge license surrendered pursuant to paragraph (e) in reserve for issuance to a future applicant for such a license who is:

(1) A social equity applicant if the person who surrendered the license was a social equity applicant; and

(2) Not a social equity applicant if the person who surrendered the license was not a social equity applicant; and

(g) Authorize the transfer of a cannabis concierge license after the license has been held for 5 years only to a transferee who is:

(1) A social equity applicant if the transferor was a social equity applicant; and

(2) Not a social equity applicant if the transferor was not a social equity applicant.

Sec. 29. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection 3, ~~***[4,]***~~ the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary $30,000
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary 5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility 3,000
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility 1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility 3,000
For the renewal of a medical cannabis establishment license for a medical cannabis production facility 1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory 5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory 3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store 20,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store 6,600
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility 30,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility 10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility 10,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility 3,300
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory 15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory 5,000
For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge 10,000
For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge 10,000

For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge..... 10,000

For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge..... 10,000

For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor..... 15,000

For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor..... 5,000

For the initial issuance of a cannabis concierge license to a person who is not a social equity applicant 5,000

For the renewal of a cannabis concierge license for a person who is not a social equity applicant 3,000

For the initial issuance of a cannabis concierge license to a person who a social equity applicant 2,500

For the renewal of a cannabis concierge license for a person who is a social equity applicant..... 1,500

For the issuance of a cannabis concierge sales permit..... 250

For each person identified in an application for the initial issuance of a cannabis establishment agent registration card..... 150

For each person identified in an application for the renewal of a cannabis establishment agent registration card..... 150

2. ***[The Board shall establish by regulation fees for the issuance and renewal of a portable cannabis vendor license.***

—3.] The Board may by regulation establish reduced fees for:

(a) The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; and

(b) The application fee set forth in ***[paragraph (c) of]*** subsection 3. ***[4; and —(c) The initial issuance and renewal of a portable cannabis vendor license,]***

➥ for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

3. ***[4.]*** Except as otherwise provided in subsection 2. ***[3,]*** in addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license or adult-use cannabis establishment license must pay to the Board:

(a) For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent cannabis consumption lounge, a one-time, nonrefundable application fee of $5,000;

(b) For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of $100,000;

(c) For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of $10,000; and

(d) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.

4. ~~***[5.]***~~ Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 30. NRS 678B.530 is hereby amended to read as follows:

678B.530 1. A person shall not:

(a) Advertise the sale of cannabis or cannabis products by the person; or

(b) Sell, offer to sell or appear to sell cannabis or cannabis products or allow the submission of an order for cannabis or cannabis products,

➥ unless the person holds an adult-use cannabis establishment license **,** ~~**[or]**~~ a medical cannabis establishment license ~~**[.]**~~ ***or a ~~[portable]~~ cannabis ~~[vendor]~~ concierge license.***

2. A local government shall not regulate the content of an advertisement for the sale of cannabis or cannabis products unless the local government adopts an ordinance setting forth such regulations.

Sec. 31. NRS 678B.650 is hereby amended to read as follows:

678B.650 The Board shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of this chapter. Such regulations are in addition to any requirements set forth in statute and must, without limitation:

1. Prescribe the form and any additional required content of applications for licenses or registration cards issued pursuant to this chapter;

2. Establish procedures for the suspension or revocation of a license or registration card or other disciplinary action to be taken against a licensee or registrant;

3. Set forth rules pertaining to the safe and healthful operation of cannabis establishments, including, without limitation:

(a) The manner of protecting against diversion and theft without imposing an undue burden on cannabis establishments or compromising the confidentiality of consumers and holders of registry identification cards and letters of approval, as those terms are defined in NRS 678C.080 and 678C.070, respectively;

(b) Minimum requirements for the oversight of cannabis establishments;

(c) Minimum requirements for the keeping of records by cannabis establishments;

(d) Provisions for the security of cannabis establishments, including without limitation, requirements for the protection by a fully operational security alarm system of each cannabis establishment; and

(e) Procedures pursuant to which cannabis establishments must use the services of cannabis independent testing laboratories to ensure that any cannabis or cannabis product or commodity or product made from hemp, as defined in NRS 557.160, sold by a cannabis sales facility to an end user is tested for content, quality and potency in accordance with standards established by the Board;

4. Establish circumstances and procedures pursuant to which the maximum fees set forth in NRS 678B.390 may be reduced over time to ensure that the fees imposed pursuant to NRS 678B.390 are, insofar as may be practicable, revenue neutral;

5. Establish different categories of cannabis establishment agent registration cards, including, without limitation, criteria for issuance of a cannabis establishment agent registration card for a cannabis executive and a cannabis establishment agent registration card for a cannabis receiver and criteria for training and certification, for each of the different types of cannabis establishments at which such an agent may be employed or volunteer or provide labor as a cannabis establishment agent;

6. As far as possible while maintaining accountability, protect the identity and personal identifying information of each person who receives, facilitates or delivers services in accordance with this chapter;

7. Establish procedures and requirements to enable a dual licensee to operate a medical cannabis establishment and an adult-use cannabis establishment at the same location;

8. Determine whether any provision of this chapter or chapter 678C or 678D of NRS would make the operation of a cannabis establishment by a dual licensee unreasonably impracticable;

9. Allow for any record relating to the delivery of cannabis or cannabis products that is required to be kept by a cannabis establishment to be created and maintained in an electronic format;

10. Prescribe the manner in which the Board will determine whether a person who holds an adult-use cannabis establishment license is ineligible to hold additional licenses pursuant to NRS 678B.325 and 678B.328;

11. Set forth rules pertaining to the safe and healthful operation of cannabis consumption lounges, including, without limitation:

(a) Standards for the air quality in a cannabis consumption lounge;

(b) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a cannabis consumption lounge; and

(c) Requirements for the training of employees of a cannabis consumption lounge in the sale and safe consumption of single-use cannabis products and ready-to-consume cannabis products; ~~[and]~~

12. ***Set forth rules pertaining to the safe and healthful ~~[operation]~~ conduct of sales of cannabis or cannabis products by a cannabis concierge at a temporary cannabis ~~[events,]~~ event, including, without limitation:***

(a) Requirements for the testing, labeling and sale of cannabis and cannabis products at a temporary cannabis event; and

(b) Procedures and requirements for the collection and disposal of cannabis and cannabis products which are left at a temporary cannabis event and the management of cannabis waste; and

~~[(c) The method by which a portable cannabis vendor must estimate the expected attendance at a proposed temporary cannabis event; and]~~

13. Address such other matters as the Board deems necessary to carry out the provisions of this title.

Sec. 32. NRS 678C.300 is hereby amended to read as follows:

678C.300 1. A person who holds a registry identification card or letter of approval issued to him or her pursuant to NRS 678C.230 or 678C.270 is not exempt from state prosecution for, nor may the person establish an affirmative defense to charges arising from, any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged or assisted in the medical use of cannabis in:

(I) Except as otherwise provided by regulations adopted by the Board pursuant to NRS 678B.645, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Delivering cannabis to another person who he or she knows does not lawfully hold a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

(f) Delivering cannabis for consideration to any person, regardless of whether the recipient lawfully holds a registry identification card or letter of approval issued by the Division or its designee pursuant to NRS 678C.230 or 678C.270.

2. Except as otherwise provided in NRS 678C.240 and in addition to any other penalty provided by law, if the Division determines that a person has

willfully violated a provision of this chapter or any regulation adopted by the Division to carry out the provisions of this chapter, the Division may, at its own discretion, prohibit the person from obtaining or using a registry identification card or letter of approval for a period of up to 6 months.

3. ***For the purposes of sub-subparagraph (I) of subparagraph (1) of paragraph (d) of subsection 1, an area within a temporary cannabis event that is designated for the consumption of cannabis or cannabis products is not a public place or a place open to the public or exposed to public view.***

4. Nothing in the provisions of this chapter shall be construed as in any manner affecting the provisions of chapter 678D of NRS relating to the adult use of cannabis.

~~[4.]~~ ***5.*** As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 33. NRS 678D.200 is hereby amended to read as follows:

678D.200 1. Except as otherwise provided in NRS 678D.300, a person who is 21 years of age or older is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

2. In addition to the provisions of subsections 1 and 5, no person may be subject to state prosecution for constructive possession, conspiracy or any other criminal offense solely for being in the presence or vicinity of the adult use of cannabis in accordance with the provisions of this title.

3. The exemption from state prosecution set forth in subsection 1 applies only to the extent that a person:

(a) Is 21 years of age or older;

(b) Is not employed by any agency or political subdivision of this State in a position which requires the person to be certified by the Peace Officers' Standards and Training Commission;

(c) Engages in the adult use of cannabis in accordance with the provisions of this title;

(d) Does not, at any one time, possess, deliver or produce more than:

(1) One ounce of usable cannabis;

(2) One-eighth of an ounce of concentrated cannabis;

(3) Six cannabis plants, irrespective of whether the cannabis plants are mature or immature; and

(4) A maximum allowable quantity of adult-use cannabis products as established by regulation of the Board;

(e) Cultivates, grows or produces not more than six cannabis plants:

(1) Within an enclosed area that is not exposed to public view that is equipped with locks or other security devices which allow access only by an authorized person; and

(2) At a residence or upon the grounds of a residence in which not more than 12 cannabis plants are cultivated, grown or produced;

(f) Delivers 1 ounce or less of usable cannabis or one-eighth of an ounce or less of concentrated cannabis without remuneration to a person who is 21 years of age or older so long as such delivery is not advertised or promoted to the public; and

(g) Assists another person who is 21 years of age or older in carrying out any of the acts described in paragraphs (a) to (f), inclusive.

4. If a person possesses, uses or produces cannabis in an amount which exceeds the amount set forth in paragraph (d) of subsection 3 or in any manner other than that set forth in subsection 3, the person is not exempt from state prosecution for the possession, delivery or production of cannabis.

5. A person who holds an adult-use cannabis establishment license issued to the person pursuant to NRS 678B.250, ***a ~~[portable]~~ cannabis ~~[vendor]~~ concierge license issued to the person pursuant to section 18 of this act,*** a cannabis establishment agent registration card issued to the person pursuant to NRS 678B.340, a cannabis establishment agent registration card for a cannabis executive issued to the person pursuant to NRS 678B.350 or a cannabis establishment agent registration card for a cannabis receiver issued to the person pursuant to NRS 678B.355, and confines his or her activities to those authorized by this title, and the regulations adopted by the Board pursuant thereto, is exempt from state prosecution for:

(a) The possession, delivery or production of cannabis;

(b) The possession or delivery of paraphernalia;

(c) Aiding and abetting another in the possession, delivery or production of cannabis;

(d) Aiding and abetting another in the possession or delivery of paraphernalia;

(e) Any combination of the acts described in paragraphs (a) to (d), inclusive; and

(f) Any other criminal offense in which the possession, delivery or production of cannabis or the possession or delivery of paraphernalia is an element.

6. The commission of any act by a person for which the person is exempt from state prosecution pursuant to this section must not be used as the basis for the seizure or forfeiture of any property of the person or for the imposition of a civil penalty.

Sec. 34. NRS 678D.300 is hereby amended to read as follows:

678D.300 1. A person is not exempt from state prosecution for any of the following acts:

(a) Driving, operating or being in actual physical control of a vehicle or a vessel under power or sail while under the influence of cannabis.

(b) Engaging in any other conduct prohibited by NRS 484C.110, 484C.120, 484C.130, 484C.430, subsection 2 of NRS 488.400, NRS 488.410, 488.420, 488.425 or 493.130.

(c) Possessing a firearm in violation of paragraph (b) of subsection 1 of NRS 202.257.

(d) Possessing cannabis in violation of NRS 453.336 or possessing paraphernalia in violation of NRS 453.560 or 453.566:

(1) If the possession of the cannabis or paraphernalia is discovered because the person engaged in the adult use of cannabis in:

(I) Except as otherwise provided by regulations adopted by the Board pursuant to NRS 678B.645, any public place or in any place open to the public or exposed to public view; or

(II) Any local detention facility, county jail, state prison, reformatory or other correctional facility, including, without limitation, any facility for the detention of juvenile offenders; or

(2) If the possession of the cannabis or paraphernalia occurs on school property.

(e) Knowingly delivering cannabis to another person who is not 21 years of age or older unless:

(1) The recipient holds a valid registry identification card or letter of approval issued to the person by the Division of Public and Behavioral Health of the Department of Health and Human Services or its designee pursuant to NRS 678C.230 or 678C.270.

(2) The person demanded and was shown bona fide documentary evidence of the age and identity of the recipient issued by a federal, state, county or municipal government, or subdivision or agency thereof.

2. ***For the purposes of sub-subparagraph (I) of subparagraph (1) of paragraph (d) of subsection 1, an area within a temporary cannabis event that is designated for the consumption of cannabis or cannabis products is not a public place or a place open to the public or exposed to public view.***

3. As used in this section, "school property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

Sec. 35. NRS 678D.310 is hereby amended to read as follows:

678D.310 1. Except as otherwise provided in chapter 678C of NRS, a person shall not:

(a) Cultivate cannabis within 25 miles of an adult-use cannabis retail store licensed pursuant to chapter 678B of NRS, unless the person is an adult-use cannabis cultivation facility or is a cannabis establishment agent volunteering at, employed by or providing labor to an adult-use cannabis cultivation facility;

(b) Cultivate cannabis plants where they are visible from a public place by normal unaided vision; or

(c) Cultivate cannabis on property not in the cultivator's lawful possession or without the consent of the person in lawful physical possession of the property.

2. A person who violates the provisions of subsection 1 is guilty of:

(a) For a first violation, a misdemeanor punished by a fine of not more than $600.

(b) For a second violation, a misdemeanor punished by a fine of not more than $1,000.

(c) For a third violation, a gross misdemeanor.

(d) For a fourth or subsequent violation, a category E felony.

3. Except as otherwise provided in subsection 10 or by regulations adopted by the Board pursuant to NRS 678B.645, a person who smokes or otherwise consumes cannabis or a cannabis product in a public place, in an adult-use cannabis retail store or in a vehicle is guilty of a misdemeanor punished by a fine of not more than $600.

4. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain cannabis is guilty of a misdemeanor and shall be punished by:

(a) Performing not more than 24 hours of community service;

(b) Attending the live meeting described in paragraph (a) of subsection 2 of NRS 484C.530 and complying with any other requirements set forth in that section; or

(c) Being required to undergo an evaluation in accordance with subsection 2 of NRS 484C.350,

➥ or any combination thereof.

5. If a person under 21 years of age fulfills the terms and conditions imposed for a violation of subsection 4, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

6. A person under 21 years of age who knowingly enters, loiters or remains on the premises of an adult-use cannabis establishment shall be punished by a fine of not more than $500 unless the person is authorized to possess cannabis pursuant to chapter 678C of NRS and the adult-use cannabis establishment is a dual licensee.

7. A person who manufactures cannabis by chemical extraction or chemical synthesis, unless done pursuant to an adult-use cannabis establishment license for an adult-use cannabis production facility issued by the Board or authorized by this title, is guilty of a category E felony.

8. A person who knowingly gives cannabis or a cannabis product to any person under 21 years of age or who knowingly leaves or deposits any cannabis or cannabis product in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

9. A person who knowingly gives cannabis to any person under 18 years of age or who knowingly leaves or deposits any cannabis in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

10. A person may smoke or otherwise consume cannabis or a cannabis product in ~~[a]~~ ***:***

(a) A cannabis consumption lounge.

(b) An area within a temporary cannabis event that is designated for the consumption of cannabis or cannabis products.

Sec. 35.3. **Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person shall not hold a temporary cannabis event in an unincorporated area of a county unless the board of county commissioners of the county has adopted an ordinance pursuant to this section providing for the permitting of such events and the person has obtained such a permit.

2. The board of county commissioners of each county may, by ordinance, provide for the issuance of a permit authorizing the holder of the permit to hold a temporary cannabis event.

3. An ordinance adopted pursuant to subsection 2 must:

(a) Require each applicant for a permit to hold a temporary cannabis event to submit an application to the board of county commissioners on a form prescribed by the board of county commissioners which must include:

(1) The name, address, telephone number and electronic mail address of the applicant;

(2) The physical address of the location at which the proposed temporary cannabis event will be held, the location of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the permit was submitted to the board of county commissioners, within 300 feet of a community facility that existed on the date on which the application for the permit was submitted to the board of county commissioners or, if the temporary cannabis event will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the permit was submitted to the board of county commissioners;

(3) The date or dates of the proposed temporary cannabis event, which must not exceed 3 consecutive days;

(4) The number of persons reasonably expected to attend the proposed temporary cannabis event, which must be not less than 750 persons, and evidence to support this expectation;

(5) A diagram of the physical layout of the proposed temporary cannabis event, which clearly sets forth each:

(I) Entrance and exit to the proposed temporary cannabis event that will be used by participants during the event;

(II) Area within the proposed temporary cannabis event designated for the sale of cannabis or cannabis products; and

(III) Area within the proposed temporary cannabis event designated for the consumption of cannabis or cannabis products;

(6) An attestation by the applicant that he or she understands and agrees to comply with the requirements described in paragraph (e); and

(7) Such other information as the board of county commissioners may require.

(b) Require:

(1) The issuance of a permit to be deemed conditional until the person issued the permit submits to the board of county commissioners evidence that a cannabis concierge has been issued a cannabis concierge sales permit by the Cannabis Compliance Board pursuant to section 14 of this act to sell cannabis and cannabis products at the event; and

(2) The surrender of a conditional permit if the person issued the permit does not satisfy the requirements of subparagraph (1) within a period of time determined by the board of county commissioners.

(c) Require each permit issued by the board of county commissioners to set forth the location and date or dates of the temporary cannabis event for which the permit is issued.

(d) Require all consumption of usable cannabis by means of smoking at the temporary cannabis event to be conducted in an enclosed structure that meets any standards for air quality or other standards established by the board of county commissioners, unless the board of county commissioners determines this requirement not to be appropriate for a particular temporary cannabis event based on the attributes of the event.

(e) Establish requirements for the operation of temporary cannabis events. Such requirements must require the person who obtained the permit to ensure that:

(1) Only persons who are 21 years of age or older are allowed to access areas within the temporary cannabis event designated for the sale or consumption of cannabis or cannabis products; and

(2) Firearms and other weapons are prohibited at the temporary cannabis event.

4. If a board of county commissioners adopts an ordinance pursuant to subsection 2, the board of county commissioners may:

(a) Establish and collect a fee for the issuance of a permit.

(b) Grant or deny applications for the issuance of a permit.

(c) Impose conditions, limitations and restrictions upon a permit.

(d) Establish any other requirements necessary to carry out the ordinance, including, without limitation, the imposition of a penalty for a violation of the ordinance.

(e) Adopt, amend and repeal regulations relating to the ordinance.

5. For the purposes of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the main entrance of the proposed temporary cannabis event to the closest point of the property line of a school, community facility or gaming establishment.

6. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Cannabis concierge" has the meaning ascribed to it in section 4 of this act.

(c) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(d) "Community facility" has the meaning ascribed to it in NRS 678B.210.

(e) "Smoking" means inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or any other matter or substance that contains usable cannabis.

(f) "Temporary cannabis event" has the meaning ascribed to it in section 6 of this act.

(g) "Usable cannabis" has the meaning ascribed to it in NRS 678C.100.

Sec. 35.6. **Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person shall not hold a temporary cannabis event in an incorporated city in this State unless the governing body of the incorporated city has adopted an ordinance pursuant to this section providing for the permitting of such events and the person has obtained such a permit.

2. The governing body of the incorporated city may, by ordinance, provide for the issuance of a permit authorizing the holder of the permit to hold a temporary cannabis event.

3. An ordinance adopted pursuant to subsection 2 must:

(a) Require each applicant for a permit to hold a temporary cannabis event to submit an application to the governing body on a form prescribed by the governing body, which much include:

(1) The name, address, telephone number and electronic mail address of the applicant;

(2) The physical address of the location at which the proposed temporary cannabis event will be held, the location of which may not be on the property of an airport, within 1,000 feet of a public or private school that provides formal education traditionally associated with preschool or kindergarten through grade 12 and that existed on the date on which the application for the permit was submitted to the governing body, within 300 feet of a community facility that existed on the date on which the application for the permit was submitted to the governing body or, if the temporary

cannabis event will be located in a county whose population is 100,000 or more, within 1,500 feet of an establishment that holds a nonrestricted gaming license described in subsection 1 or 2 of NRS 463.0177 and that existed on the date on which the application for the permit was submitted to the governing body;

(3) The date or dates of the proposed temporary cannabis event, which must not exceed 3 consecutive days;

(4) The number of persons reasonably expected to attend the proposed temporary cannabis event, which must be not less than 750 persons, and evidence to support this expectation;

(5) A diagram of the physical layout of the proposed temporary cannabis event, which clearly sets forth each:

(I) Entrance and exit to the proposed temporary cannabis event that will be used by participants during the event;

(II) Area within the proposed temporary cannabis event designated for the sale of cannabis or cannabis products; and

(III) Area within the proposed temporary cannabis event designated for the consumption of cannabis or cannabis products;

(6) An attestation by the applicant that he or she understands and agrees to comply with the requirements described in paragraph (e); and

(7) Such other information as the governing body may require.

(b) Require:

(1) The issuance of a permit to be deemed conditional until the person issued the permit submits to the governing body evidence that a cannabis concierge has been issued a cannabis concierge sales permit by the Cannabis Compliance Board pursuant to section 14 of this act to sell cannabis and cannabis products at the event; and

(2) The surrender of a conditional permit if the person issued the permit does not satisfy the requirements of subparagraph (1) within a period of time determined by the governing body.

(c) Require each permit issued by the governing body to set forth the location and date or dates of the temporary cannabis event for which the permit is issued.

(d) Require all consumption of usable cannabis by means of smoking at a temporary cannabis event to be conducted in an enclosed structure that meets any standards for air quality or other standards established by the governing body, unless the governing body determines this requirement not to be appropriate for a particular temporary cannabis event based on the attributes of the event.

(e) Establish requirements for the operation of temporary cannabis events. Such requirements must require the person who obtained the permit to ensure that:

(1) Only persons who are 21 years of age or older are allowed to access areas within the temporary cannabis event designated for the sale or consumption of cannabis or cannabis products; and

(2) Firearms and other weapons are prohibited at the temporary cannabis event.

4. If a governing body of an incorporated city adopts an ordinance pursuant to subsection 2, the governing body may:

(a) Establish and collect a fee for the issuance of a permit.

(b) Grant or deny applications for the issuance of a permit.

(c) Impose conditions, limitations and restrictions upon a permit.

(d) Establish any other requirements necessary to carry out the ordinance, including, without limitation, the imposition of a penalty for a violation of the ordinance.

(e) Adopt, amend and repeal regulations relating to the ordinance.

5. For the purposes of subparagraph (2) of paragraph (a) of subsection 3, the distance must be measured from the main entrance of the proposed temporary cannabis event to the closest point of the property line of a school, community facility or gaming establishment.

6. As used in this section:

(a) "Cannabis" has the meaning ascribed to it in NRS 678A.085.

(b) "Cannabis concierge" has the meaning ascribed to it in section 4 of this act.

(c) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(d) "Community facility" has the meaning ascribed to it in NRS 678B.210.

(e) "Smoking" means inhaling, exhaling, burning or carrying of a lighted cigarette, cigar, pipe or any other matter or substance that contains usable cannabis.

(f) "Temporary cannabis event" has the meaning ascribed to it in section 6 of this act.

(g) "Usable cannabis" has the meaning ascribed to it in NRS 678C.100.

Sec. 36. Chapter 372A of NRS is hereby amended by adding thereto a new section to read as follows:

[**"Portable cannabis vendor"**] ***"Cannabis concierge" has the meaning ascribed to it in section 4 of this act.***

Sec. 37. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, ***and section 36 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, ***and section 36 of this act,*** have the meanings ascribed to them in those sections.

Sec. 38. NRS 372A.250 is hereby amended to read as follows:

372A.250 "Taxpayer" means a:

1. Cannabis cultivation facility;
2. Adult-use cannabis retail store; ***[**or**]***
3. Cannabis consumption lounge ***[**.**]*** ***; or***
4. ***[**Portable cannabis vendor.**]*** ***Cannabis concierge.***

Sec. 39. NRS 372A.290 is hereby amended to read as follows:

372A.290 1. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by a medical cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the medical cannabis cultivation facility.

2. An excise tax is hereby imposed on each wholesale sale in this State of cannabis by an adult-use cannabis cultivation facility to another cannabis establishment at the rate of 15 percent of the fair market value at wholesale of the cannabis. The excise tax imposed pursuant to this subsection is the obligation of the adult-use cannabis cultivation facility.

3. An excise tax is hereby imposed on each retail sale in this State of cannabis or cannabis products by an adult-use cannabis retail store ***,*** ~~**[or]**~~ cannabis consumption lounge ***or*** ~~***[portable]***~~ ***cannabis*** ~~***[vendor]***~~ ***concierge*** at the rate of 10 percent of the sales price of the cannabis or cannabis products. The excise tax imposed pursuant to this subsection:

(a) Is the obligation of the seller of the cannabis or cannabis product;

(b) Is separate from and in addition to any general state and local sales and use taxes that apply to retail sales of tangible personal property.

4. The revenues collected from the excise tax imposed pursuant to subsection 1 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678C of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

5. The revenues collected from the excise tax imposed pursuant to subsection 2 must be distributed:

(a) To the Cannabis Compliance Board and to local governments in an amount determined to be necessary by the Board to pay the costs of the Board and local governments in carrying out the provisions of chapter 678D of NRS; and

(b) If any money remains after the revenues are distributed pursuant to paragraph (a), to the State Treasurer to be deposited to the credit of the State Education Fund.

6. For the purpose of subsections 4 and 5, a total amount of $5,000,000 of the revenues collected from the excise tax imposed pursuant to subsection 1 and the excise tax imposed pursuant to subsection 2 in each fiscal year shall be deemed sufficient to pay the costs of all local governments to carry out the provisions of chapters 678C and 678D of NRS. The Board shall, by regulation, determine the manner in which local governments may be reimbursed for the costs of carrying out the provisions of chapters 678C and 678D of NRS.

7. The revenues collected from the excise tax imposed pursuant to subsection 3 must be paid over as collected to the State Treasurer to be deposited to the credit of the State Education Fund.

8. As used in this section:

(a) "Adult-use cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.025.

(b) "Cannabis product" has the meaning ascribed to it in NRS 678A.120.

(c) "Local government" has the meaning ascribed to it in NRS 360.640.

(d) "Medical cannabis cultivation facility" has the meaning ascribed to it in NRS 678A.170.

(e) "Medical cannabis establishment" has the meaning ascribed to it in NRS 678A.180.

(f) "Wholesale sale" means a sale or transfer of cannabis by a cannabis cultivation facility to another cannabis establishment. The term does not include a transfer of cannabis by a cannabis cultivation facility to another cannabis cultivation facility when both cannabis cultivation facilities share identical ownership.

Sec. 40. ~~[NRS 387.1212 is hereby amended to read as follows:~~

~~387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(q) The money identified in paragraph (b) of subsection [4] 5 of NRS 678B.390;~~

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

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

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

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

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

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

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

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

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

~~4. Money in the Fund must be paid out on claims as other claims against the State are paid.]~~ **(Deleted by amendment.)**

Sec. 41. NRS 453.316 is hereby amended to read as follows:

453.316 1. A person who opens or maintains any place for the purpose of unlawfully selling, giving away or using any controlled substance is guilty of a category C felony and shall be punished as provided in NRS 193.130.

2. If a person convicted of violating this section has previously been convicted of violating this section, or if, in the case of a first conviction of violating this section, the person has been convicted of an offense under the laws of the United States or any state, territory or district which, if committed in this State, would amount to a felony under this section, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $10,000.

3. This section does not apply to:

(a) Any rehabilitation clinic established or licensed by the Division of Public and Behavioral Health of the Department.

(b) Any cannabis consumption lounge, as defined in NRS 678A.087, whose activities are confined to those authorized in title 56 of NRS.

(c) A ~~[portable cannabis vendor, as defined in section 4 of this act, that]~~ person who holds a temporary cannabis event, as defined in section 6 of this act, for which a permit has been issued by the board of county commissioners of a county pursuant to section 35.3 of this act or the governing body of an incorporated city pursuant to section 35.6 of this act, as applicable, and whose activities are confined to those authorized ~~[in title 56 of NRS.~~

~~(c)~~ ***~~(d)]~~ by the board of county commissioners or governing body, as applicable, by ordinance.***

(d) A cannabis concierge, as defined in section 4 of this act, that sells cannabis or cannabis products at a temporary cannabis event, as defined in section 6 of this act, and whose activities are confined to those authorized in title 56 of NRS.

(e) Any person who opens or maintains any public place in which a person is authorized to consume cannabis, as defined in NRS 678A.085, or cannabis products, as defined in NRS 678A.120, pursuant to regulations adopted by the Cannabis Compliance Board pursuant to NRS 678B.645, and whose activities are confined to those authorized by such regulations.

Sec. 41.3. **1. There is hereby appropriated from the State General Fund to the Department of Taxation for payments under the cost allocation plan for services of the Attorney General and for personnel, travel, operating, equipment and information services expenses associated with implementing the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $106,333

For the Fiscal Year 2024-2025..... $118,021

2. Any balance of the sums appropriated by subsection 1 of this act 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. 41.5. **For the purposes of subsection 2 of section 22 of this act, a person who has been issued one of the first five cannabis concierge licenses pursuant to subsection 1 of section 21 of this act shall be deemed to hold a cannabis concierge license 2 years after the date on which the cannabis concierge license was issued to the person.**

Sec. 42. 1. This section becomes effective upon passage and approval.

