NEVADA LEGISLATURE

Eighty-Second Session, 2023

ASSEMBLY DAILY JOURNAL

THE ONE HUNDRED AND EIGHTEENTH DAY

CARSON CITY (Saturday), June 3, 2023

Assembly called to order at 11:01 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain Ron McMillin.

God Almighty, King over all. We come before You this morning with hearts of gratitude. We are grateful for this day and for the many blessings You have bestowed upon us. We thank You for allowing us to live in a state that is so rich in history, diversity, and resources.

We thank You for our legislators and our Governor and for the commitment they have made to serve the people of this state. We pray that You will give them insight into the needs of our communities and our state. Grant them the wisdom and the courage they need to address those needs, and to lead our state well.

We also thank You for all the legislative staff who work so tirelessly behind the scenes to keep everything moving efficiently. We pray Your blessing upon them. Lord, we thank You for our first responders and their dedication to preserving life and property. May Your hand of protection be upon them as they selflessly serve their communities.

To You, God, be the Honor, the Praise, and the Glory.

AMEN.

Pledge of Allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 216, 245, 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 483, 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. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DANIELE MONROE-MORENO, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 163, 205, 311, 450.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 189.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that all rules be suspended, and all Assembly Bills be declared emergency measures under the *Constitution* and placed on third reading and final passage.

Motion carried.

Assemblywoman Jauregui moved to dispense with the reprinting of all measures for the balance of the session.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bills Nos. 524 and 400 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

Assemblywoman Jauregui moved that Senate Bill No. 371 be taken from the Chief Clerk's Desk and placed at the top of the General File

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 322 be taken from the Chief Clerk's Desk and placed at the top of General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bill No. 346 be taken from the Chief Clerk's Desk and placed at the top of the General File.

Motion carried.

Assemblywoman Jauregui moved that Assembly Bills Nos. 253, 301, 386, 449, and Senate Bill No. 195 be taken from the Chief Clerk's Desk and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen O'Neill, Anderson, Taylor, DeLong, Dickman, La Rue Hatch, Newby and Peters; Senators Goicoechea, Scheible, Harris and Daly (emergency request of Assembly Minority Leader):

Assembly Bill No. 529—AN ACT relating to counties; revising provisions relating to the annual compensation of elected county officers; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 163.

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

Motion carried.

Senate Bill No. 189.

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

Motion carried.

Senate Bill No. 205.

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

Motion carried.

Senate Bill No. 311.

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

Motion carried.

Senate Bill No. 450.

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

Motion carried.

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

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 126.

Bill read second time and ordered to third reading.

Senate Bill No. 234.

Bill read second time and ordered to third reading.

Senate Bill No. 242.
Bill read second time and ordered to third reading.

Senate Bill No. 274.
Bill read second time and ordered to third reading.

Senate Bill No. 380.
Bill read second time and ordered to third reading.

Senate Bill No. 390.
Bill read second time and ordered to third reading.

Senate Bill No. 428.
Bill read second time and ordered to third reading.

Senate Bill No. 435.
Bill read second time and ordered to third reading.

Senate Bill No. 72.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 910.

AN ACT relating to education; directing the Joint Interim Standing Committee on Education to conduct certain studies during the 2023-2024 interim and report its findings to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Joint Interim Standing Committee on Education. (NRS 218E.320) Existing law authorizes the Committee to: (1) evaluate, review and comment upon issues related to education in Nevada; (2) conduct investigations and hold hearings; (3) conduct studies as directed by the Legislature or the Legislative Commission; and (4) make certain recommendations to the Legislature. (NRS 218E.330, 218E.615) This bill directs the Committee to conduct ~~[five]~~ **six** separate studies during the 2023-2024 interim and report its findings for each study to the Legislature. Specifically, this bill directs the Committee to study: (1) the mental health and wellness of pupils; (2) the workload of teachers, including any relevant statutory and regulatory requirements; (3) requirements governing the licensing **and authorization to work** of teachers and administrators and the effect of such requirements on the diversity and effectiveness of teachers and administrators and the recruitment of local teachers and administrators; (4) trends in graduation and achievement of pupils enrolled in high school and any divergence between those trends; ~~[and]~~ (5) groups of pupils that may require additional resources, and policies and strategies that may address the needs of such groups **~~[.]~~ ; and (6) waivers of registration fees, laboratory fees and other fees at institutions within the Nevada System of Higher Education.**

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

Section 1. 1. The Joint Interim Standing Committee on Education shall, during the 2023-2024 interim:

(a) Conduct a study concerning the mental health and wellness of pupils in this State and programs to improve the mental health and wellness of such pupils, including, without limitation, evidence-based mental health therapies and practices.

(b) Conduct a study concerning the workload of teachers in this State, including, without limitation, provisions of law and regulations that affect the workload of teachers in this State, to better understand and evaluate the workload of teachers in this State.

(c) Conduct a study concerning requirements governing the licensing **and authorization to work** of teachers and administrators in this State, including, without limitation, ~~[any requirement that an applicant for a license as a teacher or administrator, as applicable, must pass the "Praxis Core Academic Skills for Educators" examination in reading, mathematics and writing, prepared and administered by the Educational Testing Service,]~~ **requirements for the authorization of a holder of a J-1 visa issued pursuant to 8 U.S.C. § 1101(a)(15)(J) to work as a teacher or administrator, in order** to:

(1) Identify whether such requirements are barriers to increasing the diversity of teachers or administrators, as applicable, in this State and increasing the number of pupils in the public schools in this State and students at institutions of higher education in this State who eventually become teachers and administrators in this State; and

(2) Ensure that requirements concerning the competency of applicants for a license as a teacher or administrator, as applicable, are reasonable indicators of the future effectiveness of such an applicant as a teacher or administrator.

(d) Conduct a study concerning:

(1) Trends in the graduation rates of, and the types of diplomas awarded to, pupils enrolled in high school in this State, based on the information included in the annual report of accountability pursuant to NRS 385A.260;

(2) Trends in achievement of pupils enrolled in high school in this State, including, without limitation, information relating to such trends that is included in the annual report of accountability pursuant to NRS 385A.200;

(3) A comparison of the trends described in subparagraphs (1) and (2); and

(4) Any factors which may be responsible for the trends described in subparagraphs (1) and (2) and any divergence between the trends described in subparagraph (1) and the trends described in subparagraph (2).

(e) Conduct a study concerning:

(1) Groups of pupils who may require additional resources to receive a reasonably equal educational opportunity;

(2) The specific educational needs of such groups of pupils;

(3) Policies and strategies that target such groups of pupils, address specific needs and provide specific interventions, including, without limitation, policies and strategies to increase enrollment in postsecondary education or vocational training; and

(4) Long-term strategies to fund and implement such policies and programs.

(f) Conduct a study concerning waivers of registration fees, laboratory fees and other fees at institutions within the Nevada System of Higher Education, including, without limitation, any such waivers granted by the Board of Regents of the University of Nevada pursuant to NRS 396.544 to 396.54495, inclusive.

2. On or before February 1, 2025, for each study listed in subsection 1, the Joint Interim Standing Committee on Education shall submit a report of its findings and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

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

Assemblywoman Bilbray-Axelrod moved the adoption of the amendment.

Amendment adopted.

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

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 216, 332, 253, 301, 386, 449, 346, and 483 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. 216.

Bill read third time.

Roll call on Assembly Bill No. 216:

YEAS—42.

NAYS—None.

Assembly Bill No. 216 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 332.

Bill read third time.

Roll call on Assembly Bill No. 332:

YEAS—29.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Kasama, Koenig, McArthur, O'Neill, Yurek—13.

Assembly Bill No. 332 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 253.

Bill read third time.

Roll call on Assembly Bill No. 253:

YEAS—30.

NAYS—DeLong, Dickman, Gray, Gurr, Hafen, Hansen, Hardy, Kasama, Koenig, McArthur, O'Neill, Yurek—12.

Assembly Bill No. 253 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 301.

Bill read third time.

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

Amendment No. 876.

AN ACT relating to public employees; revising the definition of "police officer" to include **all category I peace officers,** certain school police officers, juvenile probation officers, bailiffs and deputy marshals of municipal courts and marshals and deputy marshals of cities or towns for the purposes of certain benefits and exemptions; specifying that the use of certain designations by the Department of Public Safety or a division **[,] or** officer **[or employee]** of the Department does not exclude **[certain employees of the Department]** from the definition of "police officer" for the purposes of certain benefits and exemptions **[,] certain persons employed by the Department who are included within that definition under existing law;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "police officer" to include various law enforcement officers of this State for the purposes of certain provisions relating to eligibility for benefits under the Nevada Occupational Diseases Act. (NRS 617.135) Among the law enforcement officers included in the definition of "police officer" are certain specified employees of the Department of Public Safety. (NRS 617.135) Existing law authorizes the Director of the Department of Public Safety to authorize: (1) the Department to use certain designations to identify itself; and (2) the divisions of the Department and the officers and employees of the Department to use certain designations to identify themselves. (NRS 480.150) This bill provides that the use of such a designation does not exclude from the definition of "police officer" any **[employee of] person employed by** the Department of Public Safety **who is** included in the definition of "police officer" under existing law.

This bill also expands the definition of "police officer" to include **:** **[a.]** (1) **a** school police officer employed or appointed by the board of trustees of a school district; (2) **a** juvenile probation officer; (3) **a** bailiff or deputy marshal of a municipal court; **[and]** (4) **a** marshal or deputy marshal of a city or town **[.] ; and (5) all category I peace officers.** Furthermore, because various other provisions of the Nevada Revised Statutes reference "police officer" as that

term is defined in the Act, this bill makes applicable to **all category I peace officers,** school police officers employed or appointed by the board of trustees of a school district, juvenile probation officers, bailiffs and deputy marshals of municipal courts and marshals and deputy marshals of cities or towns: (1) industrial insurance coverage for police officers; (2) exemption from service as grand or trial jurors; (3) compensation for police officers with temporary disabilities; and (4) eligibility for certain programs of group insurance or other medical or hospital service for the surviving spouse or any surviving child of a police officer or firefighter. (NRS 6.020, 281.153, 287.021, 287.0477; chapters 616A-616D of NRS)

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

Section 1. NRS 617.135 is hereby amended to read as follows:

617.135 ***1.*** "Police officer" includes:

~~[1.]~~ ***(a)*** A sheriff, deputy sheriff, officer of a metropolitan police department or city police officer;

~~[2.]~~ ***(b)*** A chief, inspector, supervisor, commercial officer or trooper of the Nevada Highway Patrol Division of the Department of Public Safety;

~~[3.]~~ ***(c)*** A chief, investigator or agent of the Investigation Division of the Department of Public Safety;

~~[4.]~~ ***(d)*** A chief, supervisor, investigator or training officer of the Training Division of the Department of Public Safety;

~~[5.]~~ ***(e)*** A chief or investigator of an office of the Department of Public Safety that conducts internal investigations of employees of the Department of Public Safety or investigates other issues relating to the professional responsibility of those employees;

~~[6.]~~ ***(f)*** A chief or investigator of the Department of Public Safety whose duties include, without limitation:

~~[(a)]~~ ***(1)*** The execution, administration or enforcement of the provisions of chapter 179A of NRS; and

~~[(b)]~~ ***(2)*** The provision of technology support services to the Director and the divisions of the Department of Public Safety;

~~[7.]~~ ***(g)*** An officer or investigator of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles;

~~[8.]~~ ***(h)*** An investigator of the Division of Compliance Enforcement of the Department of Motor Vehicles;

~~[9.]~~ ***(i) A school police officer employed or appointed by the board of trustees of a school district pursuant to NRS 391.281;***

(j) A member of the police department of the Nevada System of Higher Education;

~~[10.]~~ ***(k)*** A:

~~[(a)]~~ ***(1)*** Uniformed employee of; or

~~[(b)]~~ ***(2)*** Forensic specialist employed by,

➥ the Department of Corrections whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies;

~~[11.]~~ ***(l) A juvenile probation officer;***

(m) A parole and probation officer of the Division of Parole and Probation of the Department of Public Safety;

~~[12.]~~ ***(n)*** A forensic specialist or correctional officer employed by the Division of Public and Behavioral Health of the Department of Health and Human Services at facilities for mentally disordered offenders;

~~[13.]~~ ***(o)*** The State Fire Marshal and his or her assistant and deputies;

~~[14.]~~ ***(p)*** A game warden of the Department of Wildlife who has the powers of a peace officer pursuant to NRS 289.280;

~~[15.]~~ ***(q)*** A ranger or employee of the Division of State Parks of the State Department of Conservation and Natural Resources who has the powers of a peace officer pursuant to NRS 289.260;

~~[16.]~~ ***(r)*** A bailiff or a deputy marshal of the district court ***, municipal court*** or justice court whose duties require him or her to carry a weapon and to make arrests; ~~[and~~

~~17.]~~ ***(s)*** An agricultural police officer appointed by the Director of the State Department of Agriculture pursuant to NRS 561.225 who has the powers of a peace officer pursuant to NRS 289.290 ~~[.]~~ ***; [and]***

(t) A marshal or deputy marshal of a city or town [.] ; and

(u) Any category I peace officer as defined in NRS 289.460 who is not otherwise included in paragraphs (a) to (t), inclusive.

2. The use of any designation by the Department of Public Safety, a division of the Department or an officer [or employee] of the Department pursuant to subsection 3 of NRS 480.150 does not exclude any person described in paragraphs (b) to (f), inclusive, and (m) of subsection 1 from the definition of "police officer" set forth in subsection 1.

Sec. 2. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 3. This act becomes effective on July 1, ~~[2023.]~~ **2024.**

Assemblywoman Monroe-Moreno 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.

Roll call on Assembly Bill No. 386:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hardy, Hibbetts, Kasama, Koenig, McArthur—11.

Assembly Bill No. 386 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 449.

Bill read third time.

Roll call on Assembly Bill No. 449:

YEAS—41.

NAYS—Thomas.

Assembly Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

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

Amendment No. 886.

AN ACT relating to state financial administration; defining the term "adjusted base budget" for purposes of the State Budget Act; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The State Budget Act sets forth the process for the preparation and submission of the proposed biennial budget for the Executive Department of the State Government. (NRS 353.150-353.246) Specifically, the Act requires the Chief of the Budget Division of the Office of Finance to prepare a final version of the proposed budget, which must include the adjusted base budget for each department, institution and agency of the Executive Department. (NRS 353.230) **Section 2** of this bill defines the term "adjusted base budget" to mean the amount appropriated **or authorized to support ongoing expenditures budgeted** to the department, institution or agency by the Legislature for the second year of the current biennium, as adjusted for: (1) the removal of any one-time appropriation or authorization that was appropriated **or authorized** by the Legislature to the department, institution or agency for the second year of the biennium; (2) statewide fringe benefits, assessments, rent insurance premiums and cost allocations; (3) contractual obligations that are approved or expired during the current biennium; (4) ongoing expenditures approved by the Interim Finance Committee during the current biennium; (5) any annualization of costs that occurred for part of the second year of the current biennium; (6) actual caseloads incurred during the first year of the biennium; (7) rate changes that are projected to affect the budget of the department, institution or agency during the next biennium; and (8) any other adjustment that is necessary based on the limit upon total proposed expenditures or as otherwise determined by the Chief.

The Act further requires the Chief to provide to the Fiscal Analysis Division of the Legislative Counsel Bureau each agency's adjusted base budget by program or budgetary account for the next 2 fiscal years. (NRS 353.211) **Section 1** of this bill defines the term "adjusted base budget" to mean the amount appropriated **or authorized to support ongoing expenditures**

budgeted to the agency by the Legislature for the second year of the current biennium, as adjusted for: (1) **the removal of** any one-time appropriation or authorization that was appropriated **or authorized** by the Legislature to the agency for the second year of the current biennium; (2) statewide fringe benefits, assessments, rent insurance premiums and cost allocations; (3) contractual obligations that are approved or expired during the current biennium; (4) ongoing expenditures approved by the Interim Finance Committee during the current biennium; (5) any annualization of costs that occurred for part of the second year of the current biennium; (6) actual caseloads incurred during the first year of the biennium; (7) rate changes that are projected to affect the budget of the agency during the next biennium; and (8) any other adjustment that is necessary based on the limit upon total proposed expenditures or as otherwise determined by the Chief.

Section 2.5 of this bill makes an appropriation to the Legislative Fund to update the budgeting software of the Fiscal Analysis Division of the Legislative Counsel Bureau to accommodate the amendatory provisions of this bill.

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

Section 1. NRS 353.211 is hereby amended to read as follows:

353.211 1. On or before October 15 of each even-numbered year, the Chief shall provide to the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) Computerized budget files containing the actual data regarding revenues and expenditures for the previous year;

(b) The work programs for the current year; and

(c) Each agency's requested budget for the next 2 fiscal years.

2. On or before December 31 of each even-numbered year, the Chief shall provide to the Fiscal Analysis Division:

(a) Each agency's adjusted base budget by program or budgetary account for the next 2 fiscal years; and

(b) An estimated range of the costs for:

(1) Continuing the operation of State Government; and

(2) Providing elementary, secondary and higher public education,

➥ at the current level of service.

3. The information provided to the Fiscal Analysis Division pursuant to subsections 1 and 2 is open for public inspection.

4. The Governor may authorize or direct an agency to hold public hearings on a budget submitted pursuant to paragraph (c) of subsection 1 at any time after the material is provided pursuant to subsection 1.

5. As used in this section, "adjusted base budget" means the amount appropriated or authorized to support ongoing expenditures budgeted to the agency by the Legislature for the second year of the current biennium, as adjusted for:

(a) The removal of any one-time appropriation or authorization that was appropriated or authorized by the Legislature to the agency for the second year of the biennium;

(b) Statewide fringe benefits, assessments, rent insurance premiums and cost allocations;

(c) Contractual obligations that are approved or expired during the current biennium;

(d) Ongoing expenditures approved by the Interim Finance Committee during the current biennium;

(e) Any annualization of costs that occurred for part of the second year of the current biennium;

(f) Actual caseloads incurred during the first year of the biennium;

(g) Rate changes that are projected to affect the budget of the agency during the next biennium; and

(h) Any other adjustment that is necessary:

(1) Based on the limit upon total proposed expenditures calculated pursuant to NRS 353.213; or

(2) As otherwise determined by the Chief.

Sec. 2. NRS 353.230 is hereby amended to read as follows:

353.230 1. The Chief shall review the estimates, altering, revising, increasing or decreasing the items of the estimates as the Chief may deem necessary in view of the needs of the various departments, institutions and agencies in the Executive Department of the State Government and the total anticipated income of the State Government and of the various departments, institutions and agencies of the Executive Department during the next fiscal year. In performing the duties required by this subsection, the Chief shall use the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.

2. The Chief shall meet with a Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative and personnel of the various departments, institutions and agencies of the Executive Department to discuss:

(a) The budgetary requests of each department, institution and agency; and

(b) The budgetary recommendations of the Budget Division for each department, institution and agency,

➥ for the next 2 fiscal years. The Chief shall allow the Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative full access to all materials connected with the review.

3. The Chief shall then prepare a final version of the proposed budget, in accordance with NRS 353.150 to 353.246, inclusive, and shall deliver it to the Governor. The final version of the proposed budget must include the adjusted base budget for each department, institution and agency of the Executive Department, the costs for continuing each program at the current level of service and the costs, if any, for new programs, recommended enhancements of existing programs or reductions for the departments, institutions and agencies of the Executive Department for the next 2 fiscal years. All

projections of revenue and any other information concerning future state revenue contained in the proposed budget must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.

4. The Governor shall, not later than 14 calendar days before the commencement of the regular legislative session, submit the proposed budget to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The Governor shall simultaneously submit, as a separate document:

(a) An analysis of any new programs or enhancements of existing programs being recommended; and

(b) Any increase in or new revenues which are being recommended in the proposed budget.

➥ The document must specify the total cost by department, institution or agency of new programs or enhancements, but need not itemize the specific costs. All projections of revenue and any other information concerning future state revenue contained in the document must be based upon the projections and estimates prepared by the Economic Forum pursuant to NRS 353.228.

5. On or before the 19th calendar day of the regular legislative session, the Governor shall submit to the Legislative Counsel recommendations for each legislative measure which will be necessary to carry out the final version of the proposed budget or to carry out the Governor's legislative agenda. These recommendations must contain sufficient detailed information to enable the Legislative Counsel to prepare the necessary legislative measures.

6. During the consideration of the general appropriation bill and any special appropriation bills and bills authorizing budgeted expenditures by the departments, institutions and agencies operating on money designated for specific purposes by the Constitution or otherwise, drafted at the request of the Legislature upon the recommendations submitted by the Governor with the proposed budget, the Governor or a representative of the Governor have the right to appear before and be heard by the appropriation committees of the Legislature in connection with the appropriation bill or bills, and to render any testimony, explanation or assistance required of him or her.

7. As used in this section, "adjusted base budget" means the amount appropriated or authorized to support ongoing expenditures budgeted to the department, institution or agency by the Legislature for the second year of the current biennium, as adjusted for:

(a) The removal of any one-time appropriation or authorization that was appropriated or authorized by the Legislature to the department, institution or agency for the second year of the biennium;

(b) Statewide fringe benefits, assessments, rent insurance premiums and cost allocations;

(c) Contractual obligations that are approved or expired during the current biennium;

(d) Ongoing expenditures approved by the Interim Finance Committee during the current biennium;

(e) Any annualization of costs that occurred for part of the second year of the current biennium;

(f) Actual caseloads incurred during the first year of the biennium;

(g) Rate changes that are projected to affect the budget of the department, institution or agency during the next biennium; and

(h) Any other adjustment that is necessary:

(1) Based on the limit upon total proposed expenditures calculated pursuant to NRS 353.213; or

(2) As otherwise determined by the Chief.

Sec. 2.5. **There is hereby appropriated from the State General Fund to the Legislative Fund created by NRS 218A.150 the sum of $27,000 for the purpose of updating the budgeting software of the Fiscal Analysis Division of the Legislative Counsel Bureau to accommodate the amendatory provisions of this act.**

Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 483.

Bill read third time.

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

Amendment No. 914.

AN ACT making an appropriation to the Workforce Innovations for a New Nevada Account; 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 Workforce Innovations for a New Nevada Account created by NRS 231.151 ~~[the sum of $20,000,000]~~ to carry out the provisions of NRS 231.141 to 231.152, inclusive **~~[.]~~ , the following sums:**

For the Fiscal Year 2023-2024..... $5,000,000

For the Fiscal Year 2024-2025..... $5,000,000

2. **The sums appropriated by subsection 1 are available for either fiscal year.** Any remaining balance of ~~[the appropriation made by subsection 1]~~ **those sums** must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or

transferred, and must be reverted to the State General Fund on or before September 19, 2025.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 322.

Bill read third time.

The following amendment was proposed by Assemblyman Duy Nguyen:

Amendment No. 925.

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 Division of Public and Behavioral Health of the Department of Health and Human Services; setting forth requirements for the registration of a kratom product with the Division; requiring a person who registers a kratom product to pay certain expenses and report certain information relating to the kratom product to the Division; authorizing the 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 Division of 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 Division. **Section 6** sets forth certain requirements for a person to register a kratom product with the Division.

Sections 6.5 and 8 of this bill set forth circumstances under which the 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 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 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 sets forth the Uniform Controlled Substances Act, which establishes various provisions relating to controlled substances, including, without limitation, provisions establishing certain offenses concerning controlled substances and the penalties for those offenses. (NRS 453.011-453.348)

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. **Section 9.7 of this bill provides that the Uniform Controlled Substances Act and certain other provisions governing controlled substances do not apply to the extent that they are inconsistent with the provisions of sections 2-9 of this act.**

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. ***"Division" means the Division of 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 Division pursuant to this section.***

2. A person who wishes to register a kratom product must submit to the Division:

(a) An application on a form prescribed by the Division.

(b) A fee in an amount established by the 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 Division pursuant to section 7 of this act. 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 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.

(d) Any other information and documentation that the 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 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 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 Division may require the person who registered the kratom product to send the kratom product to a laboratory selected by the Division to conduct testing on the kratom product.*

2. After the testing conducted pursuant to subsection 1 is completed, the 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 Division by regulation, the Division shall revoke the registration of the kratom product.

Sec. 7. *The 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 Division by certified mail within a period of time established by the Division by regulation.*

2. Failure to send to the 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 Division on a form prescribed by the Division a suspected violation of NRS 597.998 or sections 2 to 8.7, inclusive, of this act.*

2. If the 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 Division shall require the person who committed the alleged violation to obtain and provide to the Division, within a period of time prescribed by the 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 Division with a certificate of analysis pursuant to subsection 2, the 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 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 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.]~~ **(Deleted by amendment.)**

Sec. 9.7. **NRS 453.005 is hereby amended to read as follows:**

453.005 The provisions of this chapter do not apply to the extent that they are inconsistent with the provisions of ~~[title]~~ **:**

1. Title 56 of NRS.

2. NRS 597.998 and sections 2 to 8.7, inclusive, of this act.

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,]~~ **9.7,** inclusive, of this act become effective:

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

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

Assemblyman Nguyen moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

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

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 11:55 a.m.
Mr. Speaker presiding.
Quorum present.

Senate Bill No. 371.
Bill read third time.
The following amendment was proposed by Assemblywoman Duran:
Amendment No. 923.
AN ACT relating to local governments; authorizing a board of county commissioners and the governing body of an incorporated city to, with certain exceptions, enact an ordinance or measure relating to affordable housing; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law authorizes a board of county commissioners or a governing body of an incorporated city, with certain exceptions, to exercise all powers necessary or proper to address matters of local concern for the effective operation of county or city government, as applicable, whether or not the powers are expressly granted to the board or governing body. (NRS 244.146, 268.0035) This bill authorizes a board of county commissioners and a governing body of an incorporated city, except as expressly prohibited by statute, to enact any ordinance or measure relating to affordable housing **. [**~~, including, without limitation, rent control.~~**]**

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:
Except as expressly prohibited by statute, a board of county commissioners may enact any ordinance or measure relating to affordable housing . [, including, without limitation, rent control.]
Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:
Except as expressly prohibited by statute, the governing body of an incorporated city may enact any ordinance or measure relating to affordable housing . [, including, without limitation, rent control.]
Sec. 3. This act becomes effective on July 1, 2023.