2. **Section 41.3 of this act becomes effective on July 1, 2023.**

3. Sections 1 to 41, inclusive, **and 41.5** of this act become effective ~~[:~~

~~(a) Upon]~~ **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]~~ **on** July 1, 2024, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 323.

Bill read third time.

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

Amendment No. 895.

AN ACT relating to education; requiring the Superintendent of Public Instruction to develop a strategic plan for the recruitment of teachers and other licensed educational personnel; **revising the membership of the Commission on Professional Standards in Education;** requiring the Commission ~~[on Professional Standards in Education]~~ to adopt certain regulations concerning the licensing of teachers and other educational personnel; authorizing a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned for training purposes as a student teacher, counselor, student social worker or trainee in a library; authorizing a school district and the governing body of a charter school to provide certain professional development training; **making an appropriation to the Department of Education;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the duties of the Superintendent of Public Instruction. (NRS 385.175) **Section 1** of this bill requires the Superintendent to develop a strategic plan for the recruitment of teachers and other licensed educational personnel and establishes requirements for the contents of the strategic plan.

Existing law: (1) creates the Commission on Professional Standards in Education to prescribe qualifications for the licensure of teachers and other educational personnel; and (2) provides that the Commission consists of 11 members who are appointed by the Governor, including a person who has expertise and experience in the operation of a business. (NRS 391.011, 391.019) Section 1.5 of this bill: (1) removes the member who has expertise and experience in the operation of a business; and (2) adds three additional members, including the dean of the School of Education at Nevada State College or the dean representing the Teacher Education Program at Great Basin College, as well as two human resources professionals from school districts of different enrollment sizes. Section 1.8 of this bill makes a conforming change to refer to provisions that have been renumbered by this bill.

Existing law requires the Commission ~~[on Professional Standards in Education]~~ to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel, including regulations governing examinations for the initial licensing of teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. (NRS 391.019, 391.021) **Section 3** of this bill requires the Commission to adopt regulations that authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics prescribed by the Commission if the applicant completes a course of study approved by the Department of Education with a grade of B or better in each subject area of the competency test that the applicant previously did not pass.

Existing law requires the Commission to adopt regulations prescribing course work on parental involvement and family engagement and multicultural education. (NRS 391.019, 391.0347) **Sections 2 and 4.5** of this bill require the Commission to establish standards for professional development training which may be used to satisfy such course work requirements. **Section 6** of this bill requires a school district and the governing body of a charter school to provide professional development training on: (1) parental involvement and family engagement in accordance with the standards adopted by the Commission; and (2) multicultural education in accordance with the standards adopted by the Commission. **Section 6** requires that such training be provided at no cost to the employee. **Section 7** of this bill makes a conforming change to indicate the proper placement of **section 6** in the Nevada Revised Statutes.

Existing law requires the Commission to adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State. (NRS 391.032) **Section 4** of this bill requires the Commission to adopt regulations that require the Superintendent of Public Instruction to issue a provisional license to teach ~~[pending receipt of academic transcripts of certain applicants who are]~~ **if a person has graduated with a**

bachelor's or higher degree and is awaiting conferment of the degree and is otherwise qualified for a license.

Existing law requires the Board of Regents of the University of Nevada to establish a program of student teaching and practicum which allows students to be assigned to a school district as student teachers, counselors or trainees in a library. (NRS 396.519) Existing law authorizes school districts to enter into agreements with certain institutions of higher education for the assignment of students to schools as student teachers, counselors or trainees in a library. (NRS 391.095) **Section 5** of this bill authorizes: (1) a governing body of a charter school or university school for profoundly gifted pupils to similarly enter into agreements; and (2) a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned within the school district for training purposes as a student teacher, counselor, student social worker or trainee in a library.

Section 10.1 of this bill makes an appropriation to the Department of Education for: (1) certain costs relating to an interim study concerning the Praxis II and pedagogy examinations required by section 10.3 of this act; and (2) other personnel and legal costs 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. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

3. Organize the Department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

7. Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to NRS 385A.840.

8. ***Develop a strategic plan for the recruitment of teachers and other licensed educational personnel which includes, without limitation:***

(a) A strategy to decrease the processing times of applications for licensure pursuant to chapter 391 of NRS.

(b) A plan to provide for the translation of academic transcripts which are in a language other than English of applicants for licensure pursuant to chapter 391 of NRS. The Department shall post the process for the translation of academic transcripts on its Internet website.

9. Perform such other duties as are prescribed by law.

Sec. 1.5. **NRS 391.011 is hereby amended to read as follows:**

391.011 1. The Commission on Professional Standards in Education, consisting of ~~[eleven]~~ ***13*** members appointed by the Governor, is hereby created.

2. Five members of the Commission must be teachers who teach in the classroom as follows:

(a) One who holds a license to teach secondary education and teaches in a secondary school.

(b) One who holds a license to teach middle school or junior high school education and teaches in a middle school or junior high school.

(c) One who holds a license to teach elementary education and teaches in an elementary school.

(d) One who holds a license to teach special education and teaches special education.

(e) One who holds a license to teach pupils in a program of early childhood education and teaches in a program of early childhood education.

3. The remaining members of the Commission must include:

(a) One school counselor, psychologist, speech-language pathologist, audiologist, or social worker who is licensed pursuant to this chapter and employed by a school district or charter school.

(b) One administrator of a school who is employed by a school district or charter school to provide administrative service at an individual school. Such an administrator must not provide service at the district level.

(c) The dean of the College of Education at one of the universities in the Nevada System of Higher Education, or a representative of one of the Colleges of Education nominated by such a dean for appointment by the Governor.

(d) ***The dean of the School of Education at Nevada State College, or a representative of the dean, or a representative of the Teacher Education Program at Great Basin College.***

(e) The chief human resources officer or a representative of the department of human resources of a school district in which more than 40,000 pupils are enrolled.

(f) The chief human resources officer or a representative of the department of human resources of a school district in which 40,000 or fewer pupils are enrolled.

(g) One member who is the parent or legal guardian of a pupil enrolled in a public school.

~~[(e) One member who has expertise and experience in the operation of a business.~~

~~(f)]~~ ***(h)*** One member who is the superintendent of schools of a school district.

4. Three of the five appointments made pursuant to subsection 2 must be made from a list of names of at least three persons for each position that is submitted to the Governor by an employee organization representing the majority of teachers in the State who teach in the educational level from which the appointment is being made.

5. The appointment made pursuant to:

(a) Paragraph (a) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by an employee organization representing the majority of school counselors, psychologists, speech-language pathologists, audiologists or social workers in this State who are not administrators.

(b) Paragraph (b) of subsection 3 must be made from a list of names of at least three persons that is submitted to the Governor by the organization of administrators for schools in which the majority of administrators of schools in this State have membership.

(c) ***Paragraphs (e), (f) and (h) of subsection 3 must be made from lists of names of persons submitted to the Governor by the Nevada Association of School Superintendents or its successor organization.***

(d) Paragraph ~~[(d)]~~ ***(g)*** of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Parent Teacher Association or its successor organization.

~~[(d) Paragraph (f) of subsection 3 must be made from a list of names of persons submitted to the Governor by the Nevada Association of School Superintendents.]~~

Sec. 1.8. **NRS 391.017 is hereby amended to read as follows:**

391.017 1. The Commission may meet at least once each month.

2. A majority of the Commission constitutes a quorum for the transaction of business.

3. The members of the Commission are entitled to the travel expenses and subsistence allowances provided by law for state officers and employees generally while attending meetings of the Commission.

4. Any costs associated with employing a substitute teacher while a member of the Commission who is a teacher attends a meeting of the Commission must be:

(a) Paid by the school district or charter school that employs the member; or

(b) Reimbursed to the school district or charter school that employs the member by the organization that submitted the name of the member to the Governor for appointment pursuant to paragraph (a), (b) or ~~[(c)]~~ ***(d)*** of subsection 5 of NRS 391.011.

Sec. 2. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall ~~[work]~~ ***:***

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program

of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 3. NRS 391.021 is hereby amended to read as follows:

391.021 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. ***The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each***

subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 4. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.

3. ***The Commission shall adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach ~~[pending receipt of any academic transcripts of an applicant]~~ if:***

(a) The Superintendent determines that the applicant is otherwise qualified for the license; and

(b) The applicant:

(1) ~~[Holds a valid license or certificate to teach issued by another state for which completion of]~~ Graduated with a bachelor's or higher degree ~~[and professional education course work through a college or university accredited by a regional accrediting association is necessary;]~~ but is awaiting conferment of the degree; or

(2) Satisfies the requirements for conditional licensure through an alternative route to licensure.

4. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

Sec. 4.5. NRS 391.0347 is hereby amended to read as follows:

391.0347 1. Any licensed teacher who is initially licensed on or after July 1, 2019, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; ~~[and]~~

(c) ***That establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this section; and***

(d) As otherwise necessary to carry out the requirements of this section.

Sec. 5. NRS 391.095 is hereby amended to read as follows:

391.095 1. A school district ***or a governing body of a charter school or university school for profoundly gifted pupils*** may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the Commission pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district ***, charter school or university school for profoundly gifted pupils, as applicable,*** for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district ***or governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. ***Except as otherwise provided in the agreement entered into pursuant to subsection 1 and to the extent not inconsistent with NRS 391.096, a school district or governing body of a charter school or university school for profoundly gifted pupils, as applicable, may compensate a student assigned within the school district charter school or university school for profoundly gifted pupils for training purposes as a student teacher, counselor, student social worker or trainee in a library.***

3. As used in this section:

(a) "Accredited" has the meaning ascribed to it in NRS 394.006.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

Sec. 6. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A school district and the governing body of a charter school shall provide professional development training on:

(a) Parental involvement and family engagement that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.019 to teachers who have not yet completed the course work on parental involvement and family engagement prescribed by NRS 391.019.

(b) Multicultural education that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.0347 to teachers who have not yet completed the course work on multicultural education prescribed by NRS 391.0347.

2. Any professional development training provided pursuant to subsection 1:

(a) May be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for the professional development of teachers and administrators.

(b) Must be provided at no cost to the employee.

Sec. 7. NRS 391A.345 is hereby amended to read as follows:

391A.345 As used in NRS 391A.345 to 391A.385, inclusive, ***and section 6 of this act,*** unless the context otherwise requires, "professional development training" has the meaning ascribed to "professional development" in 20 U.S.C. § 7801(42).

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.1. **1. There is hereby appropriated from the State General Fund to the Department of Education for the costs of contracting with a qualified person to conduct the study required by section 10.3 of this act and personnel and legal expenses to carry out the provisions of this act the following sums:**

For the Fiscal Year 2023-2024..... $2,786

For the Fiscal Year 2024-2025..... $200,000

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. 10.3. The Commission on Professional Standards in Education shall:

1. Conduct a study during the 2023-2024 interim concerning the Praxis II and pedagogy examinations;

2. Present its recommendations to the **Senate and Assembly** Standing ~~[Committee]~~ **Committees** on Education during the 83rd Session of the Nevada Legislature; and

3. Adopt regulations pursuant to NRS 391.019, 391.021 and 391.023 as it deems necessary and appropriate based on its findings and recommendations as they relate to the Praxis II and pedagogy examinations.

Sec. 10.6. The Department of Education and the Nevada System of Higher Education shall jointly:

1. Develop a plan to expand awareness of and eliminate barriers for access to any scholarship programs that are intended to increase the number of persons licensed pursuant to chapter 391 of NRS; and

2. Present the plan to the Joint Interim Standing Committee on Education on or before June 30, 2024.

Sec. 10.9. **The term of the member of the Commission on Professional Standards in Education appointed to the Commission pursuant to paragraph (e) of subsection 3 of NRS 391.011, as that section exists on June 30, 2024, expires on July 1, 2024.**

2. As soon as practicable after July 1, 2024, the Governor shall appoint to the Commission on Professional Standards in Education the members described in paragraphs (d), (e) and (f) of NRS 391.011, as amended by section 1.5 of this act. In making those appointments, the Governor shall appoint members to staggered initial terms of 1, 2 and 3 years.

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

2. **Section 10.1 of this act becomes effective on July 1, 2023.**

3. Sections 1 to ~~[10.6,]~~ **10,** inclusive, **10.3, 10.6 and 10.9** of this act become effective:

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

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

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblywoman Jauregui:

Amendment No. 903.

AN ACT relating to education; requiring the Superintendent of Public Instruction to develop a strategic plan for the recruitment of teachers and other licensed educational personnel; requiring the Commission on Professional Standards in Education to adopt certain regulations concerning the licensing

of teachers and other educational personnel; authorizing a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned for training purposes as a student teacher, counselor, student social worker or trainee in a library; **eliminating the requirement that pupil growth account for 15 percent of certain teacher and administrator evaluations; revising provisions governing the review of the statewide performance evaluation system; revising provisions relating to the evaluations that certain teachers are required to receive;** authorizing a school district and the governing body of a charter school to provide certain professional development training; **repealing provisions containing certain requirements relating to learning goals for pupils and the measurement of pupil growth;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the duties of the Superintendent of Public Instruction. (NRS 385.175) **Section 1** of this bill requires the Superintendent to develop a strategic plan for the recruitment of teachers and other licensed educational personnel and establishes requirements for the contents of the strategic plan.

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel, including regulations governing examinations for the initial licensing of teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. (NRS 391.019, 391.021) **Section 3** of this bill requires the Commission to adopt regulations that authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics prescribed by the Commission if the applicant completes a course of study approved by the Department of Education with a grade of B or better in each subject area of the competency test that the applicant previously did not pass.

Existing law requires the Commission to adopt regulations prescribing course work on parental involvement and family engagement and multicultural education. (NRS 391.019, 391.0347) **Sections 2 and 4.5** of this bill require the Commission to establish standards for professional development training which may be used to satisfy such course work requirements. **Section 6** of this bill requires a school district and the governing body of a charter school to provide professional development training on: (1) parental involvement and family engagement in accordance with the standards adopted by the Commission; and (2) multicultural education in accordance with the standards adopted by the Commission. **Section 6** requires that such training be provided at no cost to the employee. **Section 7** of this bill makes a conforming change to indicate the proper placement of **section 6** in the Nevada Revised Statutes.

Existing law requires the Commission to adopt regulations which provide for the issuance of provisional licenses to teachers and other educational

personnel before completion of all courses of study or other requirements for a license in this State. (NRS 391.032) **Section 4** of this bill requires the Commission to adopt regulations that require the Superintendent of Public Instruction to issue a provisional license to teach pending receipt of academic transcripts of certain applicants who are otherwise qualified for a license.

Existing law requires the Board of Regents of the University of Nevada to establish a program of student teaching and practicum which allows students to be assigned to a school district as student teachers, counselors or trainees in a library. (NRS 396.519) Existing law authorizes school districts to enter into agreements with certain institutions of higher education for the assignment of students to schools as student teachers, counselors or trainees in a library. (NRS 391.095) **Section 5** of this bill authorizes: (1) a governing body of a charter school or university school for profoundly gifted pupils to similarly enter into agreements; and (2) a school district or governing body of a charter school or university school for profoundly gifted pupils to compensate a student who is assigned within the school district for training purposes as a student teacher, counselor, student social worker or trainee in a library.

Existing law requires that pupil growth account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils. (NRS 391.465) Section 5.3 of this bill eliminates this requirement. Sections 5.1 and 5.5 of this bill make conforming changes to eliminate references to this requirement.

Existing law: (1) requires the State Board of Education to annually review the statewide performance evaluation system to ensure accuracy and reliability; and (2) sets forth certain items which are required to be analyzed in such a review. (NRS 391.485) Section 5.7 of this bill: (1) eliminates from that analysis certain data used to evaluate pupil growth; and (2) eliminates a requirement that the Department of Education, in reviewing the manner in which the statewide performance evaluation is carried out by each school district, include a review of the manner in which learning goals for pupils are established and evaluated.

Existing law requires each postprobationary teacher to receive certain evaluations that are based upon a certain number of observation cycles of that teacher. (NRS 391.690) Section 5.9 of this bill revises the circumstances under which a postprobationary teacher is required to, and may request to, be evaluated. Section 5.9 also prohibits an administrator from: (1) directly or indirectly requiring such a teacher to participate in an observation cycle or receive an evaluation; or (2) conducting an observation cycle or evaluation of such a teacher without the consent of that teacher under certain circumstances. Section 11 of this bill makes these provisions retroactively applicable to include evaluations received for the 2021-2022 and 2022-2023 school years.

Section 13 of this bill repeals provisions requiring: (1) the development of learning goals for pupils; (2) the establishment of assessments to measure pupil growth; and (3) the evaluation of certain teachers and

administrators to determine the extent to which learning goals were achieved.

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

Section 1. NRS 385.175 is hereby amended to read as follows:

385.175 The Superintendent of Public Instruction is the educational leader for the system of K-12 public education in this State. The Superintendent of Public Instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the Department in accordance with policies prescribed by the State Board.

2. Employ personnel for the positions approved by the State Board and necessary for the efficient operation of the Department.

3. Organize the Department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. Enforce the observance of this title and all other statutes and regulations governing K-12 public education.

6. Request a plan of corrective action from the board of trustees of a school district or the governing body of a charter school if the Superintendent of Public Instruction determines that the school district or charter school, or any other entity which provides education to a pupil with a disability for a school district or charter school, has not complied with a requirement of this title or any other statute or regulation governing K-12 public education. The plan of corrective action must provide a timeline approved by the Superintendent of Public Instruction for compliance with the statute or regulation.

7. Report to the State Board on a regular basis the data on the discipline of pupils and trends in the data on the discipline of pupils collected pursuant to NRS 385A.840.

8. ***Develop a strategic plan for the recruitment of teachers and other licensed educational personnel which includes, without limitation:***

(a) A strategy to decrease the processing times of applications for licensure pursuant to chapter 391 of NRS.

(b) A plan to provide for the translation of academic transcripts which are in a language other than English of applicants for licensure pursuant to chapter 391 of NRS. The Department shall post the process for the translation of academic transcripts on its Internet website.

9. Perform such other duties as are prescribed by law.

Sec. 2. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations:

(a) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of those licenses. The regulations:

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide in-person or virtual supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure;

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must require an applicant for a license to teach middle school or junior high school education or secondary education to demonstrate proficiency in a field of specialization or area of concentration by successfully completing course work prescribed by the Department or completing a subject matter competency examination prescribed by the Department with a score deemed satisfactory.

(3) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(b) Identifying fields of specialization in teaching which require the specialized training of teachers.

(c) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(d) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(e) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting.

(f) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of sign language interpreting in a primary or secondary educational setting if they:

(1) Provide instruction or other educational services; and

(2) Concurrently engage in the practice of sign language interpreting, as defined in NRS 656A.060.

(g) Prescribing course work on parental involvement and family engagement. The Commission shall ~~[work]~~ ***:***

(1) Work in cooperation with the Office of Parental Involvement and Family Engagement created by NRS 385.630 in developing the regulations required by this paragraph.

(2) Establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this paragraph.

(h) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in cultural competency.

(i) Authorizing the Superintendent of Public Instruction to issue a license by endorsement to an applicant who holds an equivalent license or authorization issued by a governmental entity in another country if the Superintendent determines that the qualifications for the equivalent license or authorization are substantially similar to those prescribed pursuant to paragraph (a).

(j) Establishing the requirements for obtaining an endorsement on the license of a teacher, administrator or other educational personnel in teaching courses relating to financial literacy.

(k) Authorizing a person who is employed as a paraprofessional and enrolled in a program to become a teacher to complete an accelerated program of student teaching in the same or a substantially similar area in which the person is employed as a paraprofessional while remaining employed as a paraprofessional.

(l) Requiring the Department to accept a program of student teaching or other teaching experience completed in another state or foreign country by an applicant for a license if the Department determines that the program or experience substantially fulfills the standards of a program of student teaching in this State.

(m) Authorizing a person who is employed by a public school to provide support or other services relating to school psychology, if the person does not hold a license or endorsement as a school psychologist but is enrolled in a program that would allow the person to obtain such a license or endorsement, to complete a program of internship in school psychology while remaining employed in such a position.

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

3. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 3. NRS 391.021 is hereby amended to read as follows:

391.021 1. Except as otherwise provided in NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The regulations adopted by the Commission must ensure that the examinations test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach.

2. When adopting regulations pursuant to subsection 1, the Commission shall consider including any alternative means of demonstrating competency for persons with a disability or health-related need that the Commission determines are necessary and appropriate.

3. ***The regulations adopted by the Commission pursuant to subsection 1 must authorize an applicant to be exempt from any requirement to pass a competency test in basic reading, writing and mathematics if the applicant submits to the Department evidence that, after not passing a competency test in basic reading, writing and mathematics at the level of competence specified by the Commission, the applicant began and completed, with a grade of B or better, a course of study approved by the Department in each subject area of the competency test that the applicant did not pass at the level of competence specified by the Commission.***

4. Teachers and educational personnel from another state who obtain a reciprocal license pursuant to NRS 391.032 are not required to take the examinations for the initial licensing of teachers and other educational personnel described in this section or any other examination for initial licensing required by the regulations adopted by the Commission.

Sec. 4. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Adopt regulations which provide for the issuance of provisional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education. Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure which the Department determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.

2. A person who is a member of the Armed Forces of the United States, a veteran of the Armed Forces of the United States or the spouse of such a member or veteran of the Armed Forces of the United States and who has completed the equivalent of an alternative route to licensure program in another state may obtain a license as if such person has completed the alternative route to licensure program of this State.

3. ***The Commission shall adopt regulations requiring the Superintendent of Public Instruction to issue a provisional license to teach pending receipt of any academic transcripts of an applicant if:***

(a) The Superintendent determines that the applicant is otherwise qualified for the license; and

(b) The applicant:

(1) Holds a valid license or certificate to teach issued by another state for which completion of a bachelor's or higher degree and professional education course work through a college or university accredited by a regional accrediting association is necessary; or

(2) Satisfies the requirements for conditional licensure through an alternative route to licensure.

4. A person who is issued a provisional license must complete all courses of study and other requirements for a license in this State which is not provisional within 3 years after the date on which a provisional license is issued.

Sec. 4.5. NRS 391.0347 is hereby amended to read as follows:

391.0347 1. Any licensed teacher who is initially licensed on or after July 1, 2019, except for a teacher who is licensed only as a substitute teacher, must submit with his or her first application for renewal of his or her license to teach proof of the completion of a course in multicultural education. If the licensed teacher is initially issued a nonrenewable license, he or she must submit such proof with his or her first application for a renewable license to teach.

2. The Commission shall adopt regulations:

(a) That prescribe the required contents of a course in multicultural education which must be completed pursuant to this section;

(b) That prescribe the number of credits which must be earned by a licensed teacher in a course in multicultural education; ~~[and]~~

(c) ***That establish standards for professional development training which may be used to satisfy any course work requirement prescribed pursuant to this section; and***

(d) As otherwise necessary to carry out the requirements of this section.

Sec. 5. NRS 391.095 is hereby amended to read as follows:

391.095 1. A school district ***or a governing body of a charter school or university school for profoundly gifted pupils*** may enter into an agreement with a branch of the Nevada System of Higher Education or an accredited postsecondary educational institution which is licensed by the Commission on Postsecondary Education and which offers courses of study and training for the education of teachers which are approved or recognized by the Commission pursuant to NRS 391.038, for the assignment of students for training purposes as student teachers, counselors or trainees in a library, or for experience in a teaching laboratory. Students so assigned within the school district ***, charter school or university school for profoundly gifted pupils, as applicable,*** for training purposes may, under the direction and supervision of a licensed teacher, instruct and supervise pupils in the school, on the school grounds or on authorized field trips. The students so assigned are employees of the school district ***or governing body of a charter school or university school for profoundly gifted pupils, as applicable,*** for purposes of NRS 41.038 and 41.039, while performing such authorized duties, whether or not the duties are performed entirely in the presence of the licensed teacher.

2. ***Except as otherwise provided in the agreement entered into pursuant to subsection 1 and to the extent not inconsistent with NRS 391.096, a school district or governing body of a charter school or university school for profoundly gifted pupils, as applicable, may compensate a student assigned within the school district charter school or university school for profoundly gifted pupils for training purposes as a student teacher, counselor, student social worker or trainee in a library.***

3. As used in this section:

(a) "Accredited" has the meaning ascribed to it in NRS 394.006.

(b) "Postsecondary educational institution" has the meaning ascribed to it in NRS 394.099.

Sec. 5.1. **NRS 391.460 is hereby amended to read as follows:**

391.460 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers, administrators who provide primarily administrative services at the school level, administrators at the district level who provide direct supervision of the principal of a school, and who do not provide primarily direct instructional services to pupils, and other licensed educational

personnel, regardless of whether licensed as a teacher or administrator, including, without limitation, a principal and vice principal are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods**;** ~~[,~~ ~~which includes evaluations based upon pupil growth as required by NRS 391.465,]~~

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers, administrators and other licensed educational personnel throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers, administrators and other licensed educational personnel, to which paragraph (a) applies and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

(d) Develop and recommend to the State Board a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers, administrators and other licensed educational personnel; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by NRS 391.465.

Sec. 5.3. **NRS 391.465 is hereby amended to read as follows:**

391.465 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to NRS 391.460, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance. Except as otherwise provided in subsection 3, the State Board shall prescribe the tools to be used by a school district for obtaining such measures.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Developing; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a), which must include, without limitation, consideration of whether the classes for which the employee is responsible exceed the applicable recommended ratios of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890 and, if so, the degree to which the ratios affect:

(1) The ability of the employee to carry out his or her professional responsibilities; and

(2) The instructional practices of the employee.

(c) ~~[Except as otherwise provided in subsections 2 and 3 of NRS 391.695 and subsections 2 and 3 of NRS 391.715, require that pupil growth, as determined pursuant to NRS 391.480, account for 15 percent of the evaluation of a teacher or administrator who provides direct instructional services to pupils at a school in a school district.~~

~~(d)]~~ Include an evaluation of whether the teacher, or administrator who provides primarily administrative services at the school level or administrator at the district level who provides direct supervision of the principal of a school, and who does not provide primarily direct instructional services to pupils, regardless of whether the probationary administrator is licensed as a teacher or administrator, including, without limitation, a principal and vice principal or licensed educational employee, other than a teacher or administrator, employs practices and strategies to involve and engage the parents and families of pupils.

~~[(e)]~~ ***(d)*** Include a process for peer observations of teachers by qualified educational personnel which is designed to provide assistance to teachers in meeting the standards of effective teaching, and includes, without limitation, conducting observations, participating in conferences before and after observations of the teacher and providing information and resources to the teacher about strategies for effective teaching. The regulations must include the criteria for school districts to determine which educational personnel are qualified to conduct peer observations pursuant to the process.

~~[(f)]~~ ***(e)*** Require a person who evaluates a teacher who is responsible for a number of pupils that exceeds the applicable recommended ratio of pupils per licensed teacher prescribed by the State Board pursuant to NRS 388.890, who is a postprobationary employee as defined in NRS 391.650 and whose performance on that evaluation is designated as effective or highly effective to, under the statewide performance evaluation system, award the teacher an additional weight for criteria relating to:

(1) The manner in which the teacher structures a classroom environment;

(2) The manner in which the teacher provides an opportunity for extended discourse;

(3) The manner in which the teacher employs the cognitive abilities and skills of all pupils;

(4) The manner in which the teacher engages with the families of pupils; and

(5) The perception of pupils of the performance of the teacher,

➥ that is equivalent to the percentage by which the ratio of pupils for which the teacher is responsible exceeds the recommended ratio of pupils per licensed teacher. Any additional weight awarded to a teacher pursuant to this paragraph must not cause the score on a criterion to exceed the maximum score that would otherwise be possible on the criterion for a teacher rated as highly effective.

~~[(g)]~~ ***(f)*** If an employee knowingly and willfully failed to comply with the provisions of NRS 388.1351, indicate any disciplinary actions taken against the employee pursuant to NRS 388.1354.

3. A school district may apply to the State Board to use a performance evaluation system and tools that are different than the evaluation system and tools prescribed pursuant to subsection 1. The application must be in the form prescribed by the State Board and must include, without limitation, a description of the evaluation system and tools proposed to be used by the school district. The State Board may approve the use of the proposed evaluation system and tools if it determines that the proposed evaluation system and tools apply standards and indicators that are equivalent to those prescribed by the State Board.

4. An administrator at the district level who provides direct supervision of the principal of a school and who also serves as the superintendent of schools of a school district must not be evaluated using the statewide performance evaluation system.

Sec. 5.5. **NRS 391.470 is hereby amended to read as follows:**

391.470 On or before August 1 of each year, the board of trustees of each school district shall submit a report to the State Board and the Teachers and Leaders Council of Nevada created by NRS 391.455 concerning the implementation and effectiveness of the process for peer observations of teachers set forth in the regulations adopted by the State Board pursuant to paragraph ~~[(c)]~~ ***(d)*** of subsection 2 of NRS 391.465, including, without limitation, any recommendations for revisions to the process of peer observations.

Sec. 5.7. **NRS 391.485 is hereby amended to read as follows:**

391.485 1. The State Board shall annually review the statewide performance evaluation system to ensure accuracy and reliability. Such a review must include, without limitation, an analysis of the:

(a) Number and percentage of teachers, administrators and other licensed educational personnel who receive each designation identified in paragraph (a) of subsection 2 of NRS 391.465 in each school, school district, and the State as a whole; ***and***

(b) ~~[Data used to evaluate pupil growth in each school, school district and the State as a whole, including, without limitation, any observations; and~~

~~(c)]~~ Effect of the evaluations conducted pursuant to the statewide system of accountability for public schools on the academic performance of pupils enrolled in the school district in each school and school district, and the State as a whole.

2. The board of trustees of each school district shall annually review the manner in which schools in the school district carry out the evaluation of teachers, administrators and other licensed educational personnel pursuant to the statewide performance evaluation system.

3. The Department may review the manner in which the statewide performance evaluation system is carried out by each school district ***.*** ~~[,~~ ~~including, without limitation, the manner in which the learning goals for pupils are established and evaluated pursuant to NRS 391.480.]~~

Sec. 5.9. **NRS 391.690 is hereby amended to read as follows:**

391.690 1. If a postprobationary teacher receives an evaluation designating his or her overall performance as developing or ineffective, the postprobationary teacher must receive one evaluation in the immediately succeeding school year which is based in part upon three observation cycles which must occur in accordance with the observation schedule set forth in subsection 1 of NRS 391.685. If a postprobationary teacher receives evidence from the first two observation cycles during the school year indicating that, unless his or her performance improves, his or her overall performance may be rated as developing or ineffective on the evaluation, the postprobationary teacher may request that the third observation cycle be conducted by another administrator. If a postprobationary teacher requests that his or her third observation cycle be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

2. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** a postprobationary teacher receives an evaluation designating his or her overall performance as effective ~~[,]~~ ***or highly effective,*** the postprobationary teacher must receive one evaluation in the immediately succeeding school year. The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of the school year.

3. If a postprobationary teacher receives an evaluation designating his or her overall performance as ***effective or*** highly effective for 2 consecutive ~~[school years,]~~ ***evaluations,*** the postprobationary teacher ***:*** ~~[must:]~~

(a) ~~[Participate]~~ ***May request to participate*** in one observation cycle in the school year immediately following the school year in which the postprobationary teacher receives a second consecutive evaluation designating his or her performance as ***effective or*** highly effective ***.*** ~~[; and]~~ ***If a***

postprobationary teacher requests to participate in an observation cycle pursuant to this paragraph, the postprobationary teacher may receive one evaluation based in part upon the observation cycle conducted pursuant to this paragraph only upon the request of the postprobationary teacher.

(b) ~~[Receive]~~ ***Must receive*** one evaluation in the ***second*** school year immediately following the school year in which the postprobationary teacher ~~[participated in the observation cycle pursuant to paragraph (a).]~~ ***receives a second consecutive evaluation designating his or her performance as effective or highly effective.*** The evaluation must be based in part upon at least one scheduled observation cycle, which must occur within 120 days after the first day of instruction of that school year.

4. An administrator may not:

(a) Directly or indirectly threaten, intimidate, coerce, compel or otherwise require a postprobationary teacher to request or not to request to participate in an observation cycle or receive an evaluation pursuant to paragraph (a) of subsection 3; or

(b) Conduct an observation cycle or evaluation of a postprobationary teacher pursuant to paragraph (a) of subsection 3 without the consent of the postprobationary teacher.

Sec. 6. Chapter 391A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A school district and the governing body of a charter school shall provide professional development training on:

(a) Parental involvement and family engagement that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.019 to teachers who have not yet completed the course work on parental involvement and family engagement prescribed by NRS 391.019.

(b) Multicultural education that meets the standards established by the Commission on Professional Standards in Education pursuant to NRS 391.0347 to teachers who have not yet completed the course work on multicultural education prescribed by NRS 391.0347.

2. Any professional development training provided pursuant to subsection 1:

(a) May be provided by the school district or governing body or through an agreement with an institution of higher education or a regional training program for the professional development of teachers and administrators.

(b) Must be provided at no cost to the employee.

Sec. 7. NRS 391A.345 is hereby amended to read as follows:

391A.345 As used in NRS 391A.345 to 391A.385, inclusive, ***and section 6 of this act,*** unless the context otherwise requires, "professional development training" has the meaning ascribed to "professional development" in 20 U.S.C. § 7801(42).

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.3. The Commission on Professional Standards in Education shall:

1. Conduct a study during the 2023-2024 interim concerning the Praxis II and pedagogy examinations;

2. Present its recommendations to the Standing Committee on Education during the 83rd Session of the Nevada Legislature; and

3. Adopt regulations pursuant to NRS 391.019, 391.021 and 391.023 as it deems necessary and appropriate based on its findings and recommendations as they relate to the Praxis II and pedagogy examinations.

Sec. 10.6. The Department of Education and the Nevada System of Higher Education shall jointly:

1. Develop a plan to expand awareness of and eliminate barriers for access to any scholarship programs that are intended to increase the number of persons licensed pursuant to chapter 391 of NRS; and

2. Present the plan to the Joint Interim Standing Committee on Education on or before June 30, 2024.

Sec. 11. **1. The amendatory provisions of NRS 391.690, as amended by section 5.9 of this act, apply to any evaluation, observation cycle and other conduct of postprobationary teachers and administrators described in NRS 391.690, as amended by section 5.9 of this act, that occurs on or after July 1, 2021.**

2. As used in this section:

(a) "Evaluation" means an evaluation of a postprobationary teacher as described in NRS 391.690, as amended by section 5.9 of this act.

(b) "Observation cycle" means an observation cycle that a postprobationary teacher participates in or requests to participate in as described in NRS 391.690, as amended by section 5.9 of this act.

Sec. 12. **Any administrative regulations relating to learning goals or pupil growth which were adopted pursuant to NRS 391.480 by a regulatory body before July 1, 2023, and which conflict with or are inconsistent with the provisions of this act are void.**

Sec. 13. **NRS 391.480 is hereby repealed.**

~~[Sec. 11.]~~ ***Sec. 14.*** 1. This section becomes effective upon passage and approval.

2. **Sections 5.1 to 5.9, inclusive, 11, 12 and 13 of this act become effective:**

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

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

3. Sections 1 to ~~[10.6,]~~ **5,** inclusive, **and 6 to 10.6, inclusive,** of this act become effective:

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

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

TEXT OF REPEALED SECTION

391.480 Development of learning goals for pupils; Department to establish list of assessments to measure achievement of learning goals; evaluation of educational personnel based on achievement of learning goals; regulations.

1. Each teacher at a school in a school district shall, in consultation with the principal of the school at which the teacher is employed or other administrator who is assigned by the principal, develop learning goals for the pupils of the teacher for a specified period.

2. Each principal, vice principal and other administrator who provides direct instructional services to pupils at a school in a school district shall, in consultation with his or her direct supervisor, develop learning goals for the pupils at the school where the principal, vice principal or other administrator, as applicable, is employed for a specified period.

3. The Department shall establish a list of assessments that may be used by a school or school district to measure the achievement of learning goals established pursuant to this section.

4. The board of trustees of each school district shall ensure that the learning goals for pupils established pursuant to this section measure pupil growth in accordance with the criteria established by regulation of the State Board.

5. Each teacher and administrator who establishes learning goals for pupils pursuant to this section must be evaluated at the end of the specified period to determine the extent to which the learning goals of the pupils were achieved. Such an evaluation must be conducted in accordance with the criteria established by regulation of the State Board for determining the level of pupil growth for the purposes of the statewide performance evaluation system. The State Board may establish by regulation the manner in which to include certain categories of pupils in the evaluation conducted pursuant to this subsection.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 348.

Bill read third time.

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

Amendment No. 912.

AN ACT relating to education; creating the Virtual Early Childhood Family Engagement Pilot Program in the Department of Health and Human Services;

making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Early Childhood Advisory Council and requires the Council to develop recommendations for: (1) increasing the participation of children in early childhood education programs; and (2) the establishment of statewide standards for early childhood education programs. (NRS 432A.076) **Section 4** of this bill creates the Virtual Early Childhood Family Engagement Pilot Program within the Department of Health and Human Services. **Section 5** of this bill requires the Department to select a nonprofit organization that has demonstrated a record of success in virtual early childhood family engagement programs to administer the Program. **Section 6** of this bill requires the organization selected to administer the Program to: (1) create a plan to recruit parents, guardians and foster parents of children who are eligible to enter kindergarten for the next school year throughout the State to participate in the Program; (2) provide programming in reading, math and science to participating children and their parents, guardians or foster parents in their residences through computers; and (3) provide the parents, guardians and foster parents of children participating in the Program with information concerning relevant government programs. **Section 7** of this bill requires the organization selected to administer the Program to submit an annual report to the Department concerning: (1) the demographics of children who are participating in the Program; and (2) the success of the Program in preparing children for kindergarten. **Section 7** also requires the Department to submit similar reports to the Legislature. **Sections 2 and 3** of this bill define certain terms related to the Program. **Section 8.5 of this bill makes an appropriation to the Department to establish and implement the Program.**

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

Section 1. As used in sections 1 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 2 and 3 of this act have the meaning ascribed to them in those sections.

Sec. 2. "Department" means the Department of Health and Human Services.

Sec. 3. "Program" means the Virtual Early Childhood Family Engagement Pilot Program created by section 4 of this act.

Sec. 4. 1. The Virtual Early Childhood Family Engagement Pilot Program is hereby created within the Department.

2. The purposes of the Program are to:

(a) Provide training and coaching to empower parents and guardians of young children in the education of their child; and

(b) Increase the readiness of children for kindergarten in every geographic area of this State.

Sec. 5. 1. The Department shall issue a request for proposals from organizations that are recognized as exempt under section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3), to administer the Program.

2. The Department shall review the proposals submitted to the Department pursuant to subsection 1 and select to administer the Program an organization that has a record of success conducting virtual early childhood family engagement programs, as demonstrated through independent, valid and reliable evaluations.

Sec. 6. 1. The organization selected to administer the Program pursuant to section 5 of this act shall:

(a) Create a plan to recruit parents, guardians and foster parents of children described in paragraph (a) of subsection 2 who are from diverse backgrounds and all geographic areas of the State to participate in the Program;

(b) Provide the programming described in paragraph (b) of subsection 2 to such children and their parents, guardians or foster parents in their residences through a computer or similar device;

(c) Provide for the installation of a computer or Internet service if the residence of the child or parent, guardian or foster parent lacks such a device or service;

(d) Effectively engage the parents, guardians and foster parents who participate in the Program to empower them in the education of their children; and

(e) At least twice during each school year that a child participates in the Program, and upon request of the parent, guardian or foster parent of a child who is participating in the Program, provide such parents, guardians or foster parents information in electronic form or in writing concerning relevant services and resources provided by the State and relevant political subdivisions of this State, including, without limitation:

(1) Any program that provides:

(I) Rental and housing assistance; or

(II) Subsidies for child care;

(2) The Kinship Guardianship Assistance Program established and administered by the Department pursuant to NRS 432B.622;

(3) Preschools that provide in-person instruction;

(4) Registration for kindergarten;

(5) Medicaid and the Children's Health Insurance Program;

(6) Temporary Assistance for Needy Families, as defined in NRS 422A.080;

(7) Supplemental Nutrition Assistance, as defined in NRS 422A.072;

(8) Early intervention services, as defined in NRS 427A.8715; and

(9) Programs for workforce development.

2. The Program must:

(a) Serve children who will be eligible to enter kindergarten for the next school year, including, without limitation, children:

(1) Whose household has an income which is not more than 200 percent of the federally designated level signifying poverty;

(2) Who are in the foster care system; or

(3) Who reside in rural areas of this State.

(b) Utilize a developmentally appropriate, adaptive curriculum in reading, mathematics and science for the Program that:

(1) Is aligned to the *Head Start Early Learning Outcomes Framework: Ages Birth to Five* published by the Office of Head Start of the Administration for Children and Families of the United States Department of Health and Human Services and any standards of content and performance established for prekindergarten pursuant to NRS 389.520;

(2) Is aligned to the *WIDA Early Language Development Standards* prescribed by *WIDA*;

(3) Is certified as a Certified Autism Resource by the International Board of Credentialing and Continuing Education Standards; and

(4) Is endorsed by the Council of Administrators of Special Education.

(c) Ensure that the time a child is required by the Program to use a digital screen is less than the maximum amount of time recommended by the American Academy of Pediatrics for children who are 4 years of age to use a digital screen.

Sec. 7. 1. On or before July 30, 2024, and July 30, 2025, the organization selected to administer the Program pursuant to section 5 of this act shall submit a report to the Department which includes, without limitation:

(a) The number of children enrolled in the Program during the immediately preceding school year, in total and in each county of this State;

(b) The number and percentage of children described in paragraph (a) who meet each criterion identified in paragraph (a) of subsection 2 of section 6 of this act;

(c) The demographics of the children enrolled in the Program, if known, including, without limitation:

(1) Race;

(2) Ethnicity;

(3) Disability status;

(4) Household income;

(5) County of residence; and

(6) Language spoken at home;

(d) Quantitative data and, to the extent any is available, qualitative data that demonstrates the effectiveness of the Program at improving the abilities of a child in reading, writing and mathematics and the readiness of the children participating in the Program for kindergarten, including, without limitation:

(1) Data concerning the educational development of the children participating in the Program;

(2) The number of children who completed the Program and who are ready for kindergarten; and

(3) Data concerning the level of satisfaction that parents, guardians and foster parents have concerning the Program; and

(e) Any additional information determined by the Department to be necessary to evaluate the Program.

2. On or before September 30, 2024, and September 30, 2025, the Department shall compile a report of the data reported pursuant to subsection 1 and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(a) In 2024, the next regular session of the Legislature; and

(b) In 2025, the Joint Interim Standing Committee on Education and the Joint Interim Standing Committee on Health and Human Services.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. **1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services to establish and implement the Virtual Early Childhood Family Engagement Pilot Program created by section 4 of this act the following sums:**

For the Fiscal Year 2023-2024..... $1,000,000

For the Fiscal Year 2024-2025..... $1,000,000

2. Any balance of the sums appropriated by subsection 1 of this act 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. 9. This act becomes effective on July 1, 2023, and expires by limitation on September 30, 2025.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 386.

Bill read third time.

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

Amendment No. 868.

AN ACT relating to midwives; establishing the Board of Licensed Certified Professional Midwives and requiring the Board to adopt certain regulations; requiring the Division of Public and Behavioral Health of the Department of Health and Human Services to perform certain tasks relating to the regulation of licensed certified professional midwives; providing for the licensure of

licensed certified professional midwives; authorizing a licensed certified professional midwife to utilize a certified professional midwife birth assistant under certain circumstances; prescribing requirements relating to the practice of certified professional midwifery; requiring any midwife who provides services in this State to provide to clients a Community Birth Disclosure; authorizing a licensed certified professional midwife to possess, administer and order certain drugs, devices, chemicals and solutions; creating a special endorsement authorizing a licensed certified professional midwife to order, dispense and implant certain devices; creating a special endorsement authorizing a licensed certified professional midwife to possess, administer, prescribe and dispense certain drugs; exempting a licensed certified professional midwife and other providers of health care from certain liability; **prohibiting certain persons from performing midwifery;** requiring Medicaid to cover the services of a licensed certified professional midwife; authorizing a licensed certified professional midwife to serve as the director of a freestanding birthing center; specifying the midwives to which certain requirements apply; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a midwife to perform certain duties relating to reporting births and deaths and testing newborn babies for certain diseases. (NRS 440.100, 440.740, 442.008-442.110, 442.600-442.680) **Sections 2-32** of this bill provide for: (1) the licensure of licensed certified professional midwives by the Division of Public and Behavioral Health of the Department of Health and Human Services; and (2) the regulation of licensed certified professional midwives by the Division and the Board of Licensed Certified Professional Midwives created by **section 17** of this bill. **Sections 2-14, 45, 69 and 74** of this bill define certain terms related to the practice of certified professional midwifery. **Section 15** of this bill **: (1)** exempts certain providers of health care from requirements governing the licensure and regulation of licensed certified professional midwives ~~.~~ **; and (2) provides that sections 2-32 do not abridge, limit or otherwise affect the right of a person to deliver a baby in the manner and location that the person desires.** **Sections 36, 38, 39 and 42-44** of this bill similarly exempt licensed certified professional midwives and certified professional midwife student midwives from provisions governing certain other providers of health care. Licensed certified professional midwives and certified professional midwife student midwives would also be exempt from provisions governing allopathic physicians. (NRS 630.047)

Section 16 of this bill authorizes the Division to accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this bill.

Section 17 creates the Board of Licensed Certified Professional Midwives. **Sections 34, 55 and 58-62** of this bill make various changes to ensure that the Board is treated similarly to other boards that regulate health-related

professions. **Section 34** also provides that a person may obtain a license as a licensed certified professional midwife through reciprocity if the person has been in practice for at least 1 year immediately preceding the date on which the person submits an application. **Section 18** of this bill prescribes certain requirements concerning the operations and duties of the Board. **Section 19** of this bill requires the Board to adopt regulations governing the practice of certified professional midwifery, including: (1) requirements governing the issuance and renewal of a license as a licensed certified professional midwife **~~[;]~~ , including a requirement that an applicant to renew a license must have completed continuing education in cultural humility or the elimination of racism or bias;** (2) requirements governing the investigation of misconduct and discipline; (3) requirements governing the management of a client who is at a moderate or high risk of an adverse outcome; and (4) requirements governing certain other aspects of the practice of certified professional midwifery. **Section 76.5 of this bill provides that continuing education in cultural humility or the elimination of racism or bias completed by a licensed certified professional midwife satisfies a requirement that an agent or employee of certain health care facilities receive training in cultural competency.**

Section 20 of this bill prescribes the requirements for the issuance of a license as a licensed certified professional midwife. **Section 103** of this bill revises the requirements for the issuance of a license as a licensed certified professional midwife on January 1, 2026, to authorize the Division to exempt certain applicants from certain education requirements to address shortages in the number of midwives practicing in rural or underserved areas in the State or barriers for applicants from marginalized identities. **Section 21** of this bill: (1) authorizes a licensed certified professional midwife to utilize a certified professional midwife birth assistant to perform certain simple, routine medical tasks; and (2) prescribes the required training for a certified professional midwife birth assistant.

Existing federal law requires each state to adopt procedures to ensure that applicants for certain licenses and certificates comply with child support obligations. (42 U.S.C. § 666) **Sections 22 and 29** of this bill enact such procedures as applicable to an applicant for a license as a licensed certified professional midwife in order to comply with federal law. **Sections 104 and 110** of this bill remove a requirement that an application for a license as a licensed certified professional midwife include the social security number of the applicant on the date that those federal requirements are repealed, while leaving in place the other requirements of **sections 22 and 29** until 2 years after that date. **Section 33** of this bill makes a conforming change to account for applicants for licensure who do not have a social security number.

Section 23 of this bill prescribes the authorized activities of a certified professional midwife student midwife and requirements governing the supervision of a certified professional midwife student midwife by a preceptor. **Section 24** of this bill requires any midwife who provides services in this State

to provide to a client a Community Birth Disclosure that contains certain information. **Section 24** additionally requires the Board to create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State. **Section 24** further requires a licensed certified professional midwife to obtain informed written consent from each client before providing services.

Existing law authorizes only certain practitioners who are licensed in this State and registered with the State Board of Pharmacy to prescribe drugs and devices. (NRS 639.235, 639.23505) **Sections 25, 40, 41 and 78** of this bill authorize a licensed certified professional midwife to: (1) order, possess and administer certain drugs, devices, chemicals and solutions; and (2) order certain devices and vaccines for a client. **Sections 26, 40 and 78** of this bill authorize a licensed certified professional midwife to apply to the Division for a special endorsement for his or her license to: (1) order, dispense and implant contraceptive devices; or (2) possess, administer, prescribe and dispense certain dangerous drugs. **Sections 21, 23 and 79** of this bill authorize a certified professional midwife birth assistant or certified professional midwife student midwife to administer certain drugs, devices, chemicals and solutions under the direct supervision of a licensed certified professional midwife or in certain emergency situations. **Section 23** additionally authorizes a certified professional midwife student midwife to administer or implant a contraceptive device under the supervision of a preceptor who holds the appropriate special endorsement.

Section 27 of this bill imposes specific requirements concerning the management of a client who is at a moderate or high risk of an adverse outcome, and **section 19** requires the Board of Licensed Certified Professional Midwives to adopt additional regulations governing the management of such a client. ~~[Section 107 of this bill creates the Collaboration and Transfer Guidelines Workgroup to make recommendations to the Board for regulations governing the transfer of such a client to a medical facility.]~~ **Section 19.5 of this bill authorizes the Board to establish an advisory committee to advise the Board concerning the adoption of those regulations.** **Section 27** also exempts: (1) a licensed certified professional midwife from liability resulting from the informed refusal to consent of such a client to consultation, co-management with or referral to another provider of health care or transfer to a medical facility or the inability of the licensed certified professional midwife to arrange for such consultation or carry out such co-management, referral or transfer; and (2) other providers of health care from liability for the actions or omissions of a licensed certified professional midwife.

Section 28 of this bill requires a licensed certified professional midwife to report to the Division certain information concerning his or her practice upon the renewal of his or her license.

Section 30 of this bill: (1) requires the Division to maintain certain records of proceedings relating to licensing, disciplinary actions and investigations; and (2) declares certain records to be confidential and certain other records to

be public. **Section 57** of this bill makes a conforming change to clarify that such confidential records of the Division are not public records. **Section 31** of this bill prohibits a person who does not hold a license as a licensed certified professional midwife from representing that he or she is licensed to engage in the practice of certified professional midwifery. **Section 31 also prohibits a person whose license to perform midwifery in another jurisdiction of the United States has been suspended or revoked from performing midwifery or holding himself or herself out as a midwife in this State until the license in the other district, state or territory is restored.** **Section 31** authorizes a person to represent that he or she is licensed to engage in the practice of certified professional midwifery if the person is licensed in another district, state or territory of the United States and the person discloses that license to the public. **Section 31** also prohibits a certified professional midwife student midwife from: (1) engaging in midwifery in circumstances other than those authorized by this bill; or (2) representing that he or she is qualified to engage in the practice of certified professional midwifery without supervision. **Section 31 authorizes the Division to order a person to cease and desist from performing midwifery or holding himself or herself out as a midwife if: (1) his or her license as a licensed certified professional midwife has been suspended or revoked; (2) he or she is the subject of pending disciplinary action; or (3) he or she has voluntarily relinquished his or her license under certain circumstances. Section 31 additionally** authorizes the Division to, when it has reason to believe or has received complaints that a person has repeatedly violated the provisions of **section 31**, certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought. **Section 32** authorizes the Division or the Attorney General to seek an injunction against any person violating any provision of **sections 2-32**.

Existing law defines the term "provider of health care" as a person who practices any of certain professions related to the provision of health care. (NRS 629.031) Existing law imposes certain requirements upon providers of health care, including requirements for billing, standards for advertisements and criminal penalties for acquiring certain debts. (NRS 629.071, 629.076, 629.078) **Section 35** of this bill includes licensed certified professional midwives in the definition of "provider of health care," thereby subjecting licensed certified professional midwives to the same requirements. **Section 76** of this bill makes a conforming change to clarify that licensed certified professional midwives are providers of health care. **Section 37** of this bill requires a licensed certified professional midwife to report misconduct by a person licensed or certified by the State Board of Nursing to the Executive Director of the Board.

Sections 48 and 49 of this bill provide that a licensed certified professional midwife is not liable for civil damages resulting from providing emergency care or gratuitous care to an indigent person under certain circumstances. **Section 70** of this bill requires a licensed certified professional midwife who

attends a birth that occurs outside a hospital which is not also attended by a physician or advanced practice registered nurse to prepare a birth certificate. **Section 71** of this bill provides for the imposition of a fine upon a person who furnishes false information to a licensed certified professional midwife for the purpose of making incorrect certification of births or deaths.

Existing law provides that, in any civil action concerning any unwelcome or nonconsensual sexual conduct, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim. (NRS 41.138) **Section 47** of this bill provides that a licensed certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant is a person of authority for that purpose.

Sections 46, 50-54, 63, 64, 66-76 and 80-102 of this bill make revisions to treat licensed certified professional midwives similarly to other providers of health care in certain respects. **Section 65** of this bill requires Medicaid to cover the services of a licensed certified professional midwife and to provide reimbursement for such services at rates comparable to other providers of health care who provide similar services. **Section 56** of this bill makes a conforming change to indicate the proper placement of **section 65** in the Nevada Revised Statutes.

Section 77 of this bill authorizes a licensed certified professional midwife to serve as the director of a freestanding birthing center.

Existing law requires a primary care provider, including a midwife, to take certain actions to facilitate the detection of harmful mutations in the BRCA gene in patients who are adult women. (NRS 457.301) **Section 81** of this bill provides that this requirement applies to licensed certified professional midwives, but not to other midwives.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 32, inclusive, of this act.

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

Sec. 3. ***"Board" means the Board of Licensed Certified Professional Midwives created by section 17 of this act.***

Sec. 4. ***"Certified nurse-midwife" means a person who is:***

1. Certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization; and

2. Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 5. *"Certified professional midwife birth assistant" means a person who performs routine medical tasks and procedures under the direct supervision of a licensed certified professional midwife.*

Sec. 6. *"Certified professional midwife student midwife" means a person who performs midwifery under the direct supervision of a preceptor pursuant to section 23 of this act.*

Sec. 7. *"Co-manage" means a licensed certified professional midwife jointly managing the care of a client with another provider of health care.*

Sec. 8. *"Consult" means a client receiving an opinion concerning the management of a particular condition or symptom from an appropriate provider of health care at the direction of a licensed certified professional midwife.*

Sec. 9. *"Division" means the Division of Public and Behavioral Health of the Department of Health and Human Services.*

Sec. 10. *"Licensed certified professional midwife" means a person licensed as a licensed certified professional midwife pursuant to section 20 of this act.*

Sec. 11. *"Medical facility" has the meaning ascribed to it in NRS 449.0151.*

Sec. 11.5. *"Midwifery" means the provision of care to clients before conception, while pregnant and during the postpartum period and to newborn infants. The term includes, without limitation, the practice of certified professional midwifery.*

Sec. 12. *"Practice of certified professional midwifery" means the provision of autonomous care to healthy clients who are at low risk of developing complications before conception, while pregnant and during the postpartum period and to newborn infants for up to 6 weeks after childbirth. The term includes, without limitation, co-management of the care of a client with a qualified provider of health care.*

Sec. 13. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*

Sec. 14. *"Refer" means a licensed certified professional midwife arranging for another provider of health care to assume primary responsibility for managing a condition or symptom.*

Sec. 15. *1. Except as otherwise provided in this section and sections 21, 24 and 27 of this act, the provisions of this chapter do not apply to a person who holds a license, certificate or other credential issued pursuant to chapters 630 to 641D, inclusive, of NRS and is practicing within the scope of authority authorized by that license, certificate or other credential. For the purposes of this subsection, a certified nurse-midwife shall be deemed to be practicing within the scope of authority authorized by his or her license as an advanced practice registered nurse.*

2. This chapter does not prohibit:

(a) Gratuitous services of a person in an emergency; or

(b) Gratuitous care by friends or by members of the family.

3. This chapter does not abridge, limit or otherwise affect the right of any person to deliver a baby in the manner and location that the person desires.

Sec. 16. *The Division may accept gifts, grants and donations to pay the costs of performing its duties under the provisions of this chapter.*

Sec. 17. *1. The Board of Licensed Certified Professional Midwives is hereby created.*

2. The Administrator of the Division shall appoint to the Board:

(a) Four voting members who are licensed certified professional midwives currently practicing in this State;

(b) [One voting member who is an advanced practice registered nurse or physician currently practicing in the area of obstetrics in this State;

(c) One voting member who is a provider of health care, other than a provider of health care described in paragraph (a) or (b), who is currently providing neonatal or pediatric care in this State;

(d)] One voting member who is a representative of the general public and who has received care from a licensed certified professional midwife;

[(e) One nonvoting member who is a social worker licensed in this State or community organizer with experience in public health; and

(f)] and

(c) One nonvoting member to serve as a liaison with the Division.

3. The Board may adopt regulations, in consultation with the Division, to add not more than three members, in addition to the members appointed pursuant to subsection 2, to the Board.

4. Each member of the Board must be a resident of this State.

[4.] 5. The Administrator of the Division:

(a) May solicit nominations for appointment to the Board from interested persons and entities.

(b) Shall give preference when appointing the members of the Board to candidates who have experience [collaborating with licensed certified professional midwives or] providing or utilizing midwifery services outside of a hospital.

[5.] 6. The Board shall adopt regulations prescribing the terms of its members. Such terms must not exceed 4 years. The Administrator of the Division may:

(a) Reappoint a member at the expiration of his or her term; or

(b) Terminate a member before the expiration of his or her term for cause.

[6.] 7. A vacancy on the Board must be filled in the same manner as the initial appointment.

[7.] 8. Except as otherwise provided in this subsection, members of the Board serve without compensation. The State Board of Health may, by regulation, provide for compensation of the members of the Board.

Sec. 18. *1. A majority of the voting members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.*

2. The Board shall:

(a) At its first meeting and annually thereafter, elect a Chair from among its members;

(b) Meet annually at the call of the Chair; and

(c) Recommend to the Legislature any statutory changes to improve the practice of certified professional midwifery in this State.

3. To the extent that money is available, the Board may meet more frequently than required by paragraph (b) of subsection 2.

4. To the extent practicable, any advice or recommendations made by the Board concerning the practice of certified professional midwifery must be guided by current, peer-reviewed scientific research.

Sec. 19. *The Board shall adopt any regulations necessary or convenient for carrying out the provisions of this chapter.* ***In adopting regulations, the Board shall consider measures necessary to minimize the likelihood of serious harm to the clients of licensed certified professional midwives and the fetuses and newborn infants of such clients.*** *Those regulations must include, without limitation:*

1. Requirements governing the issuance and renewal of a license as a licensed certified professional midwife, including, without limitation:

(a) The period for which a license is valid, which must not exceed 2 years. ***If the Division determines that the fees collected pursuant to this chapter will not cover the costs of the Division to perform the duties prescribed by the provisions of this chapter if that period is longer than 1 year, the Division shall notify the Board of that determination. Upon receiving such notice, the Board shall adopt regulations pursuant to this paragraph to prescribe a period for which a license is valid that does not exceed 1 year.***

(b) A requirement that an applicant for the renewal of a license must have completed continuing education in cultural humility or the elimination of racism or bias. ***The regulations adopted pursuant to this paragraph must allow an applicant for the renewal of a license to satisfy that requirement by completing any continuing education in cultural humility or the elimination of racism or bias required by the North American Registry of Midwives, or its successor organization, to maintain certification by that organization.***

2. The procedure for filing a complaint with the Division concerning a licensed certified professional midwife or certified professional midwife student midwife.