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 237.

Bill read third time.

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

Amendment No. 901.

SUMMARY—Makes ~~[revisions]~~ **an appropriation and authorizes expenditures for certain purposes** relating to health care. (BDR ~~[38-328)]~~ **S-328)**

AN ACT ~~[relating to health care; requiring the Director of the Department of Health and Human Services to take certain measures to facilitate the provision of health services to pupils who are recipients of Medicaid; requiring a Medicaid managed care program to negotiate in good faith with each school-based health center for the provision of health care services to recipients of Medicaid; requiring a private insurer to provide certain reimbursement for certain services provided by a school health services program; providing for the increase of certain rates of reimbursement under Medicaid;]~~ **making an appropriation to and authorizing expenditures by the Division of Health Care Financing and Policy of the Department of Health and Human Services for certain costs relating to Medicaid;** and providing other matters properly relating thereto.

~~[Legislative Counsel's Digest:~~

~~Existing law requires the Department of Health and Human Services, through the Division of Health Care Financing and Policy of the Department, to administer Medicaid. (NRS 422.2357, 422.270) Section 2 of this bill defines "school-based health center" to mean a health center located or based on, in or near school grounds, property, buildings or any other school district facilities for the purpose of rendering care or services to any person. Section 3.5 of this bill requires the Director of the Department to establish a means to facilitate the sharing of data concerning a child who is a recipient of Medicaid between: (1) educational agencies; and (2) school based health centers and other qualified providers of services covered by Medicaid. Section 3.5 also requires the Director to: (1) take any action necessary to ensure that local and state educational agencies are able to receive reimbursement for health services covered by Medicaid when provided on the premises of a school; and (2) establish incentives for certain providers to enter into an agreement with a school district or charter school or the Department of Education to provide health services to pupils. Sections 4 and 6 of this bill make conforming changes to indicate the proper placement of sections 2 and 3.5 in the Nevada Revised Statutes.~~

~~Existing law requires a health maintenance organization with which the Department of Health and Human Services contracts for the provision of~~

~~services through a Medicaid managed care program to negotiate in good faith with federally qualified health centers, the University Medical Center of Southern Nevada and the University of Nevada School of Medicine to provide services to recipients of Medicaid. (NRS 422.273) Section 5 of this bill similarly requires such a health maintenance organization to negotiate in good faith with each school based health center in this State to provide services to recipients of Medicaid. Section 7.5 of this bill requires the Director to apply for any necessary federal authority to increase by at least 5 percent the rates of reimbursement for services covered by Medicaid when provided on the premises of a school by an employee or independent contractor of: (1) a school district or charter school; or (2) the Department of Education.~~

~~Sections 6.1, 6.2-6.6 and 6.8 of this bill require private health insurers to reimburse a school health services program for certain health services provided to an insured who is a pupil enrolled in a public school in this State at certain rates. Sections 6.7 and 6.9 of this bill exclude insurers that provide services to recipients of Medicaid or members of the Public Employees' Benefits Program through managed care from that requirement. Section 6.15 of this bill makes a conforming change to indicate the proper placement of section 6.1 in the Nevada Revised Statutes. Section 6.75 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 6.6 of this bill. The Commissioner would also be authorized to take such action against other health insurers who fail to comply with the requirements of sections 6.1, 6.2-6.5 and 6.8. (NRS 680A.200)~~

~~}~~

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

Delete existing sections 1 through 7 of this bill and replace with the following new sections 1 and 2:

Section 1. **1. There is hereby appropriated from the State General Fund to the Division of Health Care Financing and Policy of the Department of Health and Human Services for costs related to an increase in the average daily reimbursement rate paid under Medicaid to nursing facilities to $275, effective on January 1, 2024, the following sums:**

For the Fiscal Year 2023-2024..... $2,582,157

For the Fiscal Year 2024-2025..... $6,479,422

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..... $8,176,770

For the Fiscal Year 2024-2025..... $19,491,415

3. The sums appropriated by subsection 1 are available for both Fiscal Year 2023-2024 and Fiscal Year 2024-2025 and may be transferred from

one fiscal year to the other with the approval of the Interim Finance Committee upon the recommendation of the Governor.

4. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2025, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 19, 2025, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 19, 2025.

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

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 327.

Bill read third time.

The following amendment was proposed by Assemblywoman Gorelow:

Amendment No. 930.

AN ACT relating to elections; revising provisions relating to the establishment of a polling place, ballot drop box and temporary branch polling place for early voting within an Indian reservation or Indian colony for an election; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes an Indian tribe to submit a request for the establishment within the boundaries of an Indian reservation or Indian colony of: (1) a polling place, a ballot drop box, or both, for the day of a primary election, presidential preference primary election or general election; and (2) a temporary branch polling place for early voting. A county clerk or city clerk is not required to establish a polling place or ballot drop box if the county or city clerk establishes a temporary branch polling place for early voting. (NRS 293.2733, 293.3572, 293C.2675, 293C.3572) **Sections 1 and 3** of this bill require a county clerk and city clerk, respectively, to establish a polling place and ballot drop box within the boundaries of an Indian reservation or Indian colony unless an Indian tribe: (1) elects not to have the polling place and ballot drop box established by submitting notice to the county clerk or city clerk; or (2) does not provide certain information relating to the establishment of the polling place and ballot drop box. **Sections 2 and 4** of this bill require a county clerk and city clerk, respectively, to also establish a temporary branch polling place for early voting **and ballot drop box** within the boundaries of an Indian reservation or Indian colony unless an Indian tribe: (1) elects not to have the temporary branch polling place **and ballot drop box** established by submitting

notice to the county clerk or city clerk; or (2) does not provide certain information relating to the establishment of the temporary branch polling place ~~[.]~~ **and ballot drop box.**

Sections 1 and 2 also authorize a county clerk to establish additional polling places, ballot drop boxes and temporary branch polling places within the boundaries of an Indian reservation or Indian colony upon the request of an Indian tribe.

Sections 1-4 set forth the dates by which an Indian tribe must submit a request to elect not to have a polling place, ballot drop box and temporary branch polling place established.

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

Section 1. NRS 293.2733 is hereby amended to read as follows:

293.2733 1. If an Indian reservation or Indian colony is located in whole or in part within a county, ~~[the Indian tribe may submit a request to]~~ the county clerk ~~[for the establishment]~~ ***:***

(a) Shall, except as otherwise provided in subsections 2 and 5, establish within the boundaries of the Indian reservation or Indian colony ***at a location ~~[or locations, as applicable,]~~ approved by the Indian tribe*** for the day of a primary election, presidential preference primary election or general election ~~[of:~~

~~(a) A polling place;~~

~~(b) A ballot drop box; or~~

~~(c) Both]~~ a polling place and a ballot drop box ~~[.]~~ ***; and***

(b) May establish additional polling places or ballot drop boxes , or both, within the boundaries of the Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election upon the request of an Indian tribe submitted not later than the dates set forth in subsection 2 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

2. ~~[A request for the establishment of]~~ ***An Indian tribe may elect not to have*** a polling place ~~[, a or]~~ ***and*** ballot drop box ~~[or both a polling place and a ballot drop box]~~ ***established*** within the boundaries of an Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election ~~[:~~

~~(a) Must be submitted]~~ ***by submitting notice*** to the county clerk ~~[by the Indian tribe]~~ on or before:

~~[(1)]~~ ***(a)*** If the ~~[request]~~ ***notice*** is for a primary election, ~~[March 1]~~ ***January 15*** of the year in which the primary election is to be held.

~~[(2)]~~ ***(b)*** If the ~~[request]~~ ***notice*** is for a presidential preference primary election, ~~[the first Friday in November]~~ ***September 15*** of the year immediately preceding the year of the presidential preference primary election.

~~[(3)]~~ ***(c)*** If the ~~[request]~~ ***notice*** is for a general election, ~~[August 1]~~ ***June 15*** of the year in which the general election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place or ballot drop box.]~~

3. Any ~~[proposed]~~ location ***of a polling place or ballot drop box established pursuant to subsection 1*** must satisfy the criteria the county clerk uses for the establishment of any other polling place ~~[or]~~ ***and*** ballot drop box, as applicable.

~~[3. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 2, the county clerk must establish at least one polling place or ballot box, as applicable, within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary election, presidential preference primary election or general election. The county clerk is not required to establish a polling place within the boundaries of an Indian reservation or Indian colony for the day of a primary election, presidential preference primary election or general election if the county clerk established a temporary branch polling place for early voting pursuant to NRS 293.3572 within the boundaries of the Indian reservation or Indian colony for the same election.]~~

4. ~~[If the county clerk establishes one or more polling places or ballot drop boxes within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary election, presidential preference primary election or general election, the]~~ ***Except as otherwise provided in subsection 5, the*** county clerk must continue to establish one ~~[or more]~~ polling ~~[places or]~~ ***place and*** ballot drop ~~[boxes]~~ ***box*** within the boundaries of the Indian reservation or Indian colony at a location ~~[or locations]~~ approved by the Indian tribe for the day of any future primary election, presidential preference primary election or general election unless otherwise ~~[requested]~~ ***notified*** by the Indian tribe ~~[.]~~ ***pursuant to subsection 2.***

5. Not later than the dates set forth in subsection 2 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a polling place and ballot drop box established must submit to the county clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:

(a) The location ~~[or locations]~~ for the polling place and ballot drop box and whether ~~[each]~~ the location ~~[or locations]~~ will have only a polling place or ballot drop box or both a polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the polling place within the boundaries of the Indian reservation or Indian colony; and

(c) The proposed days and hours for the operation of the polling place . ~~[; and~~

~~*[(d) The proposed number of ballot drop boxes to be established and any other information necessary for establishing such ballot drop boxes.]*~~

➥ ***If an Indian tribe does not submit the information required pursuant to this subsection, the Indian tribe shall be deemed to have elected not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.***

Sec. 2. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, ~~[except as otherwise provided in subsection 4,]~~ the county clerk may establish temporary branch polling places for early voting which may include, without limitation, the clerk's office pursuant to NRS 293.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a county, the ~~[Indian tribe may submit a request to the]~~ county clerk ~~[for the establishment of]~~ ***:***

(a) Shall, except as otherwise provided in subsections 3 and 6, establish a temporary branch polling place for early voting ***and a ballot drop box at a location*** ~~***[or locations, as applicable,]***~~ ***approved by the Indian tribe*** within the boundaries of the Indian reservation or Indian colony ~~[.]~~ ***; and***

(b) May establish additional temporary branch polling places for early voting or ballot drop boxes, or both, within the boundaries of the Indian reservation or Indian colony upon the request of an Indian tribe submitted not later than the dates set forth in subsection 3 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

3. ~~[A request for the establishment of]~~ ***An Indian tribe may elect not to have*** a temporary branch polling place for early voting ***and ballot drop box established*** within the boundaries of the Indian reservation or Indian colony ~~[:~~

~~(a) Must be submitted]~~ ***by submitting notice*** to the county clerk ~~[by the Indian tribe]~~ on or before:

~~[(1)]~~ ***(a)*** If the ~~[request]~~ ***notice*** is for a primary election, ~~[March 1]~~ ***January 15*** of the year in which the general election is to be held.

~~[(2)]~~ ***(b)*** If the ~~[request]~~ ***notice*** is for a presidential preference primary election, ~~[the first Friday in November]~~ ***September 15*** of the year immediately preceding the year of the presidential preference primary election.

~~[(3)]~~ ***(c)*** If the ~~[request]~~ ***notice*** is for a general election, ~~[August 1]~~ ***June 15*** of the year in which the general election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours of operation thereof.]~~

4. Any ~~[proposed]~~ location ***of a temporary branch polling place for early voting or ballot drop box established pursuant to subsection 2*** must satisfy the criteria established by the county clerk for the selection of temporary branch polling places ***and ballot drop boxes*** pursuant to NRS 293.3561.

~~[4. Except as otherwise provided in this subsection, if the county clerk receives a request that satisfies the requirements set forth in subsection 3, the~~

~~county clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The county clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the county clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.~~]

5. ~~[If the county clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the~~] ***Except as otherwise provided in subsection 6, the*** county clerk must continue to establish one ~~[or more]~~ temporary branch polling ~~[places]~~ ***place and ballot drop box*** within the boundaries of the Indian reservation or Indian colony at a location ~~[or locations]~~ approved by the Indian tribe for early voting in future elections unless otherwise ~~[requested]~~ ***notified*** by the Indian tribe ~~[.]~~ ***pursuant to subsection 3.***

6. ***Not later than the dates set forth in subsection 3 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a temporary branch polling place and ballot drop box established must submit to the county clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:***

(a) The location ~~[or locations]~~ for the temporary branch polling place ~~[,]~~ and ballot drop box and whether the location will have only a temporary branch polling place or ballot drop box or both a temporary branch polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the temporary branch polling place within the boundaries of the Indian reservation or Indian colony; and

(c) The proposed days and hours for the operation of the temporary branch polling place.

➥ If an Indian tribe does not submit the information required pursuant to this subsection, the Indian tribe shall be deemed to have elected not to have a temporary branch polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

7. The provisions of subsection 3 of NRS 293.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

~~[7.]~~ ***8.*** The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~[8.]~~ ***9.*** The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the

property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 3. NRS 293C.2675 is hereby amended to read as follows:

293C.2675 1. If an Indian reservation or Indian colony is located in whole or in part within a city, the ~~[~~Indian tribe may submit a request to the~~]~~ city clerk ~~[~~for the establishment~~]~~ ***shall, except as otherwise provided in subsections 2 and 5, establish*** within the boundaries of the Indian reservation or Indian colony ***at a location ~~[or locations, as applicable,]~~ approved by the Indian tribe*** for the day of a primary city election or general city election ~~[~~of:

~~(a) A polling place;~~

~~(b) A ballot drop box; or~~

~~(c) Both~~] a polling place and a ballot drop box.

2. ~~[~~A request for the establishment of~~]~~ ***An Indian tribe may elect not to have*** a polling place ~~[~~, a ~~or~~/ ***and*** ballot drop box ~~[~~or both a polling place and a ballot drop box~~]~~ ***established*** within the boundaries of an Indian reservation or Indian colony for the day of a primary city election or general city election ~~[~~:

~~(a) Must be submitted~~] ***by submitting notice*** to the city clerk ~~[~~by the Indian tribe~~]~~ on or before:

~~[~~(1)~~]~~ ***(a)*** If the ~~[~~request~~]~~ ***notice*** is for a primary city election, ~~[~~March 1~~]~~ ***January 15*** of the year in which the primary city election is to be held.

~~[~~(2)~~]~~ ***(b)*** If the ~~[~~request~~]~~ ***notice*** is for a general city election, ~~[~~August 1~~]~~ ***June 15*** of the year in which the general city election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the polling place or ballot drop box.]~~

3. Any ~~[~~proposed~~]~~ location ~~[~~for~~]~~ ***of*** a polling place ~~[~~or~~]~~ ***and*** ballot drop box ***established pursuant to subsection 1*** must satisfy the criteria the city clerk uses for the establishment of any other polling place ~~[~~or~~]~~ ***and*** ballot drop box, as applicable.

~~[3. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 2, the city clerk must establish at least one polling place or ballot drop box within the boundaries of the Indian reservation or Indian colony at a location or locations, as applicable, approved by the Indian tribe for the day of a primary city election or general city election. The city clerk is not required to establish a polling place within the boundaries of the Indian reservation or Indian colony for the day of a primary city election or general city election if the city clerk established a temporary branch polling place for early voting pursuant to NRS 293C.3572 within the boundaries of the Indian reservation or Indian colony for the same election.]~~

4. ~~[~~If the city clerk establishes one or more polling places or ballot drop boxes within the boundaries of an Indian reservation or Indian colony pursuant to subsection 3 for the day of a primary city election or general city election, the~~]~~ ***Except as otherwise provided in subsection 5, the*** city clerk must continue to establish one ~~[~~or more~~]~~ polling ~~[~~places or~~]~~ ***place and*** ballot drop

~~[boxes]~~ ***box*** within the boundaries of the Indian reservation or Indian colony at a location ~~[or locations]~~ approved by the Indian tribe for the day of any future primary city election or general city election unless otherwise ~~[requested]~~ ***notified*** by the Indian tribe ~~[.]~~ ***pursuant to subsection 2.***

5. Not later than the dates set forth in subsection 2 to elect not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a polling place and ballot drop box established must submit to the city clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:

(a) The location ~~[or locations]~~ for the polling place and ballot drop box and whether ~~[each]~~ the location ~~[or locations]~~ will have only a polling place or ballot drop box or both a polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the polling place within the boundaries of the Indian reservation or Indian colony; and

(c) The proposed days and hours for the operation of the polling place . ~~[; and~~

~~***(d) The proposed number of ballot drop boxes to be established and any other information necessary for establishing such ballot drop boxes.]***~~

➥ If an Indian tribe does not submit the information required pursuant to this subsection, the Indian tribe shall be deemed to have elected not to have a polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

Sec. 4. NRS 293C.3572 is hereby amended to read as follows:

293C.3572 1. In addition to permanent polling places for early voting, ~~[except as otherwise provided in subsection 4,]~~ the city clerk may establish temporary branch polling places for early voting pursuant to NRS 293C.3561.

2. If an Indian reservation or Indian colony is located in whole or in part within a city, the ~~[Indian tribe may submit a request to the]~~ city clerk ~~[for the establishment of]~~ ***shall, except as otherwise provided in subsections 3 and 6, establish*** a temporary branch polling place ***for early voting and a ballot drop box at a location ~~[or locations, as applicable,]~~ approved by the Indian tribe*** within the boundaries of the Indian reservation or Indian colony.

3. ~~[A request for the establishment of]~~ ***An Indian tribe may elect not to have*** a temporary branch polling place ***for early voting and ballot drop box established*** within the boundaries of an Indian reservation or Indian colony ~~[:~~

~~(a) Must be submitted]~~ ***by submitting notice*** to the city clerk ~~[by the Indian tribe]~~ on or before:

~~[(1)]~~ ***(a)*** If the ~~[request]~~ ***notice*** is for a primary city election, ~~[March 1]~~ ***January 15*** of the year in which the primary city election is to be held.

~~[(2)]~~ ***(b)*** If the ~~[request]~~ ***notice*** is for a general city election, ~~[August 1]~~ ***June 15*** of the year in which the general city election is to be held.

~~[(b) May include one or more proposed locations within the boundaries of the Indian reservation or Indian colony for the temporary branch polling place and proposed hours thereof.]~~

4. Any ~~[proposed]~~ location ***of a temporary branch polling place for early voting and ballot drop box established pursuant to subsection 2*** must satisfy the criteria established by the city clerk pursuant to NRS 293C.3561.

~~[4. Except as otherwise provided in this subsection, if the city clerk receives a request that satisfies the requirements set forth in subsection 3, the city clerk must establish at least one temporary branch polling place for early voting within the boundaries of the Indian reservation or Indian colony. The location and hours of operation of such a temporary branch polling place for early voting must be approved by the Indian tribe. The city clerk is not required to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony if the city clerk determines that it is not logistically feasible to establish a temporary branch polling place within the boundaries of the Indian reservation or Indian colony.]~~

5. ~~[If the city clerk establishes one or more temporary branch polling places within the boundaries of an Indian reservation or Indian colony pursuant to subsection 4 for early voting, the]~~ ***Except as otherwise provided in subsection 6, the*** city clerk must continue to establish one ~~[or more]~~ temporary branch polling ~~[places]~~ ***place and ballot drop box*** within the boundaries of the Indian reservation or Indian colony at a location ~~[or locations]~~ approved by the Indian tribe for early voting in future elections unless otherwise ~~[requested]~~ ***notified*** by the Indian tribe ~~[.]~~ ***pursuant to subsection 3.***

6. ***Not later than the dates set forth in subsection 3 to elect not to have a temporary branch polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony, an Indian tribe that elects to have a temporary branch polling place and ballot drop box established must submit to the city clerk and the tribal liaison designated by the Office of the Secretary of State pursuant to NRS 233A.260:***

(a) The location ~~[or locations]~~ for the temporary branch polling place ~~[,]~~ and ballot drop box and whether the location will have only a temporary branch polling place or ballot drop box or both a temporary branch polling place and ballot drop box;

(b) Whether the Indian tribe will select registered voters to be appointed to act as election board officers to staff the temporary branch polling place within the boundaries of the Indian reservation or Indian colony; and

(c) The proposed days and hours for the operation of the temporary branch polling place.

➥ If an Indian tribe does not submit the information required pursuant to this subsection, the Indian tribe shall be deemed to have elected not to have a temporary branch polling place and ballot drop box established within the boundaries of the Indian reservation or Indian colony.

7. The provisions of subsection 3 of NRS 293C.3568 do not apply to a temporary branch polling place. Voting at a temporary branch polling place

may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the city clerk.

~~[7.]~~ ***8.*** The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

~~[8.]~~ ***9.*** The legal rights and remedies which inure to the owner or lessor of private property are not impaired or otherwise affected by the leasing of the property for use as a temporary branch polling place for early voting, except to the extent necessary to conduct early voting at that location.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Assemblywoman Gorelow moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 245.

Bill read third time.

The following amendment was proposed by Assemblywoman Torres:

Amendment No. 908.

AN ACT relating to education; requiring the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils to enter into a memorandum of understanding with an organization that assists victims of power-based violence and requiring certain pupils be referred to such an organization; creating the Committee on Responses to Power-Based Violence in Schools; requiring school districts and public schools to make available information regarding the statewide information and referral system maintained by the Department of Health and Human Services; replacing the term "sexual misconduct" with "power-based violence"; ~~[creating the Commission on Higher Education Campus Safety;]~~ **renaming the Task Force on Sexual Misconduct at Institutions of Higher Education as the Task Force on Power-based Violence at Institutions of Higher Education;** revising provisions governing certain programming related to power-based violence which institutions in the Nevada System of Higher Education may be required to provide to students and employees; ~~[abolishing]~~ **revising provisions relating to** the Task Force **;** ~~[on Sexual Misconduct at Institutions of Higher Education;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to require an institution within the Nevada System of Higher Education to enter into a memorandum of understanding with an organization that assists persons involved in sexual misconduct. (NRS 396.147) **Sections 1.2, 3.3 and 3.6** of this bill similarly requires the board of trustees of each school district and the governing body of each charter school or university school for profoundly gifted pupils to enter into a memorandum of understanding with an organization that assists victims of power-based violence and sets forth the

provisions that may be included in such a memorandum of understanding. **Sections 1.2, 3.3 and 3.6** also require a teacher or administrator who is informed by a pupil that the pupil has been a victim of power-based violence to refer the pupil to the organization that assists victims of power-based violence. **Section 1.4** of this bill establishes the Committee on Responses to Power-Based Violence in Schools and requires the Committee to review, study and make recommendations regarding power-based violence in schools.

Existing law requires the Department of Health and Human Services to establish and maintain a statewide information and referral system to provide nonemergency information and referrals to the general public concerning the health, welfare, human and social services provided by public or private entities in this State. (NRS 232.359) **Section 1.6** of this bill requires the board of trustees of each school district to provide information about this system on its Internet website and requires each public school, to the extent money is available, to post information regarding the system in each restroom of the public school that is available for use by a pupil. **Section 2** of this bill makes a conforming change to indicate the proper placement of **sections 1.2, 1.4 and 1.6** in the Nevada Revised Statutes.

Existing law establishes provisions relating to the handling of sexual misconduct at institutions within the System. (NRS 396.125-396.1595) Existing law creates the Task Force on Sexual Misconduct at Institutions of Higher Education and prescribes the duties of the Task Force. **Section ~~[10]~~ 5.9** of this bill ~~[abolishes]~~ **renames** the Task Force ~~[.]~~ **on Sexual Misconduct at Institutions of Higher Education to the Task Force on Power-based Violence at Institutions of Higher Education. Section 4.3** of this bill defines "power-based violence" and **sections 3.8 and 5.2-8.6** of this bill replace the term "sexual misconduct" with "power-based violence." ~~[Section 4.6 of this bill creates the Commission on Higher Education Campus Safety and prescribes the membership of the Commission. Sections]~~ **Section 6** ~~[and 7]~~ of this bill ~~[transfer]~~ **: (1) revises** the duties of the Task Force ~~[to the Commission.]~~ **; and (2) requires the Task Force to submit a report summarizing certain information to the Joint Interim Standing Committee on Education every odd-numbered year. Section 5** of this bill makes a conforming change to indicate the proper placement of ~~[sections]~~ **section 4.3** ~~[and 4.6]~~ in the Nevada Revised Statutes. **Section 7 of this bill makes a conforming change to reflect the change in the name of the Task Force.**

Existing law authorizes the Board of Regents to require an institution to provide programming on awareness and prevention of sexual misconduct to all students and employees and establishes requirements for the programming if required by the Board of Regents. (NRS 396.153) **Section 8** of this bill instead authorizes the Board of Regents to require an institution to provide programming on awareness and prevention of power-based violence and provides that, if an institution provides such programming, the institution must require each student to attend the programming at least once in his or her first

two regular academic semesters after enrollment and an employee to attend such programming at least once every 3 years. ~~[Section 8 authorizes the programming on awareness and prevention of power-based violence that is provided to students to be incorporated into a course for which a student may receive academic credit and authorizes an institution to condition the award of a degree or certificate upon the completion of such a course.]~~ **Section 8** ~~[requires]~~ **authorizes** an institution, if it provides the programming on awareness and prevention of power-based violence to: (1) ~~[require]~~ **provide** the programming for students ~~[to be provided and attended]~~ in person ~~[, except under certain limited circumstances;]~~ **, by virtual or electronic means or in the courses or materials provided to a student who has recently enrolled in the institution; and** (2) require ~~[the syllabus for the programming]~~ **instructors and professors** to include **in the syllabus for a course** resources on how to obtain certain information ~~[; and (3) make certain information]~~ relating to power-based violence **.** ~~[available on the Internet website of the institution.]~~

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

Section 1. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2, 1.4 and 1.6 of this act.