3. Grounds for the Division to impose disciplinary action against a licensed certified professional midwife or certified professional midwife student midwife and the procedure by which the Division will impose such disciplinary action.

4. Requirements governing the reinstatement of a license or special endorsement that has been revoked, including, without limitation, the procedure to apply for reinstatement ~~*[.]*~~ ***and the minimum amount of time after the revocation that must pass before the person is authorized to apply for reinstatement.***

5. Requirements governing the reinstatement of the authority to perform midwifery of a person who has been ordered to cease and desist from performing midwifery and holding himself or herself out as a midwife pursuant to section 31 of this act, including, without limitation, the procedure to apply for reinstatement and the minimum amount of time after the issuance of the order that must pass before the person is authorized to apply for reinstatement.

6. Regulations governing the ordering, usage and administration of drugs, vaccines, chemicals, solutions and devices pursuant to section 25 of this act.

~~[6.]~~ 7. Regulations concerning the management by a licensed certified professional midwife of a client who may have a condition that puts the client at a moderate or high risk of an adverse outcome for the client or the fetus or newborn infant of the client. The regulations must, to the extent practicable, be guided by current, peer-reviewed scientific research and must include, without limitation:

(a) A list of conditions or symptoms associated with a risk of serious permanent harm or death to a client or the fetus or newborn infant of a client, in addition to those prescribed by section 27 of this act;

(b) A list of conditions or symptoms associated with a risk of greater than minimal harm to a client or the fetus or newborn infant of a client that do not pose a risk of serious permanent harm or death, in addition to those prescribed by section 27 of this act; and

(c) Specific requirements for each condition or symptom listed pursuant to subparagraphs (1) and (2) governing:

(1) The circumstances under which a licensed certified professional midwife must arrange for the client to consult with another provider of health care, co-manage the care of the client with another provider of health care, refer primary responsibility for the care of a client to another provider of health care or transfer the care of the client to a medical facility, procedures for such consultation, co-management, referral or transfer and requirements to ensure that a provider of health care who is consulted, with whom a client's condition or symptom is co-managed or to whom primary responsibility for the care of a client is referred is appropriately qualified; and

(2) The information that must be included on the form for providing informed refusal to consent to consultation, co-management, referral or transfer pursuant to section 27 of this act and the management of a client who provides such informed refusal to consent.

~~[7.]~~ 8. Requirements governing the screening of clients in accordance with chapter 442 of NRS and necessary measures for the prevention of communicable diseases.

~~[8.]~~ 9. Requirements concerning the records of treatment and outcomes that must be kept by a licensed certified professional midwife.

~~[9.]~~ 10. Administrative penalties that the Division may impose upon a certified professional midwife student midwife who engages in the practice of certified professional midwifery without a preceptor.

~~[10.]~~ 11. Administrative penalties that the Division may impose upon a licensed certified professional midwife who engages in activity for which a special endorsement is required by section 23 or 26 of this act without the appropriate endorsement.

~~[11.]~~ 12. Any other requirements necessary to optimize obstetrical and neonatal outcomes for clients of licensed certified professional midwives.

Sec. 19.5. 1. The Board may establish by regulation an advisory committee to advise the Board concerning the regulations adopted pursuant to subsection 7 of section 19 of this act. If such an advisory committee is established, the regulations adopted pursuant to this section must establish:

(a) The membership of the advisory committee;

(b) The terms of the members of the advisory committee; and

(c) The duties of the advisory committee.

2. Any recommendations of an advisory committee established pursuant to this section must be based on current, peer-reviewed scientific evidence and widely accepted best practices. Such recommendations may include, without limitation, recommendations concerning the transmission of information necessary for the care of a client from a licensed certified professional midwife to a provider of health care to whom the client is referred or a medical facility to which the client is transferred.

3. Members of the advisory committee serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

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

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

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

Sec. 20. *1. An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000, and ~~[a]~~ :*

(a) A complete set of his or her fingerprints and written permission authorizing the Division to forward the fingerprints to the Central

Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report ~~*[.]*~~ ***; or***

(b) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken in this State and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report.

2. The application must include, without limitation, proof that the applicant is certified as a midwife by the North American Registry of Midwives, or its successor organization, and:

(a) Has completed an educational program that is consistent with the most recent statement on licensure of Certified Professional Midwives by the United States Midwifery Education, Regulation and Association, or its successor organization; or

(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.

~~*[2.]*~~ ***3.*** *A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:*

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 19 of this act.

~~*[3.]*~~ ***4.*** *To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health* ~~*[shall]*~~ ***may*** *establish by regulation a procedure through which:*

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section or section 26 of this act. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section or section 26 of this act are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section or section 26 of this act to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

~~*[4.]*~~ ***5.*** *As used in this section, "marginalized identity" means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.*

Sec. 21. *1. A licensed certified professional midwife may utilize a certified professional midwife birth assistant to perform the tasks and procedures authorized by subsection 3. Except as otherwise provided in subsection 2, a certified professional midwife birth assistant, including, without limitation, a provider of health care serving as a certified professional midwife birth assistant, must:*

(a) Be at least 18 years of age;

(b) Have completed training in cultural humility or the elimination of racism or bias;

(c) Have completed training in the techniques of administering neonatal resuscitation provided through the Neonatal Resuscitation Program of the American Academy of Pediatrics, or any successor to that program; and

(d) Hold current certification in the techniques of administering cardiopulmonary resuscitation.

2. A certified professional midwife birth assistant who is a licensed certified professional midwife or a certified nurse-midwife is not required to possess the qualifications set forth in subsection 1.

3. Except as otherwise provided in subsection 5, a certified professional midwife birth assistant may perform routine clinical tasks and procedures only under the direct supervision of a licensed certified professional midwife who is present on the premises and able to intervene if necessary. Such tasks include, without limitation:

(a) Administering medications, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 25 of this act, intradermally, subcutaneously and intramuscularly and performing skin tests;

(b) Providing medication, including, without limitation and to the extent applicable, any medication described in subsection 2 of section 25 of this act, to a patient to self-administer orally, sublingually, topically or rectally;

(c) Administering oxygen;

(d) Assisting in the care of a newborn infant immediately after birth;

(e) Placing a device used for auscultation of fetal heart tones;

(f) Assisting a client with activities of daily living and assisting the client in moving between the bed and bathroom;

(g) Performing cardiopulmonary or neonatal resuscitation; and

(h) Checking vital signs.

4. The supervising licensed certified professional midwife is responsible for ensuring that the certified professional midwife birth assistant has been properly trained to provide the services delegated to him or her. The supervising licensed certified professional midwife shall retain any documentation of the training that the certified professional midwife birth assistant has received for at least 5 years after the supervising licensed certified professional midwife ceases to supervise the certified professional midwife birth assistant.

5. A certified professional midwife birth assistant may provide any necessary assistance in an emergency or when birth is imminent if his or her supervising licensed certified professional midwife is not present. If a certified professional midwife birth assistant provides such assistance without supervision, the certified professional midwife birth assistant must contact a provider of emergency medical services to provide further assistance.

6. A certified professional midwife birth assistant shall not assess clinical information or make clinical decisions.

Sec. 22. ***1. In addition to any other requirements set forth in this chapter:***

(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.

(b) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division of Public and Behavioral Health of the Department of Health and Human Services shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license as a licensed certified professional midwife may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 23. ***1. Except as otherwise provided in subsection 5, a certified professional midwife student midwife may engage in the practice of certified professional midwifery, including, without limitation, by using or***

administering any drug, vaccine, device, chemical or solution described in subsection 1, 2 or 3 of section 25 of this act, only under the direct supervision of a preceptor who is present on the premises and able to intervene if necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides midwifery services.

2. A certified professional midwife student midwife may administer or implant a contraceptive device or possess and administer a drug prescribed by the regulations adopted pursuant to paragraph (b) of subsection 1 of section 26 of this act only under the direct supervision of a preceptor who is a licensed certified professional midwife, holds the appropriate special endorsement issued pursuant to section 26 of this act authorizing the preceptor to engage in such activity and is present on the premises and able to intervene if necessary. The preceptor is responsible for each client to whom the certified professional midwife student midwife provides services pursuant to this subsection.

3. A preceptor must be a person engaged in the practice of certified professional midwifery who is approved by the North American Registry of Midwives, or its successor organization, to serve as a preceptor.

4. A preceptor shall:

(a) Notify each client that a certified professional midwife student midwife may be involved in the care of the client;

(b) Explain the scope of the activities that the certified professional midwife student midwife may perform under the supervision of the preceptor; and

(c) Review and evaluate all care provided by a certified professional midwife student midwife under his or her supervision and attend every clinical encounter between the certified professional midwife student midwife and a client.

5. If the preceptor of a certified professional midwife student midwife ceases to serve as his or her preceptor and the certified professional midwife student midwife has no additional preceptor, the certified professional midwife student midwife must cease engaging in the practice of certified professional midwifery.

6. A certified professional midwife student midwife may provide any necessary assistance in an emergency or when birth is imminent if his or her preceptor is not present. If a certified professional midwife student midwife needs to provide such assistance and his or her preceptor is not present, the certified professional midwife student midwife must contact a provider of emergency medical services to provide further assistance.

Sec. 24. *Upon accepting a client:*

1. Any midwife, including, without limitation, a licensed certified professional midwife and a certified nurse-midwife, shall provide the client with a Community Birth Disclosure. The Community Birth Disclosure must inform the client regarding:

(a) The type of midwife that the midwife is;

(b) The type of education and training that the midwife has received; and

(c) The care to be provided by the midwife.

➥ *The Board shall create the Community Birth Disclosure in collaboration with all types of midwives practicing in this State.*

2. A midwife must sign and date, and obtain the signature of the client with a notation of the date of that signature, the Community Birth Disclosure provided pursuant to subsection 1. The midwife shall retain a copy of the Community Birth Disclosure for 5 years.

3. In addition to complying with the requirements of subsections 1 and 2, a licensed certified professional midwife shall obtain from the client informed written consent regarding the care to be provided by the licensed certified professional midwife. Informed written consent requires that the licensed certified professional midwife provide to the client:

(a) A description of the educational background and credentials of the licensed certified professional midwife;

(b) A description of the practice of certified professional midwifery as set forth in section 12 of this act and the limitations on the practice of a licensed certified professional midwife;

(c) Instructions for obtaining a copy of the provisions of sections 2 to 32, inclusive, of this act and the regulations adopted pursuant to section 19 of this act;

(d) Instructions for filing a complaint with the Division in accordance with the regulations adopted pursuant to section 19 of this act;

(e) A description of the actions that the licensed certified professional midwife will take in an emergency, including, without limitation, the conditions under which the licensed certified professional midwife will recommend the transfer of the client to a medical facility and the procedure that the licensed certified professional midwife will follow when making such a transfer;

(f) A description of the procedures that will be used during the birth in the client's chosen setting, the risks and benefits of birth in that setting and the conditions that may arise during delivery;

(g) A disclosure of whether the licensed certified professional midwife holds liability insurance;

(h) A summary of the provisions of section 27 of this act and the regulations adopted pursuant to section 19 of this act governing consultation, co-management, referral and transfer and a description of the procedures established by the licensed certified professional midwife for consultation, co-management, referral and transfer; and

(i) Any other information required by regulation of the Board.

Sec. 25. *1. A licensed certified professional midwife may use the following devices:*

(a) Dopplers, syringes, needles, phlebotomy equipment, sutures, urinary catheters, intravenous equipment, amnihooks, airway suction devices, electronic fetal monitors, tocodynamometer monitors, equipment for

administering oxygen, glucose monitoring systems and testing strips, neonatal and adult oximetry equipment, centrifuges and equipment for conducting screenings of hearing ability;

(b) Equipment for administering nitrous oxide, including, without limitation, scavenging systems, only in a freestanding birthing center licensed pursuant to chapter 449 of NRS;

(c) Neonatal and adult resuscitation equipment, including, without limitation, airway devices; and

(d) Any other device authorized by regulation of the Board.

2. A licensed certified professional midwife may possess and administer:

(a) Oxytocin, misoprostol, methylergonovine, tranexamic acid, lidocaine, penicillin, ampicillin, cefazolin, clindamycin, epinephrine, diphenhydramine, ondansetron, phylloquinone, erythromycin ointment, terbutaline and nitrous oxide;

(b) Influenza vaccine, hepatitis B vaccine, COVID-19 vaccine and diphtheria, tetanus and pertussis vaccine;

(c) Rho (D) immune globulin and hepatitis B immune globulin; and

(d) Any other drugs or vaccines authorized by regulation of the Board.

3. A licensed certified professional midwife may possess and administer:

(a) Oxygen, lactated Ringers solution, 5 percent dextrose in lactated Ringers solution, 0.9 percent sodium chloride solution and sterile water; and

(b) Any other chemicals or solutions authorized by regulation of the Board.

4. A licensed certified professional midwife may order for a client:

(a) Breast pumps, compression stockings and belts, maternity belts, diaphragms, cervical caps, glucometers, glucose testing strips, iron supplements and prenatal vitamins; and

(b) Any vaccine described in paragraph (b) of subsection 2.

Sec. 26. *1. The Division shall, upon application by a licensed certified professional midwife who has such qualifications as the Board specifies by regulation, issue:*

(a) A special endorsement of the license authorizing the licensed certified professional midwife to order, dispense, administer and implant contraceptive devices for a client.

(b) A special endorsement of the license authorizing the licensed certified professional midwife to possess, administer, prescribe and dispense drugs prescribed by regulation of the Board, in consultation with the State Board of Pharmacy, for a client.

2. An application for the issuance or renewal of a special endorsement pursuant to this section must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $500.

3. The Board, in consultation with the State Board of Pharmacy, shall adopt regulations to carry out the provisions of this section. Those regulations must prescribe:

(a) The training and experience necessary to obtain a special endorsement, including, without limitation:

(1) The additional education and training necessary to obtain a special endorsement described in paragraph (a) or (b) of subsection 1, which must be similar to the education and training required for other providers of health care who perform the activities authorized by those endorsements;

(2) The number of completed implantations of a contraceptive device under the supervision of a preceptor necessary to obtain a special endorsement described in paragraph (a) of subsection 1; and

(3) Requirements for the completion of training required by the manufacturer of a contraceptive device or the equivalent of such training to obtain a special endorsement described in paragraph (a) of subsection 1.

(b) The period for which a special endorsement is valid, which must not exceed ~~[2 years.]~~ the length of the period for which the license of the holder of the endorsement is valid.

(c) The contraceptive devices that the holder of a special endorsement issued pursuant to paragraph (a) of subsection 1 may order, dispense, administer and implant.

(d) The drugs that the holder of a special endorsement issued pursuant to paragraph (b) of subsection 1 may possess, administer, prescribe or dispense, which must only include:

(1) Antibiotic, antiemetic, antiviral, antifungal and antipruritic medications and low-potency topical steroids for the prevention and treatment of conditions that do not constitute a significant deviation from normal pregnancy or postpartum; and

(2) Hormonal and nonhormonal contraceptives.

4. A special endorsement issued pursuant to paragraph (b) of subsection 1 does not authorize the holder to prescribe or dispense drugs for a newborn infant.

Sec. 27. *1. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care or transfer to an appropriate medical facility if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:*

(a) Complete placenta previa;

(b) Partial placenta previa after the 27th week of gestation;

(c) Infection with the human immunodeficiency virus;

(d) Cardiovascular disease;

(e) Severe mental illness that may cause the client to cause harm to themselves or others;

(f) Pre-eclampsia or eclampsia;

(g) Fetal growth restriction, oligohydramnios or moderate or severe polyhydramnios in the pregnancy;

(h) Potentially serious anatomic fetal abnormalities;

(i) Diabetes that requires insulin or other medication for management;

(j) Gestational age of greater than 43 weeks; or

(k) Any other condition or symptom:

(1) Designated by the regulations adopted pursuant to section 19 of this act; or

(2) Which, in the judgment of the licensed certified professional midwife, could threaten the life of the client or the fetus or newborn infant of the client.

2. Except as otherwise provided in subsections 4 and 5, a licensed certified professional midwife must recommend and, with the consent of the client, arrange for consultation or co-management with or referral to a qualified provider of health care if the licensed certified professional midwife determines that any of the following conditions or symptoms exist:

(a) Prior cesarean section or other surgery resulting in a uterine scar;

(b) Multifetal gestation;

(c) Noncephalic presentation after 36 weeks of gestation; or

(d) Any other condition or symptom designated by the regulations adopted pursuant to section 19 of this act.

3. A licensed certified professional midwife who recommends to a client consultation, co-management, referral or transfer shall document in the record of the client:

(a) The contents of the recommendation;

(b) The condition or symptom for which the recommendation was made;

(c) Whether the client consented to the consultation, co-management, referral or transfer; and

(d) If the client provides consent, the name, profession and specialty of the provider of health care with whom the licensed certified professional midwife consulted or co-managed or to whom the client was referred or the medical facility to which the client was transferred.

4. A client may provide informed refusal to consent to consultation, co-management, referral or transfer in writing on a form prescribed by the Board. If a client provides informed refusal to consent to:

(a) Consultation, co-management, referral or transfer after the licensed certified professional midwife has determined that a condition or symptom described in subsection 1 exists, the licensed certified professional midwife must attempt to locate a qualified provider of health care for which the client consents to consultation, co-management or referral or an appropriate medical facility for which the client consents to transfer. If the licensed certified professional midwife is unable to locate such a provider of health care who is willing to consult, co-manage or accept the referral or such a medical facility which is willing to accept the transfer, the licensed certified professional midwife is not liable for any damages resulting from the failure to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or the newborn infant of the client during labor or delivery, the licensed certified professional midwife

must call 911 and provide care until relieved by a qualified provider of health care.

(b) Consultation, co-management or referral after the licensed certified professional midwife has determined that a condition or symptom described in subsection 2 exists, the licensed certified professional midwife:

(1) May continue to serve as the primary provider of health care for the client until the client provides such consent; and

(2) Is not liable for any damages resulting from the failure to consult, co-manage or refer.

5. If, after determining that a condition or symptom described in:

(a) Subsection 1 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care or the transfer of the client to an appropriate medical facility, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral or an appropriate medical facility willing to accept the transfer, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to consult, co-manage, refer or transfer. If the condition or symptom threatens the life or health of the client or the fetus or newborn infant of the client during labor or delivery, the licensed certified professional midwife must call 911 and provide care until relieved by a qualified provider of health care.

(b) Subsection 2 exists and making a reasonable effort to arrange for consultation with, co-management of the condition or symptom with or referral of the client to a qualified provider of health care, a licensed certified professional midwife is unable to locate a qualified provider of health care who is willing to consult, co-manage or accept the referral, the licensed certified professional midwife shall be deemed to be in compliance with the requirements of this section and is not liable for any damages resulting from the inability of the licensed certified professional midwife to arrange for consultation, co-manage or refer.

6. A provider of health care who is not a licensed certified professional midwife is not liable for any damages resulting from any act or omission of a licensed certified professional midwife and is not required to adhere to any standards of care governing the practice of certified professional midwifery. Such a provider of health care is only liable for the damages resulting from his or her own acts or omissions in accordance with the standards of care governing his or her profession.

Sec. 28. ***1. With each application for the renewal of his or her license, a licensed certified professional midwife shall submit to the Division a report , in the form prescribed by the Division, that includes, for the immediately preceding licensure period:***

(a) The total number of clients who, when accepted by the licensed certified professional midwife as clients, intended to deliver their babies outside of a hospital;

(b) The number of live births attended by the licensed certified professional midwife outside of a hospital;

(c) The number of cases of fetal demise, deaths of newborns and maternal deaths attended by the licensed certified professional midwife;

(d) The number of clients transferred to a medical facility during the antepartum, intrapartum or immediate postpartum periods and the reason for and outcome of each such transfer;

(e) A brief description of any complications resulting in maternal or infant morbidity or mortality;

(f) The planned location and actual location of each delivery; and

(g) Any other information required by regulation of the Board.

2. Not later than 30 days after attending a maternal or newborn infant death, a licensed certified professional midwife shall report the death to the Division and the Board.

Sec. 29. *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the Division shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Division receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Division shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the appropriate fee required pursuant to this chapter.

Sec. 30. *1. The Division shall keep a record of its proceedings relating to licensing, disciplinary actions and investigations. Except as otherwise provided in this chapter, ~~[the record must be open to public inspection at all reasonable times.]~~ the record is a public record for the purposes of chapter 239 of NRS.*

2. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a

result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential and privileged.

3. A complaint or other document filed by the Division to initiate disciplinary action, any written opinion rendered by the Division and all documents and information considered by the Division when determining whether to impose discipline are public records.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The provisions of this section do not prohibit the Division from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 31. ***1. Except as otherwise provided in subsection 2, a person who is not licensed as a licensed certified professional midwife or a person whose license as a licensed certified professional midwife has been suspended or revoked by the Division shall not:***

(a) Use in connection with his or her name the words "licensed certified professional midwife," "licensed midwife" or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery in this State; or

(b) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "licensed certified professional midwife," "licensed midwife" or any other term that indicates or implies that he or she is licensed to engage in the practice of certified professional midwifery in this State.

2. A person who is not licensed as a licensed certified professional midwife or a person whose license as a licensed certified professional midwife has been suspended or revoked by the Division may use or list the words or headings described in paragraph (a) or (b) of subsection 1 if the person is licensed in the District of Columbia or any state or territory of the United States ~~[.]~~ ***and is not subject to an order issued pursuant to subsection 5. If the person uses or lists the words or headings pursuant to this section, the person shall disclose the district, state or territory, as applicable, in which he or she is licensed.***

3. A person who is licensed as a licensed certified professional midwife and who is also licensed to perform midwifery in any capacity in the District of Columbia or any state or territory of the United States shall disclose each additional district, state or territory, as applicable, in which he or she is currently licensed or has ever been licensed in all circumstances described in paragraphs (a) and (b) of subsection 1. If the license of such a person to

perform midwifery has been revoked or suspended in the other district, state or territory, the person shall not perform midwifery or hold himself or herself out as a midwife until his or her license in the other district, state or territory is reinstated to an active and valid status.

4. A certified professional midwife student midwife shall not:

(a) Engage in midwifery except in circumstances authorized by this chapter; or

(b) Use in connection with his or her name the words "licensed certified professional midwife," "certified professional midwife," "licensed midwife" or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of certified professional midwifery without supervision, or in any other way, orally, or in writing or print, or by sign, directly or by implication, represent himself or herself as licensed to engage in the practice of certified professional midwifery without supervision in this State.

5. The Division may order a person to cease and desist from performing midwifery and holding himself or herself out as a midwife if:

(a) The person's license as a licensed certified professional midwife has been suspended or revoked;

(b) The person has disciplinary action pending against him or her pursuant to this chapter; or

(c) The person has voluntarily relinquished his or her license while a complaint is pending against the person which alleges a violation which:

(1) Has caused serious injury, serious harm or serious impairment of public health; or

(2) Indicates that the person would be likely to cause serious injury, serious harm or serious impairment of public health if the person continues to perform midwifery.

6. A person shall not perform midwifery or hold himself or herself out as a midwife after receiving an order to cease and desist from those activities pursuant to subsection 5 unless the Division has reinstated his or her license to practice licensed certified professional midwifery or his or her authority to perform midwifery in accordance with the regulations adopted pursuant to section 19 of this act.

7. If the Division has reason to believe that a person has repeatedly violated any provision of this section or the Division has received complaints that a person has repeatedly violated any provision of this section, the Division may certify the facts to the Attorney General, or other appropriate law enforcement officer, who may, in his or her discretion, cause appropriate proceedings to be brought.

Sec. 32. ***1. The Division or the Attorney General may maintain in any court of competent jurisdiction a suit to enjoin any person from violating a provision of this chapter or any regulations adopted pursuant thereto.***

2. Such an injunction:

(a) May be issued without proof of actual damage sustained by any person as a preventive or punitive measure.

(b) Does not relieve any person or business entity from any other legal action.

Sec. 33. NRS 622.238 is hereby amended to read as follows:

622.238 1. The Legislature hereby finds and declares that:

(a) It is in the best interests of this State to make full use of the skills and talents of every resident of this State.

(b) It is the public policy of this State that each resident of this State, regardless of his or her immigration or citizenship status, is eligible to receive the benefit of applying for a license, certificate or permit pursuant to 8 U.S.C. § 1621(d).

2. Notwithstanding any other provision of this title, a regulatory body shall not deny the application of a person for the issuance of a license pursuant to this title based solely on his or her immigration or citizenship status.

3. Notwithstanding the provisions of NRS 623.225, 623A.185, 624.268, 625.387, 625A.105, 628.0345, 628B.320, 630.197, 630A.246, 631.225, 632.3446, 633.307, 634.095, 634A.115, 635.056, 636.159, 637.113, 637B.166, 638.103, 639.129, 640.095, 640A.145, 640B.340, 640C.430, 640D.120, 640E.200, 641.175, 641A.215, 641B.206, 641C.280, 641D.330, 642.0195, 643.095, 644A.485, 645.358, 645A.025, 645B.023, 645B.420, 645C.295, 645C.655, 645D.195, 645G.110, 645H.550, 648.085, 649.233, 652.075, 653.550, 654.145, 655.075 and 656.155, ***and section 22 of this act,*** an applicant for a license who does not have a social security number must provide an alternative personally identifying number, including, without limitation, his or her individual taxpayer identification number, when completing an application for a license.

4. A regulatory body shall not disclose to any person who is not employed by the regulatory body the social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, of an applicant for a license for any purpose except:

(a) Tax purposes;

(b) Licensing purposes; and

(c) Enforcement of an order for the payment of child support.

5. A social security number or alternative personally identifying number, including, without limitation, an individual taxpayer identification number, provided to a regulatory body is confidential and is not a public record for the purposes of chapter 239 of NRS.

Sec. 34. NRS 622.520 is hereby amended to read as follows:

622.520 1. A regulatory body that regulates a profession pursuant to chapters 630, 630A, 632 to 641D, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 644A or 653 of NRS in this State may enter into a reciprocal agreement with the corresponding regulatory authority of the District of Columbia or any other state or territory of the United States for the purposes of:

(a) Authorizing a qualified person licensed in the profession in that state or territory to practice concurrently in this State and one or more other states or territories of the United States; and

(b) Regulating the practice of such a person.

2. A regulatory body may enter into a reciprocal agreement pursuant to subsection 1 only if the regulatory body determines that:

(a) The corresponding regulatory authority is authorized by law to enter into such an agreement with the regulatory body; and

(b) The applicable provisions of law governing the practice of the respective profession in the state or territory on whose behalf the corresponding regulatory authority would execute the reciprocal agreement are substantially similar to the corresponding provisions of law in this State.

3. A reciprocal agreement entered into pursuant to subsection 1 must not authorize a person to practice his or her profession concurrently in this State unless the person:

(a) Has an active license to practice his or her profession in another state or territory of the United States.

(b) ~~[~~Has~~]~~ ***Except as otherwise provided in this paragraph, has*** been in practice for at least the 5 years immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1. ***If the person seeks to practice as a licensed certified professional midwife in this State pursuant to sections 2 to 32, inclusive, of this act, the person must have been in practice for at least 1 year immediately preceding the date on which the person submits an application for the issuance of a license pursuant to a reciprocal agreement entered into pursuant to subsection 1.***

(c) Has not had his or her license suspended or revoked in any state or territory of the United States.

(d) Has not been refused a license to practice in any state or territory of the United States for any reason.

(e) Is not involved in and does not have pending any disciplinary action concerning his or her license or practice in any state or territory of the United States.

(f) Pays any applicable fees for the issuance of a license that are otherwise required for a person to obtain a license in this State.

(g) Submits to the applicable regulatory body the statement required by NRS 425.520.

4. If the regulatory body enters into a reciprocal agreement pursuant to subsection 1, the regulatory body must prepare an annual report before January 31 of each year outlining the progress of the regulatory body as it relates to the reciprocal agreement and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the next session of the Legislature in odd-numbered years or to the Joint Interim Standing Committee on Health and Human Services in even-numbered years.

Sec. 35. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means:

(a) A physician licensed pursuant to chapter 630, 630A or 633 of NRS;

(b) A physician assistant;

(c) A dentist;

(d) A licensed nurse;

(e) A person who holds a license as an attendant or who is certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS;

(f) A dispensing optician;

(g) An optometrist;

(h) A speech-language pathologist;

(i) An audiologist;

(j) A practitioner of respiratory care;

(k) A licensed physical therapist;

(l) An occupational therapist;

(m) A podiatric physician;

(n) A licensed psychologist;

(o) A licensed marriage and family therapist;

(p) A licensed clinical professional counselor;

(q) A music therapist;

(r) A chiropractic physician;

(s) An athletic trainer;

(t) A perfusionist;

(u) A doctor of Oriental medicine in any form;

(v) A medical laboratory director or technician;

(w) A pharmacist;

(x) A licensed dietitian;

(y) An associate in social work, a social worker, a master social worker, an independent social worker or a clinical social worker licensed pursuant to chapter 641B of NRS;

(z) An alcohol and drug counselor or a problem gambling counselor who is certified pursuant to chapter 641C of NRS;

(aa) An alcohol and drug counselor or a clinical alcohol and drug counselor who is licensed pursuant to chapter 641C of NRS;

(bb) A behavior analyst, assistant behavior analyst or registered behavior technician; ~~[or]~~

(cc) ***A licensed certified professional midwife; or***

(dd) A medical facility as the employer of any person specified in this subsection.

2. For the purposes of NRS 629.400 to 629.490, inclusive, the term includes:

(a) A person who holds a license or certificate issued pursuant to chapter 631 of NRS; and

(b) A person who holds a current license or certificate to practice his or her respective discipline pursuant to the applicable provisions of law of another state or territory of the United States.

Sec. 36. NRS 630A.090 is hereby amended to read as follows:

630A.090 1. This chapter does not apply to:

(a) The practice of dentistry, chiropractic, Oriental medicine, podiatry, optometry, perfusion, respiratory care, faith or Christian Science healing, nursing, ***certified professional midwifery,*** veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Licensed or certified nurses in the discharge of their duties as nurses.

(d) Homeopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to any physician licensed in this State, and who are legally qualified to practice in the state or country where they reside.

2. This chapter does not repeal or affect any statute of Nevada regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in case of emergency.

(b) The domestic administration of family remedies.

4. This chapter does not authorize a homeopathic physician to practice medicine, including allopathic medicine, except as otherwise provided in NRS 630A.040.

Sec. 37. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, ***licensed certified professional midwife,*** chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, medication aide - certified, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug counselor, peer recovery support specialist, peer recovery support specialist supervisor, music therapist, holder of a license or limited license issued pursuant to chapter 653 of NRS, driver of an ambulance, paramedic or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

(l) Any person who operates or is employed by a community health worker pool or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant or medication aide - certified has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section:

(a) "Agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

(b) "Community health worker pool" has the meaning ascribed to it in NRS 449.0028.

(c) "Peer recovery support specialist" has the meaning ascribed to it in NRS 433.627.

(d) "Peer recovery support specialist supervisor" has the meaning ascribed to it in NRS 433.629.

Sec. 38. NRS 633.171 is hereby amended to read as follows:

633.171 1. This chapter does not apply to:

(a) The practice of medicine or perfusion pursuant to chapter 630 of NRS, dentistry, chiropractic, podiatry, optometry, respiratory care, faith or Christian

Science healing, nursing, ***certified professional midwifery,*** veterinary medicine or fitting hearing aids.

(b) A medical officer of the Armed Forces or a medical officer of any division or department of the United States in the discharge of his or her official duties, including, without limitation, providing medical care in a hospital in accordance with an agreement entered into pursuant to NRS 449.2455.

(c) Osteopathic physicians who are called into this State, other than on a regular basis, for consultation or assistance to a physician licensed in this State, and who are legally qualified to practice in the state where they reside.

(d) Osteopathic physicians who are temporarily exempt from licensure pursuant to NRS 633.420 and are practicing osteopathic medicine within the scope of the exemption.

(e) The performance of medical services by a student enrolled in an educational program for a physician assistant which is accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or its successor organization, as part of such a program.

(f) A physician assistant of any division or department of the United States in the discharge of his or her official duties unless licensure by a state is required by the division or department of the United States.

2. This chapter does not repeal or affect any law of this State regulating or affecting any other healing art.

3. This chapter does not prohibit:

(a) Gratuitous services of a person in cases of emergency.

(b) The domestic administration of family remedies.

Sec. 39. NRS 637B.080 is hereby amended to read as follows:

637B.080 The provisions of this chapter do not apply to any person who:

1. Holds a current credential issued by the Department of Education pursuant to chapter 391 of NRS and any regulations adopted pursuant thereto and engages in the practice of audiology or speech-language pathology within the scope of that credential;

2. Is employed by the Federal Government and engages in the practice of audiology or speech-language pathology within the scope of that employment;

3. Is a student enrolled in a program or school approved by the Board, is pursuing a degree in audiology or speech-language pathology and is clearly designated to the public as a student; or

4. Holds a current license issued pursuant to chapters 630 to 637, inclusive, 640 to 641D, inclusive, or 653 of NRS ~~[,]~~ ***or sections 2 to 32, inclusive, of this act,***

➥ and who does not engage in the private practice of audiology or speech-language pathology in this State.

Sec. 40. NRS 639.0125 is hereby amended to read as follows:

639.0125 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a license to practice his or her profession in this State;

2. A hospital, pharmacy or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer drugs in the course of professional practice or research in this State;

3. An advanced practice registered nurse who has been authorized to prescribe controlled substances, poisons, dangerous drugs and devices;

4. A physician assistant who:

(a) Holds a license issued by the Board of Medical Examiners; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of a physician as required by chapter 630 of NRS;

5. A physician assistant who:

(a) Holds a license issued by the State Board of Osteopathic Medicine; and

(b) Is authorized by the Board to possess, administer, prescribe or dispense controlled substances, poisons, dangerous drugs or devices under the supervision of an osteopathic physician as required by chapter 633 of NRS; ~~[or]~~

6. An optometrist who is certified by the Nevada State Board of Optometry to prescribe and administer pharmaceutical agents pursuant to NRS 636.288, when the optometrist prescribes or administers pharmaceutical agents within the scope of his or her certification ~~[.]~~ ***; or***

7. A licensed certified professional midwife, for the purpose of:

(a) Ordering any device or drug described in subsection 1 or 2 of section 25 of this act for use in his or her practice in accordance with the provisions of that section and any regulations adopted pursuant to section 19 of this act;

(b) Ordering any device or vaccine described in subsection 4 of section 25 of this act for a client;

(c) If the licensed certified professional midwife holds a special endorsement pursuant to paragraph (a) of subsection 1 of section 26 of this act, ordering and dispensing any medical device for contraception authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act; and

(d) If the licensed certified professional midwife holds a special endorsement pursuant to paragraph (b) of subsection 1 of section 26 of this act, prescribing and dispensing any drug authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act.

Sec. 41. NRS 639.23505 is hereby amended to read as follows:

639.23505 ~~[A]~~

1. Except as otherwise provided in subsection 2, a practitioner shall not dispense for human consumption any controlled substance or dangerous drug if the practitioner charges a patient for that substance or drug, either separately or together with charges for other professional services:

~~[1.]~~ ***(a)*** Unless the practitioner first applies for and obtains a certificate from the Board and pays the required fee; and

~~[2.]~~ ***(b)*** Issues a written prescription.

2. A licensed certified professional midwife may administer drugs and devices ordered pursuant to section 25 of this act in accordance with the provisions of that section and any regulations adopted pursuant to section 19 of this act without obtaining a certificate from the Board.

Sec. 42. NRS 640A.070 is hereby amended to read as follows:

640A.070 This chapter does not apply to a person:

1. Holding a current license or certificate issued pursuant to chapter 391, 630 to 637B, inclusive, 640, 640B to 641B, inclusive, or 641D of NRS, ***or sections 2 to 32, inclusive, of this act*** who practices within the scope of that license or certificate.

2. Employed by the Federal Government who practices occupational therapy within the scope of that employment.

3. Enrolled in an educational program approved by the Board which is designed to lead to a certificate or degree in occupational therapy, if the person is designated by a title which clearly indicates that he or she is a student.

4. Obtaining the supervised fieldwork experience necessary to satisfy the requirements of subsection 3 of NRS 640A.120.

Sec. 43. NRS 640B.145 is hereby amended to read as follows:

640B.145 The provisions of this chapter do not apply to:

1. A person who is licensed pursuant to chapters 630 to 637, inclusive, or chapter 640, 640A or 641D of NRS, ***or sections 2 to 32, inclusive, of this act*** when acting within the scope of that license.

2. A person who is employed by the Federal Government and engages in the practice of athletic training within the scope of that employment.

3. A person who is temporarily exempt from licensure pursuant to NRS 640B.335 and is practicing athletic training within the scope of the exemption.

Sec. 44. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS ***or sections 2 to 32, inclusive, of this act*** if the massage therapy, reflexology or structural integration is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an advanced esthetician, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an advanced esthetician, esthetician, esthetician's apprentice, hair designer, hair designer's apprentice, hair braider, shampoo technologist, cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person licensed or registered as a nail technologist or nail technologist's apprentice pursuant to chapter 644A of NRS if the person is massaging, cleansing or stimulating the hands, forearms, feet or lower legs within the permissible scope of practice for a nail technologist or nail technologist's apprentice.

(e) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy, reflexology or structural integration on athletes.

(f) Students enrolled in a school of massage therapy, reflexology or structural integration recognized by the Board.

(g) A person who practices massage therapy, reflexology or structural integration solely on members of his or her immediate family.

(h) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3 and NRS 640C.330, the provisions of this chapter preempt the licensure and regulation of a massage therapist, reflexologist or structural integration practitioner by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist, reflexologist or structural integration practitioner or applicant for a license to practice massage therapy, reflexology or structural integration.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist, reflexologist or structural integration practitioner to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 45. The preliminary chapter of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise expressly provided in a particular statute or required by the context, "licensed certified professional midwife" means a person licensed as a licensed certified professional midwife pursuant to section 20 of this act.

Sec. 46. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first $50,000 recovered;

(b) Thirty-three and one-third percent of the next $50,000 recovered;

(c) Twenty-five percent of the next $500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds $600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 47. NRS 41.138 is hereby amended to read as follows:

41.138 1. In any civil action concerning any unwelcome or nonconsensual sexual conduct, including, without limitation, sexual harassment, there is a rebuttable presumption that the sexual conduct was unwelcome or nonconsensual if the alleged perpetrator was a person in a position of authority over the alleged victim.

2. As used in this section:

(a) "Person in a position of authority" means a parent, relative, household member, employer, supervisor, youth leader, scout leader, coach, mentor in a mentoring program, teacher, professor, counselor, school administrator, religious leader, doctor, nurse, ***licensed certified professional midwife, certified professional midwife student midwife, certified professional midwife birth assistant,*** psychologist, other health care provider, guardian ad litem, guardian, babysitter, police officer or other law enforcement officer or any other person who, by reason of his or her position, is able to exercise significant or undue influence over the victim.

(b) "Sexual harassment" has the meaning ascribed to it in NRS 176A.280.

Sec. 48. NRS 41.505 is hereby amended to read as follows:

41.505 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** and any person who holds an equivalent license issued by another state, who renders emergency care or assistance, including, without limitation, emergency obstetrical care or assistance, in an emergency, gratuitously and in good faith, is not liable for any civil damages as a result of any act or omission, not amounting to gross

negligence, by that person in rendering the emergency care or assistance or as a result of any failure to act, not amounting to gross negligence, to provide or arrange for further medical treatment for the injured or ill person. This section does not excuse a physician, physician assistant, ~~[or]~~ nurse ***or licensed certified professional midwife*** from liability for damages resulting from that person's acts or omissions which occur in a licensed medical facility relative to any person with whom there is a preexisting relationship as a patient.

2. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** and any person who holds an equivalent license issued by another state who:

(a) Is retired or otherwise does not practice on a full-time basis; and

(b) Gratuitously and in good faith, renders medical care within the scope of that person's license to an indigent person,

➥ is not liable for any civil damages as a result of any act or omission by that person, not amounting to gross negligence or reckless, willful or wanton conduct, in rendering that care.

3. Any person licensed to practice medicine under the provisions of chapter 630 or 633 of NRS or licensed to practice dentistry under the provisions of chapter 631 of NRS who renders care or assistance to a patient for a governmental entity or a nonprofit organization is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if the care or assistance is rendered gratuitously, in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct.

4. As used in this section, "gratuitously" has the meaning ascribed to it in NRS 41.500.

Sec. 49. NRS 41.506 is hereby amended to read as follows:

41.506 1. Any person licensed under the provisions of chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** and any person who holds an equivalent license issued by another state who renders emergency obstetrical care or assistance to a pregnant woman during labor or the delivery of the child is not liable for any civil damages as a result of any act or omission by that person in rendering that care or assistance if:

(a) The care or assistance is rendered in good faith and in a manner not amounting to gross negligence or reckless, willful or wanton conduct;

(b) The person has not previously provided prenatal or obstetrical care to the woman; and

(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.

2. A licensed medical facility in which such care or assistance is rendered is not liable for any civil damages as a result of any act or omission by the person in rendering that care or assistance if that person is not liable for any civil damages pursuant to subsection 1 and the actions of the medical facility relating to the rendering of that care or assistance do not amount to gross negligence or reckless, willful or wanton conduct.

Sec. 50. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed pursuant to chapter 630 or 633 of NRS, physician assistant, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital, clinic, surgery center, physicians' professional corporation or group practice that employs any such person and its employees.

Sec. 51. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

(a) Recover any amount against the plaintiff; or

(b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds $50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or

recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, medical laboratory director or technician, licensed dietitian or a licensed hospital and its employees.

Sec. 52. NRS 52.320 is hereby amended to read as follows:

52.320 As used in NRS 52.320 to 52.375, inclusive, unless the context otherwise requires:

1. "Custodian of medical records" means a chiropractic physician, physician, registered physical therapist, ~~[or]~~ licensed nurse ***or licensed certified professional midwife*** who prepares and maintains medical records, or any employee or agent of such a person or a facility for convalescent care, medical laboratory or hospital who has care, custody and control of medical records for such a person or institution.

2. "Medical records" includes bills, ledgers, statements and other accounts which show the cost of medical services or care provided to a patient.

Sec. 53. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office; or

(3) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person or vulnerable person has been abused, neglected, exploited, isolated or abandoned.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractic physician, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, ***licensed certified professional midwife,*** perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug counselor, alcohol and drug counselor, music therapist, athletic trainer, driver of an ambulance, paramedic, licensed

dietitian, holder of a license or a limited license issued under the provisions of chapter 653 of NRS, behavior analyst, assistant behavior analyst, registered behavior technician, peer recovery support specialist, as defined in NRS 433.627, peer recovery support specialist supervisor, as defined in NRS 433.629, or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person or vulnerable person who appears to have been abused, neglected, exploited, isolated or abandoned.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 449.4304.

(g) Any employee of the Department of Health and Human Services, except the State Long-Term Care Ombudsman appointed pursuant to NRS 427A.125 and any of his or her advocates or volunteers where prohibited from making such a report pursuant to 45 C.F.R. § 1321.11.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons or vulnerable persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation, isolation or abandonment of an older person or vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

(m) Every person who operates or is employed by a community health worker pool, as defined in NRS 449.0028, or with whom a community health worker pool contracts to provide the services of a community health worker, as defined in NRS 449.0027.

(n) Every person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person or vulnerable person has died as a result of abuse, neglect, isolation or abandonment, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person or vulnerable person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons or Vulnerable Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person or vulnerable person is abused, neglected, exploited, isolated or abandoned, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person or vulnerable person if the older person or vulnerable person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons or Vulnerable Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 54. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation, isolation or abandonment of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited, isolated or abandoned;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment;

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited, isolated or abandoned, if that person is not legally incapacitated;

(k) An attorney appointed by a court to represent a protected person in a guardianship proceeding pursuant to NRS 159.0485, if:

(1) The protected person is an older person or vulnerable person;

(2) The identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation, isolation or abandonment of the older person or vulnerable person to the public agency is protected; and

(3) The attorney of the protected person is not the person suspected of such abuse, neglect, exploitation, isolation or abandonment; or

(l) The State Guardianship Compliance Office created by NRS 159.341.

4. If the person who is reported to have abused, neglected, exploited, isolated or abandoned an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, 641D, 653 or 654 of NRS ~~[,]~~ ***or sections 2 to 32, inclusive, of this act,*** the information contained in the report must be submitted to the board that issued the license.

5. If data or information concerning the reports and investigations of the abuse, neglect, exploitation, isolation or abandonment of an older person or a vulnerable person is made available pursuant to paragraph (b) or (j) of subsection 3 or subsection 4, the name and any other identifying information of the person who made the report must be redacted before the data or information is made available.

Sec. 55. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS shall:

(a) If the revenue of the board from all sources is less than $200,000 for any fiscal year and, if the board is a regulatory body pursuant to NRS 622.060, the board has submitted to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is $200,000 or more for any fiscal year, or if the board is a regulatory body pursuant to NRS 622.060 and has failed to submit to the Director of the Legislative Counsel Bureau for each quarter of that fiscal year the information required by NRS 622.100, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Office of Finance on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in

accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 56. 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 65 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. 57. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630,

178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283,

633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183, 639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, ***and section 30 of this act,*** sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

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

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 58. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 652, 654 and 656 of NRS; or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 445C, 590, 623 to 625A, inclusive, 628, 630 to 644A, inclusive, 648, 652, 654 and 656 of NRS which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

5. Except as otherwise provided in NRS 284.4086, to the extent that they are inconsistent or otherwise in conflict, the provisions of this chapter do not apply to any terms and conditions of employment that are properly within the scope of and subject to the provisions of a collective bargaining agreement or a supplemental bargaining agreement that is enforceable pursuant to the provisions of NRS 288.400 to 288.630, inclusive.

Sec. 59. NRS 353.005 is hereby amended to read as follows:

353.005 Except as otherwise provided in NRS 353.007, the provisions of this chapter do not apply to boards created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS and the officers and employees of those boards.

Sec. 60. NRS 353A.020 is hereby amended to read as follows:

353A.020 1. The Director, in consultation with the Committee and Legislative Auditor, shall adopt a uniform system of internal accounting and administrative control for agencies. The elements of the system must include, without limitation:

(a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;

(b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;

(c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;

(d) A system of practices to be followed in the performance of the duties and functions of each agency; and

(e) An effective system of internal review.

2. The Director, in consultation with the Committee and Legislative Auditor, may modify the system whenever the Director considers it necessary.

3. Each agency shall develop written procedures to carry out the system of internal accounting and administrative control adopted pursuant to this section.

4. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

Sec. 61. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

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

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 62. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Administrator shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644A, inclusive, ***and sections 2 to 32, inclusive, of this act,*** 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing must:

(a) State the agencies which will be audited, the proposed scope and assignment of those audits and the related resources which will be used for those audits; and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit reports of his or her findings.

6. Review each agency that is audited pursuant to subsection 5 and advise those agencies concerning internal accounting, administrative controls and financial management.

7. Submit to each agency that is audited pursuant to subsection 5 analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

8. Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit.

9. Adopt the standards of The Institute of Internal Auditors for conducting and reporting on internal audits.

10. Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5.

Sec. 63. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "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.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 64. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "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.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician or physician assistant licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech-language pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractic physician, licensed dietitian or doctor of Oriental medicine in any form.

Sec. 65. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. To the extent authorized by federal law, the Director shall include in the State Plan for Medicaid a requirement that, except as otherwise provided in subsection 2, the State shall pay the nonfederal share of expenditures incurred for services rendered by a licensed certified professional midwife. Such services must be reimbursed at a rate comparable to similar services provided by other providers of health care, including, without limitation, physicians, physician assistants and advanced practice registered nurses, regardless of the location at which the services are provided.

2. The Department or a managed care organization, including, without limitation, a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid may charge a copayment or coinsurance or apply a deductible for the services described in subsection 1. The amount of such a copayment, coinsurance or deductible must not exceed the amount of the copayment, coinsurance or deductible charged for the same services provided by another provider of health care.

3. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 66. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to

believe that the newborn infant has been affected by a fetal alcohol spectrum disorder or prenatal substance use disorder or has withdrawal symptoms resulting from prenatal substance exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A person providing services licensed or certified in this State pursuant to, without limitation, chapter 450B, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C, 641D or 653 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

(b) Any personnel of a medical facility licensed pursuant to chapter 449 of NRS who are engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of such a medical facility upon notification of suspected abuse or neglect of a child by a member of the staff of the medical facility.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A person employed by a public school or private school and any person who serves as a volunteer at such a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed pursuant to chapter 424 of NRS to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) Except as otherwise provided in NRS 432B.225, an attorney.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for a youth shelter. As used in this paragraph, "youth shelter" has the meaning ascribed to it in NRS 244.427.

(l) Any adult person who is employed by an entity that provides organized activities for children, including, without limitation, a person who is employed by a school district or public school.

(m) Any person who is enrolled with the Division of Health Care Financing and Policy of the Department of Health and Human Services to provide doula services to recipients of Medicaid pursuant to NRS 422.27177.

(n) A peer recovery support specialist, as defined in NRS 433.627, or peer recovery support specialist supervisor, as defined in NRS 433.629.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

7. The agency, board, bureau, commission, department, division or political subdivision of the State responsible for the licensure, certification or endorsement of a person who is described in subsection 4 and who is required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State shall, at the time of initial licensure, certification or endorsement:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is licensed, certified or endorsed in this State.

8. The employer of a person who is described in subsection 4 and who is not required in his or her professional or occupational capacity to be licensed, certified or endorsed in this State must, upon initial employment of the person:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person is employed by the employer.

9. Before a person may serve as a volunteer at a public school or private school, the school must:

(a) Inform the person, in writing or by electronic communication, of his or her duty as a mandatory reporter pursuant to this section and NRS 392.303;

(b) Obtain a written acknowledgment or electronic record from the person that he or she has been informed of his or her duty pursuant to this section and NRS 392.303; and

(c) Maintain a copy of the written acknowledgment or electronic record for as long as the person serves as a volunteer at the school.

10. As used in this section:

(a) "Private school" has the meaning ascribed to it in NRS 394.103.

(b) "Public school" has the meaning ascribed to it in NRS 385.007.

Sec. 67. NRS 439A.0195 is hereby amended to read as follows:

439A.0195 "Practitioner" means a physician licensed under chapter 630, 630A or 633 of NRS, dentist, licensed nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractic physician, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or other person whose principal occupation is the provision of services for health.

Sec. 68. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640D, 641, 641A, 641B, 641C, 641D, 652, 653 or 654 of NRS ~~.~~ ***and sections 2 to 32, inclusive, of this act.***

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 69. Chapter 440 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, "midwife" means any type of midwife, including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any person who engages in the practice of certified professional midwifery.

Sec. 70. NRS 440.280 is hereby amended to read as follows:

440.280 1. If a birth occurs in a hospital or the person giving birth and child are immediately transported to a hospital, the person in charge of the hospital or his or her designated representative shall obtain the necessary information, prepare a birth certificate, secure the signatures required by the certificate and file it within 10 days with the health officer of the registration district where the birth occurred. The physician in attendance shall provide the medical information required by the certificate and certify to the fact of birth within 72 hours after the birth. If the physician does not certify to the fact of birth within the required 72 hours, the person in charge of the hospital or the designated representative shall complete and sign the certification.

2. If a birth occurs outside a hospital and the person giving birth and child are not immediately transported to a hospital, the birth certificate must be prepared and filed by one of the following persons in the following order of priority:

(a) The physician ***or advanced practice registered nurse*** in attendance at or immediately after the birth.

(b) ***The licensed certified professional midwife in attendance at or immediately after the birth.***

(c) Any other person in attendance at or immediately after the birth.

~~[(c)]~~ ***(d)*** The person giving birth or other parent or, if the other parent is absent and the person giving birth is incapacitated, the person in charge of the premises where the birth occurred.

3. If a birth occurs in a moving conveyance, the place of birth is the place where the child is removed from the conveyance.

4. In cities, the certificate of birth must be filed sooner than 10 days after the birth if so required by municipal ordinance or regulation.

5. If the person giving birth was:

(a) Married at the time of birth, the name of the spouse of that person must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse of the person giving birth is the other parent of the child; or

(2) The person giving birth and a person other than the spouse of the person giving birth have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

(b) Widowed at the time of birth but married at the time of conception, the name of the spouse of the person giving birth at the time of conception must be entered on the certificate as the other parent of the child unless:

(1) A court has issued an order establishing that a person other than the spouse of the person giving birth at the time of conception is the other parent of the child; or

(2) The person giving birth and a person other than the spouse of the person giving birth at the time of conception have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285.

6. If the person giving birth was unmarried at the time of birth, the name of the other parent may be entered on the original certificate of birth only if:

(a) The provisions of paragraph (b) of subsection 5 are applicable;

(b) A court has issued an order establishing that the person is the other parent of the child; or

(c) The parents of the child have signed a declaration for the voluntary acknowledgment of paternity developed by the Board pursuant to NRS 440.283 or a declaration for the voluntary acknowledgment of parentage developed by the Board pursuant to NRS 440.285. If both parents execute a declaration consenting to the use of the surname of one parent as the surname of the child, the name of that parent must be entered on the original certificate of birth and the surname of that parent must be entered thereon as the surname of the child.

7. An order entered or a declaration executed pursuant to subsection 6 must be submitted to the local health officer, the local health officer's authorized representative, or the attending physician or midwife before a proper certificate of birth is forwarded to the State Registrar. The order or declaration must then be delivered to the State Registrar for filing. The State Registrar's file of orders and declarations must be sealed and the contents of the file may be examined only upon order of a court of competent jurisdiction or at the request of either parent or the Division of Welfare and Supportive Services of the Department of Health and Human Services as necessary to carry out the provisions of 42 U.S.C. § 654a. The local health officer shall complete the original certificate of birth in accordance with subsection 6 and other provisions of this chapter.

8. As used in this section, "court" has the meaning ascribed to it in NRS 125B.004.

Sec. 71. NRS 440.770 is hereby amended to read as follows:

440.770 Any person who furnishes false information to a physician, advanced practice registered nurse, ***licensed certified professional midwife,*** funeral director, midwife or informant for the purpose of making incorrect certification of births or deaths shall be punished by a fine of not more than $250.

Sec. 72. NRS 441A.110 is hereby amended to read as follows:

441A.110 "Provider of health care" means a physician, nurse, ***licensed certified professional midwife*** or veterinarian licensed in accordance with state law, a physician assistant licensed pursuant to chapter 630 or 633 of NRS or a pharmacist registered pursuant to chapter 639 of NRS.

Sec. 73. NRS 441A.315 is hereby amended to read as follows:

441A.315 1. Except as otherwise provided in subsection 3, a physician, physician assistant, advanced practice registered nurse or midwife who provides or supervises the provision of emergency medical services in a hospital or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Consult with the patient to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, conduct any test which is medically indicated for the patient or assist the patient with obtaining any such test, to the extent practicable for the physician, physician assistant, advanced practice registered nurse or midwife.

2. Except as otherwise provided in subsection 3, a hospital that provides emergency medical services or primary care to a patient who is 15 years of age or older shall, in accordance with the regulations adopted pursuant to subsection 4:

(a) Ensure that the patient is consulted to ascertain whether he or she wishes to be tested for sexually transmitted diseases, including, without limitation, the human immunodeficiency virus, and to determine which tests, if any, are medically indicated for the patient; and

(b) If the patient wishes to be tested, ensure that any test which is medically indicated for the patient is conducted or that the patient is assisted with obtaining any such test, to the extent practicable for the hospital.

3. A physician, physician assistant, advanced practice registered nurse, midwife or hospital is not required to comply with the requirements of subsection 1 or 2 if the physician, physician assistant, advanced practice registered nurse or midwife or a provider of health care who provides emergency medical services or primary care to the patient at the hospital, as applicable, reasonably believes that the patient:

(a) Is being treated for a life-threatening emergency;

(b) Has recently been offered or has been the subject of a test for the human immunodeficiency virus or other sexually transmitted diseases; or

(c) Lacks capacity to consent to such testing.

4. The Board shall adopt regulations to ensure that:

(a) Any test which is administered to a patient or for which a patient is assisted in obtaining pursuant to this section is medically indicated for that patient; and

(b) Communications concerning testing pursuant to this section are made in a culturally competent manner and, to the extent practicable, in a language that is easily understood by the patient.

5. A physician, physician assistant, advanced practice registered nurse, midwife or hospital that fails to comply with the provisions of this section:

(a) Is not subject to a criminal penalty or an administrative fine pursuant to this chapter; and

(b) Is subject to disciplinary action, where applicable.

6. As used in this section:

(a) ***"Midwife" has the meaning ascribed to it in NRS 442.003.***

(b) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

~~[(b)]~~ ***(c)*** "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 74. 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.

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]~~ ***any*** type of midwife ~~[.]~~ ***, including, without limitation, a licensed certified professional midwife, a certified nurse-midwife or any person who engages in the practice of certified professional midwifery.***

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) ***A licensed certified professional midwife; or***

(j) The holder of a certificate of registration as a pharmacist.

Sec. 75. NRS 442.119 is hereby amended to read as follows:

442.119 As used in NRS 442.119 to 442.1198, inclusive, unless the context otherwise requires:

1. "Health officer" includes a local health officer, a city health officer, a county health officer and a district health officer.

2. "Medicaid" has the meaning ascribed to it in NRS 439B.120.

3. "Medicare" has the meaning ascribed to it in NRS 439B.130.

4. "Provider of prenatal care" means:

(a) A physician who is licensed in this State and certified in obstetrics and gynecology, family practice, general practice or general surgery.

(b) A certified nurse-midwife who is licensed by the State Board of Nursing.

(c) An advanced practice registered nurse who is licensed by the State Board of Nursing pursuant to NRS 632.237 and who has specialized skills and training in obstetrics or family nursing.

(d) A physician assistant licensed pursuant to chapter 630 or 633 of NRS who has specialized skills and training in obstetrics or family practice.

(e) A licensed certified professional midwife.

Sec. 76. NRS 442.610 is hereby amended to read as follows:

442.610 "Provider of health care" means:

1. A provider of health care as defined in NRS 629.031 ~~[.]~~ ***, including, without limitation, a licensed certified professional midwife; and***

2. ~~[A midwife; and~~

~~3.]~~ A freestanding birthing center licensed pursuant to chapter 449 of NRS.

Sec. 76.5. **NRS 449.103 is hereby amended to read as follows:**

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

(a) From various racial and ethnic backgrounds;

(b) From various religious backgrounds;

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

(d) Children and senior citizens;

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

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

2. The training relating specifically to cultural competency conducted by a medical facility, facility for the dependent or facility which is otherwise required by regulations adopted by the Board pursuant to NRS 449.0303 to be licensed pursuant to subsection 1 must be provided through a course or program that is approved by the Department of Health and Human Services.