Sec. 1.2. ***1. The board of trustees of each school district shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:***

(a) Allow for cooperation and training between the school district and the community-based organization that assists victims of power-based violence to establish an understanding of the:

(1) Responsibilities that the school district and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and

(2) Procedures of the school district for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of power-based violence to:

(1) Assist with developing policies, programming or training for the school district regarding power-based violence;

(2) Provide an alternative for a pupil or employee of the school district to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at a public school in the school district; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the school district.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.

2. If a teacher or administrator is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

(a) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

(b) "Power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 1.4. *1. The Committee on Responses to Power-Based Violence in Schools is hereby created within the Department.*

2. The Committee consists of the following members, appointed by the chair of the committee on statewide school safety created pursuant to NRS 388.1324:

(a) ~~*[Two members who are employees of a school district in this State;*~~

~~*(b)]*~~ *Two members who are representatives of a nonprofit organization that assists victims of power-based violence;*

~~*[(c) Two members who are:*~~

~~*(1) A pupil enrolled in a school in this State; or*~~

~~*(2) The parent or legal guardian of a pupil enrolled in a school in this State;*~~

~~*(d)]*~~ *(b) One member who is the parent of a pupil who* ~~*[was]*~~ *identifies as a victim of power-based violence;*

~~*[(e)]*~~ *(c) One member who is a pupil who* ~~*[was]*~~ *identifies as a victim of power-based violence;*

~~*[(f)]*~~ *(d) Two members who are Title IX coordinators for public schools in this State;*

~~*[(g)]*~~ *(e) One member who is an employee of the Office for a Safe and Respectful Learning Environment;*

~~*[(h)]*~~ *(f) One member who is a school resource officer assigned to a school in this State;*

~~*[(i) Two members]*~~

(g) One member who ~~*[are]*~~ *is employed as a school psychologist* ~~*[, a provider of mental health other than a psychologist who provides services to pupils]*~~ *at a school in this State* ~~*[or a school social worker; and*~~

~~*(j)]*~~ ;

(h) One member who is a licensed teacher in this State ~~*[.]*~~ ;

(i) One member who is employed as a school social worker at a school in this State;

(j) One member who is an administrator of a school in this State; and

(k) One member who is the superintendent of a school district in this State.

3. Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

4. The Committee shall elect a Chair and Vice Chair from among its members at the first meeting of the Committee and at the first meeting of the calendar year each year thereafter. The Chair and Vice Chair serve a term of 1 year.

5. Each member of the Committee serves a term of 2 years and may be reappointed.

6. 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 Commission.

7. The Committee shall review, study and make recommendations regarding power-based violence in schools. In performing its duties, the Committee shall:

(a) Consider the experiences of pupils relating to power-based violence and pupil safety;

(b) Examine current procedures and protocols for responding to power-based violence that are used in public schools in this State;

(c) Identify emerging trends and best practices for responding to and preventing power-based violence;

(d) Identify possible gaps in the services that are available for victims of power-based violence; and

(e) Make recommendations for procedures that will focus on preventing and intervening in disclosures of power-based violence.

8. The Committee shall, not later than August 1 of each odd-numbered year, submit to the Joint Interim Standing Committee on Education any recommendations for legislation relating to power-based violence in schools.

9. The members of the Committee serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. 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.

11. As used in this section, "power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 1.6. ***1. The board of trustees of each school district shall post on its Internet website and include in any written informational materials related to pupil safety prepared by the school district information regarding the statewide information and referral system concerning health, welfare, human and social services created pursuant to NRS 232.359, including the number which may be used to access the system.***

2. Each public school shall, to the extent money is available, post information regarding the statewide information and referral system concerning health, welfare, human and social services created pursuant to NRS 232.359, including the number which may be used to access the system, in each restroom of the public school which is available for use by pupils.

Sec. 2. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.1395, inclusive, ***and sections 1.2, 1.4 and 1.6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.1215 to 388.127, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. (Deleted by amendment.)

Sec. 3.3. Chapter 388A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each charter school shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the charter school and the community-based organization that assists victims of power-based violence to establish an understanding of the:

(1) Responsibilities that the charter school and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and

(2) Procedures of the charter school for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of power-based violence to:

(1) Assist with developing policies, programming or training for the charter school regarding power-based violence;

(2) Provide an alternative for a pupil or employee of the charter school to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at the charter school; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the charter school.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.

2. If a teacher or administrator of the charter school is informed by a pupil that the pupil has been a victim of power-based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

(a) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

(b) "Power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 3.6. Chapter 388C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each university school for profoundly gifted pupils shall enter into a memorandum of understanding with a community-based organization that assists victims of power-based violence. The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the university school for profoundly gifted pupils and the community-based organization that assists victims of power-based violence to establish an understanding of the:

(1) Responsibilities that the university school for profoundly gifted pupils and the community-based organization that assists victims of power-based violence have in responding to a report or disclosure of an alleged incident of power-based violence; and

(2) Procedures of the university school for profoundly gifted pupils for providing support and services to pupils and employees.

(b) Require a community-based organization that assists victims of power-based violence to:

(1) Assist with developing policies, programming or training for the university school for profoundly gifted pupils regarding power-based violence;

(2) Provide an alternative for a pupil or employee of the university school for profoundly gifted pupils to receive free counseling, advocacy or crisis services related to an alleged incident of power-based violence, including, without limitation, access to a health care provider who specializes in forensic medical examinations;

(3) Assist with the development and implementation of education and prevention programs for pupils enrolled at the university school for profoundly gifted pupils; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the university school for profoundly gifted pupils.

(c) Include a fee structure for any services provided by the community-based organization that assists victims of power-based violence.

2. If a teacher or administrator of the university school for profoundly gifted pupils is informed by a pupil that the pupil has been a victim of power-

based violence, the teacher or administrator shall refer the pupil to the community-based organization that assists victims of power-based violence.

3. As used in this section:

(a) "Forensic medical examination" has the meaning ascribed to it in NRS 217.300.

(b) "Power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 3.8. NRS 394.16095 is hereby amended to read as follows:

394.16095 1. The governing body of a private school shall not enter into an agreement that:

(a) Has the effect of suppressing information relating to an investigation concerning a report of suspected abuse or ~~[~~sexual misconduct~~]~~ ***power-based violence*** by a current or former employee.

(b) Affects the ability of the private school to report suspected abuse or ~~[~~sexual misconduct~~]~~ ***power-based violence*** to the appropriate authorities.

(c) Requires the private school to expunge information about allegations or findings of suspected abuse or ~~[~~sexual misconduct~~]~~ ***power-based violence*** from any documents maintained by the private school unless, after investigating the alleged violation, the private school determines that the allegations were false, unfounded, unsubstantiated or inconclusive.

2. If an agreement requires the removal of a document from the personnel file of an employee, the private school must maintain the document with the agreement.

3. Any provisions in an agreement that violate the provisions of this section are void.

4. As used in this section, "power-based violence" has the meaning ascribed to it in section 4.3 of this act.

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 4.3 and 4.6 of this act.

Sec. 4.3. ***"Power-based violence" means any form of interpersonal violence intended to control, intimidate or harm another person through the assertion of power*** ~~***[.]***~~ ***over the person. The term includes, without limitation*** ~~***[, dating]***~~ ***:***

1. Dating violence ~~***[, domestic]***~~ ***;***

2. Domestic violence ~~***[, gender-based]***~~ ***;***

3. Family violence ~~***[, gender-based]***~~ ***;***

4. Gender-based ~~***[harassment,]***~~ ***violence ;***

5. Violence based on sexual orientation or gender identity or expression ~~***[, sexual]***~~ ***;***

6. Sexual assault ~~***[, sexual]***~~ ***;***

7. Sexual harassment ~~***[, stalking]***~~ ***;***

8. Sexual exploitation;

9. Stalking; or ~~***[indecent exposure.]***~~

10. The observation of another person who is naked or engaging in sexual activity without his or her consent, including, without limitation, voyeurism.

Sec. 4.6. ~~*[1. There is hereby created the Commission on Higher Education Campus Safety consisting of 7 members as follows:*~~

~~*(a) The Chancellor of the System, or his or her designee;*~~

~~*(b) 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;*~~

~~*(c) 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;*~~

~~*(d) Four members who represent a community based organization that assists victims of power based violence, serve as a victim's advocate, as defined in NRS 49.2545, at an institution within the System or who were a victim of power based violence at an institution within the System:*~~

~~*(1) One of whom is appointed by the Majority Leader of the Senate;*~~

~~*(2) One of whom is appointed by the Minority Leader of the Senate;*~~

~~*(3) One of whom is appointed by the Speaker of the Assembly; and*~~

~~*(4) One of whom is appointed by the Minority Leader of the Assembly;*~~

~~*(e) Two members who are students enrolled at an institution within the System, appointed by the Nevada Student Alliance or its successor organization;*~~

~~*(f) One member who is a faculty member of the System, appointed by the Chancellor after consultation with the Nevada Faculty Alliance or its successor organization;*~~

~~*(g) One member who is a member of the Police Department for the System, appointed by the Chancellor; and*~~

~~*(h) Two members appointed by the Governor.*~~

~~*2. 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 Commission must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.*~~

~~*3. The Commission shall, at its first meeting and each odd numbered year thereafter, elect a Chair from among its members.*~~

~~*4. The Commission shall meet at least once each calendar quarter and at other times at the call of the Chair or a majority of its members.*~~

~~*5. A majority of the members of the Commission constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Commission.*~~

~~*6. Members of the Commission serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, and within the limits of available money, the member is*~~

~~*entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*~~

~~*— 7. Each member of the Commission who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Commission to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.*~~

~~*— 8. The Commission shall examine and make recommendations regarding best practices relating to the prevention of power-based violence. In performing its duties the Commission shall:*~~

~~*— (a) Consider student experiences that relate to power-based violence and student safety;*~~

~~*— (b) Examine current procedures and protocols for responding to violence, including, without limitation, power-based violence, that are used at institutions within the System;*~~

~~*— (c) Meet with organizations that provide services to victims of violence, including, without limitation, power-based violence; and*~~

~~*— (d) Identify possible gaps in the services that are available for victims of power-based violence at institutions within the System.*~~

~~*— 9. The Commission shall, not later than August 1 of each odd-numbered year, submit to the Joint Interim Standing Committee on Education any recommendations for legislation relating to power-based violence.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 396.125 is hereby amended to read as follows:

396.125 As used in NRS 396.125 to 396.1595, inclusive, ***and ~~[sections]~~ section 4.3 ~~[and 4.6]~~ of this act,*** unless the context otherwise requires, the words and terms defined in NRS 396.126 to 396.138, inclusive, ***and section 4.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 5.2. NRS 396.126 is hereby amended to read as follows:

396.126 "Complainant" means a student or employee of an institution within the System who is alleged to be the victim of conduct that could constitute ~~[~~sexual misconduct.~~]~~ ***power-based violence.***

Sec. 5.4. NRS 396.129 is hereby amended to read as follows:

396.129 "Reporting party" means a person who reports an alleged incident of ~~[~~sexual misconduct~~]~~ ***power-based violence*** to the institution.

Sec. 5.6. NRS 396.131 is hereby amended to read as follows:

396.131 "Respondent" means a person who has been reported to be the perpetrator of conduct that could constitute ~~[~~sexual misconduct.~~]~~ ***power-based violence.***

Sec. 5.8. NRS 396.138 is hereby amended to read as follows:

396.138 "Trauma-informed response" means a response involving an understanding of the complexities of ~~[~~sexual misconduct,~~]~~ ***power-based violence,*** including, without limitation:

1. Perpetrator methodology;
2. Conducting an effective investigation;
3. The neurobiological causes and impacts of trauma; and
4. The influence of social myths and stereotypes surrounding the causes and impacts of trauma.

Sec. 5.9. **NRS 396.141 is hereby amended to read as follows:**

396.141 1. There is hereby created the Task Force on ~~[~~Sexual Misconduct~~]~~ ***Power-based Violence*** at Institutions of Higher Education consisting of ~~[~~12~~]~~ ***16*** members as follows:

(a) The Chancellor of the System, or his or her designee;

(b) The Chief General Counsel of the System, or his or her designee; and

(c) ~~[~~Ten~~]~~ ***Fourteen*** members appointed by the Board of Regents as follows:

(1) One representative of a state college;

(2) One representative of a community college;

(3) One representative of a university;

(4) One Title IX coordinator from an institution within the System;

(5) One student, appointed in consultation with ~~[~~a student government association,~~]~~ ***the Nevada Student Alliance or its successor organization,*** who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a state college or community college;

(6) One student, appointed in consultation with ~~[~~a student government association,~~]~~ ***the Nevada Student Alliance or its successor organization,*** who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a university;

(7) One researcher with experience in the development of climate surveys on ~~[~~sexual misconduct;~~]~~ ***power-based violence.***

(8) One researcher of statistics, data analytics or econometrics with experience in survey analysis in higher education;

(9) One medical professional from the University of Nevada, Las Vegas, School of Medicine or the University of Nevada, Reno, School of Medicine; ~~[~~and~~]~~

(10) ~~[~~One person~~]~~ ***Two members*** who ~~[~~serves~~]~~ ***serve*** as a victim's advocate, as defined in NRS 49.2545, at an institution within the System ~~[~~.~~]~~ ***;***

(11) One student who identifies as a victim of power-based violence;

(12) One person who represents an organization governing fraternities and sororities at an institution within the System; and

(13) One person who is employed by an institution within the System in the area of student affairs.

2. After the initial terms, each appointed member of the Task Force serves a term of 2 years and may be reappointed to one additional 2-year term

following his or her initial term. A vacancy must be filled in the same manner as the original appointment.

3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.

4. The Task Force shall meet at least once ~~[annually]~~ ***each quarter*** and may meet at other times upon the call of the Chair or a majority of the members of the Task Force.

5. A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.

6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task Force, and within the limits of available money, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.

Sec. 6. NRS 396.1415 is hereby amended to read as follows:

396.1415 1. The Task Force on ~~[Sexual Misconduct]~~ ***Power-based Violence*** at Institutions of Higher Education ~~***[Commission on Higher Education Campus Safety]***~~ created by NRS 396.141 ~~***[section 4 of this act]***~~ shall:

(a) Review the results of any climate survey on ~~[sexual misconduct]~~ ***power-based violence*** administered at an institution within the System; ~~[and]~~

(b) ***Examine current procedures and protocols for preventing, intervening in or responding to instances of power-based violence that are used at institutions within the System;***

(c) Identify possible gaps in the services that are available for victims of power-based violence at institutions within the System;

(d) Examine the correlation between social groups, campus life and the incidence of power-based violence on the campus of each institution within the System;

(e) Each year, hold a meeting open to the public to provide recommendations to the Board of Regents on how to address ~~[sexual misconduct]~~ ***power-based violence*** at institutions within the System ~~[.]~~ ***; and***

(f) Not later than August 1 of each odd-numbered year, submit to the Joint Interim Standing Committee on Education a written report

summarizing the findings of the Task Force, the data collected from responses to any climate survey and any recommendations regarding the prevention of, intervention in or response to incidences of power-based violence occurring at institutions within the System.

2. A meeting held pursuant to subsection 1 is not subject to the provisions of chapter 241 of NRS.

Sec. 7. NRS 396.142 is hereby amended to read as follows:

396.142 1. To the extent that money is available, the Board of Regents may appoint researchers employed at one or more institutions within the System to develop a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** designed to be administered at institutions within the System. The climate survey on ~~[sexual misconduct]~~ ***power-based violence*** must:

(a) Gather institution-specific data regarding the prevalence of gender-based harassment and discrimination;

(b) Be fair and unbiased;

(c) Be scientifically valid and reliable; and

(d) Meet the highest standards of survey research.

2. If appointed to develop a climate survey on ~~[sexual misconduct,]~~ ***power-based violence,*** the researchers shall:

(a) Use best practices from peer-reviewed research;

(b) Consult with persons with expertise in the development and use of climate surveys on ~~[sexual misconduct]~~ ***power-based violence*** at institutions of higher education;

(c) Consult with a student government association;

(d) Review climate surveys on ~~[sexual misconduct]~~ ***power-based violence*** which have been developed and implemented by institutions of higher education, including, without limitation, institutions in other states;

(e) Provide opportunity for written comment from organizations that assist victims of ~~[sexual misconduct]~~ ***power-based violence*** to ensure the adequacy and appropriateness of any proposed content of the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;***

(f) Consult with institutions within the System on strategies for optimizing the effectiveness of the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;*** and

(g) Account for the diverse needs and differences of the institutions within the System.

3. If a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** is developed, the climate survey must request information on topics related to ~~[sexual misconduct.]~~ ***power-based violence.*** The topics may include, without limitation:

(a) The estimated number of alleged incidents of ~~[sexual misconduct,]~~ ***power-based violence,*** both reported and not reported, at an institution within the System, if a student taking the survey has knowledge of such information;

(b) When and where an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** occurred;

(c) Whether an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** was perpetrated by a student, faculty member, staff member of an institution within the System, third party vendor or another person;

(d) Awareness of a student of the policies and procedures related to ~~[sexual misconduct]~~ ***power-based violence*** at an institution;

(e) Whether a student reported an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** and:

(1) If the incident was reported, to which campus resource or law enforcement agency a report was made; and

(2) If the incident was not reported, the reason the student chose not to report the incident;

(f) Whether a student who reported an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** was:

(1) Offered supportive measures by an institution;

(2) Informed of, aware of or referred to campus, local or state resources for support for victims, including, without limitation, appropriate medical care and legal services; and

(3) Informed of the prohibition against retaliation for reporting an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(g) Contextual factors in an alleged incident of ~~[sexual misconduct,]~~ ***power-based violence,*** such as the involvement of force, incapacitation or coercion;

(h) Demographic information that could be used to identify at-risk groups, including, without limitation, the gender, race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of the student taking the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;***

(i) Perceptions a student has of campus safety;

(j) Whether a student has confidence in the ability of the institution to protect against and respond to alleged incidents of ~~[sexual misconduct;]~~ ***power-based violence;***

(k) Whether a student chose to withdraw or take a leave of absence from the institution or transfer to another institution because the student is the complainant or respondent in an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(l) Whether a student withdrew from any classes or was placed on academic probation, disciplinary probation or otherwise disciplined as a result of an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(m) Whether a student experienced any financial impact as a result of an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(n) Whether a student experienced any negative health impacts as a result of an alleged incident of ~~[sexual misconduct,]~~ ***power-based violence,*** including, without limitation, post-traumatic stress disorder, anxiety, depression, chronic pain or an eating disorder;

(o) The perception of the participants in the survey of the attitudes of the community toward ~~[sexual misconduct,]~~ ***power-based violence,*** including,

without limitation, the willingness of a person to intervene in an ongoing incident of ~~[sexual misconduct]~~ ***power-based violence*** as a bystander; and

(p) Any other questions as determined necessary by the researchers.

4. The climate survey on ~~[sexual misconduct]~~ ***power-based violence*** must provide an option for students to decline to answer a question.

5. The climate survey on ~~[sexual misconduct]~~ ***power-based violence*** must be provided to the Task Force on ~~[Sexual Misconduct]~~ ***Power-based Violence*** at Institutions of Higher Education ~~***[Commission on Higher Education Campus Safety]***~~ created pursuant to NRS 396.141 ~~***[section 4.6 of this act]***~~ for comment.

Sec. 7.1. NRS 396.1425 is hereby amended to read as follows:

396.1425 1. To the extent that money is available, the Board of Regents may require each institution within the System to conduct a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** at the institution biennially.

2. A climate survey on ~~[sexual misconduct]~~ ***power-based violence*** conducted pursuant to subsection 1 must include the questions developed by researchers employed at an institution within the System pursuant to NRS 396.142. If an institution within the System includes additional questions on a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, the questions must not be unnecessarily traumatizing for a victim of an alleged incident of ~~[sexual misconduct.]~~ ***power-based violence.***

3. If an institution within the System conducts a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, the institution shall:

(a) Provide the survey to each student at the institution, including, without limitation, students studying abroad;

(b) Not require the disclosure of personally identifiable information by a participant in the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;***

(c) Work to ensure an adequate number of students complete the survey to achieve a random and representative sample size of students;

(d) Within 120 days after completion of the climate survey on ~~[sexual misconduct:]~~ ***power-based violence:***

(1) Compile a summary of the responses to the survey; and

(2) Submit the summary of responses to the Board of Regents; and

(e) Post on the Internet website maintained by the institution in a manner that does not disclose personally identifiable information of any person, the summary of the responses to the climate survey on ~~[sexual misconduct.]~~ ***power-based violence.***

4. A climate survey on ~~[sexual misconduct]~~ ***power-based violence*** must be administered electronically by an institution within the System and provide reasonable accommodations for students with a disability.

5. An institution within the System may obtain a waiver from the Board of Regents to not administer a climate survey on ~~[sexual misconduct]~~ ***power-***

based violence pursuant to this section due to the financial circumstances of the institution.

6. An institution within the System may apply for and accept any gifts, grants, donations, bequests or other money from any source to carry out the provisions of this section.

7. Any data or reports that underlie the summaries generated pursuant to subsection 2 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 7.2. NRS 396.143 is hereby amended to read as follows:

396.143 1. If the Board of Regents requires an institution within the System to conduct a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to NRS 396.1425, the Board of Regents shall to the extent that money is available:

(a) Provide a copy of the questions developed by the researchers employed at an institution within the System pursuant to NRS 396.142 to each institution within a reasonable time after the Board of Regents receives the questions from the researchers;

(b) Establish a repository for the summaries of the climate survey on ~~[sexual misconduct]~~ ***power-based violence*** submitted by each institution pursuant to NRS 396.1425;

(c) Post each summary of the responses to a climate survey on ~~[sexual misconduct]~~ ***power-based violence*** submitted by an institution pursuant to NRS 396.1425 on the Internet website maintained by the Board of Regents in a manner that does not disclose personally identifiable information of any person;

(d) Adopt a policy on the dissemination, collection and summation of the responses to the climate survey on ~~[sexual misconduct;]~~ ***power-based violence;*** and

(e) On or before February 1 of each odd-numbered year, report the summaries of the climate survey on ~~[sexual misconduct]~~ ***power-based violence*** submitted by an institution pursuant to NRS 396.1425 to the Director of the Legislative Counsel Bureau for transmittal to the Senate and Assembly Standing Committees on Education.

2. Any data or reports that underlie the summaries generated pursuant to subsection 1 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 7.3. NRS 396.144 is hereby amended to read as follows:

396.144 The Board of Regents may require an institution within the System to:

1. Require employees who participate in the grievance process of the institution pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq., or a policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted pursuant to NRS 396.145 to receive annual training on topics related to ~~[sexual misconduct]~~ ***power-based violence*** which may include, without limitation, any training required pursuant to NRS 396.152;

2. Provide a complainant and respondent with a copy of the policies of the institution regarding the submission and consideration of evidence that may be considered during the grievance process;

3. Except as otherwise required by federal law, within 14 business days after the conclusion of the grievance process, inform the complainant and the respondent of the result of the grievance process; and

4. Unless otherwise required by state or federal law, not publicly disclose the identity of a complainant or respondent.

Sec. 7.4. NRS 396.145 is hereby amended to read as follows:

396.145 1. The Board of Regents may require an institution within the System to adopt a policy on ~~[sexual misconduct]~~ ***power-based violence*** consistent with applicable state and federal law.

2. If the Board of Regents requires the adoption of a policy on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, in developing the policy on ~~[sexual misconduct,]~~ ***power-based violence,*** an institution within the System:

(a) Shall:

(1) Incorporate a trauma-informed response;

(2) Coordinate with:

(I) The Title IX coordinator of the institution; and

(II) If an institution has entered into a memorandum of understanding pursuant to NRS 396.147, the organization that assists persons involved in ~~[sexual misconduct;]~~ ***power-based violence;*** and

(3) Engage in a culturally competent manner to reflect the diverse needs of all students; and

(b) May consider input from internal and external entities, including, without limitation:

(1) Administrators at the institution;

(2) Personnel affiliated with health care centers located on or off a campus of the institution that provide services to the institution;

(3) An advocate designated pursuant to NRS 396.148;

(4) Staff affiliated with campus housing services;

(5) Students enrolled in an institution within the System;

(6) A provider of health care;

(7) Law enforcement agencies, including, without limitation, campus police or security; and

(8) The district attorney of the county where the main campus of the institution is located.

3. If the Board of Regents requires the adoption of a policy on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, an institution within the System shall provide:

(a) Internal or external entities an opportunity to provide comment on the initial policy on ~~[sexual misconduct]~~ ***power-based violence*** or any substantive change to the policy;

(b) Instructions on how an internal or external entity may provide comment on the initial policy on ~~[sexual misconduct]~~ ***power-based violence*** or a substantive change to the policy; and

(c) A reasonable length of time during which the institution will accept comment.

4. After an initial policy on ~~[sexual misconduct]~~ ***power-based violence*** is adopted by an institution within the System, the opportunity for comment by an internal or external entity pursuant to subsection 3 applies only to a substantive change to the policy, as determined by the institution.

5. If the Board of Regents requires the adoption of a policy on ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, an institution within the System shall make the policy on ~~[sexual misconduct]~~ ***power-based violence*** publicly available not later than the start of each academic year:

(a) Upon request, to a prospective student, current student or employee of the institution; and

(b) On the Internet website maintained by the institution.

Sec. 7.5. NRS 396.146 is hereby amended to read as follows:

396.146 A policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted pursuant to NRS 396.145 must include, without limitation, information on:

1. The procedures by which a student or employee at an institution within the System may report or disclose an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** that occurred on or off a campus of the institution;

2. Supportive measures, including, without limitation:

(a) Changing academic, living, campus transportation or work arrangements;

(b) Taking a leave of absence from the institution in response to an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(c) How to request supportive measures; and

(d) The process to have any supportive measures reviewed by the institution;

3. Appropriate local, state and federal law enforcement agencies, including, without limitation, the contact information for a law enforcement agency; and

4. The grievance process of the institution for investigating and resolving a report of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** pursuant to Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.