3. The regulations adopted pursuant to this section must authorize a licensed certified professional midwife who is subject to the requirements of subsection 1 to use the training required by the regulations adopted pursuant to paragraph (b) of subsection 1 of section 19 of this act to satisfy the requirements of subsection 1.

Sec. 77. NRS 449.198 is hereby amended to read as follows:

449.198 1. A freestanding birthing center must:

(a) Provide sufficient space for members of the family of the pregnant person and other persons chosen by the pregnant person to assist with the birth;

(b) Have obstetrical services available to meet the needs of an acute patient; and

(c) Be located within 30 miles of a hospital that offers obstetric, neonatal and emergency services relating to pregnancy.

2. Surgery, including, without limitation, the use of forceps, vacuum extractions, cesarean sections and tubal ligations, must not be performed at a freestanding birthing center.

3. A freestanding birthing center must have a director who is responsible for the operation of the freestanding birthing center. The director of a freestanding birthing center must be:

(a) A physician;

(b) ***A licensed certified professional midwife;***

(c) A person who:

(1) Is certified as a Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; and

(2) Has successfully completed a program of education and training in midwifery that:

(I) Is accredited by the Midwifery Education Accreditation Council, or its successor organization; and

(II) Provides instruction and training in the Essential Competencies for Midwifery Practice prescribed by the International Confederation of Midwives, or its successor organization; or

~~[(c)]~~ ***(d)*** A certified nurse-midwife.

4. As used in this section, "certified nurse-midwife" means a person who is:

(a) Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and

(b) Licensed as an advanced practice registered nurse pursuant to NRS 632.237.

Sec. 78. NRS 454.00958 is hereby amended to read as follows:

454.00958 "Practitioner" means:

1. A physician, dentist, veterinarian or podiatric physician who holds a valid license to practice his or her profession in this State.

2. A pharmacy, hospital or other institution licensed or registered to distribute, dispense, conduct research with respect to or to administer a dangerous drug in the course of professional practice in this State.

3. When relating to the prescription of poisons, dangerous drugs and devices:

(a) An advanced practice registered nurse who holds a certificate from the State Board of Pharmacy permitting him or her so to prescribe; or

(b) A physician assistant who holds a license from the Board of Medical Examiners and a certificate from the State Board of Pharmacy permitting him or her so to prescribe.

4. An optometrist who is certified to prescribe and administer pharmaceutical agents pursuant to NRS 636.288 when the optometrist prescribes or administers dangerous drugs which are within the scope of his or her certification.

5. A licensed certified professional midwife, for the purpose of:

(a) Ordering any device or drug described in subsection 1 or 2 of section 25 of this act for use in his or her practice;

(b) Ordering any device or vaccine described in subsection 4 of section 25 of this act for a client;

(c) If the licensed certified professional midwife holds an endorsement issued pursuant to paragraph (a) of subsection 1 of section 26 of this act, ordering and dispensing any contraceptive device authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act; and

(d) If the licensed certified professional midwife holds an endorsement issued pursuant to paragraph (b) of subsection 1 of section 26 of this act, prescribing and dispensing any drug authorized by the regulations adopted by the Board of Licensed Certified Professional Midwives pursuant to section 26 of this act.

Sec. 79. NRS 454.213 is hereby amended to read as follows:

454.213 1. Except as otherwise provided in NRS 454.217, a drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

(a) A practitioner.

(b) A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

(c) Except as otherwise provided in paragraph (d), a registered nurse licensed to practice professional nursing or licensed practical nurse, at the

direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practice registered nurse, or pursuant to a chart order, for administration to a patient at another location.

(d) In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(1) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(2) Acting under the direction of the medical director of that agency or facility who works in this State.

(e) A medication aide - certified at a designated facility under the supervision of an advanced practice registered nurse or registered nurse and in accordance with standard protocols developed by the State Board of Nursing. As used in this paragraph, "designated facility" has the meaning ascribed to it in NRS 632.0145.

(f) Except as otherwise provided in paragraph (g), an advanced emergency medical technician or a paramedic, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(1) The State Board of Health in a county whose population is less than 100,000;

(2) A county board of health in a county whose population is 100,000 or more; or

(3) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

(g) An advanced emergency medical technician or a paramedic who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

(h) A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

(i) A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

(j) A medical student or student nurse in the course of his or her studies at an accredited college of medicine or approved school of professional or practical nursing, at the direction of a physician and:

(1) In the presence of a physician or a registered nurse; or

(2) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the

circumstances are such that the registered nurse would be authorized to administer it personally.

(k) Any person designated by the head of a correctional institution.

(l) An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

(m) A holder of a license to engage in radiation therapy and radiologic imaging issued pursuant to chapter 653 of NRS, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

(n) A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

(o) A physical therapist, but only if the drug or medicine is a topical drug which is:

(1) Used for cooling and stretching external tissue during therapeutic treatments; and

(2) Prescribed by a licensed physician for:

(I) Iontophoresis; or

(II) The transmission of drugs through the skin using ultrasound.

(p) In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

(q) A veterinary technician or a veterinary assistant at the direction of his or her supervising veterinarian.

(r) In accordance with applicable regulations of the Board, a registered pharmacist who:

(1) Is trained in and certified to carry out standards and practices for immunization programs;

(2) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(3) Administers immunizations in compliance with the "Standards for Immunization Practices" recommended and approved by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(s) A registered pharmacist pursuant to written guidelines and protocols developed pursuant to NRS 639.2629 or a collaborative practice agreement, as defined in NRS 639.0052.

(t) A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic, respiratory therapist, dialysis technician, physical therapist or veterinary technician or to obtain a license to engage in radiation therapy and radiologic imaging pursuant to chapter 653 of NRS if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, advanced emergency medical technician, paramedic,

respiratory therapist, dialysis technician, physical therapist, veterinary technician or person licensed to engage in radiation therapy and radiologic imaging who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

(u) A medical assistant, in accordance with applicable regulations of the:

(1) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(2) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(v) A certified professional midwife, certified professional midwife student midwife or certified professional midwife birth assistant who is administering the medicine or drug under the direct supervision of a licensed certified professional midwife, as authorized by sections 2 to 32, inclusive, of this act and any regulations adopted pursuant thereto.

2. As used in this section, "accredited college of medicine" has the meaning ascribed to it in NRS 453.375.

Sec. 80. NRS 454.361 is hereby amended to read as follows:

454.361 A conviction of the violation of any of the provisions of NRS 454.181 to 454.371, inclusive, constitutes grounds for the suspension or revocation of any license issued to such person pursuant to the provisions of chapters 630, 631, 633, 635, 636, 638, 639 or 653 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 81. NRS 457.301 is hereby amended to read as follows:

457.301 1. A primary care provider shall:

(a) Attempt to determine whether each adult woman to whom he or she provides care has a personal or family history of breast, ovarian, tubal or peritoneal cancer or an ancestry associated with a harmful mutation in the BRCA gene or meets any other criteria under which the United States Preventive Services Task Force has recommended screening for a risk of such a mutation; and

(b) If the primary care provider determines that an adult woman to whom he or she provides care meets the criteria described in paragraph (a) and has not previously undergone genetic testing for a harmful mutation in the BRCA gene, use an appropriate brief familial risk assessment tool to screen for a risk of such a mutation.

2. If such a screening indicates that a woman is at risk of a harmful mutation in the BRCA gene, the primary care provider must:

(a) Provide the woman with written notice of the need to discuss genetic counseling and testing with the provider;

(b) Provide genetic counseling to the woman or ensure that the woman is referred for genetic counseling; and

(c) If a genetic test for harmful mutations in the BRCA gene is clinically indicated as a result of the genetic counseling, administer such a test to the woman or ensure that the woman is referred for such testing.

3. A primary care provider who fails to comply with this section is not subject to criminal penalties or professional discipline for such failure to comply.

4. As used in this section, "primary care provider" means:

(a) A physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS or advanced practice registered nurse who specializes in primary care, family medicine, internal medicine or obstetrics and gynecology; or

(b) A ***licensed certified professional*** midwife.

Sec. 82. NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to:

1. An employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS ~~[.]~~ ***and sections 2 to 32, inclusive, of this act.***

2. A creative professional as described in 29 C.F.R. § 541.302 who is not an employee of a contractor as that term is defined in NRS 624.020.

Sec. 83. NRS 679B.440 is hereby amended to read as follows:

679B.440 1. The Commissioner may require that reports submitted pursuant to NRS 679B.430 include, without limitation, information regarding:

(a) Liability insurance provided to:

(1) Governmental agencies and political subdivisions of this State, reported separately for:

(I) Cities and towns;

(II) School districts; and

(III) Other political subdivisions;

(2) Public officers;

(3) Establishments where alcoholic beverages are sold;

(4) Facilities for the care of children;

(5) Labor, fraternal or religious organizations; and

(6) Officers or directors of organizations formed pursuant to title 7 of NRS, reported separately for nonprofit entities and entities organized for profit;

(b) Liability insurance for:

(1) Defective products;

(2) Medical or dental malpractice of:

(I) A practitioner licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639 or 640 of NRS ***or sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(II) A hospital or other health care facility; or

(III) Any related corporate entity;

(3) Malpractice of attorneys;

(4) Malpractice of architects and engineers; and

(5) Errors and omissions by other professionally qualified persons;

(c) Vehicle insurance, reported separately for:

(1) Private vehicles;

(2) Commercial vehicles;

(3) Liability insurance; and

(4) Insurance for property damage; and

(d) Workers' compensation insurance.

2. The Commissioner may require that the report include, without limitation, information specifically pertaining to this State or to an insurer in its entirety, in the aggregate or by type of insurance, and for a previous or current year, regarding:

(a) Premiums directly written;

(b) Premiums directly earned;

(c) Number of policies issued;

(d) Net investment income, using appropriate estimates when necessary;

(e) Losses paid;

(f) Losses incurred;

(g) Loss reserves, including:

(1) Losses unpaid on reported claims; and

(2) Losses unpaid on incurred but not reported claims;

(h) Number of claims, including:

(1) Claims paid; and

(2) Claims that have arisen but are unpaid;

(i) Expenses for adjustment of losses, including allocated and unallocated losses;

(j) Net underwriting gain or loss;

(k) Net operation gain or loss, including net investment income; and

(l) Any other information requested by the Commissioner.

3. The Commissioner may also obtain, based upon an insurer in its entirety, information regarding:

(a) Recoverable federal income tax;

(b) Net unrealized capital gain or loss; and

(c) All other expenses not included in subsection 2.

Sec. 84. NRS 686A.2825 is hereby amended to read as follows:

686A.2825 "Practitioner" means:

1. A physician, dentist, nurse, ***licensed certified professional midwife,*** dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractic physician, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist, person who holds a license to engage in radiation therapy and radiologic imaging or a limited license to engage in radiologic imaging pursuant to chapter 653 of NRS or other provider of health services who is authorized to engage in his or her occupation by the laws of this state or another state; and

2. An attorney admitted to practice law in this state or any other state.

Sec. 85. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 and NRS 686B.125, the provisions of NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) Credit accident and health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***and sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS;

(h) Surety insurance;

(i) Health insurance offered through a group health plan maintained by a large employer; and

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 86. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** for a breach of the practitioner's professional duty toward a patient.

Sec. 87. NRS 686B.115 is hereby amended to read as follows:

686B.115 1. Any hearing held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, must be open to members of the public.

2. All costs for transcripts prepared pursuant to such a hearing must be paid by the insurer requesting the hearing.

3. At any hearing which is held by the Commissioner to determine whether rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive, and which involves rates for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** for a breach of the practitioner's professional duty toward a patient, if a person is not otherwise authorized pursuant to this title to become a party to the hearing by intervention, the person is entitled to provide

testimony at the hearing if, not later than 2 days before the date set for the hearing, the person files with the Commissioner a written statement which states:

(a) The name and title of the person;

(b) The interest of the person in the hearing; and

(c) A brief summary describing the purpose of the testimony the person will offer at the hearing.

4. If a person provides testimony at a hearing in accordance with subsection 3:

(a) The Commissioner may, if the Commissioner finds it necessary to preserve order, prevent inordinate delay or protect the rights of the parties at the hearing, place reasonable limitations on the duration of the testimony and prohibit the person from providing testimony that is not relevant to the issues raised at the hearing.

(b) The Commissioner shall consider all relevant testimony provided by the person at the hearing in determining whether the rates comply with the provisions of NRS 686B.010 to 686B.1799, inclusive.

Sec. 88. NRS 689A.035 is hereby amended to read as follows:

689A.035 1. An insurer shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 89. NRS 689B.015 is hereby amended to read as follows:

689B.015 1. An insurer that issues a policy of group health insurance shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the insurer to its insureds.

2. An insurer specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the insurer uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between an insurer specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the insurer upon giving to the provider 45 days' written notice of the modification of the insurer's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If an insurer specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the insurer shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 90. NRS 689C.131 is hereby amended to read as follows:

689C.131 1. A carrier serving small employers and a carrier that offers a contract to a voluntary purchasing group shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the carrier to its insureds.

2. A carrier specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the carrier uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a carrier specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the carrier upon giving to the provider 45 days' written notice of the modification of the carrier's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45 day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45 day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a carrier specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the carrier shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 91. NRS 690B.250 is hereby amended to read as follows:

690B.250 Except as more is required in NRS 630.3067 and 633.526:

1. Each insurer which issues a policy of insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***or sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS for a breach of his or her professional duty toward a patient shall report to the board which licensed the practitioner within 45 days each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the name of the claimant and the practitioner and the circumstances of the case.

2. A practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***or sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS who does not have insurance covering liability for a breach of his or her professional duty toward a patient shall report to the board which issued the practitioner's license within 45 days of each settlement or award made or judgment rendered by reason of a claim, if the settlement, award or judgment is for more than $5,000, giving the practitioner's name, the name of the claimant and the circumstances of the case.

3. These reports are public records and must be made available for public inspection within a reasonable time after they are received by the licensing board.

Sec. 92. NRS 690B.270 is hereby amended to read as follows:

690B.270 If an insurer declines to issue to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** a policy of professional liability insurance, the insurer shall, upon the request of the practitioner, disclose to the practitioner the reasons the insurer declined to issue the policy.

Sec. 93. NRS 690B.280 is hereby amended to read as follows:

690B.280 If an insurer, for a policy of professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[,]~~ ***or sections 2 to 32, inclusive, of this act,*** sets the premium for the policy for the practitioner at a rate that is higher than the standard rate of the insurer for the applicable type of policy and specialty of the practitioner, the insurer shall, upon the request of the practitioner, disclose the reasons the insurer set the premium for the policy at the higher rate.

Sec. 94. NRS 690B.290 is hereby amended to read as follows:

690B.290 If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[,]~~ ***or sections 2 to 32, inclusive, of this act,*** the insurer shall:

1. Offer to issue an extended reporting endorsement to the practitioner; and

2. Disclose to the practitioner the cost formula that the insurer uses to determine the premium for the extended reporting endorsement. The cost formula must be based on:

(a) An amount that is not more than twice the amount of the premium for the claims-made policy at the time of the termination of that policy; and

(b) The rates filed by the insurer and approved by the Commissioner.

Sec. 95. NRS 690B.300 is hereby amended to read as follows:

690B.300 1. Except as otherwise provided in this section, if an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year, the insurer shall not set the premium for the policy at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year if the difference in rates is based in whole or in part upon the number of babies delivered per year by the practitioner.

2. If an insurer issues a policy of professional liability insurance to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year, the insurer may set the premium for the policy at a rate that is different, based in whole or in part upon the number of babies delivered per year by the practitioner, from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year if the insurer:

(a) Bases the difference upon actuarial and loss experience data available to the insurer; and

(b) Obtains the approval of the Commissioner for the difference in rates.

3. The provisions of this section do not prohibit an insurer from setting the premium for a policy of professional liability insurance issued to a practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year at a rate that is different from the rate set for such a policy issued by the insurer to any other practitioner licensed pursuant to chapter 630, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** who delivers one or more babies per year if the difference in rates is based solely upon factors other than the number of babies delivered per year by the practitioner.

Sec. 96. NRS 690B.310 is hereby amended to read as follows:

690B.310 1. If an agreement settles a claim or action against a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** for a breach of his or her professional duty toward a patient, the following terms of the agreement must not be made confidential:

(a) The names of the parties;

(b) The date of the incidents or events giving rise to the claim or action;

(c) The nature of the claim or action as set forth in the complaint and the answer that is filed with the district court; and

(d) The effective date of the agreement.

2. Any provision of an agreement to settle a claim or action that conflicts with this section is void.

Sec. 97. NRS 690B.320 is hereby amended to read as follows:

690B.320 1. If an insurer offers to issue a claims-made policy to a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS ***or sections 2 to 32, inclusive, of this act*** or who holds a license or limited license issued pursuant to chapter 653 of NRS, the insurer shall:

(a) Offer to issue to the practitioner an extended reporting endorsement without a time limitation for reporting a claim.

(b) Disclose to the practitioner the premium for the extended reporting endorsement and the cost formula that the insurer uses to determine the premium for the extended reporting endorsement.

(c) Disclose to the practitioner the portion of the premium attributable to funding the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death, disability or retirement, if such a benefit is offered.

(d) Disclose to the practitioner the vesting requirements for the extended reporting endorsement offered at no additional cost to the practitioner in the event of the practitioner's death or retirement, if such a benefit is offered. If such a benefit is not offered, the absence of such a benefit must be disclosed.

(e) Include, as part of the insurance contract, language which must be approved by the Commissioner and which must be substantially similar to the following:

> If we adopt any revision that would broaden the coverage under this policy without any additional premium either within the policy period or within 60 days before the policy period, the broadened coverage will immediately apply to this policy.

2. The disclosures required by subsection 1 must be made as part of the offer and acceptance at the inception of the policy and again at each renewal in the form of an endorsement attached to the insurance contract and approved by the Commissioner.

3. The requirements set forth in this section are in addition to the requirements set forth in NRS 690B.290.

Sec. 98. NRS 690B.360 is hereby amended to read as follows:

690B.360 1. The Commissioner may collect all information which is pertinent to monitoring whether an insurer that issues professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** is complying with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive. Such information may include, without limitation:

(a) The amount of gross premiums collected with regard to each medical specialty;

(b) Information relating to loss ratios; and

(c) Information reported pursuant to NRS 679B.430 and 679B.440.

2. In addition to the information collected pursuant to subsection 1, the Commissioner may request any additional information from an insurer:

(a) Whose rates and credit utilization are materially different from other insurers in the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** in this State;

(b) Whose credit utilization shows a substantial change from the previous year; or

(c) Whose information collected pursuant to subsection 1 indicates a potentially adverse trend.

3. If the Commissioner requests additional information from an insurer pursuant to subsection 2, the Commissioner may:

(a) Determine whether the additional information offers a reasonable explanation for the results described in paragraph (a), (b) or (c) of subsection 2; and

(b) Take any steps permitted by law that are necessary and appropriate to assure the ongoing stability of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** in this State.

4. On an ongoing basis, the Commissioner may analyze and evaluate the information collected pursuant to this section to determine trends in and measure the health of the market for professional liability insurance for a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** in this State.

5. If the Commissioner convenes a hearing pursuant to subsection 1 of NRS 690B.350 and determines that the market for professional liability insurance issued to any class, type or specialty of practitioner licensed pursuant to chapter 630, 631 or 633 of NRS ***or sections 2 to 32, inclusive, of this act*** is not competitive and that such insurance is unavailable or unaffordable for a substantial number of such practitioners, the Commissioner shall prepare and submit a report of the Commissioner's findings and recommendations to the Director of the Legislative Counsel Bureau for transmittal to members of the Legislature.

Sec. 99. NRS 695A.095 is hereby amended to read as follows:

695A.095 1. A society shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the society to its insureds.

2. A society shall not contract with a provider of health care to provide health care to an insured unless the society uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a society and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the society upon giving to the provider 45 days' written notice of the modification of the society's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a society contracts with a provider of health care to provide health care to an insured, the society shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 100. NRS 695B.035 is hereby amended to read as follows:

695B.035 1. A corporation subject to the provisions of this chapter shall not charge a provider of health care a fee to include the name of the provider on a list of providers of health care given by the corporation to its insureds.

2. A corporation specified in subsection 1 shall not contract with a provider of health care to provide health care to an insured unless the corporation uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

3. A contract between a corporation specified in subsection 1 and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the corporation upon giving to the provider 45 days' written notice of the modification of the corporation's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

4. If a corporation specified in subsection 1 contracts with a provider of health care to provide health care to an insured, the corporation shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

5. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 101. NRS 695C.125 is hereby amended to read as follows:

695C.125 1. A health maintenance organization shall not contract with a provider of health care to provide health care to an insured unless the health maintenance organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a health maintenance organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the health maintenance organization upon giving to the provider 45 days' written notice of the modification of the health maintenance organization's schedule of payments, including any changes to the fee schedule applicable to the

provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a health maintenance organization contracts with a provider of health care to provide health care to an enrollee, the health maintenance organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 102. NRS 695G.127 is hereby amended to read as follows:

695G.127 1. A managed care organization shall not contract with a provider of health care to provide health care to an insured unless the managed care organization uses the form prescribed by the Commissioner pursuant to NRS 629.095 to obtain any information related to the credentials of the provider of health care.

2. A contract between a managed care organization and a provider of health care may be modified:

(a) At any time pursuant to a written agreement executed by both parties.

(b) Except as otherwise provided in this paragraph, by the managed care organization upon giving to the provider 45 days' written notice of the modification of the managed care organization's schedule of payments, including any changes to the fee schedule applicable to the provider's practice. If the provider fails to object in writing to the modification within the 45-day period, the modification becomes effective at the end of that period. If the provider objects in writing to the modification within the 45-day period, the modification must not become effective unless agreed to by both parties as described in paragraph (a).

3. If a managed care organization contracts with a provider of health care to provide health care services pursuant to chapter 689A, 689B, 689C, 695A, 695B or 695C of NRS, the managed care organization shall:

(a) If requested by the provider of health care at the time the contract is made, submit to the provider of health care the schedule of payments applicable to the provider of health care; or

(b) If requested by the provider of health care at any other time, submit to the provider of health care the schedule of payments, including any changes to

the fee schedule applicable to the provider's practice, specified in paragraph (a) within 7 days after receiving the request.

4. As used in this section, "provider of health care" means a provider of health care who is licensed pursuant to chapter 630, 631, 632 or 633 of NRS ~~[.]~~ ***or sections 2 to 32, inclusive, of this act.***

Sec. 103. Section 20 of this act is hereby amended to read as follows:

Sec. 20. 1. An applicant for a license as a licensed certified professional midwife must submit to the Division an application pursuant to this section in the form prescribed by the Division. The application must be accompanied by a fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000, and:

(a) A complete set of his or her fingerprints and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; or

(b) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken in this State and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for its report.

2. The application must include, without limitation, proof that the applicant ~~[is]~~ ***:***

(a) Is certified as a midwife by the North American Registry of Midwives, or its successor organization ***;*** ~~[,]~~ and ~~[:~~

~~(a)]~~ ***(b)*** Has completed an educational program that is consistent with the most recent statement on licensure of Certified Professional Midwives by the United States Midwifery Education, Regulation and Association, or its successor organization **.** ~~[; or~~

~~(b) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization, and has completed the Portfolio Evaluation Process prescribed by that organization.]~~

3. ***If the Division determines it to be necessary to address shortages in the number of licensed certified professional midwives practicing in rural or underserved areas in this State or barriers for applicants from marginalized identities, the Division may, on a case-by-case basis, exempt an applicant from the requirements of paragraph (b) of subsection 2 if the applicant:***

(a) Holds a Midwifery Bridge Certificate issued by the North American Registry of Midwives, or its successor organization; and

(b) Has completed the Portfolio Evaluation Process prescribed by that organization.

4. A license as a licensed certified professional midwife may be renewed upon submission to the Division of a renewal application in the form prescribed by the Division. The renewal application must:

(a) Be accompanied by a renewal fee in the amount prescribed by regulation of the State Board of Health pursuant to NRS 439.150, which must not exceed $1,000; and

(b) Include any information required by the regulations adopted by the Board pursuant to section 19 of this act.

~~[4.]~~ ***5.*** To the extent that the implementation of such provisions will leave the Division with sufficient money to carry out its duties under this chapter, the State Board of Health may establish by regulation a procedure through which:

(a) An applicant may petition the Division to reduce the fees imposed pursuant to this section or section 26 of this act. An applicant may qualify for such a reduction if the applicant demonstrates, to the satisfaction of the Division, that the fees imposed pursuant to this section or section 26 of this act are an economic hardship on the applicant.

(b) The Division allocates a portion of the fees imposed and collected pursuant to this section or section 26 of this act to programs that promote applicants from marginalized identities through increasing the numbers of such applicants and reducing barriers that such applicants face.

~~[5.]~~ ***6.*** As used in this section, "marginalized identity" means an identity or expression that causes or has historically caused a person of such identity or expression to be disproportionately discriminated against, harassed or otherwise negatively treated or affected as a result of the identity or expression.

Sec. 104. Section 22 of this act is hereby amended to read as follows:

Sec. 22. 1. In addition to any other requirements set forth in this chapter ~~[:~~

~~(a) An applicant for the issuance of a license as a licensed certified professional midwife in this State shall include the social security number of the applicant in the application submitted to the Division.~~

~~(b) An]~~ ***, an*** applicant for the issuance of a license as a licensed certified professional midwife in this State shall submit to the Division of Public and Behavioral Health of the Department of Health and Human Services the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division of Public and Behavioral Health of the Department of Health and Human Services shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Division.

3. A license as a licensed certified professional midwife may not be issued or renewed by the Division if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 105. (Deleted by amendment.)

Sec. 106. ~~[As soon as practicable on or after the effective date of this section, but not later than 6 months after receiving the recommendations of the Collaboration and Transfer Guidelines Workgroup created by section 107 of this act, the Board of Licensed Certified Professional Midwives created by section 17 of this act shall adopt the regulations required by subsection 6 of section 19 of this act. In adopting the regulations, the Board shall consider the measures necessary to minimize the likelihood of serious harm to the client and the fetus or newborn infant of the client.]~~ **(Deleted by amendment.)**

Sec. 107. ~~[1. The Collaboration and Transfer Guidelines Workgroup is hereby created.~~

~~2. The Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services shall appoint to the Workgroup:~~

~~(a) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Northern Nevada;~~

~~(b) One voting member who is a physician who practices in the area of obstetrics or a certified nurse-midwife in Southern Nevada;~~

~~(c) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or freestanding birthing center, as defined in NRS 449.0065, to a hospital and who practices in Northern Nevada;~~

~~(d) One voting member who is a nurse manager of a labor and delivery ward or a registered nurse with similar duties who is responsible for coordinating transfers of pregnant women from a home or freestanding birthing center, as defined in NRS 449.0065, to a hospital and who practices in Southern Nevada;~~

~~(e) One voting member who represents a provider of emergency medical services in Northern Nevada;~~

~~(f) One voting member who represents a provider of emergency medical services in Southern Nevada; and~~

~~(g) One nonvoting member to serve as a liaison with the State Board of Health.~~

~~3. The Nevada Chapter of the National Association of Certified Professional Midwives, or its successor organization, in consultation with the Nevada Association of Certified Professional Midwives, or its successor organization, shall appoint to the Workgroup four voting members who are midwives who reside and practice in Nevada. To the extent practicable, two members must reside and practice in Northern Nevada and two members must practice in Southern Nevada.~~

~~4. The Nevada Hospital Association, or its successor organization, may appoint to the Workgroup one member who is a representative of the Association, or its successor organization.~~

~~5. A vacancy on the Workgroup must be filled in the same manner as the initial appointment.~~

~~6. Members of the Workgroup serve without compensation and are not entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~7. A member of the Workgroup who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation to prepare for and attend meetings of the Workgroup and perform any work necessary to carry out the duties of the Workgroup in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Workgroup to:~~

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

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

~~8. The Workgroup may divide into one subcommittee of members from Northern Nevada and one subcommittee of members from Southern Nevada.~~

~~9. A majority of the voting members of the Workgroup or a subcommittee thereof constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Workgroup or a subcommittee thereof.~~

~~10. The Workgroup and each subcommittee thereof shall:~~

~~(a) At its first meeting and annually thereafter, elect a Chair from among its members; and~~

~~(b) Meet at the call of the Chair.~~

~~11. Not later than July 1, 2024, the Workgroup or, if the Workgroup divides into subcommittees pursuant to subsection 8, each subcommittee of the Workgroup, shall make recommendations to the Board of Licensed Certified Professional Midwives created by section 17 of this act concerning the regulations required by subsection 6 of section 19 of this act governing the transfer of the client of a licensed certified professional midwife to a medical facility. Those recommendations must, to the extent practicable, be guided upon peer reviewed scientific evidence and widely accepted best practices and~~

~~include, without limitation, provisions for the transmission of all information necessary for the care of the client from the licensed certified professional midwife to the medical facility. The Workgroup ceases to exist upon submission of those recommendations unless the Board requests that the Workgroup continue to meet.~~

~~12. As used in this section:~~

~~(a) "Certified nurse-midwife" means an advanced practice registered nurse who is certified as a nurse-midwife by the American Midwifery Certification Board, or its successor organization.~~

~~(b) "Licensed certified professional midwife" means a person who is certified as a certified professional midwife by the North American Registry of Midwives.~~

~~(c) "Medical facility" has the meaning ascribed to it in NRS 449.0151.~~

~~(d) "Northern Nevada" means Carson City and the counties of Churchill, Douglas, Elko, Eureka, Humboldt, Lander, Lyon, Pershing, Storey, Washoe and White Pine.~~

~~(e) "Southern Nevada" means the counties of Clark, Esmeralda, Lincoln, Mineral and Nye.~~**]** **(Deleted by amendment.)**

Sec. 108. Notwithstanding the provisions of section 17 of this act, on or before July 1, 2024, the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services may appoint to the Board of Licensed Certified Professional Midwives created by that section:

1. Four members pursuant to paragraph (a) of subsection 2 of that section who are not licensed pursuant to section 20 of this act and are certified as midwives by the North American Registry of Midwives, or its successor organization. If such a member is not licensed as a licensed certified professional midwife pursuant to section 20 of this act on July 1, 2024:

(a) His or her term ends on that date; and

(b) The Administrator shall appoint a person who is so licensed to fill the vacancy.

2. One member pursuant to paragraph ~~[(d)]~~ **(b)** of subsection 2 of section 17 of this act who has not received care from a licensed certified professional midwife licensed pursuant to section 20 of this act but who has received care from a midwife certified by the North American Registry of Midwives, or its successor organization. That member may serve until the expiration of the term prescribed pursuant to subsection ~~[5]~~ **6** of section 17 of this act.

Sec. 109. NRS 440.035 is hereby repealed.

Sec. 110. 1. This section and sections 106 and 107 of this act become effective upon passage and approval.

2. Sections 1 to 102, inclusive, 108 and 109 of this act become effective:

(a) Upon passage and approval for the purpose of appointing the members of the Board of Licensed Certified Professional Midwives created by section 17 of this act, adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

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

3. Section 103 of this act becomes effective on January 1, 2026.

4. Section 104 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

5. Section 105 of this act becomes effective on the date on which the regulations described in section 106 of this act become effective.

6. Section 33 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

7. Sections 22, 29 and 104 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTION

440.035 "Midwife" defined. As used in this chapter, "midwife" means:

1. A person certified as:

(a) A Certified Professional Midwife by the North American Registry of Midwives, or its successor organization; or

(b) A Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; or

2. Any other type of midwife.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 428.

Bill read third time.

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

Amendment No. 842.

AN ACT relating to economic development; requiring the State Treasurer to establish a tuition reimbursement program; **creating the Nevada Grown Educator Account to fund the tuition reimbursement program;** revising the membership of the Board of Economic Development; requiring the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation to establish and administer a Career Pathways Demonstration Program; **requiring the Governor's Office of Workforce Innovation to establish a program for work-based learning opportunities outside of school;** requiring large school districts **and authorizing other school districts** to offer a Teacher Academy College Pathway Program; authorizing the Board of Regents of the University of Nevada to enter into certain agreements and establish a program to provide information regarding admissions to certain pupils; **making appropriations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Governor's Office of Workforce Innovation within the Department of Employment, Training and Rehabilitation and prescribes the duties of the Office and its Executive Director, which include, without limitation, defining career pathways and identifying priority career pathways for secondary and postsecondary education. (NRS 232.965, 232.975) **Section** ~~[2.3]~~ **2.4** of this bill requires the Governor's Office of Workforce Innovation to establish and administer a Career Pathways Demonstration Program. **Section** ~~[2.3]~~ **2.4** requires the Office to identify not more than three priority industries, including K-12 education, for the development and implementation of career pathways and to take certain steps to implement the Program, including, without limitation, establishing measurable objectives for the outcomes of the Program and implementing a competitive process to select proposals for career pathway projects. **Section** ~~[2.3]~~ **2.4** establishes requirements for proposals for career pathway projects selected by the Office. **Section 7** of this bill requires the Governor's Office of Workforce Innovation to submit certain reports regarding the status of the Career Pathways Demonstration Program. **Section 9** of this bill provides that the provisions of **section** ~~[2.3]~~ **2.4** governing the Career Pathways Demonstration Program expire on June 30, 2028. **Section 6.5 of this bill makes an appropriation to the Office for costs associated with the Career Pathways Demonstration Program. Section 2.5 of this bill requires the Governor's Office of Workforce Innovation to establish a program for work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, in coordination with the Department of Education.** **Section 2.7** of this bill

makes a conforming change to indicate the proper placement of ~~[section 2.3]~~ **sections 2.4 and 2.5** in the Nevada Revised Statutes.

Existing law creates the Board of Economic Development, which is required to review and make recommendations on various aspects of economic development in Nevada. (NRS 231.033, 231.037) **Section 2** of this bill adds the Superintendent of Public Instruction as a nonvoting member of the Board.

Section 3 of this bill requires each large school district, meaning a school district in this State which has more than 100,000 pupils enrolled in its public schools (currently only the Clark County School District), to offer a Teacher Academy College Pathway Program at every high school in the school district **with 250 or more pupils enrolled** to enable pupils in grades ~~[10-12]~~ **9 to 12** to prepare for employment in professions in K-12 education~~.~~ **,** **and authorizes a large school district to offer the Program at high schools with fewer than 250 pupils. Section 3 authorizes a school district which is not a large school district to offer the Program at high schools in the school district.** **Section 3** requires a large school district **and other school districts which offer the Program** to take certain actions to implement the ~~[Teacher Academy College Pathway]~~ Program. **Section 3 requires the State Board of Education to adopt regulations prescribing the curriculum for the Program and authorizes the State Board to adopt other necessary regulations.**

Section ~~[1.5]~~ **1.7** of this bill requires the State Treasurer to establish a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who completed the Teacher Academy College Pathway Program and who worked as a full-time, licensed teacher for at least 3 consecutive school years at a public school in this State. **Section 1.7 authorizes the State Treasurer to provide partial reimbursement for such tuition charges and fees to a person who completed the Teacher Academy College Pathway Program and who has worked as a full-time, licensed teacher for 1 year or 2 consecutive years. Section 1.9 of this bill creates the Nevada Grown Educator Account and requires the money in the Account to be used to carry out the program established pursuant to section 1.7. Section 6.7 of this bill makes an appropriation to the Account.**

Section 5 of this bill authorizes the Board of Regents of the University of Nevada to: (1) enter into an agreement with a ~~[large]~~ school district to assist in the implementation of the Teacher Academy College Pathway Program; and (2) establish a program to identify pupils who have completed the Teacher Academy College Pathway Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the Nevada System of Higher Education, and inform such pupils of the institutions within the System where such pupils may qualify for admission.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. Chapter 226 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.7 and 1.9 of this act.**

Sec. 1.7. 1. The State Treasurer shall establish by regulation a program to provide reimbursement for tuition charges, registration fees, laboratory fees and any other mandatory fees paid to an institution within the Nevada System of Higher Education by a person who:

(a) Completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act; and

(b) ~~[Has]~~ Except as otherwise provided in subsection 3, has worked as a full-time, licensed teacher at a public school in this State for at least 3 consecutive school years.

2. The program may not provide reimbursement for any tuition charge, registration fee, laboratory fee or any other mandatory fee which was paid or otherwise provided for through a scholarship, financial aid, waiver or similar financial assistance.

3. The State Treasurer may provide partial reimbursement of tuition charges, registration fees, laboratory fees and any other mandatory fees paid by a person who completed a Teacher Academy College Pathway Program offered pursuant to section 3 of this act and who has worked as a full-time, licensed teacher at a public school in this State for 1 year or 2 consecutive years in an amount not to exceed, for each year of service at a public school in this State, one-third of the total tuition charges, registration fees, laboratory fees and any other mandatory fees paid by the person to an institution within the Nevada System of Higher Education which are subject to reimbursement pursuant to this section and the regulations adopted pursuant thereto.

Sec. 1.9. 1. The Nevada Grown Educator Account is hereby created in the State General Fund. The Account must be administered by the State Treasurer.

2. The money in the Account must be used to carry out the program established pursuant to section 1.7 of this act.

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

4. The interest and income earned on money in the Account, after deducting any applicable charges, must be credited to the Account.

5. Any money in the Account remaining at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

Sec. 2. NRS 231.033 is hereby amended to read as follows:

231.033 1. There is hereby created the Board of Economic Development, consisting of:

(a) The following voting members:

(1) The Governor;

(2) The Lieutenant Governor;

(3) The Secretary of State; and

(4) Six members who must be selected from the private sector and appointed as follows:

(I) Three members appointed by the Governor;

(II) One member appointed by the Speaker of the Assembly;

(III) One member appointed by the Majority Leader of the Senate; and

(IV) One member appointed by the Minority Leader of the Assembly or the Minority Leader of the Senate. The Minority Leader of the Senate shall appoint the member for the initial term, the Minority Leader of the Assembly shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

(1) The Chancellor of the Nevada System of Higher Education or his or her designee;

(2) ***The Superintendent of Public Instruction or his or her designee;***

(3) The Director of the Department of Business and Industry; and

~~[(3)]~~ ***(4)*** The Director of the Department of Employment, Training and Rehabilitation.

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including, without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The Governor shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 are appointed for terms of 4 years. The initial members of the Board shall by lot select three of the initial members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. The Governor, the Lieutenant Governor or the Secretary of State may designate a person to serve as a member of the Board for the Governor, Lieutenant Governor or Secretary of State, respectively. Any person designated to serve pursuant to this subsection shall serve for the term of the officer appointing him or her and serves at the pleasure of that officer. If the Governor designates a person to serve on his or her behalf, that person shall serve as the Chair of the Board. Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.

7. A majority of the voting members of the Board constitutes a quorum, and the affirmative vote of a majority of the voting members of the Board is required to exercise any power conferred on the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the voting members of the Board.

9. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

Sec. 2.3. Chapter 232 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions of sections 2.4 and 2.5 of this act.**

Sec. 2.4. 1. The Governor's Office of Workforce Innovation shall establish and administer a Career Pathways Demonstration Program to develop and implement career pathways that will enable students to prepare for employment in professions which serve the long-term needs of this State. The Office shall identify not more than three priority industries, including, without limitation, K-12 education, for the development and implementation of career pathways as part of the Program.

2. In implementing the Program, the Office shall:

(a) Establish clear, measurable objectives for the outcomes of the Program which are aligned with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development within the Office of the Governor pursuant to subsection 2 of NRS 231.053, including, without limitation, targets based on reliable data concerning:

(1) The number of persons entering the career pathway;

(2) The number and percentage of persons completing distinct phases of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway;

(3) The number and percentage of participants in a career pathway who obtain high-quality employment in the target industry; and

(4) The number and percentage of participants in a career pathway employed for at least 2 years in the target industry.

(b) Rely on economic and workforce development data to inform decision-making, including, without limitation:

(1) Estimates of the number of high-quality jobs that will be required in this State in the next 5 to 10 years;

(2) Projected workforce capacity in relation to the estimates pursuant to subparagraph (1);

(3) The number and capacity of existing industry-aligned career pathway programs;

(4) Enrollment, participation and completion rates for industry-aligned career pathway programs;

(5) Credentialing rates or other industry-aligned indicators of workforce readiness;

(6) Industry-aligned, skill-based employee retention rates;

(7) The demographic information of the participants in the Program, including, without limitation, race, gender and enrollment at a Title I school; and

(8) Other relevant data available through the statewide longitudinal data system maintained by the Executive Director of the Office pursuant to NRS 232.975.

(c) Collaborate with school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

(d) Establish criteria for evaluating the performance of career pathway projects and the entities that assist in the development and implementation of career pathway projects, including, without limitation, the Department of Education, school districts, the Nevada System of Higher Education, regional development authorities and representatives from priority industries.

3. The Office shall develop and implement a competitive process to select proposals for career pathway projects. Each proposal for a career pathway project selected by the Office must incorporate best practices for career pathway design and address, [including,] without limitation:

(a) The types of high-quality jobs which the career pathway project will prepare students for, based on a definition of "high-quality job" which shall be developed and promulgated by the Office.

(b) The educational opportunities that the project will offer to K-12 pupils and students of the Nevada System of Higher Education which may include, without limitation:

(1) Early exposure to career options for pupils in elementary, junior high or middle school;

(2) Multiple entry points into the career pathway;

(3) Meaningful, practice-based learning opportunities aligned to the career pathway and the workforce priorities within the target industry, including, without limitation, paid work-based learning opportunities; [and]

(4) Opportunities for students to receive credentials aligned to the skills and experience needed for employment in the target industry [.] ; and

(5) Work-based learning opportunities that may be eligible for exemption from federal laws and regulations from which exemptions are available for work-based learning programs for pupils.

(c) The practices that will be implemented to recruit students for the career pathway, including, without limitation, practices that will foster equity and the inclusion in the career pathway of students from historically underserved communities.

(d) The types of early career guidance, incentives and support that will be offered to participants in the career pathway, which may include, without limitation:

(1) Employment opportunities for students who participate in the career pathway, including, without limitation, employer commitments to recruiting students who successfully obtain the qualifications for employment through the career pathway;

(2) Professional support and development opportunities for participants early in their career in the target industry, including, without limitation, mentoring; and

(3) Financial incentives which eliminate or substantially reduce financial barriers to entry into professions in the target industry.

(e) The roles and responsibilities of the persons necessary to develop and implement the career pathway, which may include, without limitation:

(1) Program staff;

(2) School districts and the Nevada System of Higher Education;

(3) Regional development authorities; and

(4) Representatives from the target industries.

(f) The financial plan for the career pathway project, including, without limitation:

(1) The projected 5-year budget for the career pathway project;

(2) Existing funding sources for the career pathway project and the amount of funding that the person submitting the proposal will allocate to the project;

(3) Anticipated funding sources for the career pathway project; and

(4) Any additional funding necessary to implement the career pathway project which is not addressed by the existing funding sources.

(g) The goals and anticipated outcomes of the career pathway project, including, without limitation:

(1) The target number of total participants in the career pathway project;

(2) The target number of participants who will successfully complete each stage of the career pathway, as marked by earning course credit or a credential, certificate or other recognized documentation showing progression in the career pathway; and

(3) The target number of participants who will complete the career pathway, regardless of their entry point into the career pathway.

4. The Office may enter into an agreement with the Department of Education to administer the Teacher Academy College Pathway Program offered pursuant to section 3 of this act. Such an agreement may require the Department of Education to administer any local, state or federal funding appropriated or otherwise available to implement the Teacher Academy College Pathway Program.

5. As used in this section, "career pathway" means a series of structured and connected educational opportunities designed to help a person enter or advance within a given occupation or industry sector.

Sec. 2.5. 1. The Governor's Office of Workforce Innovation shall, in coordination with the Department of Education, establish a program to provide paid and unpaid work-based learning opportunities outside of school for pupils enrolled in grades 7 to 12, inclusive.

2. The program must:

(a) Allow pupils involved in work-based learning opportunities to receive elective course credit for the learning opportunities;

(b) Establish criteria to evaluate the program for work-based learning opportunities;

(c) Outline any communication or collaboration needed between the Governor's Office of Workforce Innovation, the Department of Education and the board of trustees of a school district to implement the program for work-based learning opportunities;

(d) Establish basic requirements for a person or organization to participate in the program for work-based learning opportunities, including, without limitation, conducting background checks on appropriate personnel and providing minimum standards for accountability; and

(e) Provide a process for the receipt of credits earned through the program for work-based learning opportunities in the school in which the pupil is enrolled.

3. The Governor's Office of Workforce Innovation may cooperate with the Department of Education and the Board of Regents of the University of Nevada to enable pupils to earn up to 12 units of dual credit for approved work-based learning opportunities.

Sec. 2.7. NRS 232.900 is hereby amended to read as follows:

232.900 As used in NRS 232.900 to 232.980, inclusive, ***and ~~[section 2.3]~~ sections 2.4 and 2.5 of this act,*** unless the context otherwise requires:

1. "Department" means the Department of Employment, Training and Rehabilitation.

2. "Director" means the Director of the Department.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each large school district shall offer a Teacher Academy College Pathway Program at every high school in the school district with 250 or more pupils enrolled that will enable interested pupils in grades ~~[10, 11 and]~~ 9 to 12 , inclusive, to prepare for employment in professions in K-12 education. A large school district may offer a Program at high schools with fewer than 250 pupils. A school district that is not a large school district may offer a Program at one or more high schools in the school district.

2. A large school district , and a school district that is not a large school district which elects to offer the Program, shall:

(a) Advertise the Program and the benefits of participation in the Program.

(b) Ensure each high school in the ~~[large]~~ school district which offers such a Program is staffed by a full-time employee who is:

(1) A licensed teacher or administrator; and

(2) Responsible for implementing the Program at the school.

(c) Assess each pupil entering grade ~~[10]~~ 9 who is or will be enrolled in a high school which offers such a Program and who is interested in participating in the Program, identify any ~~[academic, socio-economic or other]~~ barriers, including, without limitation, academic, financial, socioeconomic and transportation barriers, to the participation in and completion of the Program by such interested pupils and, if such barriers are identified, inform the pupil and the parents or legal guardian of the pupil of any programs and services which are available to help the pupil to overcome such barriers and provide such programs and services to the pupil.

(d) Offer internships at elementary, junior high ~~[and]~~ or middle schools in the ~~[large]~~ school district to qualified pupils in ~~[grade]~~ grades 11 and 12 who participate in the Program.

(e) Offer employment as a paraprofessional to qualified high school graduates who have completed the Program and are enrolled in a program to become a teacher at an institution in the Nevada System of Higher Education.

(f) For qualified applicants for employment with the ~~[large]~~ school district who have completed the Program and who have submitted a timely application, provide an offer of employment or decline to provide an offer of employment to such an applicant not later than January 31 of the year immediately preceding the school year for which the applicant applied for employment.

(g) Enter into an agreement with the Board of Regents of the University of Nevada to:

(1) Enable pupils who participate in the Program to earn up to 12 units of college credit for courses taken and internships engaged in as part of the Program at no cost to the pupil.

(2) Establish qualifications for teachers of the school district who teach courses in the Program which are eligible for college credit, which may include, without limitation, a minimum of 4 years of classroom teaching experience or a Master's degree.

(3) Guarantee the admission of otherwise academically qualified pupils who complete the Program to institutions in the Nevada System of Higher Education.

(4) Provide programs, services, scholarships and financial aid to assist pupils who participate in the Program in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

(h) Inform pupils who participate in the Program and the parents and legal guardians of such pupils about programs, services, scholarships and financial aid which are available to assist pupils in applying for admission to institutions in the Nevada System of Higher Education and completing the Program at such an institution.

3. A large school district , and a school district that is not a large school district which elects to offer the Program may enter into an agreement with the Board of Regents of the University of Nevada to provide a faculty mentor from the Nevada System of Higher Education to teachers of the school district who teach courses in the Program to ensure such courses align with the contents and rigor of equivalent courses taught at institutions within the Nevada System of Higher Education. If the provisions of this subsection conflict with the provisions of chapter 388G of NRS, the provisions of this subsection prevail.

4. The State Board:

(a) Shall adopt regulations that prescribe the curriculum for the Program which are consistent with the provisions of this section. To the extent a school district provides programs of career and technical education other than the Program, such programs of career and technical education must nonetheless be consistent with the regulations adopted pursuant to this paragraph, to the extent applicable.

(b) May adopt such other regulations as are necessary to carry out the provisions of this section.

6. As used in this section:

(a) "Large school district" means any school district in this State which has more than 100,000 pupils enrolled in its public schools.

(b) "Program" means the Teacher Academy College Pathway Program created pursuant to this section.

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. *1. The Board of Regents may enter into an agreement with a ~~[large]~~ school district pursuant to section 3 of this act to assist in the implementation of a Teacher Academy College Pathway Program.*

2. The Board of Regents may, by regulation, establish a program to:

(a) Identify pupils who have completed the Program, or who are expected to complete the Program by the end of grade 12, and who wish to apply for admission to an institution within the System; and

(b) Inform such pupils of the institutions within the System where such pupils may academically qualify for admission.

3. As used in this section , ~~[:~~

~~(a) "Large school district" has the meaning ascribed to it in section 3 of this act.~~

~~(b)]~~ "Program" has the meaning ascribed to it in section 3 of this act.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. **1. There is hereby appropriated from the State General Fund to the Governor's Office of Workforce Innovation in the Department of Employment, Training and Rehabilitation for costs associated with developing and implementing the Career Pathways Demonstration Program established pursuant to section 2.4 of this act, including, without limitation, personnel, travel, operating and technology expenses, the following sums:**

For the Fiscal Year 2023-2024..... $289,026

For the Fiscal Year 2024-2025..... $331,870

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. 6.7. **There is hereby appropriated from the State General Fund to the Nevada Grown Educator Account created by section 1.9 of this act the sum of $10,000,000.**

Sec. 7. 1. On or before October 1, 2026, the Governor's Office of Workforce Innovation shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program **~~[.]~~ established pursuant to section 2.4 of this act.** The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) The status of the implementation of each career pathway;

(g) A summary of the proposals for career pathway projects which were received by the Office but were not selected for the Program; and

(h) An evaluation of each career pathway, including, without limitation:

(1) Whether progress has been made towards achieving the goals and objectives of each career pathway;

(2) A description of any challenges to implementation of the career pathways; and

(3) A description of any changes made to the design or implementation of the career pathways, if any, or any changes which are anticipated in the future and the reason for such changes.

2. On or before June 1, 2028, the Governor's Office of Workforce Innovation shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature regarding the status of the Career Pathways Demonstration Program. The report must include, without limitation:

(a) The industries identified by the Office as priority industries for the development and implementation of career pathways;

(b) The process used by the Office to select career pathway projects for development and implementation;

(c) The career pathway projects selected by the Office;

(d) A summary of the design of the career pathway for each priority industry;

(e) The goals and objectives of the career pathway for each priority industry;

(f) An evaluation of each career pathway, including, without limitation:

(1) The success of the career pathway at achieving the industry-specific goals and objectives;

(2) An assessment of the return on investment for the State with respect to the career pathway;

(3) A description of any opportunities to extend or expand the career pathway;

(4) An evaluation of ability of the career pathway to serve as a model for the creation of career pathways in other industries which should be prioritized to aid in the economic development of this State; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

(g) An evaluation of the success of the Program as a whole, including, without limitation:

(1) The overall outcomes of the Program, in relation to the goals and objectives established by the Office;

(2) Successful aspects of the Program and key elements contributing to the success of the Program;

(3) Shortcomings of the Program and key elements hindering the success of the Program;

(4) Recommendations for policy changes that would foster successful expansion of the development and implementation of career pathways by the Office; and

(5) Any quantitative and qualitative data supporting the items required to be included in the report pursuant to subparagraphs (1) to (4), inclusive.

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 ~~[act becomes]~~ **section and sections 1 to 6, inclusive, and 6.5 to 8, inclusive, of this act become** effective on July 1, 2023.

2. Section ~~[2.3]~~ **2.4** of this act expires on June 30, 2028.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 305.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 863.

AN ACT relating to employment; creating the Board of Trustees of the Nevada Employee Savings Trust; prescribing the membership, powers, duties and limitations of the Board; authorizing the Board to create the Nevada Employee Savings Trust Program; prescribing certain required attributes of the Program; creating the Nevada Employee Savings Trust Administrative Fund and specifying the sources and uses of money deposited therein; creating the Nevada Employee Savings Trust and prescribing the manner of its administration; providing for the confidentiality of certain information; providing civil immunity to certain persons and entities in connection with the Program; making certain persons fiduciaries with respect to participants in the Program; prohibiting certain persons from engaging in certain financial transactions in connection with the Program; requiring the preparation and submission of certain annual reports; making an appropriation to the Office of the State Treasurer for costs related to the administration of the Program; **requiring the Board to conduct a study on the feasibility of including independent contractors in the Program;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law provides for individual retirement accounts and individual retirement annuities by which persons may save money for retirement under favorable income tax treatment. (26 U.S.C. §§ 408, 408A) This bill establishes the Nevada Employee Savings Trust under the direction of a board of trustees with the power to establish a similar program and to encourage private employees to establish such accounts.

Section 19 of this bill creates the Board of Trustees of the Nevada Employee Savings Trust and establishes its membership. **Section 20** of this bill establishes certain powers and duties of the Board. In particular, **section 20** authorizes and empowers the Board to: (1) design, establish and operate the Nevada Employee Savings Trust Program; and (2) adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.

Section 21 of this bill requires the State Treasurer to provide staff support to the Board within the limits of appropriations and authorizes the State Treasurer to provide administrative support to the Board.

Section 22 of this bill provides that an act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the assets controlled by the Board. **Section 22** also prohibits the Board from imposing any obligations on the State or pledging the credit of the State.

Section 23 of this bill establishes certain attributes that the Board must include in the Program, including: (1) that covered employers must automatically enroll all covered employees in the Program or in a similar program offered by a trade association or chamber of commerce, unless a covered employee opts out of the Program or, if applicable, the similar program offered by a trade association or chamber of commerce; (2) that contributions to a covered employee's Individual Retirement Account must be withheld from the employee's compensation at the rate set by the Board unless the employee elects not to contribute or to contribute at a different rate; (3) that a covered employee may withdraw contributions to meet a financial or other emergency; and (4) that the Board must prepare informational materials, disclosure statements, forms and instructions concerning the Program for distribution by covered employers to covered employees.

Section 24 of this bill creates the Nevada Employee Savings Trust Administrative Fund in the State Treasury, specifies the sources of money that must be deposited in the Fund and requires the Board to use money in the Fund solely to pay the administrative costs and expenses of the Board and the Program.

Section 25 of this bill authorizes the Board to borrow money or enter into certain long-term procurement contracts with financial providers until the Board determines that the Program is financially self-sustaining.

Section 26 of this bill creates the Nevada Employee Savings Trust as an instrumentality of the State and requires the Board to appoint a Trustee of the Trust. **Section 26** requires that the assets of all Individual Retirement Accounts established by covered employees through the Program be allocated to the Trust and invested, managed and administered for the exclusive purposes of providing benefits to the covered employees and defraying the reasonable expenses of the Board, Program and Trust. **Section 26** also establishes certain investment guidelines and practices.

Section 27 of this bill provides that, except to the extent necessary to administer the Program, personal information relating to individual participants in the Program and information relating to individual accounts established or maintained through the Program is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.

Section 28 of this bill provides a grant of immunity from civil liability to covered employers for the consequences of various decisions made by employees or the Board in connection with the Program, including, for example, an employee's decision to participate in or opt out of the Program, an investment decision made by the participant or the Board or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. **Section 28** also provides that a covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.

Section 29 of this bill absolves the State and any employee or officer thereof, the Board and any member of the Board or employee thereof and the Program from any responsibility or civil liability for the actions of certain other persons in connection with the Program, including, for example, a person's failure to comply with provisions of the Internal Revenue Code, the payment of benefits or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. **Section 29** also provides that the debts, contracts and obligations of the Board, Program or Trust are not the debts, contracts and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts and obligations of the Board, Program or Trust.

Section 30 of this bill provides that members of the Board, the Trustee and certain other persons involved in the administration of the Trust are fiduciaries with respect to the participants in the Program.

Section 31 of this bill prohibits members of the Board, its staff and persons who serve as administrators of the Program from engaging in certain financial transactions in connection with the Program.

Section 32 of this bill requires the Board to obtain an annual independent audit of the Board, Program and Trust and to annually submit audited financial reports to the Governor, State Controller and Legislature.

Section 35 of this bill requires, with certain exceptions, the Board to establish the Program and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program beginning on July 1, 2025. **Section 35** further authorizes the Board to implement the Program in phases but if the Board does so, the first phase must not begin before July 1, 2025.

Section 34.5 of this bill makes an appropriation to the Office of the State Treasurer for costs related to the administration of the Program.

Section 36.5 of this bill requires the Board to: (1) conduct a study on the feasibility of including independent contractors in the Program; and (2) submit a report of the findings of the study to 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. Title 31 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 18, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Administrative Fund" means the Nevada Employee Savings Trust Administrative Fund created by section 24 of this act.***

Sec. 4. ***"Board" means the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act.***

Sec. 5. ***"Compensation" means compensation within the meaning of section 219(f)(1) of the Internal Revenue Code, 26 U.S.C. § 219 (f)(1), that is received by a covered employee from a covered employer.***

Sec. 6. ***"Contribution rate" means the percentage of a covered employee's compensation that is withheld from the covered employee's compensation and paid to the Individual Retirement Account established or maintained for the covered employee through the Program.***

Sec. 7. ***1. "Covered employee" means a person who:***

(a) Is employed by a covered employer for not less than 120 days;

(b) Has wages or other compensation that is allocable to the State; and

(c) Is at least 18 years of age.

2. For purposes of the investment, withdrawal, transfer, rollover or other distribution of an Individual Retirement Account, the term also includes the beneficiary of a deceased covered employee.

3. The term does not include:

(a) Any employee covered under the federal Railway Labor Act, 45 U.S.C. §§ 151 et seq.;

(b) Any employee on whose behalf an employer makes contributions to a Taft-Hartley multiemployer pension trust fund; or

(c) Any person who is an employee of the Federal Government, the State or any other state, county or municipal corporation, or any of this State's or any other state's units or instrumentalities.

Sec. 8. ***"Covered employer" means an employer that:***

1. Employs more than five persons in this State;

2. Has been in business for at least 36 months; and

3. Has not maintained a tax-favored retirement plan for its employees or has not done so in an effective form and operation at any time within the current calendar year or 3 immediately preceding calendar years.

Sec. 9. ***1. Except as otherwise provided in subsection 2, "employer" means a person or entity engaged in a business, profession, trade or other enterprise in this State, whether for profit or not for profit, that employs one or more persons in this State.***

2. The term does not include an agency or entity of the Federal Government, the government of this State or a political subdivision of this State.