Sec. 7.6. NRS 396.147 is hereby amended to read as follows:

396.147 1. The Board of Regents may require an institution within the System to enter into a memorandum of understanding with an organization that assists persons involved in ~~[sexual misconduct.]~~ ***power-based violence.*** The memorandum of understanding may, without limitation:

(a) Allow for cooperation and training between the institution and the organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** to establish an understanding of the:

(1) Responsibilities that the institution and organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** have in responding to a report or disclosure of an alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;*** and

(2) Procedures of the institution for providing support and services to students and employees;

(b) Require an organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** to:

(1) Assist with developing policies, programming or training at the institution regarding ~~[sexual misconduct;]~~ ***power-based violence;***

(2) Provide an alternative for a student or employee of the institution to receive free and confidential counseling, advocacy or crisis services related to an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** that are located on or off a campus of the institution, including, without limitation:

(I) Access to a health care provider who specializes in forensic medical examinations; and

(II) Confidential services;

(3) Assist with the development and implementation of education and prevention programs for students of the institution; and

(4) Assist with the development and implementation of training and prevention curriculum for employees of the institution; and

(c) Include a fee structure for any services provided by the organization that assists persons involved in ~~[sexual misconduct.]~~ ***power-based violence.***

2. As used in this section, "forensic medical examination" has the meaning ascribed to it in NRS 217.300.

Sec. 7.7. NRS 396.148 is hereby amended to read as follows:

396.148 1. The Board of Regents may require an institution within the System to designate an advocate. If the Board of Regents requires the designation of an advocate, an institution shall designate existing categories of employees who may serve as an advocate. An institution may:

(a) Partner with an organization that assists persons involved in ~~[sexual misconduct]~~ ***power-based violence*** to designate an advocate; or

(b) If the institution enrolls less than 1,000 students who reside in campus housing, partner with another institution within the System to designate an advocate.

2. An advocate designated pursuant to subsection 1:

(a) Must not be a Title IX coordinator, a member of campus police or law enforcement or any other official of the institution who is authorized to initiate a disciplinary proceeding on behalf of the institution or whose position at the institution may create a conflict of interest;

(b) Must be designated based on the training or experience of the person to effectively provide services related to ~~[sexual misconduct;]~~ ***power-based violence;*** and

(c) Must have completed at least 20 hours of relevant training.

3. If an institution within the System designates an advocate pursuant to subsection 1, the advocate must be trained on:

(a) The awareness and prevention of ~~[sexual misconduct;]~~ ***power-based violence;***

(b) Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.;

(c) Any policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted by the institution pursuant to NRS 396.145; and

(d) Trauma-informed responses to a report of an alleged incident of ~~[sexual misconduct.]~~ ***power-based violence.***

4. An institution within the System that designates an advocate pursuant to subsection 1 shall provide for the availability of an advocate to students within a reasonable distance from the institution or by electronic means if it is not practicable to provide for the availability of an advocate in person.

Sec. 7.8. NRS 396.149 is hereby amended to read as follows:

396.149 1. If an advocate is designated pursuant to NRS 396.148, the advocate shall:

(a) Inform a student or employee of, or provide resources about how to obtain information on:

(1) Options on how to report an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** and the effects of each option;

(2) Counseling services available on a campus of the institution and through local community resources;

(3) Medical and legal services available on or off a campus of the institution;

(4) Available supportive measures;

(5) Counseling related to student loans;

(6) The grievance process of the institution and that the grievance process is not a substitute for the system of criminal justice;

(7) The role of local, state and federal law enforcement agencies;

(8) Any limits on the ability of the advocate to provide privacy or confidentiality to the student or employee; and

(9) A policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted by the institution pursuant to NRS 396.145;

(b) Notify the student or employee of his or her rights and the responsibilities of the institution regarding an order for protection, restraining order or injunction issued by a court;

(c) Unless otherwise required by state or federal law, not be required to report an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to the institution or a law enforcement agency;

(d) Provide confidential services to students and employees;

(e) Not provide confidential services to more than one party in a grievance process;

(f) Unless otherwise required by state or federal law, not disclose confidential information without the prior written consent of the student or employee who shared the information;

(g) Support a complainant or respondent in obtaining supportive measures to ensure the complainant or respondent has continued access to education; and

(h) Inform a student or employee that supportive measures may be available through disability services or the Title IX coordinator.

2. If an advocate is designated pursuant to NRS 396.148, the advocate may:

(a) If appropriate and if directed by a student or employee, assist the student or employee in reporting an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to the institution or a law enforcement agency; and

(b) Attend a disciplinary proceeding of the institution as the advisor or support person of a complainant.

3. Notice to an advocate of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** or the performance of services by an advocate pursuant to this section shall not constitute actual or constructive notice of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to the institution within the System which designated the advocate pursuant to NRS 396.148.

4. If a conflict of interest arises between the institution within the System which designated an advocate and the advocate in advocating for the provision of supportive measures by the institution to a complainant or a respondent, the institution shall not discipline, penalize or otherwise retaliate against the advocate for advocating for the complainant or the respondent.

Sec. 7.9. NRS 396.151 is hereby amended to read as follows:

396.151 1. The Board of Regents may prohibit an institution within the System from subjecting a complainant, reporting party or witness who reports an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** to a disciplinary proceeding or sanction for a violation of a policy on student conduct related to drug or alcohol use, trespassing or unauthorized entry of school facilities or other violation of a policy of an institution that occurred during or related to an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** unless the institution determines that the:

(a) Report of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** was not made in good faith; or

(b) The violation of a policy on student conduct was egregious, including, without limitation, a violation that poses a risk to the health or safety of another person.

2. The Board of Regents may require an institution within the System to review any disciplinary action taken against a reporting party or witness to determine if there is any connection between the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** that was reported and the misconduct that led to the reporting party or witness being disciplined.

Sec. 7.95. NRS 396.152 is hereby amended to read as follows:

396.152 1. The Board of Regents may require an institution within the System to provide training on the grievance process of the institution in accordance with 34 C.F.R. § 106.45.

2. The Board of Regents may require an institution within the System to train the Title IX coordinator and members of the campus police or safety personnel of the institution in the awareness of ~~[sexual misconduct]~~ ***power-based violence*** and in trauma-informed response to an alleged incident of ~~[sexual misconduct.]~~ ***power-based violence.***

Sec. 8. NRS 396.153 is hereby amended to read as follows:

396.153 1. The Board of Regents may require an institution within the System to provide programming on awareness and prevention of ~~[sexual misconduct]~~ ***power-based violence*** to all students and employees of the institution. If the Board of Regents requires an institution to provide programming on awareness and prevention of sexual misconduct, the programming must include, without limitation:

(a) An explanation of consent as it applies to a sexual act or sexual conduct with another person;

(b) The manner in which drugs and alcohol may affect the ability of a person to consent to a sexual act or sexual conduct with another person;

(c) Information on options for reporting an alleged incident of ~~[sexual misconduct,]~~ ***power-based violence,*** the effects of each option and the method to file a report under each option, including, without limitation, a description of the confidentiality and anonymity, as applicable, of a report;

(d) Information on the grievance process of the institution for addressing a report of an alleged incident of ~~[sexual misconduct,]~~ ***power-based violence,*** including, without limitation, a policy on ~~[sexual misconduct]~~ ***power-based violence*** adopted pursuant to NRS 396.145;

(e) The range of sanctions or penalties the institution may impose on a student or employee found responsible for an incident of ~~[sexual misconduct;]~~ ***power-based violence;***

(f) If an advocate is designated pursuant to NRS 396.148, the name, contact information and role of the advocate;

(g) Strategies for intervention by bystanders;

(h) Strategies for reduction of the risk of ~~[sexual misconduct;]~~ ***power-based violence;*** and

(i) Any other opportunities for additional programming on awareness and prevention of ~~[sexual misconduct.]~~ ***power-based violence.***

2. If an institution provides programming on awareness and prevention of ~~[sexual misconduct]~~ ***power-based violence*** pursuant to subsection 1, the institution:

(a) Shall coordinate with the Title IX coordinator of the institution;

(b) May coordinate with a law enforcement agency and, if the institution entered into a memorandum of understanding with an organization that assists

persons involved in ~~[~~sexual misconduct~~]~~ ***power-based violence*** pursuant to NRS 396.147, that organization; and

(c) Shall require ~~[~~students or employees~~]~~ ***:***

(1) A student to attend the programming on the awareness and prevention of ~~[~~sexual misconduct.~~]~~ ***power-based violence at least once during his or her first two regular academic semesters after enrollment; and***

(2) An employee to attend the programming on the awareness and prevention of power-based violence not less than once every 3 years.

3. If an institution provides programming on awareness and prevention of ~~[~~sexual misconduct~~]~~ ***power-based violence*** pursuant to subsection 1, the programming may be culturally responsive and address the unique experiences and challenges faced by students based on the race, ethnicity, national origin, economic status, disability, gender identity or expression, immigration status and sexual orientation of a student.

4. ~~[If an institution provides programming on awareness and prevention of power-based violence to students pursuant to subsection 1, the institution may:~~

~~(a) Incorporate the programming into one or more courses for which a student may receive credit toward the course work required of the student for the award of an associate's degree, baccalaureate degree or certificate at any university, state college or community college.~~

~~(b) Condition the award of an associate's degree, baccalaureate degree or certificate upon the completion of a course described in paragraph (a).~~

~~5.]~~ If an institution provides programming on awareness and prevention of power-based violence to students pursuant to subsection 1, the institution ~~[shall]~~ :

(a) May provide ~~[require]~~ the programming ~~[to be provided and attended]~~ in person ~~[if the institution provides on-campus housing, except that an institution may provide a waiver from the requirement to attend the programming in person for a student who is enrolled in a program that is attended remotely.]~~ :

(b) May provide an option for a student to attend the programming by virtual or electronic means; and

(c) May include the programming in any courses or materials provided to a student who has recently enrolled in the institution.

~~[6. If an]~~

5. An institution ~~[provides programming on awareness and prevention of power-based violence pursuant to subsection 1, the institution shall require a]~~ may require each instructor or professor to include in the syllabus ~~[for the programming that includes]~~ for a course information on resources available on the campus of the institution for victims of power-based violence, including, without limitation, resources about how to obtain information on:

(a) Options for reporting an alleged incident of power-based violence, the effects of each option and the method to file a report under each option;

(b) Counseling services available on a campus of the institution and through local community resources;

(c) Community-based organizations which provide assistance to victims of power-based violence whose services are available on or off a campus of the institution;

(d) Available supportive measures;

(e) The grievance process of the institution and that the grievance process is not a substitute for the system of criminal justice; and

(f) A policy on power-based violence adopted by the institution pursuant to NRS 396.145.

~~***[7. If an institution provides programming on awareness and prevention of power-based violence pursuant to subsection 1, the institution shall make the information which is required to be included in the syllabus for the programming pursuant to paragraphs (a) to (f), inclusive, of subsection 6 available on the Internet website of the institution.]***~~

Sec. 8.1. NRS 396.154 is hereby amended to read as follows:

396.154 The Board of Regents may require an institution within the System that receives a report of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** that involves a student or employee of the institution to determine the responsibility of a respondent, if any, based on a preponderance of the evidence.

Sec. 8.2. NRS 396.155 is hereby amended to read as follows:

396.155 1. The Board of Regents may require an institution within the System to accept a request from a complainant who is 18 years of age or older to keep the identity of the complainant confidential or take no investigative or disciplinary action against a respondent. An institution shall not grant such a request if state or federal law requires disclosure or further action. In determining whether to grant such a request, the institution shall consider whether there is a risk that the respondent may commit additional acts of ~~[sexual misconduct,]~~ violence, ***power-based violence,*** discrimination or harassment based on whether one or more of the following factors are present to a sufficient degree such that the request cannot be honored:

(a) There are any previous or existing reports of an incident of ~~[sexual misconduct]~~ ***power-based violence*** against the respondent, including, without limitation, records of complaints or the arrest of the respondent;

(b) The respondent allegedly used a weapon;

(c) The respondent threatened violence, discrimination or harassment against the complainant or other persons;

(d) The alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** was alleged to have been committed by two or more people;

(e) The circumstances surrounding the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** indicate that the incident was premeditated and, if so, whether the respondent or another person allegedly premeditated the incident;

(f) The circumstances surrounding the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** indicate a pattern of consistent behavior at a particular location or by a particular group of people;

(g) The institution is able to conduct a thorough investigation and obtain relevant evidence without the cooperation of the complainant; and

(h) There are any other factors that indicate the respondent may repeat the behavior alleged by the complainant or that the complainant or other persons may be at risk of harm.

2. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall take reasonable steps to, without initiating formal action against the respondent:

(a) Respond to the report of the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** while maintaining the confidentiality of the complainant;

(b) Limit the effects of the alleged incident of ~~[sexual misconduct;]~~ ***power-based violence;*** and

(c) Prevent the recurrence of any misconduct.

3. Reasonable steps taken pursuant to subsection 2 may include, without limitation:

(a) Increased monitoring, supervision or security at locations or activities where the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** occurred;

(b) Providing additional training and educational materials for students and employees; or

(c) Ensuring a complainant is informed of and has access to appropriate supportive measures.

4. If an institution within the System grants a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall inform the complainant that the ability of the institution to respond to the report of the alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** will be limited by the request.

5. If an institution within the System determines that it cannot grant a request for confidentiality or to not take any investigative or disciplinary action pursuant to subsection 1, the institution shall:

(a) Inform the complainant of the determination before disclosing the identity of the complainant or initiating an investigation;

(b) Make available supportive measures for the complainant; and

(c) If requested by the complainant, inform the respondent that the complainant asked the institution not to take investigative or disciplinary action against the respondent.

Sec. 8.3. NRS 396.156 is hereby amended to read as follows:

396.156 1. In conducting an investigation of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** an institution within the System shall:

(a) Provide the complainant and the respondent the opportunity to identify witnesses and other evidence to assist the institution in determining whether an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** has occurred;

(b) Inform the complainant and the respondent that any evidence available to the party but not disclosed during the investigation might not be considered at a subsequent hearing; and

(c) Ensure that questions and evidence of the sexual history or sexual predisposition of a complainant are not considered relevant unless the:

(1) Questions or evidence are directly relevant to prove that the conduct alleged to have been committed by the respondent was inflicted by another person; or

(2) Questions and evidence are relevant to demonstrate how the parties communicated consent in previous or subsequent consensual sexual conduct.

2. An institution within the System shall provide periodic updates on the investigation to the complainant and the respondent regarding the timeline of the investigation.

3. An institution within the System shall notify the complainant and the respondent of the findings of an investigation simultaneously.

4. If an institution within the System imposes any disciplinary action based on the findings of an investigation on a respondent, such disciplinary action must be imposed in accordance with the grievance process of the institution.

Sec. 8.4. NRS 396.158 is hereby amended to read as follows:

396.158 1. A student who experiences ~~[sexual misconduct]~~ ***power-based violence*** may request a waiver from any requirement to maintain a certain grade point average, credit enrollment, or other academic or disciplinary record requirement relating to academic success for any scholarship, grant or other academic program offered by an institution within the System. A waiver may be granted by a provost, dean, academic advisor or other appropriate staff or faculty member of the institution.

2. A student or employee who experiences ~~[sexual misconduct]~~ ***power-based violence*** may be granted a request to take a leave of absence or, to the extent practicable, extend benefits of employment.

Sec. 8.5. NRS 396.159 is hereby amended to read as follows:

396.159 1. The Board of Regents may require an institution within the System to prepare and submit to the Board of Regents an annual report that includes, without limitation:

(a) The total number of reports of alleged incidents of ~~[sexual misconduct]~~ ***power-based violence*** allegedly committed by a student or employee of the institution made to the Title IX office of the institution;

(b) The number of students and employees found responsible for an incident of ~~[sexual misconduct]~~ ***power-based violence*** by the institution;

(c) The number of students and employees accused of but found not responsible for an incident of ~~[sexual misconduct]~~ ***power-based violence*** by the institution;

(d) The number of persons sanctioned by the institution as a result of a finding of responsibility for an incident of ~~[sexual misconduct;]~~ ***power-based violence;*** and

(e) The number of persons who submitted requests for supportive measures and the number of persons who received supportive measures.

2. A report submitted pursuant to subsection 1 must not contain any personally identifiable information of a student or employee of an institution within the System.

3. Information contained in a report submitted pursuant to subsection 1 must be able to be disaggregated by students and employees.

4. If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, an institution shall submit the report to the Board of Regents not later than October 1 of each year.

5. If the Board of Regents requires a report to be prepared and submitted pursuant to subsection 1, the Board of Regents shall, not later than December 31 of each year, submit a compilation of the reports the Board of Regents received pursuant to subsection 1 to the Director of the Department of Health and Human Services and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature in even-numbered years or the Joint Interim Standing Committee on Education in odd-numbered years.

6. Any data or reports that underlie the report prepared pursuant to subsection 4 are confidential and are not a public record for the purposes of chapter 239 of NRS.

Sec. 8.6. NRS 49.2545 is hereby amended to read as follows:

49.2545 "Victim's advocate" means a person who works for a nonprofit program, a program of a university, state college or community college within the Nevada System of Higher Education or a program of a tribal organization which provides assistance to victims or who provides services to a victim of an alleged incident of ~~[sexual misconduct]~~ ***power-based violence*** pursuant to NRS 396.125 to 396.1595, inclusive, with or without compensation and who has received at least 20 hours of relevant training.

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. 9.5. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 10. NRS 394.16055 ~~[,]~~ **and** 396.134 ~~[and 396.141]~~ are hereby repealed.

Sec. 11. This act becomes effective on July 1, 2023.

TEXT OF REPEALED SECTIONS

394.16055 "Sexual misconduct" defined. "Sexual misconduct" has the meaning ascribed to it in NRS 391.860.

396.134 "Sexual misconduct" defined. "Sexual misconduct" means dating violence, domestic violence, gender-based violence, gender-based harassment, violence based on sexual orientation or gender identity or expression, sexual assault, sexual harassment, stalking or indecent exposure.

[~~396.141 Task Force on Sexual Misconduct at Institutions of Higher Education: Creation; members; meetings.~~

~~1. There is hereby created the Task Force on Sexual Misconduct at Institutions of Higher Education consisting of 12 members as follows:~~

~~(a) The Chancellor of the System, or his or her designee;~~

~~(b) The Chief General Counsel of the System, or his or her designee; and~~

~~(c) Ten members appointed by the Board of Regents as follows:~~

~~(1) One representative of a state college;~~

~~(2) One representative of a community college;~~

~~(3) One representative of a university;~~

~~(4) One Title IX coordinator from an institution within the System;~~

~~(5) One student, appointed in consultation with a student government association, who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a state college or community college;~~

~~(6) One student, appointed in consultation with a student government association, who represents a group or organization that focuses on multiculturalism, diversity or advocacy at a university;~~

~~(7) One researcher with experience in the development of climate surveys on sexual misconduct;~~

~~(8) One researcher of statistics, data analytics or econometrics with experience in survey analysis in higher education;~~

~~(9) One medical professional from the University of Nevada, Las Vegas, School of Medicine or the University of Nevada, Reno, School of Medicine; and~~

~~(10) One person who serves as a victim's advocate, as defined in NRS 49.2545, at an institution within the System.~~

~~2. After the initial terms, each appointed member of the Task Force serves a term of 2 years and may be reappointed to one additional 2 year term following his or her initial term. A vacancy must be filled in the same manner as the original appointment.~~

~~3. The Task Force shall, at its first meeting and each odd-numbered year thereafter, elect a Chair from among its members.~~

~~4. The Task Force shall meet at least once annually and may meet at other times upon the call of the Chair or a majority of the members of the Task Force.~~

~~5. A majority of the members of the Task Force constitutes a quorum, and a quorum may exercise all the power and authority conferred on the Task Force.~~

~~6. Members of the Task Force serve without compensation, except that for each day or portion of a day during which a member of the Task Force attends a meeting of the Task Force or is otherwise engaged in the business of the Task~~

~~Force, and within the limits of available money, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~7. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the member may prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member, and shall not require the member to take annual vacation or compensatory time for the absence.~~**]**

Assemblywoman Torres moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 84.

Bill read third time.

Roll call on Assembly Bill No. 84:

YEAS—42.

NAYS—None.

Assembly Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 119.

Bill read third time.

Roll call on Assembly Bill No. 119:

YEAS—29.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Koenig, McArthur, O'Neill, Yurek—13.

Assembly Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125.

Bill read third time.

Roll call on Assembly Bill No. 125:

YEAS—42.

NAYS—None.

Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

Bill read third time.

Roll call on Assembly Bill No. 138:

YEAS—42.

NAYS—None.

Assembly Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 139.

Bill read third time.

Roll call on Assembly Bill No. 139:

YEAS—42.

NAYS—None.

Assembly Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 224.

Bill read third time.

Roll call on Assembly Bill No. 224:

YEAS—31.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, McArthur, O'Neill, Yurek—11.

Assembly Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 266.

Bill read third time.

Roll call on Assembly Bill No. 266:

YEAS—32.

NAYS—DeLong, Dickman, Gray, Gurr, Hafen, Hansen, Hardy, Kasama, McArthur, O'Neill—10.

Assembly Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 279.

Bill read third time.

Roll call on Assembly Bill No. 279:

YEAS—42.

NAYS—None.

Assembly Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 283.

Bill read third time.

Roll call on Assembly Bill No. 283:

YEAS—42.

NAYS—None.

Assembly Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290.

Bill read third time.

Roll call on Assembly Bill No. 290:

YEAS—42.

NAYS—None.

Assembly Bill No. 290 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.

Roll call on Assembly Bill No. 321:

YEAS—42.

NAYS—None.

Assembly Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 323.

Bill read third time.

Roll call on Assembly Bill No. 323:

YEAS—38.

NAYS—Gray, Gurr, Hafen, McArthur—4.

Assembly Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 357.

Bill read third time.

Roll call on Assembly Bill No. 357:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 396.

Bill read third time.

Roll call on Assembly Bill No. 396:

YEAS—36.

NAYS—Gray, Gurr, Hafen, Hansen, Hibbetts, McArthur—6.

Assembly Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 434.
Bill read third time.
Roll call on Assembly Bill No. 434:
YEAS—42.
NAYS—None.
Assembly Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 441.
Bill read third time.
Roll call on Assembly Bill No. 441:
YEAS—42.
NAYS—None.
Assembly Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 484.
Bill read third time.
Roll call on Assembly Bill No. 484:
YEAS—42.
NAYS—None.
Assembly Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 488.
Bill read third time.
Roll call on Assembly Bill No. 488:
YEAS—42.
NAYS—None.
Assembly Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 490.
Bill read third time.
Roll call on Assembly Bill No. 490:
YEAS—39.
NAYS—Gurr, Hafen, Hansen—3.
Assembly Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 491.
Bill read third time.
Roll call on Assembly Bill No. 491:

YEAS—42.
NAYS—None.

Assembly Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 519.

Bill read third time.

Roll call on Assembly Bill No. 519:

YEAS—42.
NAYS—None.

Assembly Bill No. 519 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526.

Bill read third time.

Roll call on Assembly Bill No. 526:

YEAS—42.
NAYS—None.

Assembly Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 527.

Bill read third time.

Roll call on Assembly Bill No. 527:

YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Assembly Bill No. 527 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 301, 346, 483, 237, and 245 be taken from their positions on the General File and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 468, 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. 296, 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*

GENERAL FILE AND THIRD READING

Assembly Bill No. 296.

Bill read third time.

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

Amendment No. 847.

AN ACT relating to education; requiring the reporting of certain information relating to class time used for examinations and assessments; requiring the Department of Education to adopt regulations limiting the amount of time used to prepare for and conduct certain examinations and assessments; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.5 of this bill requires: (1) each school to annually submit to its school district a report detailing the aggregate amount of class time used for conducting and preparing for certain examinations and assessments; (2) each school district to submit those reports to the Department of Education; (3) the Department to submit those reports received to standing legislative committees relating to education; and (4) the Department to ~~[work with and]~~ develop ~~[corrective action plans for]~~ **a plan to provide assistance to** schools that use more than 2 percent of the total number of annual minutes of attendance required for a pupil for conducting or preparing for certain examinations and assessments ~~[.]~~ **and create a corrective action plan for each such school to limit such a use of time.**

Existing law requires the administration of certain examinations and assessments to measure the achievement and proficiency of pupils in various subjects. (NRS 390.055, 390.105) Existing law also requires the Department to adopt regulations limiting the time taken from instruction to conduct an examination or assessment. (NRS 390.805) **Section 2** of this bill requires such regulations to limit, with certain exceptions, the time used for conducting or preparing for an examination or assessment to 2 percent or less of the total number of annual minutes of attendance required for a pupil.

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 390 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each school within a school district shall, on or before December 1 of each year, submit a report to the district detailing the aggregate amount of annual class time used for conducting and preparing for examinations and assessments during the immediately preceding school year.

2. Each school district shall, on or before December 31 of each year, submit all reports received pursuant to subsection 1 to the Department.

3. On or before February 1 of each year, the Department shall submit all reports received pursuant to subsection 2 in the immediately preceding year:

(a) In odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to each standing committee of the Legislature with primary jurisdiction over matters relating to K-12 public education at the beginning of each regular session of the Legislature; and

(b) In even-numbered years, to the Joint Interim Standing Committee on Education.

4. The Department shall ~~[provide]~~ :

(a) On or before July 1, 2025, develop a plan to provide assistance to schools that violate the limitation described in paragraph (a) of subsection 2 of NRS 390.805 ; and ~~[develop a]~~

(b) Create a corrective action plan for each such ~~[a]~~ school to limit the time to conduct or prepare for an examination or assessment to not more than 2 percent of the total number of annual minutes of attendance required for a pupil.

5. As used in this section, unless the context otherwise requires, "examination or assessment" has the meaning ascribed to it in NRS 390.805.

Sec. 2. NRS 390.805 is hereby amended to read as follows:

390.805 1. The Department shall adopt regulations that, for an examination or assessment administered pursuant to this chapter or required to be administered by the board of trustees of a school district, the governing body of a charter school or a public school on a district-wide or school-wide basis, as applicable, prescribe limits on the:

(a) Actual time taken from ~~[instruction]~~ ***a school day*** to conduct ***or prepare for*** an examination or assessment; and

(b) Number of examinations or assessments administered to pupils in a school year.

2. ***The regulations adopted by the Department pursuant to subsection 1 must:***

(a) Except as otherwise provided in paragraph (b), prohibit using more than 2 percent of the total number of annual minutes of attendance required for a pupil for conducting or preparing for an examination or assessment;

(b) Provide exceptions from the limitation described in paragraph (a):

(1) That are necessary to comply with the requirements of federal law, including, without limitation, the Individuals with Disabilities Education

Act, 20 U.S.C. §§ 1400 et seq., and the Equal Educational Opportunities Act of 1974, 20 U.S.C. § 1703(f);

(2) For a pupil who is being administered an examination or assessment as a result of the pupil participating in:

(I) An advanced placement course;

(II) An international baccalaureate course;

(III) A program of career and technical education; or

(IV) Any plan, procedure, program or service for the purpose of improving the literacy of pupils enrolled in elementary school pursuant to NRS 388.157; and

(3) For a pupil who is administered an examination or assessment to screen for any special needs of the pupil, including, without limitation, any difficulty in English language acquisition or any disability; and

(c) Exclude time spent at recess from the limitation described in paragraph (a).

3. If the board of trustees of a school district or the governing body of a charter school intends to administer an examination or assessment that would exceed a limitation in a regulation adopted by the Department pursuant to subsection 1, the board of trustees of the school district or the governing body of the charter school must request a waiver from the State Board to exceed the limitation. The State Board may grant a waiver requested pursuant to this subsection if the State Board deems it appropriate.

4. As used in this section, unless the context otherwise requires, "examination or assessment" means a federal, state or locally mandated test that is intended to measure a pupil's academic readiness, learning progress and skill acquisition. The term does not include:

(a) A quiz or test developed by a teacher or time devoted to quizzes, examinations, reviews of portfolios or evaluations of performance that are initiated by a teacher; or

(b) A sampling test that is not administered to all students.

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. 3.5. 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. 4. This act becomes effective on July 1, 2023.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

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

Assembly Bill No. 468.

Bill read third time.

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

Amendment No. 872.

SUMMARY—Makes appropriations to the Office of Finance in the Office of the Governor **and the Interim Finance Committee** for certain costs related to the Enterprise Resource Planning System. (BDR S-1110)

AN ACT making appropriations to the Office of Finance in the Office of the Governor **and the Interim Finance Committee** for certain costs related to the Enterprise Resource Planning 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 Office of Finance in the Office of the Governor the sum of $21,601,999 for costs associated with the implementation of the Enterprise Resource Planning System.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor the sum of $5,067,137 for costs associated with the implementation of the Enterprise Resource Planning System.]~~ **(Deleted by amendment.)**

Sec. 3. There is hereby appropriated from the State General Fund to the Office of Finance in the Office of the Governor the sum of $36,425 for the replacement of computer hardware and associated software of the operations center for the Enterprise Resource Planning System.

Sec. 4. There is hereby appropriated from the State Highway Fund to the Office of Finance in the Office of the Governor the sum of $8,544 for the replacement of computer hardware and associated software of the operations center for the Enterprise Resource Planning System.

Sec. 4.3. **There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $126,635,910 for allocation to the Office of Finance in the Office of the Governor for costs associated with the implementation of the Enterprise Resource Planning System.**

Sec. 4.7. **1. There is hereby appropriated from the State Highway Fund to the Interim Finance Committee the sum of $29,704,720 for allocation to the Office of Finance in the Office of the Governor for costs associated with the implementation of the Enterprise Resource Planning System.**

2. Expenditure of $10,000,000 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 Office of Finance in the Office of the Governor for costs associated with the implementation of the Enterprise Resource Planning System.

Sec. 5. Any remaining balance of the appropriations made by sections ~~[1 to 4,]~~ **3 to 4.7,** 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 fund from which it was appropriated on or before September 19, 2025.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Monroe-Moreno moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 301.

Bill read third time.

Roll call on Assembly Bill No. 301:

YEAS—37.

NAYS—Considine, DeLong, Brittney Miller, Summers-Armstrong, Taylor—5.

Assembly Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

Roll call on Assembly Bill No. 346:

YEAS—42.

NAYS—None.

Assembly Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 483.

Bill read third time.

Roll call on Assembly Bill No. 483:

YEAS—42.

NAYS—None.

Assembly Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 237.

Bill read third time.

Roll call on Assembly Bill No. 237:

YEAS—36.

NAYS—DeLong, Gray, Gurr, Hansen, McArthur, O'Neill—6.

Assembly Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 245.

Bill read third time.

Roll call on Assembly Bill No. 245:

YEAS—42.
NAYS—None.

Assembly Bill No. 245 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. 296 and 468 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. 296.

Bill read third time.

Roll call on Assembly Bill No. 296:

YEAS—40.
NAYS—Kasama, Thomas—2.

Assembly Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 468.

Bill read third time.

Roll call on Assembly Bill No. 468:

YEAS—42.
NAYS—None.

Assembly Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 518, 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*

GENERAL FILE AND THIRD READING

Assembly Bill No. 518.

Bill read third time.

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

Amendment No. 939.

AN ACT relating to indigent defense; establishing **the maximum amount that certain counties are required to pay for the provision of indigent defense services for Fiscal Year 2023-2024; establishing** a formula for determining the maximum amount that ~~[a county]~~ **such counties** may be

required to pay for the provision of indigent defense services ~~[.]~~ **in subsequent fiscal years; establishing a formula for determining the maximum amount that other counties may be required to pay for the provision of indigent defense services;** prohibiting a county from seeking state contributions for the provision of indigent defense services in excess of the maximum county contribution for the costs of capital improvement projects relating to the provision of indigent defense services; ~~[requiring counties to submit financial status reports to the Department of Indigent Defense Services annually unless the Department requires such reports on a quarterly basis;]~~ **establishing the procedure by which a county may seek state contributions for the provision of indigent defense services in excess of the maximum county contribution; authorizing the designee of a board of county commissioners to perform certain actions relating to corrective action plans; revising the date on which certain reports related to the provision of indigent defense services must be submitted to the Department of Indigent Defense Services;** making an appropriation to the Interim Finance Committee for allocation to the Department for the reimbursement of counties for costs in excess of their maximum contribution amounts for the provision of indigent defense services and for the funding of certain other costs relating to the provision of indigent defense services; **making an appropriation to the Department for certain costs related to pretrial release hearings that are or may be conducted on a weekend or holiday;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Board on Indigent Defense Services to adopt regulations to establish a formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services. (NRS 180.320) **Section 5** of this bill removes that requirement, and **section 2** of this bill instead establishes **: (1) the maximum amount that each county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) is required to pay for the provision of indigent defense services for Fiscal Year 2023-2024; and (2)** a statutory formula for determining the maximum amount that **such** a county may be required to pay for the provision of indigent defense services ~~[.]~~ **for each fiscal year after Fiscal Year 2023-2024. Section 2** also **establishes a statutory formula for determining the maximum amount that each county whose population is 100,000 or more (currently Clark and Washoe Counties) is required to pay for the provision of indigent defense services. Section 2 additionally provides that a county may seek state contributions for the provision of indigent defense services in excess of the maximum county contribution after the county has exceeded its maximum contribution but** prohibits a county from seeking **such** state contributions ~~[for the provision of indigent defense services in excess of the maximum county contribution, as calculated pursuant to the formula,]~~ for the costs of any capital improvement projects relating to the provision of indigent defense services. **Sections 4 and**

6 of this bill make conforming changes by replacing references to the ~~[formula]~~ **maximum county contribution** being ~~[established]~~ **determined** by **the formula set forth in** regulation with references to the ~~[formula]~~ **maximum county contribution** being ~~[established by statute.]~~ **determined in accordance with section 2.**

Section 3 of this bill ~~[requires a county to submit a financial status report to the Department of Indigent Defense Services on a form prescribed by the Department on or before May 31 of each year, unless the Department instead requires the submission of such reports]~~ **establishes the procedure by which a county may seek state contributions for the provision of indigent defense services in excess of the maximum county contribution** on a quarterly basis.

Section 6 of this bill authorizes the designee of a board of county commissioners to perform certain actions otherwise performed by the board of county commissioners with regard to certain corrective action plans.

Existing law requires the board of county commissioners of each county with a public defender or which contracts for indigent defense services to provide an annual report concerning the provision of indigent defense services to the Department of Indigent Defense Services on or before May 1 of each year. (NRS 260.070) Section 6.5 of this bill changes the required date of the submission of the report to on or before May 31 of each year, unless the Department requires the report to be provided on a quarterly basis.

Section 7 of this bill makes an appropriation from the State General Fund to the Interim Finance Committee for allocation to the Department to fund the: (1) reimbursement of counties for costs in excess of their maximum contribution amounts for the provision of indigent defense services; (2) costs of the Department related to compliance with the *Davis v. State* (Nev. First Jud. Dist. Ct. Case No. 170C002271B (Aug. 11, 2020)) consent judgment; (3) costs of the Office of the State Public Defender for contracting for legal services for complex cases; and (4) costs for training and pay parity for attorneys who provide indigent defense services.

Section 7.3 of this bill makes an appropriation from the State General Fund to the Department for certain costs related to pretrial release hearings that are or may be conducted on a weekend or holiday. A portion of the appropriation must be allocated to counties whose population is less than 100,000 for the payment of stipends to: (1) prosecuting attorneys for being available to serve or serving as the prosecuting attorney in a pretrial release hearing conducted on a weekend or holiday; and (2) magistrates for being available to conduct or conducting a pretrial release hearing on a weekend or holiday. The remaining portion of the appropriation must be used by the Department for the payment of stipends to attorneys for being available to represent or representing a defendant in a pretrial release hearing conducted on a weekend or holiday in a county whose population is less than 100,000.

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

Section 1. Chapter 180 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The maximum amount that a county ~~[is]~~ may be required to pay for the provision of indigent defense services during a fiscal year ~~[must not exceed the sum of:]~~ is:***

(a) In a county whose population is less than 100,000:

(1) ~~[The actual costs to]~~ For Fiscal Year 2023-2024, the applicable amount set forth in the table below, as determined by the calculated maximum contribution amount for the county for providing indigent defense services ~~[, minus any expenses relating to capital offenses and murder cases, for the immediately preceding fiscal year; and]~~ for Fiscal Year 2022-2023, increased by the percentage equal to the lesser of:

(I) The cost of inflation, as measured by the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor for the immediately preceding calendar year or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Department; or

(II) Five percent.

Carson City	*$1,903,177*
Churchill	*375,706*
Douglas	*892,658*
Elko	*1,946,335*
Esmeralda	*94,702*
Eureka	*41,808*
Humboldt	*493,319*
Lander	*102,569*
Lincoln	*187,530*
Lyon	*851,690*
Mineral	*95,963*
Nye	*866,049*
Pershing	*258,163*
Storey	*93,593*
White Pine	*461,448*

(2) ~~[The]~~ For each fiscal year after Fiscal Year 2023-2024, an amount equal to the calculated maximum contribution amount for the county for providing indigent defense services for the immediately preceding fiscal year, increased by the percentage equal to the lesser of:

(I) The cost of inflation, as measured by the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor for the immediately preceding calendar

year or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Department; or

(II) Five percent.

(b) In a county whose population is 100,000 or more:

(1) The actual costs to the county for providing indigent defense services for the immediately preceding fiscal year; and

(2) The percentage equal to the lesser of:

(I) The cost of inflation, as measured by the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the United States Department of Labor for the immediately preceding calendar year or, if that index ceases to be published by the United States Department of Labor, the published index that most closely resembles that index, as determined by the Department; or

(II) Five percent.

2. If a county whose population is less than 100,000 chooses to transfer to the State Public Defender the responsibility of providing representation in:

(a) Direct appeals to the appellate court of competent jurisdiction, the cost of providing representation in those cases is a charge against the State and is excluded from the required maximum contribution of the county.

(b) Death penalty cases, the State Public Defender shall submit to the county an estimate for the representation. The county is responsible for paying 25 percent of the estimate and shall make such a payment in accordance with NRS 180.110. Such payments count towards the maximum contribution of the county.

3. Except as otherwise provided in subsection 4, a county may seek state contributions for the provision of indigent defense services in excess of the maximum contribution of the county, as determined pursuant to this section, after the county has exceeded its maximum contribution.

4. A county may not seek state contributions for the provision of indigent defense services in excess of the maximum contribution of the county, as ~~[calculated]~~ determined pursuant to this section, for the costs of any capital improvement projects relating to the provision of indigent defense services, including, without limitation, costs relating to the construction of a room or area in a courthouse in which an attorney who provides indigent defense services may consult with a client or any other capital improvement project that is indirectly related to the provision of indigent defense services.

5. Nothing in this section limits a county from expending more than its maximum contribution for the provision of indigent defense services, as determined pursuant to this section.

Sec. 3. *1. A county may seek state contributions for the provision of indigent defense services in excess of the maximum contribution of the county, as determined pursuant to section 2 of this act, as follows:*

(a) For a county whose population is less than 100,000, the Executive Director shall include the estimated state contribution for the county for the provision of indigent defense services, based upon the annual reporting of the county pursuant to NRS 260.070, in the budget for the Department to help support the indigent defense services provided by the county.

(b) For a county whose population is 100,000 or more, if the county intends to seek state contributions for the provision of indigent defense services in excess of the maximum contribution of the county, as determined pursuant to section 2 of this act, the board of county commissioners for the county, or its designee, shall notify the Department in writing of the intention of the county to seek such contributions in the upcoming biennium, on a form prescribed by the Department, on or before March 1 of the next odd-numbered year. The Executive Director shall include the state contribution for the county in the next budget for the Department to help support the indigent defense services provided by the county.

2. If a county seeks state contributions pursuant to subsection 1, the board of county commissioners for the county, or its designee, shall submit a financial status report to the Department on a form prescribed , and in accordance with the timeline established, by the Department . [:

(a) Except as otherwise provided in paragraph (b), on or before May 31 of each year; or

(b) Each quarter if the Department requires the submission of such reports on a quarterly basis pursuant to subsection 2.

2. In lieu of a county submitting a financial status report to the Department on an annual basis in accordance with paragraph (a) of subsection 1, the Department may instead require a county to submit a financial status report to the Department, on a form prescribed by the Department, on a quarterly basis.]

Sec. 4. NRS 180.110 is hereby amended to read as follows:

180.110 1. Each fiscal year the State Public Defender may collect from the counties amounts which do not exceed those authorized by the Legislature for use of the State Public Defender's services during that year. The amount that a county may be required to pay must not exceed the maximum amount determined ~~[using the formula established by the Board pursuant to NRS 180.320.]~~ ***in accordance with section 2 of this act.***

2. The State Public Defender shall submit to the county an estimate on or before the first day of May and that estimate becomes the final bill unless the county is notified of a change within 2 weeks after the date on which the county contribution is approved by the Legislature. The county shall pay the bill:

(a) In full within 30 days after the estimate becomes the final bill or the county receives the revised estimate; or

(b) In equal quarterly installments on or before the 1st day of July, October, January and April, respectively.

➥ The counties shall pay their respective amounts to the State Public Defender who shall deposit the amounts with the Treasurer of the State of Nevada and

shall expend the money in accordance with the State Public Defender's approved budget.

Sec. 5. NRS 180.320 is hereby amended to read as follows:

180.320 1. The Board on Indigent Defense Services shall:

(a) Receive reports from the Executive Director and provide direction to the Executive Director concerning measures to be taken by the Department to ensure that indigent defense services are provided in an effective manner throughout this State.

(b) Review information from the Department regarding caseloads of attorneys who provide indigent defense services.

(c) Direct the Executive Director to conduct any additional audit, investigation or review the Board deems necessary to determine whether minimum standards in the provision of indigent defense services are being followed and provided in compliance with constitutional requirements.

(d) Work with the Executive Director to develop procedures for the mandatory collection of data concerning the provision of indigent defense services, including the manner in which such services are provided.

(e) Provide direction to the Executive Director concerning annual reports and review drafts of such reports.

(f) Review and approve the budget for the Department.

(g) Review any recommendations of the Executive Director concerning improvements to the criminal justice system and legislation to improve the provision of indigent defense services in this State.

(h) Provide advice and recommendations to the Executive Director on any other matter.

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

(a) Establish minimum standards for the delivery of indigent defense services to ensure that such services meet the constitutional requirements and do not create any type of economic disincentive or impair the ability of the defense attorney to provide effective representation.

(b) Establish a procedure to receive complaints and recommendations concerning the provision of indigent defense services from any interested person including, without limitation, judges, defendants, attorneys and members of the public.

(c) Work with the Department to develop resolutions to complaints or to carry out recommendations.

(d) Adopt regulations establishing standards for the provision of indigent defense services including, without limitation:

(1) Establishing requirements for specific continuing education and experience for attorneys who provide indigent defense services.

(2) Requiring attorneys who provide indigent defense services to track their time and provide reports, and requiring the State Public Defender and counties that employ attorneys or otherwise contract for the provision of indigent defense services to require or include a provision in the employment or other contract requiring compliance with the regulations.

(3) Establishing standards to ensure that attorneys who provide indigent defense services track and report information in a uniform manner.

(4) Establishing guidelines to be used to determine the maximum caseloads for attorneys who provide indigent defense services.

(5) Requiring the Department of Indigent Defense Services and each county that employs or contracts for the provision of indigent defense services to ensure, to the greatest extent possible, consistency in the representation of indigent defendants so that the same attorney represents a defendant through every stage of the case without delegating the representation to others, except that administrative and other tasks which do not affect the rights of the defendant may be delegated. A provision must be included in each employment or other contract of an attorney providing indigent defense services to require compliance with the regulations.

(e) Establish recommendations for the manner in which an attorney who is appointed to provide indigent defense services may request and receive reimbursement for expenses related to trial, including, without limitation, expenses for expert witnesses and investigators.

(f) Work with the Executive Director and the Dean of the William S. Boyd School of Law of the University of Nevada, Las Vegas, or his or her designee, to determine incentives to recommend offering to law students and attorneys to encourage them to provide indigent defense services, especially in rural areas of the State.

(g) Review laws and recommend legislation to ensure indigent defendants are represented in the most effective and constitutional manner.

3. **[**~~The Board shall adopt regulations to establish a formula for determining the maximum amount that a county may be required to pay for the provision of indigent defense services.~~

~~4.~~**]** The Board shall adopt any additional regulations it deems necessary or convenient to carry out the duties of the Board and the provisions of this chapter.

Sec. 6. NRS 180.450 is hereby amended to read as follows:

180.450 1. If a corrective action plan is recommended pursuant to NRS 180.440, the deputy director and the board of county commissioners ***, or its designee,*** must collaborate on the manner in which the county will meet the minimum standards for the provision of indigent defense services and the time by which the county must meet those minimum standards. Any disagreement must be resolved by the Board. Each corrective action plan must be submitted to and approved by the Board.

2. If the plan established pursuant to subsection 1 will cause the county to expend more money than budgeted by the county in the previous budget year plus inflation for the provision of indigent defense services, the Executive Director shall include the additional amount needed by the county in the next budget for the Department of Indigent Defense Services to help support the indigent defense services provided by the county. If additional money is needed to carry out the plan before the next budget cycle, the Executive

Director shall submit a request to the Interim Finance Committee for an allocation from the Contingency Account pursuant to NRS 353.266 to cover the additional costs.

3. For any county that is not required to have an office of public defender pursuant to NRS 260.010, if the additional amount included in the budget of the Department pursuant to subsection 2 is not approved, the board of county commissioners for the county to which the amount applies may determine whether to continue providing indigent defense services for the county or enter into an agreement with the Executive Director to transfer responsibility for the provision of such services to the State Public Defender.

4. If a county does not meet the minimum standards for the provision of indigent defense services within the period established in the corrective action plan for the county, the deputy director shall inform the Executive Director.

5. Upon being informed by the deputy director pursuant to subsection 4 that a county has not complied with a corrective action plan, the Executive Director must review information regarding the provision of indigent defense services in the county and determine whether to recommend establishing another corrective action plan with the board of county commissioners of the county ~~[.]~~ ***, or its designee.*** For a county that is not required to have an office of public defender pursuant to NRS 260.010, the Executive Director may instead recommend requiring the board of county commissioners to transfer responsibility for the provision of all indigent defense services for the county to the State Public Defender. The recommendation of the Executive Director must be submitted to and approved by the Board. Once approved, the board of county commissioners shall comply with the decision of the Board.

6. If a county is required to transfer or voluntarily transfers responsibility for the provision of all indigent defense services for the county to the State Public Defender:

(a) The board of county commissioners for the county ***, or its designee,*** shall notify the State Public Defender in writing on or before November 1 of the next even-numbered year and the responsibilities must transfer at a specified time on or after July 1 of the odd-numbered year following the year in which the notice was given, as determined by the Executive Director.

(b) The board of county commissioners for the county shall pay the State Public Defender in the same manner and in an amount determined in the same manner as other counties for which the State Public Defender has responsibility for the provision of indigent defense services. The amount that a county may be required to pay must not exceed the maximum amount determined ~~[using the formula established by the Board pursuant to NRS 180.320.]~~ ***in accordance with section 2 of this act.***

Sec. 6.5. **NRS 260.070 is hereby amended to read as follows:**

260.070 1. The public defender shall make an annual report to:

(a) The board of county commissioners covering all cases handled by his or her office during the preceding year.

(b) The Department of Indigent Defense Services created by NRS 180.400 which includes any information required by the Department.

2. The board of county commissioners of each county with a public defender or which contracts for indigent defense services shall provide an annual report to the Department on or before May ~~[1]~~ ***31*** of each year ~~[.]~~ **,** ***unless the Department requires the report to be provided on a quarterly basis.*** The report must include any information requested by the Department concerning the provision of indigent defense services in the county and must include, without limitation, the plan for the provision of indigent defense services for the county for the next fiscal year ~~[.]~~ ***or, if the Department requires the report to be provided on a quarterly basis, for the next quarter.***

3. As used in this section, "indigent defense services" has the meaning ascribed to it in NRS 180.004.

Sec. 7. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $6,306,880 in Fiscal Year 2023-2024 and the sum of $6,613,033 in Fiscal Year 2024-2025 for allocation to the Department of Indigent Defense Services to fund:

(a) The reimbursement of counties for costs in excess of their maximum contribution amounts for the provision of indigent defense services, including, without limitation, the costs of compliance with workload standards;

(b) The costs of the Department related to compliance with the *Davis v. State* (Nev. First Jud. Dist. Ct. Case No. 170C002271B (Aug. 11, 2020)) consent judgment;

(c) The costs of the Office of State Public Defender for contracting for legal services for complex cases; and

(d) The costs for training and pay parity for attorneys who provide indigent defense services.

2. Money appropriated by subsection 1 may only be allocated by the Interim Finance Committee upon recommendation of the Governor, and upon submittal by the Department of Indigent Defense Services of documentation of the costs.

3. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums 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. 7.3. **1. There is hereby appropriated from the State General Fund to the Department of Indigent Defense Services for certain costs related to pretrial release hearings that are or may be conducted on a weekend or holiday the following sums:**

For the Fiscal Year 2023-2024 ..... $1,474,200
For the Fiscal Year 2024-2025 ..... $1,474,200

2. The sums appropriated pursuant to subsection 1 must be allocated as follows:

(a) On or before August 1, 2023, and August 1, 2024, the Executive Director of the Department of Indigent Defense Services shall pay $982,800 to the counties in this State whose population is less than 100,000, with each county receiving the following applicable amount:

Carson City	**$46,800**
Churchill	**46,800**
Douglas	**93,600**
Elko	**93,600**
Esmeralda	**46,800**
Eureka	**46,800**
Humboldt	**46,800**
Lander	**46,800**
Lincoln	**93,600**
Lyon	**93,600**
Mineral	**46,800**
Nye	**93,600**
Pershing	**46,800**
Storey	**46,800**
White Pine	**93,600**

(b) The remaining $491,400 must be distributed to the Department of Indigent Defense Services for the purposes set forth in subsection 4.

3. Money allocated pursuant to paragraph (a) of subsection 2:

(a) Must be used only to pay a stipend of $450 per day to a:

(1) District attorney, assistant district attorney, deputy district attorney or other attorney employed by a district attorney for being available on a weekend or holiday to serve as the prosecuting attorney in a pretrial release hearing required by NRS 178.4849 or for serving as the prosecuting attorney in any such pretrial release hearing conducted on a weekend or holiday in a county whose population is less than 100,000; or

(2) Magistrate for being available on a weekend or holiday to conduct a pretrial release hearing required by NRS 178.4849 or for conducting any such pretrial release hearing on a weekend or holiday. As used in this subparagraph, "magistrate" means a judicial officer who presides over a pretrial release hearing.

(b) Except as otherwise provided in paragraph (a), must not be used to pay any other staffing costs, including, without limitation, any staffing costs attributable to the courts, district attorneys, public defenders or sheriffs.

4. Money distributed to the Department of Indigent Defense Services pursuant to paragraph (b) of subsection 2 must be used only to provide a

stipend of $450 per day to a public defender, the State Public Defender or any other attorney employed by the public defender or State Public Defender for being available on a weekend or holiday to represent a defendant in a pretrial release hearing required by NRS 178.4849 or to represent a defendant in any such pretrial release hearing conducted on a weekend or holiday in a county whose population is less than 100,000.

5. The expenditure of money allocated pursuant to paragraph (a) of subsection 2 by a county is subject to an annual audit of the county. Each county that receives money allocated pursuant to paragraph (a) of subsection 2 shall provide, on or before October 1, 2024, and October 1, 2025, a report to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature and the Department of Indigent Defense Services, that sets forth the expenditure of such money for the immediately preceding fiscal year.

6. Any remaining balance of the allocations made by paragraph (a) of subsection 2 and the money distributed to the Department of Indigent Defense Services pursuant to paragraph (b) of subsection 2 from the appropriation made 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. 7.7. **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. 8. 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.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 518 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 518.

Bill read third time.

Roll call on Assembly Bill No. 518:

YEAS—42.

NAYS—None.

Assembly Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 5.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 49.

The following Senate amendment was read:

Amendment No. 665.

AN ACT relating to criminal procedure; **authorizing certain persons to file and serve certain documents by electronic means;** prescribing separate forms for certain postconviction petitions for a writ of habeas corpus; revising various provisions relating to postconviction petitions for a writ of habeas corpus; eliminating the requirement that the respondent to a postconviction petition for a writ of habeas corpus file a return with the court; revising provisions relating to a petition for a hearing to establish the factual innocence of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

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

Sections 3 and 11 of this bill prescribe separate and distinct forms for a petition for a writ of habeas corpus that challenges the computation of time that a person has served pursuant to a judgment of conviction and a petition for a writ of habeas corpus that challenges the validity of a judgment of conviction, respectively. **Section 10** of this bill makes a conforming change by requiring each type of petition to be: (1) appropriately titled; and (2) in substantially the form prescribed by **sections 3 and 11**. **Section 2.5 of this bill authorizes a petitioner, under certain circumstances, to file and serve upon certain persons each type of petition by electronic means. Under**

section 2.5, the following may be filed or served by electronic means: (1) a response or answer filed by a prosecuting agency; (2) a copy of any decision or order served by the clerk of the court upon the petitioner or petitioner's attorney; and (3) a notice of a decision or order delivered to the petitioner or petitioner's attorney. **Sections 6, 7 and 17** of this bill make conforming changes to indicate the proper placement of ~~[section]~~ **sections 2.5 and 3** in the Nevada Revised Statutes.

Section 8 of this bill makes a nonsubstantive change to clarify that a person may file a postconviction petition for a writ of habeas corpus without paying a filing fee. **Sections 9, 10, 12-14, 16, 18 , ~~[and]~~ 19 , 24.1-24.3, 24.5 and 24.6** of this bill make certain other nonsubstantive changes in statutes concerning postconviction petitions.

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

Existing law provides that: (1) certain written motions, written notices, designations of record on appeal and similar papers must be served upon each of the parties in a criminal proceeding and filed with the court; and (2) with certain exceptions, any papers required to be served must be filed with the court in the manner provided in civil actions. (NRS 178.582, 178.584, 178.588) Section 24.4 of this bill authorizes a person, under certain circumstances, to file and send or receive service of a motion, notice or other legal document through electronic means.

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

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

Section 1. Chapter 34 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **, 2.5** and 3 of this act.

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

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

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

Sec. 2.5. 1. A petition that challenges the computation of time that the petitioner has served pursuant to a judgment of conviction or that challenges the validity of a judgment of conviction may be served by electronic means upon the officer or other person by whom the petitioner is confined or restrained. A copy of the petition may also be served by electronic means upon the Attorney General or any other prosecuting agency.

2. A petition filed with the clerk of the district court for the county in which the conviction occurred pursuant to NRS 34.738 may be filed electronically.

3. A response or answer to a petition filed by a prosecuting agency pursuant to NRS 34.745 may be filed electronically.

4. A decision or order prepared by the court pursuant to NRS 34.830 may be filed electronically. A copy of the decision or order may be served by electronic means upon the petitioner and the petitioner's counsel. A notice of a decision or order may be electronically delivered to the petitioner by the clerk of the court.

5. The clerk of the court may accept a petition and a response or answer to the petition that is filed electronically. A petition, response or answer that is filed electronically may be converted into a printed document and served upon a respondent or petitioner, as applicable, in the same manner as a petition, response or answer that is not filed electronically.

6. A petition, response, answer, order or decision that is filed electronically shall be deemed to be filed on the date that it is filed electronically if it is filed not later than 11:59 p.m. on that date.

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

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

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

.....
Petitioner,

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

.....

Respondent.

INSTRUCTIONS:

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

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

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

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

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

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

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

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

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

(8) When the petition is fully completed, the original and one copy must be filed with the clerk of the state district court for the county in which you are incarcerated, or, if you are incarcerated outside this State, the First Judicial District Court in and for Carson City. One copy must be mailed <u>or electronically delivered</u> to the respondent and one copy must be mailed <u>or electronically delivered</u> to the Attorney

General's Office. Copies must conform in all particulars to the original submitted for filing.

PETITION

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

.....
.....

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

3. Case number: .....

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

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

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

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

7. Are you presently serving a sentence other than the sentence being challenged in this petition? Yes ..... No .....
If "yes," list each crime, case number and sentence being served at this time: .....
.....

8. Have your sentences been aggregated? Yes ..... No .....
If "yes," list each case number and sentence, the terms of which have been aggregated: .....
.....
.....

9. Do you have any future sentences to serve after you complete the sentence being challenged in this petition (whether in the same judgment or a different judgment)? Yes ..... No .....
If "yes," specify where and when it is to be served, if you know: .....

10. Have you had a parole hearing relating to the sentence you are challenging in this petition? Yes ..... No .....

If "yes," give the following information:

(a) Date of most recent parole hearing: .....

(b) Outcome of most recent parole hearing: .....

(c) Date on which the rehearing is to be held, if you know: .....

11. Are you challenging a decision of the State Board of Parole Commissioners to revoke your parole? Yes ..... No .....

If "yes," give the following information:

(a) Date of revocation hearing: .....

(b) Date on which your next parole hearing is scheduled, if you know: .....

(c) Did you forfeit any credit as a result of the revocation of parole? Yes ..... No .....

(d) If you forfeited any credit as a result of the revocation of parole, has any of the credit forfeited been restored? Yes ..... No .....

12. Are you challenging a disciplinary sanction? Yes ..... No .....

If "yes," give the following information:

(a) Date on which you were served with a notice of the disciplinary offense charged: .....

(b) Date on which the disciplinary hearing involving the charged offense was conducted:.....

(c) Did you forfeit any credit as a result of the disciplinary hearing? Yes ..... No .....

(d) If you forfeited any credit as a result of the disciplinary hearing, has any of the credit forfeited been restored? Yes ..... No .....

13. Have you previously filed any petitions, applications or motions with respect to the challenge raised in this petition in any court, state or federal? Yes ..... No .....

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

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

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

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

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

(5) Result: .....

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

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

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

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

(1) First petition, application or motion? Yes ..... No .....
Citation or date of decision: .....

(2) Second or subsequent petitions, applications or motions? Yes ..... No .....
Citation or date of decision:.....

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be

included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

.....
.....

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

If "yes," give the following information:

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

(b) Case number: .....

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

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

(a) Number assigned to your grievance: .....

(b) Result of grievance: .....

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

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

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

.....
.....
.....

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

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

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

(c) Ground three: .....

.....

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

.....

.....

(d) Ground four: .....

.....

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

.....

.....

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

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

.....

Signature of petitioner

.....

Address

.....

Signature of attorney (if any)

.....

Attorney for petitioner

.....

Address

VERIFICATION

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

.....

Petitioner

.....

Attorney for petitioner

CERTIFICATE OF SERVICE
(PLEASE SIGN THE APPROPRIATE METHOD YOU WISH TO USE)

CERTIFICATE OF SERVICE BY MAIL

I, ..., hereby certify, pursuant to N.R.C.P. 5(b), that on this ..... day of the month of ..... of the year ....., I mailed a true

and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS (COMPUTATION OF TIME) addressed to:

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

.....
Signature of petitioner

CERTIFICATE OF SERVICE BY ELECTRONIC MEANS

I, ..., hereby certify that on this ..... day of the month of ..... of the year ....., I electronically delivered a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS (COMPUTATION OF TIME) addressed to:

.....
Respondent prison or jail official
.....
Electronic mail address or other electronic means for service
.....
Attorney General
100 North Carson Street
Carson City, Nevada 89701

.....
Signature of Petitioner

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

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

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

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

4. If the petition requests relief from a judgment of conviction or sentence in a criminal case, the petition must identify the proceedings in which the

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

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

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

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

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

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

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

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

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

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

34.720 The provisions of NRS 34.720 to 34.830, inclusive, ***and*** ~~***[section]***~~ ***sections 2.5 and 3 of this act*** apply only to petitions for writs of habeas corpus in which the petitioner:

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

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

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

34.722 As used in NRS 34.720 to 34.830, inclusive, ***and*** ~~***[section]***~~ ***sections 2.5 and 3 of this act,*** unless the context otherwise requires, "petition" means a ~~[postconviction]~~ petition ~~[for habeas corpus]~~ ***to obtain relief from a judgment of conviction or sentence or to challenge the computation of time a person has served*** filed pursuant to NRS 34.724.

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

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

2. Such a petition:

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

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

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

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

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

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

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

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

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

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

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

purposes of this subsection, good cause for delay exists if the petitioner demonstrates to the satisfaction of the court:

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

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

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

(a) A petition is actually filed; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

.....
Petitioner,

v.

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

.....
Respondent.

INSTRUCTIONS:

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

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

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

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

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

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

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

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

PETITION

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

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

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

4. Case number: .....

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

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

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

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

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

8. What was your plea? (check one)

(a) Not guilty .....

(b) Guilty .....

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

(d) Nolo contendere .....

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

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

(a) Jury .....

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

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

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

13. If you did appeal, answer the following:

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

(b) Case number or citation: .....

(c) Result: .....

(d) Date of result: .....

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

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

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

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

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

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

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

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

(5) Result: .....

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

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

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

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

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

(3) Grounds raised: .....

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

(5) Result: .....

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

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

.....

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

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

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

Citation or date of decision: .....

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

Citation or date of decision: .....

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

Citation or date of decision: .....

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

.....

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

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

.....

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

.....

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

.....

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate

specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

.....

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

.....

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

If yes, state what court and the case number: .....

.....

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

.....

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment ~~[under attack?]~~ ***of conviction you are challenging in this petition?*** Yes ..... No .....

If yes, specify where and when it is to be served, if you know: .....

.....

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

(a) Ground one: .....

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

.....

.....

(b) Ground two:

.....

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

.....

.....

(c) Ground three: .....

.....

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

.....

.....

(d) Ground four: .....

.....

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

.....

.....

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

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

.....

Signature of petitioner

.....

Address

.....

Signature of attorney (if any)

.....

Attorney for petitioner

.....

Address

VERIFICATION

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

.....

Petitioner

.....

Attorney for petitioner

CERTIFICATE OF SERVICE

(PLEASE SIGN THE APPROPRIATE METHOD OF SERVICE YOU WISH TO USE)

CERTIFICATE OF SERVICE BY MAIL

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

.....

Respondent prison or jail official

.....

Address

.....
Attorney General
~~[~~Heroes' Memorial Building~~]~~
~~[~~Capitol Complex~~]~~ ***100 North Carson Street***
Carson City, Nevada ~~[~~89710~~]~~ ***89701***

.....
District Attorney of County of Conviction

.....
Address

.....
Signature of Petitioner

CERTIFICATE OF SERVICE BY ELECTRONIC MEANS

I, ..., hereby certify that on this ..... day of the month of ..... of the year ....., I electronically delivered a true and correct copy of the foregoing PETITION FOR WRIT OF HABEAS CORPUS (VALIDITY OF JUDGMENT OF CONVICTION OR SENTENCE) addressed to:

.....
Respondent prison or jail official

.....
Electronic mail address or other electronic means for service

.....
Attorney General
100 North Carson Street
Carson City, Nevada 89701

.....
District Attorney of County of Conviction

.....
Address

.....
Signature of Petitioner

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

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

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

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

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

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

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

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

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

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

(a) File ~~[:~~

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

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

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

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

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

~~(a) File:~~

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

~~(2) A return,~~

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

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

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

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

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

.....
Petitioner,

v. ORDER

.....
Respondent.

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

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

.....
District Judge

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

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

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

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

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

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

(a) The issues presented are difficult;

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

(c) Counsel is necessary to proceed with discovery.

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

office of the State Public Defender from the Reserve for Statutory Contingency Account for the payment of the costs, expenses and compensation.

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

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

(b) The date of counsel's appointment,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34.780 1. The Nevada Rules of Civil Procedure, to the extent that they are not inconsistent with NRS 34.360 to 34.830, inclusive, ***and*** ~~***[section]***~~ ***sections 2.5 and 3 of this act*** apply to proceedings pursuant to NRS 34.720 to 34.830, inclusive ~~[.]~~ ***, and*** ~~***[section]***~~ ***sections 2.5 and 3 of this act.***

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

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

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

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

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

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

2. A period exceeding 5 years between the filing of a judgment of conviction, an order imposing a sentence of imprisonment or a decision on direct appeal of a judgment of conviction and the filing of a petition challenging the validity of a judgment of conviction creates a rebuttable presumption of prejudice to the State. In a motion to dismiss the petition based

on that prejudice, the respondent or the State of Nevada must specifically plead laches. The petitioner must be given an opportunity to respond to the allegations in the pleading before a ruling on the motion is made.

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

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

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

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

(1) Presented to the trial court;

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

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

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

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

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

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

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

(b) Actual prejudice to the petitioner.

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

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

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

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

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

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

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

(a) Appoint counsel to represent the petitioner; and

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

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

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

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

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

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

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

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

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

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

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

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

3. Whenever a decision or order described in this section is entered by the district court, the clerk of the court shall prepare a notice in substantially the

following form and mail ***or electronically deliver*** a copy of the notice to each person listed in subsection 2:

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

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

.....
Petitioner,

v. NOTICE OF ENTRY OF DECISION OR ORDER

.....
Respondent.

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

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

.....
Clerk of court

(SEAL) By .....
Deputy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(III) Has never been presented to a court.

5. Any second or subsequent petition filed by a person must be dismissed if the court determines that the petition fails to identify new or different

evidence in support of the factual innocence claim or, if new and different grounds are alleged, the court finds that the failure of the petitioner to assert those grounds in a prior petition filed pursuant to this section constituted an abuse of the writ.

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

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

8. After a petition is filed pursuant to subsection 1, any prosecuting ~~[attorney,]~~ ***agency,*** law enforcement agency or forensic laboratory that is in possession of any evidence that is the subject of the petition shall preserve such evidence and any information necessary to determine the sufficiency of the chain of custody of such evidence.

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

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

11. As used in this section:

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

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

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

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

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

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

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

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

3. Not later than 30 days after the date the ~~[district attorney or the Attorney General]~~ ***prosecuting agency*** responds to the petition, the petitioner may reply to the response. Not later than 30 days after the expiration of the period during which the petitioner may reply to the response, the court shall consider the

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

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

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

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

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

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

(b) Order the sealing of all documents, papers and exhibits in the person's record, minute book entries and entries on dockets and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order.

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

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

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

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

Sec. 24.1. **NRS 7.155 is hereby amended to read as follows:**

7.155 The compensation and expenses of an attorney appointed to represent a defendant must be paid from the county treasury unless the proceedings are based upon a postconviction petition for habeas corpus ~~[,]~~ ***challenging a judgment of conviction or sentence,*** in which case the compensation and expenses must be paid from money appropriated to the Office of State Public Defender, but after the appropriation for such expenses is exhausted, money must be allocated to the Office of State Public Defender from the reserve for statutory contingency account for the payment of such compensation and expenses.

Sec. 24.2. **NRS 176.486 is hereby amended to read as follows:**

176.486 A district court having proper jurisdiction, the Court of Appeals or the Supreme Court, if it has proper jurisdiction, may stay the execution of a sentence of death when a postconviction petition for habeas corpus ***challenging a judgment of conviction or sentence*** has been filed only after appropriate notice has been given to the appropriate respondent in the case.

Sec. 24.3. **NRS 176.487 is hereby amended to read as follows:**

176.487 When a person under a sentence of death files a proper postconviction petition for habeas corpus ~~[,]~~ ***challenging a judgment of conviction or sentence,*** a district court, the Court of Appeals or the Supreme Court on a subsequent appeal shall enter a stay of execution if the court finds a stay necessary for a proper consideration of the claims for relief. In making this determination, the court shall consider whether:

1. The petition is the first effort by the petitioner to raise constitutional claims for relief after a direct appeal from a conviction and the petition raises claims other than those which could have been raised at trial or on direct appeal.

2. The petition is timely filed and jurisdictionally appropriate and does not set forth conclusory claims only.

3. If the petition is not the first petition for postconviction relief, it raises constitutional claims which are not procedurally barred by laches, the law of the case, the doctrines of abuse of the writ or successive petition or any other procedural default.

4. If the petition is a second or successive petition, it presents substantial grounds upon which relief might be granted and valid justification for the claims not having been presented in a prior proceeding.

5. The petition asserts claims based upon specified facts or law which, if true, would entitle the petitioner to relief.

6. The court cannot decide legal claims which are properly raised or expeditiously hold an evidentiary hearing on factual claims which are properly raised before the execution of sentence.

Sec. 24.4. **Chapter 178 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except when personal service of a person is ordered by the court or required by specific statute, a person who is represented by an attorney may be lawfully served with any motion, notice or other legal document by electronic means if the office of the attorney representing the person has the ability to receive and store the motion, notice or other legal document electronically.

2. In addition to any other document required by the court, a person who uses electronic means pursuant to subsection 1 to electronically serve any motion, notice or other legal document that is required to be filed with the court shall include with the original document filed with the court evidence of the electronic transmittal of the legal document.

3. A court clerk may accept a motion, notice or other legal document that is filed electronically. A motion, notice or other legal document that is filed electronically must contain an image of the signature of the prosecuting attorney.

4. If a court clerk accepts a motion, notice or other legal document that is filed electronically pursuant to subsection 3, the court clerk shall acknowledge receipt of the motion, notice or other legal document by an electronic time stamp and shall electronically return the motion, notice or other legal document with the electronic time stamp to the prosecuting attorney. A motion, notice or other legal document may be converted into a printed document and served upon a defendant in the same manner as a motion, notice or other legal document that is not filed electronically.

5. A motion, notice or other legal document that is filed or served electronically shall be deemed to be filed or served on the date that it is filed or served electronically if it is filed or served not later than 11:59 p.m. on that date.

Sec. 24.5. **NRS 178.4871 is hereby amended to read as follows:**

178.4871 A person who has filed a postconviction petition for habeas corpus ~~[:]~~ ***challenging a judgment of conviction or sentence:***

1. Must not in any case be released on the person's own recognizance.

2. Must not be admitted to bail pending a review of the petition unless:

(a) The petition is filed in the proper jurisdiction;

(b) The petition presents substantial questions of law or fact and does not appear to be barred procedurally;

(c) The petitioner has made out a clear case on the merits; and

(d) There are exceptional circumstances deserving of special treatment in the interests of justice.

Sec. 24.6. **NRS 178.4873 is hereby amended to read as follows:**

178.4873 If a district court denies a postconviction petition for habeas corpus **~~[.]~~** ***challenging a judgment of conviction or sentence,*** the petitioner must not be released on the petitioner's own recognizance or admitted to bail pending any appeal. If the petition is granted and a stay of the order granting relief is not entered, the district court shall admit the petitioner to bail pending appeal if the respondent files a notice of appeal.

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

Sec. 26. NRS 34.430 is hereby repealed.

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

2. Sections 1 to 26, inclusive, of this act become effective:

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

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

TEXT OF REPEALED SECTION

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

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

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

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

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

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

Assemblywoman Brittney Miller moved that the Assembly concur in the Senate Amendment No. 665 to Assembly Bill No. 49.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

Assembly Bill No. 444.

The following Senate amendment was read:

Amendment No. 676.

AN ACT relating to child welfare; establishing various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights; ~~[revising certain provisions concerning the State Register for Adoptions;]~~ requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; requiring an agency which provides child welfare services to provide certain training for its personnel; requiring the Division and the Court Administrator to submit certain reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary; authorizing the Nevada Supreme Court and the Court Administrator to adopt certain rules; repealing certain unnecessary provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., was enacted in 1978 to protect Indian children from the removal from their homes and families and gives Indian tribes jurisdiction over the Indian children within their tribe. Existing Nevada law recognizes the jurisdiction of Indian tribes in various proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights. (NRS 3.223, 62D.210, 125A.215, 127.010, 127.018, 128.020, 128.023, 432B.410, 432B.425) This bill establishes various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law.

Sections 2-38 of this bill establish provisions concerning proceedings in which the legal or physical custody of an Indian child is an issue. **Section 2** of this bill explains the legislative intent of **sections 2-38**. **Sections 3.5-17** of this bill define terms for the purposes of **sections 2-38**. **Section 17.5 of this bill provides that the provisions of sections 2-38 do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) an Indian child is being adopted after being born to a gestational carrier pursuant to a gestational agreement; or (3) an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.**

Section 18 of this bill provides that a person has custody of an Indian child if the person has physical or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.

Section 20 of this bill requires a court to consider certain factors, in consultation with the Indian child's tribe, when making a determination regarding the best interests of the Indian child in a child custody proceeding. **Section 21** of this bill establishes the order of priority for the domicile of an Indian child.

Section 22 of this bill requires the appropriate agency which provides child welfare services to: (1) provide assistance with enrolling an Indian child who is a child in need of protection or who may be in need of protection in a tribe with which the child is eligible for enrollment unless the Indian child's parent objects; and (2) notify the Indian child's parent of his or her right to object to such assistance from the agency.

Section 23 of this bill sets forth the manner in which the tribe of an Indian child is determined for purposes of a child custody proceeding involving the Indian child and, if the Indian child is a member of or eligible for membership with more than one tribe, requires the court to designate the tribe with which the Indian child has the more significant contacts by considering certain factors.

Section 24 of this bill requires a court to: (1) determine, in any child custody proceeding involving an Indian child, the residence and domicile of the Indian child and whether he or she is a ward of a tribal court; and (2) communicate with any tribal courts to the extent necessary to make such determinations.

Section 25 of this bill requires agencies which provide child welfare services to make a good faith effort to enter into a tribal-state agreement with any Indian tribe in Nevada and authorizes such agencies to enter into a tribal-state agreement with any Indian tribe outside of Nevada if the tribe has significant numbers of Indian children who reside in Nevada and are members of or eligible for membership with the tribe. **Section 25** also establishes provisions concerning the contents of and requirements regarding such tribal-state agreements.

Section 26 of this bill provides that the jurisdiction of a court in a child custody proceeding involving an Indian child is concurrent with the jurisdiction of the tribe of the Indian child. **Section 26** also establishes the circumstances in which the tribe of an Indian child has exclusive jurisdiction in such cases.

Section 27 of this bill requires, in general, a court to transfer a child custody proceeding involving an Indian child if the parent, Indian custodian or tribe of the Indian child petitions the court to transfer the proceeding to tribal court. **Section 27** also establishes various other provisions regarding such a transfer and the denial of such a transfer by the court. **Section 28** of this bill sets forth the actions that a court is required to take upon granting a transfer motion under **section 27**.

Section 29 of this bill establishes requirements for certain persons and the court with regard to determining whether a child is an Indian child in child custody proceedings.

Section 30 of this bill provides that in a child custody proceeding, if a person is required to determine whether a child is an Indian child, the person is required to make a good faith effort to make such a determination by consulting with certain persons. **Section 30** also establishes the circumstances in which a court or person has reason to know that a child is an Indian child and imposes certain requirements on a court concerning the procedure for verifying whether a child is an Indian child.

Section 31 of this bill requires the person taking a child into protective custody in an emergency proceeding to make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child, the appropriate agency which provides child welfare services is required, if the nature of the emergency allows, to notify any tribe of which the child is or may be a member and provide certain information, including a statement that the tribe has a right to participate in the proceeding as a party or in an advisory capacity. **Section 31** also imposes certain requirements relating to: (1) the provision of notice of a child custody proceeding if there is reason to know that a child alleged to be within the court's jurisdiction is an Indian child; and (2) the hearing regarding the proceeding.

Section 32 of this bill provides that if a court finds at a hearing in a child custody proceeding that a child is an Indian child, at least one qualified expert witness must testify regarding certain information. If a qualified witness is required to testify, **section 32** requires the petitioner in the proceeding to contact the tribe of the Indian child and request that the tribe identify one or more persons who can testify as a qualified witness. Additionally, **section 32** authorizes a court to hear supplemental testimony from certain professionals.

Section 33 of this bill provides that if a child in a child custody proceeding is an Indian child and active efforts, which are efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family, are required, the court is required to determine whether active efforts have been made to prevent the breakup of or to reunite the family. **Section 33** establishes requirements relating to active efforts.

Section 34 of this bill authorizes a tribe that is a party to a proceeding to be represented by any person, regardless of whether the person is licensed to practice law. **Section 34** also authorizes an attorney who is not barred from practicing law in Nevada to appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that certain requirements are met.

Section 35 of this bill provides that in a proceeding involving a child who is or may be in need of protection, if the child is an Indian child, the court is required to appoint counsel to represent the Indian child and, in certain circumstances, also appoint counsel to represent the Indian child's parent or

Indian custodian. **Section 35** also authorizes an attorney who is appointed to represent an Indian child to inspect certain records of the Indian child without the consent of the Indian child or his or her parent or Indian custodian.

Section 36 of this bill authorizes each party in a child custody proceeding in which the child is an Indian child to timely examine all reports and documents held by an agency which provides child welfare services that are not otherwise subject to a discovery exception or precluded under state or federal law.

Section 37 of this bill establishes requirements concerning the: (1) least restrictive setting in which an Indian child must be placed if the parental rights of the Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care; and (2) placement of an Indian child if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement. **Section 37** also authorizes the alternative placement of an Indian child in certain circumstances.

Section 38 of this bill authorizes certain persons to file a petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights in a pending child custody proceeding under **sections 2-38** or, if no proceeding is pending, in any court with jurisdiction over the matter. **Section 38** requires the court to vacate an order or judgment regarding jurisdiction, placement, guardianship or the termination of parental rights if certain provisions of **sections 2-38** have been violated and the court determines that vacating the order or judgment is proper.

Sections 42-50 of this bill establish provisions specifically relating to the adoption of Indian children. **Section 42** of this bill provides that a petition for adoption of a child must include certain contents concerning whether there is reason to know that the child who is the subject of the petition is an Indian child and requires a petitioner who has reason to know that the child is an Indian child to serve copies of the petition on certain persons and file with the court a declaration of compliance concerning such notice. **Section 43** of this bill: (1) requires written consent to the adoption of an Indian child to be given by the Indian child's parents unless their parental rights have been terminated; (2) establishes requirements concerning such consent; and (3) authorizes the withdrawal of such consent.

Section 45 of this bill establishes provisions concerning the entry of a judgment for the adoption of a child, including certain requirements relating to the adoption of an Indian child. **Section 46** of this bill authorizes the filing of a petition to vacate a judgment of adoption of an Indian child and requires the court to vacate the judgment if the petition is timely filed and the court finds by clear and convincing evidence that the consent of a parent to the adoption was obtained through fraud or duress. **Section 47** of this bill requires a court to provide notice to certain persons and the appropriate agency which provides child welfare services if a judgment of adoption of an Indian child is vacated and, unless the return of custody of the Indian child to a former parent or prior Indian custodian or the restoration of parental rights is not in the best

interests of the child, return custody of the Indian child to the former parent or prior Indian custodian or restore parental rights.

Section 48 of this bill requires that access to the adoption records of an Indian child be given to the Indian child's tribe or the United States Secretary of the Interior not later than 14 days after the request for such records.

Section 49 of this bill requires the appropriate agency which provides child welfare services to file with the court in a proceeding for the adoption of a minor child a written compliance report that reflects the agency's review of the petition for adoption and advises the court on whether the petitioner submitted complete and sufficient documentation relating to the petitioner's compliance with the inquiry and notice requirements and placement preferences. **Section 49** requires the Division of Child and Family Services of the Department of Health and Human Services (hereinafter "Division") to adopt regulations providing a nonexhaustive description of the documentation that may be submitted to the court as evidence of such compliance and any other regulations for the preparation of such compliance reports that are necessary for agencies which provide child welfare services to carry out their duties. **Section 49** also authorizes the Court Administrator to prepare and make available to the public certain forms and information to assist petitioners and to design and offer trainings to courts having jurisdiction over adoption matters.

Section 50 of this bill establishes provisions governing tribal customary adoption, which is the adoption of an Indian child by and through the tribal custom, traditions or law of the child's tribe without the termination of parental rights. **Section 50** requires the Division to adopt certain regulations concerning tribal customary adoption and authorizes: (1) the Supreme Court to adopt rules necessary for the court processes to implement the provisions relating to tribal customary adoption; and (2) the Court Administrator to prepare necessary forms for the implementation of the provisions relating to tribal customary adoption. **Section 73** of this bill requires the Division to submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the implementation of tribal customary adoption as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Section ~~[51.5]~~ 41.5 of this bill ~~[revises certain provisions concerning the State Register for Adoptions, which is maintained by the Division in its central office.]~~ **provides that the provisions of sections 42-50 do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) an Indian child is being adopted after being born to a gestational carrier pursuant to a gestational agreement; or (3) an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.**

Section 57 of this bill similarly provides that provisions relating to proceedings that otherwise concern the termination of parental rights of the parent of an Indian child do not apply in certain circumstances if a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent.

Section 65 of this bill requires the Division to adopt regulations necessary for the implementation of **sections 2-38 and 42-50**.

Section 67 of this bill requires an agency which provides child welfare services to provide training for its personnel regarding the requirements of **sections 2-38 and 42-50**.

Sections 40, 51-62 and 64-70 of this bill make conforming changes to provisions of existing law to reflect the changes made in **sections 2-38**. **Section 78** of this bill repeals certain provisions of existing law that are no longer necessary because of the provisions of **sections 2-38**.

Section 72 of this bill requires the Division and the Court Administrator to submit biennial reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary containing certain data relating to Indian children in dependency proceedings. **Section 76** of this bill authorizes the Court Administrator to adopt any rules necessary to implement **sections 2-38 and 42-50**.

WHEREAS, Current research shows that family, culture and community promote resiliency and health development in Indian children; and

WHEREAS, Congress, working with tribal nations, tribal leadership and advocates for Indian children, passed the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., in 1978 to stop the removal of Indian children from their homes, families and communities; and

WHEREAS, At the time Congress passed the Indian Child Welfare Act, Indian children were being removed by public and private agencies at rates as high as 25 percent to 35 percent; and

WHEREAS, Indian children continue to be removed from their homes at rates higher than other non-Indian children; and

WHEREAS, Despite requirements under the Indian Child Welfare Act, application of the Indian Child Welfare Act in Nevada courts is inconsistent; and

WHEREAS, Clearly addressing in state law the coordination between and respective roles of the state and tribes regarding the provision of child welfare services to Indian children will provide uniform and consistent direction to state courts, tribes and practitioners to prevent unlawful removals of Indian children from their families and promote the stable placement of Indian children in loving, permanent homes that are connected to family and culture; now, therefore,

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

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. ***1. The Legislature hereby finds that the United States Congress recognizes the special legal status of Indian tribes and their members. It is the policy of this State to protect the health and safety of Indian children and the stability and security of Indian tribes and families by promoting practices designed to prevent the removal of Indian children from their families and, if removal is necessary and lawful, to prioritize the placement of an Indian child with the Indian child's extended family and tribal community.***

2. This State recognizes the inherent jurisdiction of Indian tribes to make decisions regarding the custody of Indian children and also recognizes the importance of ensuring that Indian children and Indian families receive appropriate services to obviate the need to remove an Indian child from the Indian child's home and, if removal is necessary and lawful, to effect the child's safe return home.

3. Sections 2 to 38, inclusive, of this act create additional safeguards for Indian children to address disproportionate rates of removal, to improve the treatment of and services provided to Indian children and Indian families in the child welfare system and to ensure that Indian children who must be removed are placed with Indian families, communities and cultures.

Sec. 3. ***As used in sections 2 to 38, inclusive, of this act, the words and terms defined in sections 3.5 to 17, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3.5. ***"Agency" means an agency which provides child welfare services, as defined in NRS 432B.030.***

Sec. 4. ***"Child custody proceeding" means a matter in which the legal custody or physical custody of an Indian child is an issue, including, without limitation, a matter arising under chapter 125A, 127, 128 or 432B of NRS. The term does not include an emergency proceeding.***

Sec. 5. ***"Division" means the Division of Child and Family Services of the Department of Health and Human Services.***

Sec. 6. ***"Emergency proceeding" means any court action that involves the emergency removal or emergency placement of an Indian child, with or without a protective custody order.***

Sec. 7. ***"Extended family member" has the meaning given that term by the law or custom of an Indian child's tribe or, if that meaning cannot be determined, means a person who has attained 18 years of age and who is the Indian child's grandparent, aunt, uncle, brother, sister, sister-in-law, brother-in-law, niece, nephew, first cousin, second cousin, stepparent or another person determined by the Indian child's tribe, clan or band member.***

Sec. 8. *"Indian" means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1606.*

Sec. 9. *"Indian child" means any unmarried person who has not attained 18 years of age and is:*

1. A member or citizen of an Indian tribe; or

2. Eligible for membership or citizenship in an Indian tribe and is the biological child of a member of an Indian tribe.

Sec. 10. *"Indian custodian" means an Indian, other than the Indian child's parent, who has custody, as described in subsection 1 of section 18 of this act, of the Indian child, or to whom temporary physical care, custody and control has been transferred by the Indian child's parent.*

Sec. 11. *"Indian tribe" or "tribe" means any Indian tribe, band, nation or other organized group or community of Indians federally recognized as eligible for the services provided to Indians by the United States Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).*

Sec. 12. *"Juvenile court" has the meaning ascribed to it in NRS 62A.180.*

Sec. 13. *"Member" or "membership" means a determination by an Indian tribe that a person is a member or citizen in that Indian tribe.*

Sec. 14. *"Parent" means:*

1. A biological parent of an Indian child;

2. An Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom; or

3. A person who has established a parent and child relationship with an Indian child pursuant to the laws of this State.

Sec. 15. *"Party" means a party to a proceeding.*

Sec. 16. *"Reservation" means Indian country as defined in 18 U.S.C. § 1151 and any lands not covered under that section, the title to which is held by the United States in trust for the benefit of an Indian tribe or person or held by an Indian tribe or person subject to a restriction by the United States against alienation.*

Sec. 17. *"Tribal court" means a court with jurisdiction over child custody proceedings that is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings.*

Sec. 17.5. ***1. Notwithstanding any other provision of law, the provisions of sections 2 to 38, inclusive, of this act do not apply if:***

(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;

(b) An Indian child is being adopted after being born to a gestational carrier pursuant to a gestational agreement; or

(c) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.

2. As used in this section:

(a) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.

(b) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.

(c) "Gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 18. ***1. A person has custody of an Indian child under sections 2 to 38, inclusive, of this act if the person has physical custody or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.***

2. An Indian child's parent has continued custody of the Indian child if the parent currently has, or previously had, custody of the Indian child.

Sec. 19. (Deleted by amendment.)

Sec. 20. ***In a child custody proceeding involving an Indian child, when making a determination regarding the best interests of the child in accordance with sections 2 to 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS, the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., or any applicable regulations or rules regarding sections 2 to 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS or the Indian Child Welfare Act, the court shall, in consultation with the Indian child's tribe, consider the following:***

1. The protection of the safety, well-being, development and stability of the Indian child;

2. The prevention of unnecessary out-of-home placement of the Indian child;

3. The prioritization of placement of the Indian child in accordance with the placement preferences under section 37 of this act;

4. The value to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community; and

5. The importance to the Indian child of the Indian tribe's ability to maintain the tribe's existence and integrity in promotion of the stability and security of Indian children and families.

Sec. 21. ***For purposes of sections 2 to 38, inclusive, of this act:***

1. A person's domicile is the place the person regards as home, where the person intends to remain or to which, if absent, the person intends to return.

2. An Indian child's domicile is, in order of priority, the domicile of:

(a) The Indian child's parents or, if the Indian child's parents do not have the same domicile, the Indian child's parent who has physical custody of the Indian child;

(b) The Indian child's Indian custodian; or

(c) The Indian child's guardian.

Sec. 22. *1. Unless an Indian child's parent objects, the appropriate agency shall provide assistance with enrolling an Indian child within the jurisdiction of the juvenile court under NRS 432B.410 in a tribe with which the child is eligible for enrollment.*

2. In any child custody proceeding under chapter 432B of NRS, if the appropriate agency reasonably believes that the Indian child is eligible for enrollment in a tribe, the agency shall notify the Indian child's parents of their right to object to the agency's assistance under subsection 1. The provision of notice pursuant to this subsection is deemed to be satisfied by sending the notice to the last known mailing address of each of the Indian child's parents.

Sec. 23. *1. In a child custody proceeding in which an Indian child is alleged to be within the jurisdiction of the court, the Indian child's tribe is:*

(a) If the Indian child is a member of or is eligible for membership in only one tribe, the tribe of which the Indian child is a member or eligible for membership.

(b) If the Indian child is a member of one tribe but is eligible for membership in one or more other tribes, the tribe of which the Indian child is a member.

(c) If the Indian child is a member of more than one tribe or if the Indian child is not a member of any tribe but is eligible for membership with more than one tribe:

(1) The tribe designated by agreement between the tribes of which the Indian child is a member or in which the Indian child is eligible for membership; or

(2) If the tribes are unable to agree on the designation of the Indian child's tribe, the tribe designated by the court.

2. When designating an Indian child's tribe under subparagraph (2) of paragraph (c) of subsection 1, the court shall, after a hearing, designate the tribe with which the Indian child has the more significant contacts, taking into consideration the following:

(a) The preference of the Indian child's parent;

(b) The duration of the Indian child's current or prior domicile or residence on or near the reservation of each tribe;

(c) The tribal membership of the Indian child's custodial parent or Indian custodian;

(d) The interests asserted by each tribe;

(e) Whether a tribe has previously adjudicated a case involving the Indian child; and

(f) If the court determines that the Indian child is of sufficient age and capacity to meaningfully self-identify, the self-identification of the Indian child.

3. If an Indian child is a member of or is eligible for membership in more than one tribe, the court may, in its discretion, permit a tribe, in addition to the Indian child's tribe, to participate in a proceeding under chapter 432B of NRS involving the Indian child in an advisory capacity or as a party.

Sec. 24. *In any child custody proceeding based on allegations that an Indian child is within the jurisdiction of the court, the court must determine the residence and domicile of the Indian child and whether the Indian child is a ward of tribal court. The court shall communicate with any tribal courts to the extent necessary to make a determination under this section.*

Sec. 25. *1. Agencies shall make a good faith effort to enter into a tribal-state agreement with any Indian tribe within the borders of this State. Agencies may also enter into a tribal-state agreement with any Indian tribe outside of this State having significant numbers of member children or membership-eligible children residing in this State.*

2. The purposes of a tribal-state agreement are to promote the continued existence and integrity of the Indian tribe as a political entity and to protect the vital interests of Indian children in securing and maintaining political, cultural and social relationships with their tribe.

3. A tribal-state agreement may include agreements regarding default jurisdiction over cases in which the state courts and tribal courts have concurrent jurisdiction, the transfer of cases between state courts and tribal courts, the assessment, removal, placement, custody and adoption of Indian children and any other child welfare services provided to Indian children.

4. A tribal-state agreement must:

(a) Provide for the cooperative delivery of child welfare services to Indian children in this State, including, without limitation, the utilization, to the extent available, of services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population to implement the terms of the tribal-state agreement; and

(b) If services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population are unavailable, provide for an agency's use of community services and resources developed specifically for Indian families that have the demonstrated experience and capacity to provide culturally relevant and effective services to Indian children.

Sec. 26. *1. Except as otherwise provided in this section, the court's jurisdiction in a child custody proceeding involving an Indian child is concurrent with the Indian child's tribe.*

2. The tribe has exclusive jurisdiction in a child custody proceeding involving an Indian child if:

(a) The Indian child is a ward of a tribal court of the tribe; or

(b) The Indian child resides or is domiciled within the reservation of the tribe.

3. Communications between the court and a tribal court regarding calendars, court records and similar matters may occur without informing the parties or creating a record of the communications.

4. Notwithstanding the provisions of this section, the juvenile court has temporary exclusive jurisdiction over an Indian child who is placed in protective custody pursuant to chapter 432B of NRS.

5. As used in this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 27. *1. Except as otherwise provided in subsection 4, the court shall transfer a child custody proceeding involving an Indian child if, at any time during the proceeding, the Indian child's parent, Indian custodian or tribe petitions the court to transfer the proceeding to the tribal court.*

2. Upon receipt of a transfer motion, the court shall contact the Indian child's tribe and request a timely response regarding whether the tribe intends to decline the transfer.

3. If a party objects to the transfer motion for good cause, the court shall fix the time for hearing on objections to the motion. At the hearing, the objecting party has the burden of proof of establishing by clear and convincing evidence that good cause exists to deny the transfer. If the Indian child's tribe contests the assertion that good cause exists to deny the transfer, the court shall give the tribe's argument substantial weight. When making a determination whether good cause exists to deny the transfer motion, the court may not consider:

(a) Whether the proceeding is at an advanced stage;

(b) Whether there has been a prior proceeding involving the Indian child in which a transfer motion was not filed;

(c) Whether the transfer could affect the placement of the Indian child;

(d) The cultural connections of the Indian child with the tribe or the tribe's reservation; or

(e) The socioeconomic conditions of the Indian child's tribe or any negative perception of tribal or United States Bureau of Indian Affairs' social services or judicial systems.

4. The court shall deny the transfer motion if:

(a) The tribe declines the transfer orally on the record or in writing;

(b) The Indian child's parent objects to the transfer; or

(c) The court finds by clear and convincing evidence, after hearing, that good cause exists to deny the transfer.

5. Notwithstanding paragraph (b) of subsection 4, the objection of the Indian child's parent does not preclude the transfer if:

(a) The objecting parent dies or the objecting parent's parental rights are terminated and have not been restored; and

(b) The Indian child's remaining parent, Indian custodian or tribe files a new transfer motion subsequent to the death of the objecting parent or the termination of the parental rights of the objecting parent.

6. If the court denies a transfer under this section, the court shall document the basis for the denial in a written order.

Sec. 28. *Upon granting a transfer motion under section 27 of this act, the court shall expeditiously:*

1. Notify the tribal court of the pending dismissal of the child custody proceeding;

2. Transfer all information regarding the proceeding, including, without limitation, pleadings and court records, to the tribal court;

3. If the Indian child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, direct the appropriate agency to:

(a) Coordinate with the tribal court and the Indian child's tribe to ensure that the transfer of the proceeding and the transfer of custody of the Indian child is accomplished with minimal disruption of services to the Indian child and the Indian child's family; and

(b) Provide the Indian child's tribe with documentation related to the Indian child's eligibility for state and federal assistance and information related to the Indian child's social history, treatment diagnosis and services and other relevant case and service related data; and

4. Dismiss the proceeding upon confirmation from the tribal court that the tribal court received the transferred information.

Sec. 29. *Notwithstanding any other provision of law and in addition to any other requirements, in any child custody proceeding:*

1. Each petitioner and every other person otherwise required by the court or by any applicable law shall:

(a) Determine whether there is reason to know that the child is an Indian child; and

(b) Demonstrate to the court that he or she made efforts to determine whether a child is an Indian child.

2. The court shall:

(a) Make a finding regarding whether there is reason to know that the child is an Indian child, unless the court has previously found that the child is an Indian child; and

(b) Not enter a custody order in the matter until all applicable inquiry and notice requirements set forth in sections 2 to 38, inclusive, of this act have been met.

Sec. 30. *1. Except if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, without limitation, by consulting with:*

(a) The child;

(b) The child's parent or parents;

(c) Any person having custody of the child or with whom the child resides;

(d) Extended family members of the child;

(e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in an Indian tribe; and

(f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.

2. A court or person has reason to know that a child is an Indian child if:

(a) The person knows that the child is an Indian child;

(b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;

(c) Any person present in the proceeding, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court or the person that the child is an Indian child or that information has been discovered indicating that the child is an Indian child;

(d) The child indicates to the court or the person that the child is an Indian child;

(e) The court or the person is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;

(f) The court or the person is informed that the child is or has been a ward of a tribal court;

(g) The court or the person is informed that the child or the child's parent possesses an identification card or other record indicating membership in an Indian tribe;

(h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or

(i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.

3. Except as otherwise provided in section 49 of this act, whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child, the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the record, each person present on the matter whether the person has reason to know that the child is an Indian child and shall make a finding regarding whether there is reason to know that the child is an Indian child.

4. If the court finds under subsection 3 that there is:

(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court shall order that the inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.

(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.

5. If the court finds under subsection 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the appropriate agency or other party to submit a report, declaration or testimony on the record that the agency or other party used due diligence to identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.

6. A person making an inquiry under this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential if the proceeding arises under chapter 432B of NRS or a consenting parent in an adoption proceeding requests anonymity. A request from a consenting parent for anonymity does not relieve the court or any party in an adoption proceeding from the duty to verify whether the child is an Indian child.

Sec. 31. *1. In an emergency proceeding, the person taking a child into protective custody must make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child and the nature of the emergency allows, the appropriate agency shall notify by telephone, electronic mail, facsimile or other means of immediate communication any tribe of which the child is or may be a member. Notification under this subsection must include the basis for the child's removal, the time, date and place of the initial hearing and a statement that the tribe has the right to participate in the proceeding as a party or in an advisory capacity.*

2. Except as provided in subsection 1, if there is reason to know that a child in a child custody proceeding who is alleged to be within the court's jurisdiction is an Indian child and notice is required, the party providing notice shall:

(a) Promptly send notice of the proceeding as described in subsection 3; and

(b) File a copy of each notice sent pursuant to this section with the court, together with any return receipts or other proof of service.

3. Notice under subsection 2 must be:

(a) Sent to:

(1) Each tribe of which the child may be a member or of which the Indian child may be eligible for membership; or

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's tribe cannot be ascertained.

(b) Sent by registered or certified mail, return receipt requested.

(c) In clear and understandable language and include the following:

(1) The child's name, date of birth and, if known, place of birth;

(2) To the extent known:

(I) All names, including maiden, married and former names or aliases, of the child's parents, the places of birth of the child's parents' and tribal enrollment numbers; and

(II) The names, dates of birth, places of birth and tribal enrollment information of other direct lineal ancestors of the child;

(3) The name of each Indian tribe of which the child is a member or in which the Indian child may be eligible for membership;

(4) If notice is required to be sent to the appropriate Regional Director of the United States Bureau of Indian Affairs under subparagraph (2) of paragraph (a), to the extent known, information regarding the child's direct lineal ancestors, an ancestral chart for each biological parent, and the child's tribal affiliations and blood quantum;

(5) In a child custody proceeding, a copy of the petition or motion initiating the proceeding and, if a hearing has been scheduled, information on the date, time and location of the hearing;

(6) The name of the petitioner and the name and address of the attorney of the petitioner;

(7) In a proceeding under chapter 432B of NRS:

(I) A statement that the child's parent or Indian custodian has the right to participate in the proceeding as a party to the proceeding;

(II) A statement that the child's tribe has the right to participate in the proceeding as a party or in an advisory capacity;

(III) A statement that if the court determines that the child's parent or Indian custodian is unable to afford counsel, the parent or Indian custodian has the right to court-appointed counsel; and

(IV) A statement that the child's parent, Indian custodian or tribe has the right, upon request, to up to 20 additional days to prepare for the proceeding;

(8) A statement that the child's parent, Indian custodian or tribe has the right to petition the court to transfer the child custody proceeding to the tribal court;

(9) A statement describing the potential legal consequences of the proceeding on the future parental and custodial rights of the parent or Indian custodian;

(10) The mailing addresses and telephone numbers of the court and contact information for all parties to the proceeding; and

(11) A statement that the information contained in the notice is confidential and that the notice should not be shared with any person not

needing the information to exercise rights under sections 2 to 38, inclusive, of this act.

4. If there is a reason to know that the Indian child's parent or Indian custodian has limited English proficiency, the court must provide language access services as required by Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d et seq., and other applicable federal and state laws. If the court is unable to secure translation or interpretation support, the court shall contact or direct a party to contact the Indian child's tribe or the local office of the United States Bureau of Indian Affairs for assistance identifying a qualified translator or interpreter.

5. If a child is known to be an Indian child, a hearing may not be held until at least 10 days after the receipt of the notice by the Indian child's tribe or, if applicable, the United States Bureau of Indian Affairs. Upon request, the court shall grant the Indian child's parent, Indian custodian or tribe up to 20 additional days from the date upon which notice was received by the tribe to prepare for participation in the hearing. Nothing in this subsection prevents a court at an emergency proceeding before the expiration of the waiting period described in this subsection from reviewing the removal of an Indian child from the Indian child's parent or Indian custodian to determine whether the removal or placement is no longer necessary to prevent imminent physical damage or harm to the Indian child.

Sec. 32. ***1. In any child custody proceeding that requires the testimony of a qualified expert witness, the petitioner shall contact the Indian child's tribe and request that the tribe identify one or more persons meeting the criteria described in subsection 3 or 4. The petitioner may also request the assistance of the United States Bureau of Indian Affairs in locating persons meeting the criteria described in subsection 3 or 4.***

2. At a hearing in a child custody proceeding, if the court has found that a child is an Indian child, at least one qualified expert witness must testify regarding whether the continued custody of the Indian child by the child's parent or custody by the child's Indian custodian is likely to result in serious emotional or physical damage to the Indian child.

3. A person is a qualified expert witness under this section if the Indian child's tribe has designated the person as being qualified to testify to the prevailing social and cultural standards of the tribe.

4. If the Indian child's tribe has not identified a qualified expert witness, the following persons, in order of priority, may testify as a qualified expert witness:

(a) A member of the Indian child's tribe or another person who is recognized by the tribe as knowledgeable about tribal customs regarding family organization or child rearing practices;

(b) A person having substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

(c) Any person having substantial experience in the delivery of child and family services to Indians and knowledge of prevailing social and cultural standards and child rearing practices in Indian tribes with cultural similarities to the child's tribe.

5. In addition to testimony from a qualified expert witness, the court may hear supplemental testimony regarding information described in subsection 2 from a professional having substantial education and experience in the area of the professional's specialty.

6. No petitioning party, employees of the petitioning party or an employee of an agency may serve as a qualified expert witness or a professional under this section.

Sec. 33. *1. If a child in a child custody proceeding is an Indian child and active efforts are required, the court must determine whether active efforts have been made to prevent the breakup of the family or to reunite the family.*

2. Active efforts require a higher standard of conduct than reasonable efforts.

3. Active efforts must:

(a) Be documented in detail in writing and on the record;

(b) If the child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, include assisting the Indian child's parent or parents or Indian custodian through the steps of a case plan;

(c) Include, to the extent possible, providing assistance with the cooperation of the Indian child's tribe;

(d) Be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians and tribe; and

(e) Be tailored to the facts and circumstances of the case.

4. As used in this section, "active efforts" means efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family.

Sec. 34. *1. Notwithstanding the provisions of NRS 7.285, a tribe that is a party to a child custody proceeding may be represented by any person, regardless of whether the person is licensed to practice law.*

2. An attorney who is not barred from practicing law in this State may appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that:

(a) The attorney will appear in a court in this State for the limited purpose of participating in a proceeding under chapter 432B of NRS subject to the provisions of sections 2 to 38, inclusive, of this act;

(b) The attorney represents an Indian child's parent, Indian custodian or tribe; and

(c) The Indian child's tribe has affirmed the Indian child's membership or eligibility for membership under tribal law.

3. An Indian custodian or tribe may notify the court, orally on the record or in writing, that the Indian custodian or tribe withdraws as a party to the proceeding.

Sec. 35. *1. If a child in a proceeding under chapter 432B of NRS is an Indian child:*

(a) The court shall appoint counsel to represent the Indian child.

(b) If the Indian child's parent or Indian custodian requests counsel to represent the parent or Indian custodian but is without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature of the petition and the complexity of the case, the court shall appoint suitable counsel to represent the Indian child's parent or Indian custodian if the parent or Indian custodian is determined to be financially eligible for the appointment of such counsel.

2. Except as otherwise provided in this subsection, upon presentation of the order of appointment under this section by the attorney for the Indian child, any agency, hospital, school organization, division or department of this State, doctor, nurse or other health care provider, psychologist, psychiatrist, law enforcement agency or mental health clinic shall permit the attorney for the Indian child to inspect and copy any records of the Indian child involved in the case, without the consent of the Indian child or the Indian child's parent or Indian custodian. This subsection does not apply to records of a law enforcement agency relating to an ongoing investigation before bringing charges.

Sec. 36. *1. In any child custody proceeding, if the child is an Indian child, each party has the right to timely examine all reports or other documents held by an agency that are not otherwise subject to a discovery exception or precluded under state or federal law.*

2. The preservation of confidentiality under this section does not relieve the court or any petitioners in an adoption proceeding from the duty to comply with the placement preferences under section 37 of this act if the child is an Indian child.

Sec. 37. *1. Except as otherwise provided in subsection 3, if the parental rights of an Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care, the child must be placed in the least restrictive setting that:*

(a) Most closely approximates a family, taking into consideration sibling attachment;

(b) Allows the Indian child's special needs, if any, to be met;

(c) Is in reasonable proximity to the Indian child's home, extended family or siblings; and

(d) Is in accordance with the order of preference established by the Indian child's tribe or, if the Indian child's tribe has not established placement preferences, is in accordance with the following order of preference:

(1) A member of the Indian child's extended family;

(2) A foster home licensed, approved or specified by the Indian child's tribe;

(3) A foster home licensed or approved by a licensing authority in this State and in which one or more of the licensed or approved foster parents is an Indian; or

(4) An institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization.

2. Except as otherwise provided in subsection 3, if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement, the Indian child shall be placed:

(a) In accordance with the order of preference established by the Indian child's tribe; or

(b) If the Indian child's tribe has not established placement preferences, according to the following order of preference:

(1) With a member of the Indian child's extended family;

(2) With other members of the Indian child's tribe; or

(3) With other Indian families.

3. If an Indian child is placed outside of the placement preferences set forth in subsection 1 or 2, the party placing the child shall file a motion requesting that the court make a finding that good cause exists for placement outside of such placement preferences. If the court determines that the moving party has established, by clear and convincing evidence, that there is good cause to depart from the placement preferences under this section, the court may authorize placement in an alternative placement. The court's determination under this subsection:

(a) Must be in writing and be based on:

(1) The preferences of the Indian child;

(2) The presence of a sibling attachment that cannot be maintained through placement consistent with the placement preferences established by subsection 1 or 2;

(3) Any extraordinary physical, mental or emotional needs of the Indian child that require specialized treatment services if, despite active efforts, those services are unavailable in the community where families who meet the placement preferences under subsection 1 or 2 reside; or

(4) Whether, despite a diligent search, a placement meeting the placement preferences under this section is unavailable, as determined by the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(b) Must, in applying the placement preferences under this subsection, give weight to a parent's request for anonymity if the placement is an adoptive placement to which the parent has consented.

(c) May be informed by but not determined by the placement request of a parent of the Indian child, after the parent has reviewed the placement options, if any, that comply with the placement preferences under this section.

(d) May not be based on:

(1) The socioeconomic conditions of the Indian child's tribe;

(2) Any perception of the tribal or United States Bureau of Indian Affairs social services or judicial systems;

(3) The distance between a placement meeting the placement preferences under this section that is located on or near a reservation and the Indian child's parent; or

(4) The ordinary bonding or attachment between the Indian child and a nonpreferred placement arising from time spent in the nonpreferred placement.

Sec. 38. ***1. A petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights may be filed in a pending child custody proceeding involving the Indian child or, if none, in any court of competent jurisdiction by:***

(a) The Indian child who was alleged to be within the jurisdiction of the court;

(b) The Indian child's parent or Indian custodian from whose custody such child was removed or whose parental rights were terminated; or

(c) The Indian child's tribe.

2. The court shall vacate an order or judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights if the court determines that any provision of section 26 or 27, subsection 2 or 5 of section 31, paragraph (a) or (b) of subsection 3 of section 31, subsection 1 of section 35 or section 36 of this act or, if required, subsection 2 of section 32 or section 33 or 37 of this act has been violated and the court determines it is appropriate to vacate the order or judgment.

3. If the vacated order or judgment resulted in the removal or placement of the Indian child, the court shall order the child immediately returned to the Indian child's parent or Indian custodian and the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

4. If the vacated order or judgment terminated parental rights, the court shall order the previously terminated parental rights to be restored.

5. If the State or any other party affirmatively asks the court to reconsider the issues under the vacated order or judgment, the court's findings or determinations must be readjudicated.

6. As used in this section, "termination of parental rights" includes, without limitation, the involuntary termination of parental rights under chapter 128 or 432B of NRS.

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 125A.215 is hereby amended to read as follows:

125A.215 1. ~~[A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., is not subject to the provisions of this chapter to the extent that the proceeding is governed by the Indian Child Welfare Act.~~

~~2.]~~ A court of this state shall treat ~~[a]~~ ***an Indian*** tribe as if it were a state of the United States for the purpose of applying NRS 125A.005 to 125A.395, inclusive.

~~[3.]~~ ***2.*** A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of the provisions of this chapter must be recognized and enforced pursuant to NRS 125A.405 to 125A.585, inclusive.

Sec. 41. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[42]~~ **41.5** to 50, inclusive, of this act.

Sec. 41.5. 1. Notwithstanding any other provision of law, the provisions of sections 42 to 50, inclusive, of this act, do not apply if:

(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;

(b) An Indian child is being adopted after being born to a gestational carrier pursuant to a gestational agreement; or

(c) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.

2. As used in this section:

(a) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.

(b) "Extended family member" has the meaning ascribed to it in section 7 of this act.

(c) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.

(d) "Gestational carrier" has the meaning ascribed to it in NRS 126.580.

Sec. 42. ***1. In addition to the requirements set forth in NRS 127.110, a petition for adoption of a child must contain:***

(a) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, of the petitioner's good faith efforts described in subsection 1 of section 30 of this act, to determine whether there is reason to know that the child is an Indian child;

(b) A statement as to whether the petitioner has reason to know that the child is an Indian child; and

(c) If the petitioner has reason to know that the child is an Indian child:

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, showing that the proposed adoptive placement complies with the requirements under section 37 of this act; or

(2) A statement that the petitioner is moving the court under subsection 3 of section 37 of this act for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of section 37 of this act.

2. A petition for adoption of a child must, if applicable, request the following:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act;

(b) A finding of whether there is reason to know that the child is an Indian child;

(c) If the court finds that the child is an Indian child:

(1) The determinations required under section 24 of this act regarding the Indian child's residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act; and

(3) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if not, that upon the petitioner's motion under subsection 3 of section 37 of this act, good cause exists for placement contrary to the placement preferences in section 37 of this act.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of section 31 of this act, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and

(3) The appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

Sec. 43. *1. If a petition for adoption of a child concerns the adoption of an Indian child, except as otherwise provided in subsection 4 and unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.*

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the judgment of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of a judgment of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws his or her consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in section 14 of this act.

Sec. 44. (Deleted by amendment.)

Sec. 45. *1. If, upon a petition for adoption of a child duly presented and consented to, the court is satisfied as to the identity and relations of the persons, that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is fit and proper that such adoption be effected, a judgment shall be made setting forth the facts and ordering that from the date of the judgment, the child, for all legal intents and purposes, is the child of the petitioner.*

2. A judgment entered under this section must include:

(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act to determine whether there is reason to know that the child is an Indian child; and

(b) A finding that the child is or is not an Indian child.

3. In an adoption of an Indian child, the judgment must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the biological parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under section 24 of this act;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if the placement does not comply with the placement preferences under section 37 of this act, a finding upon the petitioner's motion under subsection 3 of section 37 of this act that good cause exists for placement contrary to the placement preferences.

4. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

5. Upon entry of the judgment of adoption of an Indian child, the court shall provide to the United States Secretary of the Interior copies of the judgment entered under this section and any document signed by a consenting parent requesting anonymity.

Sec. 46. ***1. A petition to vacate a judgment of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.***

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the judgment of adoption if:

(a) The petition is filed not later than 2 years following the date of the judgment; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates a judgment of adoption under this section, the court shall also order that the parental rights of the parent whose consent the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 47. ***1. If a judgment of adoption of an Indian child under this chapter is vacated, the court vacating the judgment must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate agency which provides child welfare services.***

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of a judgment of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If a judgment of adoption of an Indian child under this chapter is vacated other than as provided in section 38 of this act, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of section 31 of this act to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ *The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.*

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in section 20 of this act. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the legal parent of an Indian child subject to a judgment of adoption under this chapter and whose parental rights have not been restored under section 46 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to a judgment of adoption of the child under this chapter.

Sec. 48. *1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.*

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceeding, the complete record of the placement finding and, if the placement departs from the placement preferences under section 37 of this act, detailed documentation of the efforts to comply with the placement preferences.

Sec. 49. *1. In a proceeding for the adoption of a minor child, within 90 days after service of a petition upon the appropriate agency which provides child welfare services as required pursuant to section 42 of this act, the agency shall file with the court an ICWA compliance report, which must reflect the agency's review of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for*

the court to make the findings required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.

2. Upon receiving an ICWA compliance report, the court shall order the matter to proceed if the court finds that the petitioner satisfied the inquiry requirements under subsection 1 of section 30 of this act and, if applicable, the notice requirements under subsection 2 of section 31 of this act. If the court finds that:

(a) Subject to the procedures under subsection 3 of section 30 of this act, the child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under section 37 of this act. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of section 37 of this act, for authority to make the placement contrary to the placement preferences under section 37 of this act.

(b) The petitioner failed to satisfy the inquiry requirements under subsection 1 of section 30 of this act or, if applicable, the notice requirements under subsection 2 of section 31 of this act, or if the documentation supplied by the petitioner is insufficient for the court to make those findings, the court shall direct the petitioner to cure the inquiry or notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the inquiry requirements under subsection 1 of section 30 of this act and notice requirements under subsection 2 of section 31 of this act and the placement preferences under section 37 of this act, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in subsection 1 of section 30 of this act and subsection 3 of section 31 of this act and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in subsection 1 of section 30 of this act and subsection 3 of section 31 of this act;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 42 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.

5. The Court Administrator may prepare and make available to the public forms and information to assist petitioners to comply with the requirements under this section and sections 30, 31, 37 and 42 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 42 of this act, motions to request a deviation from the placement preferences under subsection 3 of section 37 of this act and notices required under subsection 3 of section 31 of this act; and

(b) Worksheets and checklists to assist petitioners with the inquiry required under subsection 1 of section 30 of this act the notices required under subsection 2 of section 31 of this act, and assessing whether proposed adoptive placements satisfy the preferences under section 37 of this act.

6. The Court Administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act to adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of inquiry and notice and the appropriateness of adoptive placements.

7. As used in this section, "ICWA compliance report" means a written report prepared by an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act.

Sec. 50. ***1. If the court determines that tribal customary adoption is in the best interests, as described in section 20 of this act, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:***

(a) The appropriate agency which provides child welfare services shall provide the Indian child's tribe and proposed tribal customary adoptive parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purposes of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the Indian child's best interests, as described in section 20 of this act; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligation from the Indian child's parents or Indian custodian.

➥ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or

judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 45 of this act and enter a judgment of adoption. In addition to the requirements under section 45 of this act, the judgment of adoption must include a statement that any parental rights or obligations not specified in the judgment are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of a judgment of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the judgment of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section, and the Court Administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

Sec. 51. NRS 127.003 is hereby amended to read as follows:

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

1. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.~~

~~4. "Indian Child Welfare Act" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.~~] ***section 9 of this act.***

Sec. 51.5. ~~[NRS 127.007 is hereby amended to read as follows:~~

~~127.007 1. The Division shall maintain the State Register for Adoptions, which is hereby established, in its central office to provide information [to identify adults who were adopted and persons related to them within the third degree of consanguinity.]~~ ***relating to adoptions as set forth in this section.***

~~2. The State Register for Adoptions consists of:~~

~~(a) Names and other information, which the Administrator of the Division deems to be necessary for the operation of the Register, relating to persons who have released a child for adoption or have consented to the adoption of a child, or whose parental rights have been terminated by a court of competent jurisdiction, and who have submitted the information [voluntarily] to the Division;~~

~~(b) Names and other necessary information of persons [who are 18 years of age or older, who were adopted and] who have submitted the information voluntarily to the Division; and~~

~~(c) Names and other necessary information of persons who are related within the third degree of consanguinity to adopted persons, and who have submitted the information voluntarily to the Division.~~

~~➥ Any person whose name appears in the Register may withdraw it by requesting in writing that it be withdrawn. The Division shall immediately withdraw a name upon receiving a request to do so, and may not thereafter release any information to identify that person, including the information that such a name was ever in the Register.~~

~~3. Except as otherwise provided in subsection 4, the Division may release information:~~

~~(a) About a person related within the third degree of consanguinity to an adopted person; or~~

~~(b) About an adopted person to a person related within the third degree of consanguinity,~~

~~➥ if the names and information about both persons are contained in the Register and written consent for the release of such information is given by the natural parent.~~

~~4. An adopted person may, by submitting a written request to the Division, restrict the release of any information concerning himself or herself to one or more categories of relatives within the third degree of consanguinity.]~~ **(Deleted by amendment.)**

Sec. 52. NRS 127.010 is hereby amended to read as follows:

127.010 Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the district courts of this State have original jurisdiction in adoption proceedings.

Sec. 53. NRS 127.018 is hereby amended to read as follows:

127.018 1. ~~[Unless the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***Except as otherwise***

provided in sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act, a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 54. NRS 127.053 is hereby amended to read as follows:

127.053 No consent to a specific adoption executed in this State, or executed outside this State for use in this State, is valid unless it:

1. Identifies the child to be adopted by name, if any, sex and date of birth.

2. Is in writing and signed by the person consenting to the adoption as required in this chapter.

3. Is acknowledged by the person consenting and signing the consent to adoption in the manner and form required for conveyances of real property.

4. Contains, at the time of execution, the name of the person or persons to whom consent to adopt the child is given.

5. ***Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the judgment of adoption under section 45 of this act, the person receives information that provides reason to know that the child is an Indian child.***

6. Is attested by at least two competent, disinterested witnesses who subscribe their names to the consent in the presence of the person consenting. If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one of the witnesses must be a social worker employed by:

(a) An agency which provides child welfare services;

(b) An agency licensed in this state to place children for adoption;

(c) A comparable state or county agency of another state; or

(d) An agency authorized under the laws of another state to place children for adoption, if the natural parent resides in that state.

Sec. 55. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.

(i) Whether the ***petitioners have reason to know that the*** child is ~~[known to be]~~ an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. ~~[No]~~ ***Except as otherwise provided in sections 17.5 and 41.5 of this act, no*** order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive ~~[.]~~ ***, and the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 56. NRS 128.020 is hereby amended to read as follows:

128.020 Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the district courts have jurisdiction in all cases and proceedings under this chapter. The jurisdiction of the district courts extends to any child who should be declared free from the custody and control of either or both of his or her parents.

Sec. 57. NRS 128.023 is hereby amended to read as follows:

128.023 1. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall ~~[:~~

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.]~~ ***require that notice of the proceedings and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.***

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

3. The provisions of this section do not apply if a parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child. As used in this subsection, "extended family member" has the meaning ascribed to it in section 7 of this act.

Sec. 58. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to ....., a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of the parents of the child.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of the child's legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative, if no parent or guardian can be found.

(g) Whether the ***petitioner has reason to know that the*** child is ~~[known to be]~~ an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 59. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.,]~~ ***as otherwise provided in section 26 of this act,*** in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.

(k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 60. NRS 7.285 is hereby amended to read as follows:

7.285 1. ~~[A]~~ ***Except as otherwise provided in section 34 of this act, a*** person shall not practice law in this state if the person:

(a) Is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state pursuant to the rules of the Supreme Court; or

(b) Is suspended or has been disbarred from membership in the State Bar of Nevada pursuant to the rules of the Supreme Court.

2. A person who violates any provision of subsection 1 is guilty of:

(a) For a first offense within the immediately preceding 7 years, a misdemeanor.

(b) For a second offense within the immediately preceding 7 years, a gross misdemeanor.

(c) For a third and any subsequent offense within the immediately preceding 7 years, a category E felony and shall be punished as provided in NRS 193.130.

3. The State Bar of Nevada may bring a civil action to secure an injunction and any other appropriate relief against a person who violates this section.

Sec. 61. NRS 62A.160 is hereby amended to read as follows:

62A.160 "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.]~~ ***section 9 of this act.***

Sec. 62. NRS 62D.210 is hereby amended to read as follows:

62D.210 1. If a proceeding conducted pursuant to the provisions of this title involves the placement of an Indian child into foster care, the juvenile court shall ~~[~~:

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act or, if a tribe declines or is unable to exercise jurisdiction, exercise jurisdiction as provided in the Indian Child Welfare Act.~~] ***require that notice of the proceeding and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.***

2. If the juvenile court determines that the parent of an Indian child for whom foster care is sought is indigent, the juvenile court, as provided in the Indian Child Welfare Act:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney.

Sec. 63. (Deleted by amendment.)

Sec. 64. NRS 432B.067 is hereby amended to read as follows:

432B.067 "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.]~~ ***section 9 of this act.***

Sec. 65. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is

available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for ~~[the]~~ ***:***

(a) The administration of NRS 432B.010 to 432B.606, inclusive.

(b) The implementation of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 66. (Deleted by amendment.)

Sec. 67. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries ***in accordance with subsection 1 of section 30 of this act*** to determine whether ***there is reason to know that*** the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act ~~[.]~~ ***, sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 68. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the court has exclusive original jurisdiction in proceedings concerning any child domiciled, living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 69. NRS 432B.425 is hereby amended to read as follows:

432B.425 If proceedings pursuant to this chapter involve the protection of an Indian child, the court shall ~~[:~~

~~1. Cause the Indian child's tribe to be notified in writing at the beginning of the proceedings in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~2. Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~3. If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.~~**]** ***require that notice of the proceedings and any other notice required by this chapter be provided in accordance with section 31 of this act.***

Sec. 70. NRS 432B.5902 is hereby amended to read as follows:

432B.5902 1. After a motion for the termination of parental rights is filed pursuant to NRS 432B.5901, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 4 and 5 of NRS 128.070 and subsection 2.

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;

(b) If **[**~~applicable, each Indian tribe of~~**]** the child who is **[**~~the~~**]** subject **[**~~of~~**]** ***to*** the **[**~~motion, in accordance with NRS 128.023;~~**]** ***motion is known to be an Indian child, the child's Indian tribe;*** and

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in NRS 432B.5904 or

another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 71. The provisions of subsection 3 of section 25 of this act apply to tribal-state agreements entered into or renewed on or after January 1, 2024.

Sec. 72. Not later than September 15, 2024, and each even-numbered year thereafter, the Division of Child and Family Services of the Department of Health and Human Services and the Court Administrator shall report to the Chairs of the Senate and Assembly Standing Committees on Judiciary regarding, as applicable:

1. The number of Indian children involved in dependency proceedings during the prior 2-year period.

2. The average duration Indian children were in protective custody.

3. The ratio of Indian children to non-Indian children in protective custody.

4. Which tribes the Indian children in protective custody were members of or of which they were eligible for membership.

5. The number of Indian children in foster care who are in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

6. The number of Indian children placed in adoptive homes in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

7. The number of available placements and common barriers to recruitment and retention of appropriate placements.

8. The number of times the court found that good cause existed to deviate from the statutory placement preferences under section 37 of this act, when making a finding regarding the placement of a child in a dependency proceeding.

9. The number of cases that were transferred to tribal court under section 28 of this act.

10. The number of times the court found good cause to decline to transfer jurisdiction of a dependency proceeding to tribal court upon request and the most common reasons the court found good cause to decline a transfer petition.

11. The efforts the Division and the Court Administrator have taken to ensure compliance with the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act in dependency proceedings.

12. The number of ICWA compliance reports in which an agency which provides child welfare services reported the petitioner's documentation was insufficient for the court to make a finding regarding whether the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act and notice requirements under subsection 2 of section 31 of this act. As used in this subsection:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "ICWA compliance report" has the meaning ascribed to it in section 49 of this act.

Sec. 73. Not later than March 15, 2025, the Division of Child and Family Services of the Department of Health and Human Services shall submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the Division's implementation of tribal customary adoption as described in section 50 of this act as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Sec. 74. 1. A court shall give full faith and credit to the public acts, records and judicial proceedings of an Indian tribe applicable to an Indian child in a child custody proceeding.

2. As used in this section, "child custody proceeding" has the meaning ascribed to it in section 4 of this act.

Sec. 75. 1. If any provision of sections 2 to 38, inclusive, of this act or sections 42 to 50, inclusive, of this act is found to provide a lower standard of protection to the rights of an Indian child or the Indian child's parent, Indian custodian or tribe than that provided in the Indian Child Welfare Act:

(a) The higher standard of protection in the Indian Child Welfare Act controls; and

(b) It shall not serve to render inoperative any remaining provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act that may be held to provide a higher standard of protection than that provided in the Indian Child Welfare Act.

2. As used in this section, "Indian Child Welfare Act" means the federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., and any related regulations.

Sec. 76. The Court Administrator may adopt any rules necessary to implement the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 77. 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. 78. NRS 62D.200, 127.013, 127.017, 128.027, 432B.451 and 432B.465 are hereby repealed.

Sec. 79. This act becomes effective:

1. 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

2. On January 1, 2024, for all other purposes.

LEADLINES OF REPEALED SECTIONS

62D.200 Full faith and credit given to proceedings of Indian tribe.

127.013 Transfer of proceedings to Indian tribe.

127.017 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

128.027 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

432B.451 Qualified expert witness required in proceeding to place Indian child in foster care.

432B.465 Full faith and credit to judicial proceedings of Indian tribe.

Assemblywoman Brittney Miller moved that the Assembly do not concur in the Senate Amendment No. 676 to Assembly Bill No. 444.

Motion carried.

The following Senate amendment was read:

Amendment No. 730.

AN ACT relating to child welfare; establishing various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights; requiring the Division of Child and Family Services of the Department of Health and Human Services to adopt various regulations; requiring an agency which provides child welfare services to provide certain training for its personnel; requiring the Division and the Court Administrator to submit certain reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary; authorizing the Nevada Supreme Court and the Court Administrator to adopt certain rules; repealing certain unnecessary provisions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., was enacted in 1978 to protect Indian children from the removal from their homes and families and gives Indian tribes jurisdiction over the Indian children within their tribe. Existing Nevada law recognizes the jurisdiction of Indian tribes in various proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights. (NRS 3.223, 62D.210, 125A.215, 127.010, 127.018, 128.020, 128.023, 432B.410, 432B.425) This bill establishes various provisions governing proceedings relating to the custody, adoption or protection of Indian children or the termination of parental rights to provide additional protections for Indian children in state law.

Sections 2-38 of this bill establish provisions concerning proceedings in which the legal or physical custody of an Indian child is an issue. **Section 2** of this bill explains the legislative intent of **sections 2-38**. **Sections 3.5-17** of this bill define terms for the purposes of **sections 2-38**. **Section 17.5** of this bill provides that the provisions of **sections 2-38** do not apply if: (1) in certain circumstances, a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) **a family member related within the third degree of**

consanguinity to an Indian child is adopting the Indian child; (3) an Indian child **who was conceived by means of assisted reproduction** is being adopted **;** ~~[after being born to a gestational carrier pursuant to a gestational agreement;]~~ or ~~[(3)]~~ **(4)** an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.

Section 18 of this bill provides that a person has custody of an Indian child if the person has physical or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.

Section 20 of this bill requires a court to consider certain factors, in consultation with the Indian child's tribe, when making a determination regarding the best interests of the Indian child in a child custody proceeding. **Section 21** of this bill establishes the order of priority for the domicile of an Indian child.

Section 22 of this bill requires the appropriate agency which provides child welfare services to: (1) provide assistance with enrolling an Indian child who is a child in need of protection or who may be in need of protection in a tribe with which the child is eligible for enrollment unless the Indian child's parent objects; and (2) notify the Indian child's parent of his or her right to object to such assistance from the agency.

Section 23 of this bill sets forth the manner in which the tribe of an Indian child is determined for purposes of a child custody proceeding involving the Indian child and, if the Indian child is a member of or eligible for membership with more than one tribe, requires the court to designate the tribe with which the Indian child has the more significant contacts by considering certain factors.

Section 24 of this bill requires a court to: (1) determine, in any child custody proceeding involving an Indian child, the residence and domicile of the Indian child and whether he or she is a ward of a tribal court; and (2) communicate with any tribal courts to the extent necessary to make such determinations.

Section 25 of this bill requires agencies which provide child welfare services to make a good faith effort to enter into a tribal-state agreement with any Indian tribe in Nevada and authorizes such agencies to enter into a tribal-state agreement with any Indian tribe outside of Nevada if the tribe has significant numbers of Indian children who reside in Nevada and are members of or eligible for membership with the tribe. **Section 25** also establishes provisions concerning the contents of and requirements regarding such tribal-state agreements.

Section 26 of this bill provides that the jurisdiction of a court in a child custody proceeding involving an Indian child is concurrent with the jurisdiction of the tribe of the Indian child. **Section 