Sec. 10. *"Individual Retirement Account" means an individual retirement account and an individual retirement annuity established under section 408 or 408A of the Internal Revenue Code, 26 U.S.C. § 408 or 408A.*

Sec. 11. *"Internal Revenue Code" means the federal Internal Revenue Code of 1986, as amended.*

Sec. 12. *"Investment fund" means an investment portfolio established by the Board within the Trust for investment purposes.*

Sec. 13. *"Participant" means a person who contributes to an Individual Retirement Account established or maintained through the Program or has an account balance in an Individual Retirement Account established or maintained through the Program.*

Sec. 14. *"Program" means the Nevada Employee Savings Trust Program established by the Board pursuant to section 20 of this act.*

Sec. 15. *"State" means the State of Nevada.*

Sec. 16. *"Tax-favored retirement plan" means a retirement plan that is tax-qualified under or is described in and satisfies the requirements of section 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p) of the Internal Revenue Code, 26 U.S.C. §§ 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p).*

Sec. 17. *"Trust" means the Nevada Employee Savings Trust created pursuant to section 26 of this act and each Individual Retirement Account trust or annuity contract allocated to the Nevada Employee Savings Trust pursuant to section 26 of this act.*

Sec. 18. *"Trustee" means the Trustee of the Trust appointed by the Board pursuant to subsection 2 of section 26 of this act.*

Sec. 19. *1. There is hereby created the Board of Trustees of the Nevada Employee Savings Trust.*

2. The Board consists of:

(a) The State Treasurer or the designee of the State Treasurer;

(b) The Lieutenant Governor or the designee of the Lieutenant Governor;

(c) One member, appointed by the Governor, who represents employers;

(d) ~~[One member, appointed by the Governor, who is a representative of an association that represents employees;~~

~~(e)]~~ One member, appointed by the Governor, who has experience in the field of investments;

~~[(f)]~~ (e) One member, appointed by the Majority Leader of the Senate, who represents retirees; and

~~[(g)]~~ (f) One member, appointed by the Speaker of the Assembly, who has experience in small business.

3. Each appointed member serves a term of 4 years unless dismissed for cause. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments.

4. Any vacancy occurring in the appointed membership of the Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. The State Treasurer or the designee of the State Treasurer shall serve as the Chair of the Board.

6. The Board shall meet at the call of the Chair as frequently as required to perform its duties.

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

8. Each member of the Board serves without compensation, except that each member is entitled to receive:

(a) The per diem allowance and travel expenses provided for state officers and employees generally; and

(b) Reimbursement for any other actual and reasonable expense incurred while performing the member's duties.

Sec. 20. *The Board is authorized and empowered to:*

1. Design, establish, and operate the Nevada Employee Savings Trust Program;

2. Enter into contracts necessary or desirable for the administration of the Program, including, without limitation, contracts with one or more other states to:

(a) Provide for the administration of all or part of the Program by another state;

(b) Administer all or part of the qualified employee savings trust program of another state; or

(c) Jointly administer the Program with the qualified employee savings trust program of one or more other states;

3. Hire, retain and terminate third party service providers as the Board deems necessary or desirable for the Program, including, without limitation, nonprofit organizations, consultants, investment managers or advisers, trustees, custodians, insurance companies, record keepers, administrators, actuaries, counsel, auditors and other professionals;

4. Determine, without limitation, the:

(a) Types of Individual Retirement Accounts to be offered;

(b) Default contribution rate; and

(c) Process for automatic escalation of participant contributions;

5. Develop an option for participants to convert contributions into fixed lifetime income streams;

6. Develop and implement an outreach plan to gain input and disseminate information regarding the Program and retirement and financial education in general to employees, employers and other constituents in this State;

7. Determine the number of days during which a covered employer must make the Program available to a covered employee upon first becoming a covered employer or covered employee;

8. Determine the number of days, which must not be less than 90, after the Program is first made available to a covered employee during which the covered employee may exercise the employee's right to opt out of the Program without penalty; and

9. Adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.

Sec. 21. *1. The State Treasurer shall, within the limits of legislative appropriations, provide staff support to the Board and may otherwise provide administrative support to the Board.*

2. The Board may enter into an intergovernmental agreement or contract to obtain outreach, technical assistance or compliance services with any officer, agency, division or department of the State, including, without limitation, the Lieutenant Governor, Secretary of State, Department of Taxation, Department of Employment, Training and Rehabilitation, Department of Business and Industry and Office of the Labor Commissioner. An officer, agency, division or department that enters into such an intergovernmental agreement with the Board shall collaborate with any other officer, agency, division or department of the State as necessary to provide such outreach, technical assistance or compliance services to the Board.

3. Each officer, agency, division or department of the State must provide any information necessary for the Board to implement the Program regardless of whether the Board has entered into an intergovernmental agreement or contract with the officer, agency, division or department pursuant to subsection 2.

Sec. 22. *1. An act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the Trust.*

2. The Board may not impose any obligations on the State or pledge the credit of the State.

Sec. 23. *The Program designed, established and operated by the Board pursuant to section 20 of this act must provide, without limitation, that:*

1. Each covered employer shall automatically enroll the covered employee in the Program or in a similar program offered by a trade association or chamber of commerce, unless the employee elects to opt out of the Program, or if applicable, the similar program offered by a trade association or chamber of commerce.

2. Contributions must be withheld from the compensation of each covered employee at the contribution rate set by the Board unless the covered employee elects not to contribute or to contribute at a different rate.

3. An Individual Retirement Account established and maintained through the Program must qualify for favorable federal income tax treatment pursuant to section 408 or 408A of the Internal Revenue Code, 26 U.S.C. § 408 or 408A.

4. To the extent consistent with federal law, a covered employee may withdraw from the employee's Individual Retirement Account at any time if necessary to meet a financial or other emergency.

5. The Board may establish intervals after which a covered employee who opted out of the Program may later elect to participate in the Program.

6. A covered employer must deposit a covered employee's withheld contributions under the Program with the Trustee in such manner as is determined by the Board, but in no case later than 10 business days after the date such amounts otherwise would have been paid to the covered employee.

7. The Board shall determine the rules and procedures for withdrawals, distributions, transfers and rollovers of Individual Retirement Accounts and for the designation of Individual Retirement Account beneficiaries.

8. The Board shall determine a method for employers other than covered employers and employees other than covered employees to participate in the Program, if allowed under federal law.

9. The Board shall prepare or cause to be prepared informational materials and required disclosures regarding the Program for distribution by covered employers to covered employees. Such materials must include, without limitation:

(a) A description of the benefits and risks associated with making contributions through the Program;

(b) Instructions about how to obtain additional information about the Program;

(c) A description of the federal and state income tax consequences of an Individual Retirement Account, which may consist of or include the disclosure statement required to be distributed by the Trustee by the Internal Revenue Code and the Treasury Regulations adopted thereunder;

(d) A statement that covered employees seeking financial advice should contact their own financial advisers and that covered employers are not in a position to provide financial advice and that covered employers are not liable for decisions covered employees make concerning the Program;

(e) A statement that the Program is not an employer-sponsored retirement plan;

(f) A statement that neither the Program nor the covered employee's Individual Retirement Account established or maintained through the Program is guaranteed by the State; and

(g) A statement that:

(1) Neither a covered employer nor the State will monitor or has an obligation to monitor the covered employee's eligibility under the Internal Revenue Code to make contributions to an Individual Retirement Account or to monitor whether the covered employee's contributions to the Individual

Retirement Account established or maintained for the covered employee through the Program exceed the maximum permissible Individual Retirement Account contribution;

(2) It is the covered employee's responsibility to monitor such matters; and

(3) Neither the State nor the covered employer will have any liability with respect to any failure of the covered employee to be eligible to make Individual Retirement Account contributions or for making any contribution in excess of the maximum Individual Retirement Account contribution.

10. The Board shall prepare or cause to be prepared information, forms or instructions to be furnished to covered employees at such times as the Board determines that provide the covered employee with the procedures for, without limitation:

(a) Making contributions to the covered employee's Individual Retirement Account established or maintained through the Program, including, without limitation, a description of the default contribution rate, any automatic escalation rate or frequency and the covered employee's right to elect to make no contribution or to change the contribution rate;

(b) Making an investment election with respect to the covered employee's Individual Retirement Account established or maintained through the Program, including a description of the default investment fund;

(c) Making transfers, rollovers, withdrawals and other distributions from the covered employee's Individual Retirement Account; and

(d) Exercising the covered employee's right to opt out of the Program.

11. Each covered employer shall deliver or facilitate the delivery of the items set forth in subsections 9 and 10, and any other information required by the Board, to each covered employee at such time and in such manner as determined by the Board.

12. The Program shall be designed and operated in a manner that will cause it not to be an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).

Sec. 24. *1. The Nevada Employee Savings Trust Administrative Fund is hereby created in the State Treasury.*

2. The Board shall administer the Administrative Fund.

3. The Board shall deposit in the Administrative Fund all money received for the Program, including, without limitation:

(a) Money appropriated to the Administrative Fund by the Legislature;

(b) Money transferred to the Administrative Fund from the Federal Government, other state agencies or local governments;

(c) Any gifts, donations, grants or other money designated for the Administrative Fund from the State, or any unit of federal or local government, or any other person, firm, partnership, corporation or other

entity solely for deposit into the Administrative Fund, whether for investment or administrative expenses; and

(d) Earnings on money in the Administrative Fund.

4. The Board shall use the money in the Administrative Fund solely to pay the administrative costs and expenses of the Program and the administrative costs and expenses the Board incurs in the performance of its duties.

Sec. 25. *1. The Board may, to enable or facilitate the start up and continuing operation, maintenance, administration and management of the Program until the Board determines that the Program has accumulated sufficient balances and is able to generate sufficient funding for the Program to be financially self-sustaining:*

(a) Borrow money from the State, any unit of federal, state or local government or any other person, firm, partnership, corporation or entity; or

(b) Enter into long-term procurement contracts with one or more financial providers if the Board determines that the fee structure of a contract allows or assists the Program to minimize or avoid the need to borrow money pursuant to paragraph (a) or to rely upon general assets of the State.

2. Money borrowed pursuant to subsection 1 must:

(a) Be borrowed in the name of the Program and Board only;

(b) Be repaid solely from the revenues of the Program; and

(c) Not be repaid unless the money was offered contingent upon the promise of such repayment.

3. Within the limits of legislative appropriations, the State may pay on behalf of the Board administrative costs associated with the creation, maintenance, operation and management of the Program and Trust until the Board determines that sufficient assets are available in the Administrative Fund for that purpose. Thereafter, all administrative costs of the Program and Trust, including any repayment of start-up money provided by the State, must be repaid only out of money on deposit in the Administrative Fund.

Sec. 26. *1. The Nevada Employee Savings Trust is hereby created as an instrumentality of the State.*

2. The Board shall appoint an institution qualified to act as a trustee of Individual Retirement Account trusts or an insurance company that issues annuity contracts pursuant to section 408 of the Internal Revenue Code, 26 U.S.C. § 408, and licensed to do business in the State of Nevada to act as Trustee of the Trust.

3. The assets of Individual Retirement Accounts established or maintained for covered employees must be allocated to the Trust and may be combined for investment purposes. Trust assets must be managed and administered for the exclusive purposes of providing benefits to covered employees and defraying reasonable expenses of administering and

managing the investments, Individual Retirement Accounts, Board, Program and Trust.

4. The Board shall establish within the Trust one or more investment funds, each pursuing an investment strategy and policy established by the Board. The underlying investments of each investment fund must be diversified so as to minimize the risk of large losses under any circumstances. The Board may, at any time or from time to time, add, replace or remove any investment fund.

5. The Board may allow covered employees to allocate assets of their Individual Retirement Accounts among such investment funds and, in such case, the Board also may designate an investment fund as a default investment for the Individual Retirement Accounts of covered employees who do not make an investment choice.

6. The Board, in consultation with such third-party professional investment advisers, managers or consultants as it may retain, shall select the underlying investments of each investment fund. Such underlying investments may include, without limitation, shares of mutual funds and exchange-traded funds, publicly traded equity and fixed-income securities and other investments available for investment by the Trust. An investment fund may not invest in any bond, debt instrument or other security issued by the State.

7. The Board may, in its discretion, retain an investment adviser to select and manage the investments of an investment fund on a discretionary basis, subject to the Board's ongoing review and oversight. An investment adviser retained pursuant to this subsection must be:

(a) An investment adviser registered as such under the Investment Advisers Act of 1940, 15 U.S.C. §§ 80b-1 et seq.; or

(b) A bank or other institution exempt from registration under the Investment Advisers Act.

8. The Trustee shall be subject to directions of the Board or of an investment adviser pursuant to this section and shall otherwise have no responsibility for the selection, retention or disposition of the investments or assets of the Trust.

9. The assets of the Trust must at all times be preserved, invested and expended solely for the purposes of the Trust and no property rights therein shall exist in favor of the State or any covered employer. Trust assets must not be transferred or used by the State for any purposes other than the purposes of the Trust or paying the expenses of operating the Program. Amounts deposited with the Trustee do not constitute property of the State and must not be commingled with state money and the State has no claim to or against, or interest in, the assets of the Trust.

10. The assets of the Trust must at all times be held separate and apart from the assets of the State. The State, Program, Board, any member of the Board or any covered employer shall not guaranty any investment, rate of return, or interest on amounts held in the Trust, an investment fund or any

Individual Retirement Account. The State, Program, Board, any member of the Board or any covered employer is not liable for any losses incurred by Trust investments or otherwise by any covered employee or other person as a result of participating in the Program.

11. The provisions of chapter 90 of NRS, the Uniform Securities Act, do not apply to the Trust, any investment fund or any interest held by an Individual Retirement Account in the Trust or such investment fund.

12. The Trust and each investment fund are exempt from all taxation by this State and any political subdivision thereof.

Sec. 27. *Except to the extent necessary to administer the Program, personally identifiable information relating to individual participants in the Program, including, without limitation, the name, physical and electronic mail address, telephone number and other personally identifiable information of the participant, and information relating to individual accounts established or maintained through the Program, including, without limitation, the identity or amount of any investment, contribution or earnings attributable to an account, is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.*

Sec. 28. *1. A covered employer or other employer may not be held liable for:*

(a) An employee's decision to participate in or opt out of the Program;

(b) A participant's or the Board's investment decisions;

(c) The administration, investment, investment returns or investment performance of the Program, including, without limitation, any interest rate or other rate of return on any contribution or account balance, provided the covered employer or other employer played no role;

(d) The design of the Program or the benefits paid to participants;

(e) A person's awareness of or compliance with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner; or

(f) Any loss, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.

2. A covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.

Sec. 29. *1. The State and any employee or officer thereof, the Board and any member of the Board or employee thereof and the Program:*

(a) Have no responsibility for compliance by persons with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner;

(b) Have no duty, responsibility or liability to any party for the payment of any benefits through the Program, regardless of whether sufficient money is available through the Program to pay such benefits;

(c) Do not and shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and

(d) Are not and shall not be liable or responsible for any loss, deficiency, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.

2. The debts, contracts and obligations of the Board, Program or Trust are not the debts, contracts and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts and obligations of the Board, Program or Trust.

Sec. 30. *1. Each member of the Board, the Trustee and each investment adviser or other person who has control of the assets of the Trust is a fiduciary with respect to the Trust and each Individual Retirement Account established and maintained through the Program.*

2. Each fiduciary shall discharge its duties with respect to the Program solely in the interests of covered employees and with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of like character and aims.

Sec. 31. *A member of the Board and a person who serves on the staff of the Board or as an administrator of the Program shall not:*

1. Directly or indirectly have any interest in the making of any investment under the Program or in any gains or profits accruing from such an investment;

2. Borrow any Program-related money or deposits, or use any such money or deposits in any manner, for himself or herself or as an agent or partner of others; or

3. Become an endorser, surety or obligor on any investment made through the Program.

Sec. 32. *1. The Board shall cause an accurate account of all the activities, operations and receipts and expenditures of the Board, Program and Trust to be maintained. Each year, a full audit of the books and accounts of the Board, Program and Trust pertaining to those activities, operations, receipts and expenditures, personnel, services and facilities must be conducted by a certified public accountant and must include, without limitation, direct and indirect costs attributable to the use of outside consultants, independent contractors and any other persons who are not state employees for the administration of the Program. For the purposes of the audit, the auditors shall have access to the properties and records of the Board, Program and Trust and may prescribe methods of accounting and*

the rendering of periodic reports in relation to projects undertaken by the Board, Program and Trust.

2. Not later than August 1 of each year, the Board shall submit to the Governor, the State Controller and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations and receipts and expenditures of the Board, Program and Trust during the immediately preceding calendar year. The report must also include projected activities of the Program for the current calendar year.

3. The Board shall prepare an annual report on the operation of the Program to be available to all citizens and provided to appropriate state officers.

Sec. 33. ***This chapter, being necessary to secure the public health, safety, convenience and welfare, must be liberally construed to effect its purposes.***

Sec. 34. 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 27 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. 34.5. 1. There is hereby appropriated from the State General Fund to the Office of the State Treasurer for costs related to the administration of the Nevada Employee Savings Trust Program established pursuant to section 20 of this act the following sums:

For the Fiscal Year 2023-2024 ..... $669,491
For the Fiscal Year 2024-2025 ..... $535,074

2. The Office of the State Treasurer shall repay the sums appropriated by subsection 1 as soon as the Office has received sufficient money for the operation of the Program.

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. 35. 1. Except as otherwise provided in this section, the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act shall establish the Nevada Employee Savings Trust Program pursuant to section 20 of this act and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program beginning on July 1, 2025.

2. The Board may implement the Program in phases so that the ability of covered employees to contribute to an Individual Retirement Account through the Program first applies on different dates for different employees based on the number of employees employed by the covered employer. If the Board implements the Program in phases pursuant to this subsection, the first phase must not begin before July 1, 2025.

3. The Board shall not implement the Program if, and to the extent that, it determines that the Program is preempted by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq. If the Board determines that one or more provisions of the Program are preempted by Employee Retirement Income Security Act of 1974, the Board shall implement the remaining provisions of the Program to the extent practicable.

4. The Board shall not implement a provision of the Program that authorizes an arrangement by which an employer facilitates access for an employee to contribute to an Individual Retirement Account by means of payroll deduction if the Board determines that the arrangement is an employee

pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).

Sec. 36. As soon as practicable on or after the effective date of this section, the Governor, Majority Leader of the Senate and Speaker of the Assembly shall appoint the members of the Board of Trustees of the Nevada Employee Savings Trust pursuant to section 19 of this act.

Sec. 36.5. **1. The Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act shall conduct a study on the feasibility of including independent contractors in the Nevada Employee Savings Trust Program established pursuant to section 20 of this act.**

2. Not later than December 31, 2024, the Board shall prepare and submit a report of the findings of the study conducted pursuant to subsection 1 to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Nevada Legislature.

Sec. 37. 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. 38. 1. This section and section 36 of this act become effective upon passage and approval.

2. ~~[Section]~~ **Sections** 34.5 **and 36.5** of this act ~~[becomes]~~ **become** effective on July 1, 2023.

3. Sections 1 to 34, inclusive, 35 and 37 of this act, become effective:

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

(b) On July 1, 2025, for all other purposes.

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 362.

Bill read third time.

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

Amendment No. 919.

AN ACT relating to public safety; requiring a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe; requiring each law enforcement agency to adopt certain policies and procedures governing the performance by peace officers of works protected by copyright in certain circumstances; revising provisions governing the establishment of a program for the imprinting of a symbol indicating a medical condition on a driver's license or identification card; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a peace officer from placing a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. Existing law also requires a peace officer to monitor any person who is in the custody of the peace officer for any signs of distress and to take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe. (NRS 193.305) **Section 1** of this bill requires a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe by an emergency medical attendant, physician, physician assistant or registered nurse as soon as practicable.

Section 2 of this bill requires each law enforcement agency to adopt written policies and procedures governing the performance of copyrighted works by peace officers employed by the law enforcement agency while on duty, including policies prohibiting a peace officer from performing, or causing the performance of, a copyrighted work for the purpose of preventing or interfering with the dissemination or sharing of a recording of the peace officer performing his or her official duties, with certain exceptions. **Section 2** prohibits retaliation or punitive action against a peace officer who discloses information concerning the performance of a copyrighted work in violation of such policies and procedures.

Existing law authorizes the Department of Motor Vehicles to adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license or identification card. (NRS 483.3485, 483.863) **Sections 4 and 6** of this bill authorize the Department to adopt regulations establishing a program for the imprinting of a symbol, and not any other indicator, of a medical condition on a driver's license and identification card, respectively. If the Department establishes such a program, **sections 4 and 6** additionally require: (1) the Department to adopt a single symbol to represent all applicable medical conditions; (2) the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card if the person is on anticoagulants or has certain specified medical conditions; (3) the Department to maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license or identification card of a person; and (4) the Department to maintain certain information about the program on its Internet website. If the Department establishes such a program, **sections 4 and 6** also: (1) authorize the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card to indicate other medical conditions not specified in statute as the Department deems appropriate; and (2) require the Department to provide a means for members of the public to suggest additional medical conditions.

Sections 3 and 5 of this bill make conforming changes in existing provisions relating to the issuance or renewal of a driver's license or identification card for consistency with the revisions made to the program pursuant to **sections 4 and 6**. **Section 7** of this bill requires the Department to include certain information regarding the program on the notifications for renewal of registration issued by the Department for a 12-month period. **Section 6.5 of this bill makes an appropriation to the Department for programming costs and necessary system enhancements associated with carrying out the provisions of sections 4, 6 and 7.**

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

Section 1. NRS 193.305 is hereby amended to read as follows:

193.305 1. In carrying out his or her duties, a peace officer shall not use a choke hold on another person.

2. A peace officer shall not place a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. A peace officer shall monitor any person who is in the custody of the peace officer for any signs of distress and shall take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe.

3. ***If a person who is in the custody of a peace officer indicates that he or she cannot breathe, the peace officer shall ensure that medical aid is rendered to the person by an emergency medical attendant, physician, physician assistant or registered nurse as soon as practicable.***

4. If a peace officer, in carrying out his or her duties, uses physical force on another person, the peace officer shall ensure that medical aid is rendered to any person who is injured by the use of such physical force as soon as practicable.

~~[4.]~~ ***5.*** As used in this section ~~[, "choke]~~ ***:***

(a) "Choke hold" means:

~~[(a)]~~ ***(1)*** A method by which a person applies sufficient pressure to another person to make breathing difficult or impossible, including, without limitation, any pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce intake of air; or

~~[(b)]~~ ***(2)*** Applying pressure to a person's neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

Sec. 2. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each law enforcement agency shall adopt written policies and procedures governing the performance by peace officers employed by the law enforcement agency of copyrighted works while on duty. Such policies and procedures must:

(a) Except as otherwise provided in paragraph (b), prohibit a peace officer from performing, or causing the performance of, a copyrighted work for the purpose of preventing or interfering with the dissemination or sharing of a recording of the peace officer performing his or her official duties, including, without limitation, the dissemination or sharing of a recording through an Internet website; and

(b) Authorize a peace officer to perform, or cause the performance of, a copyrighted work:

(1) While engaged in an undercover investigation;

(2) When the peace officer is not publicly performing official duties; or

(3) As necessary to ensure the safety of the peace officer at the time the copyrighted work is performed.

2. No retaliatory or punitive action may be taken against a peace officer who discloses information concerning the performance of a copyrighted work in violation of the policies and procedures of a law enforcement agency adopted pursuant to subsection 1.

3. As used in this section:

(a) "Copyrighted work" means any work protected under Title 17 of the United States Code.

(b) "Perform" has the meaning ascribed to it in 17 U.S.C. § 101.

Sec. 3. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the Nevada Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency,

the Attorney General, the Secretary of State or his or her designee or the Chair of the Nevada Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is a misdemeanor for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to have indicated whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition imprinted on his or her driver's license.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 4. NRS 483.3485 is hereby amended to read as follows:

483.3485 1. The Department may adopt regulations establishing a program for the imprinting of a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition on a driver's license issued by the Department.

2. ~~[Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on a driver's license to]~~ ***If the Department establishes a program pursuant to subsection 1:***

(a) Except as otherwise provided in this title, the Department shall adopt a single symbol for imprinting on a driver's license to indicate a medical condition and shall not adopt individualized symbols for different medical conditions.

(b) The regulations adopted by the Department must provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license if the person is:

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;

(VI) Chronic obstructive pulmonary disease;

(VII) A food allergy;

(VIII) Malignant hyperthermia;

(IX) Sickle cell disease;

(X) Systemic lupus erythematosus;

(XI) Heart disease;

(XII) Hemophilia;

(XIII) Schizophrenia;

(XIV) Depression; or

(XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license of an eligible person. The record must be maintained in the same location and manner as all other records relating to the driver's license of the person, including, without limitation, the records relating to the driver's license of the person that are made available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall maintain on the Internet website of the Department information about the program established pursuant to

subsection 1, including, without limitation, the manner in which a person may obtain a driver's license which has been imprinted with a symbol indicating a medical condition.

(e) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 5. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. The Department shall adopt regulations prescribing the information that must be contained on an identification card.

4. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her identification card that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to indicate whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition imprinted on his or her identification card.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

5. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

6. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 4 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 6. NRS 483.863 is hereby amended to read as follows:

483.863 1. The Department may adopt regulations establishing a program for the imprinting of a symbol ~~[or other indicator of]~~ ***indicating*** a medical condition on an identification card issued by the Department.

2. ~~[Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on an identification card to]~~ ***If the Department establishes a program pursuant to subsection 1:***

(a) Except as otherwise provided in this title, the Department shall adopt a single symbol for imprinting on an identification card to indicate a medical condition and shall not adopt individualized symbols for different medical conditions.

(b) The regulations adopted by the Department must provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card if the person is:

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;

(VI) Chronic obstructive pulmonary disease;

(VII) A food allergy;

(VIII) Malignant hyperthermia;

(IX) Sickle cell disease;

(X) Systemic lupus erythematosus;

(XI) Heart disease;

(XII) Hemophilia;

(XIII) Schizophrenia;

(XIV) Depression; or

(XV) A mental illness.

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the identification card of an eligible person. The record must be maintained in the same location and manner as all other records relating to the identification card of the person, including, without limitation, the records relating to the identification card of the person that are available to law enforcement agencies. If the Department maintains such information in the

form of a code, the code used must conform with the International Classification of Diseases, Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall, at the time of the issuance or renewal of an identification card, give the holder the opportunity to have imprinted on his or her identification card a symbol indicating a medical condition.

(e) The Department shall maintain on the Internet website of the Department information about the program established pursuant to subsection 1, including, without limitation, the manner in which a person may obtain an identification card which has been imprinted with a symbol indicating a medical condition.

(f) The regulations adopted by the Department may provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card to indicate such other medical conditions not listed in paragraph (b) as the Department deems appropriate. The Department shall provide a means for members of the public to suggest additional medical conditions for inclusion in the regulations adopted by the Department.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 6.5. **1. There is hereby appropriated from the State Highway Fund to the Department of Motor Vehicles the sum of $127,772 for programming costs and necessary system enhancements associated with carrying out the provisions of sections 4, 6 and 7 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 Highway Fund on or before September 19, 2025.

Sec. 7. If the Department of Motor Vehicles adopts a program for the imprinting of a symbol indicating a medical condition on a driver's license or identification card issued by the Department pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, respectively, the Department shall, 30 days after the date on which the Department first accepts an application for the imprinting of a symbol indicating a medical condition pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, and any regulations adopted pursuant thereto, and for 12 calendar months thereafter, print on each notification for renewal of registration mailed by the Department

pursuant to NRS 482.280, and on any electronic notification for renewal of registration issued by the Department:

1. A statement notifying the public that an eligible person may have imprinted on his or her driver's license or identification card a symbol indicating a medical condition.

2. The address of the Internet website of the Department where interested persons may obtain more information about the program established pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. **Section 6.5 of this act becomes effective on July 1, 2023.**

3. Sections 1 and 2 of this act become effective on October 1, 2023.

~~[3.]~~ **4.** Sections 3 to ~~[7,]~~ **6,** inclusive, **and 7** of this act become effective:

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

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

Assemblywoman Backus moved the adoption of the amendment.

Amendment adopted.

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

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 45, 150, 155, 158, 160, 208, 253, 348, 386, and 428 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. 45.

Bill read third time.

Roll call on Assembly Bill No. 45:

YEAS—41.

NAYS—None.

EXCUSED—González.

Assembly Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 150.

Bill read third time.

Roll call on Assembly Bill No. 150:

YEAS—41.

NAYS—None.

EXCUSED—González.

Assembly Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 155.

Bill read third time.

Roll call on Assembly Bill No. 155:

YEAS—41.

NAYS—None.

EXCUSED—González.

Assembly Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 158.

Bill read third time.

Roll call on Assembly Bill No. 158:

YEAS—42.

NAYS—None.

Assembly Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160.

Bill read third time.

Roll call on Assembly Bill No. 160:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 208.

Bill read third time.

Roll call on Assembly Bill No. 208:

YEAS—42.

NAYS—None.

Assembly Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 253 and 386 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 348.
Bill read third time.
Roll call on Assembly Bill No. 348:
YEAS—40.
NAYS—Bilbray-Axelrod, Hansen—2.
Assembly Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 428.
Bill read third time.
Roll call on Assembly Bill No. 428:
YEAS—42.
NAYS—None.
Assembly Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bills Nos. 24, 36, 71, 145, 166, 167, 222, 232, 237, 273, 275, 279, 281, 282, 290, 291, 294, 301, 307, 367, and 387 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

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

Assembly in recess at 9:19 p.m.

ASSEMBLY IN SESSION

At 9:23 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Mosca, the privilege of the floor of the Assembly Chamber for this day was extended to Ellis Hampton, Jackson Olson, and Rudy Zamora.

On request of Assemblyman Nguyen, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Jeanne Penrod.

On request of Assemblyman Orentlicher, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Austin.

On request of Assemblywoman Summers-Armstrong, the privilege of the floor of the Assembly Chamber for this day was extended to Marshawna Sanford.

On request of Assemblywoman Torres, the privilege of the floor of the Assembly Chamber for this day was extended to Princess Payne and Whitney McIntosh.

Assemblywoman Jauregui moved that the Assembly adjourn until Saturday, June 3, 2023, at 9:30 a.m.

Motion carried.

Assembly adjourned at 9:23 p.m.

Approved: STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly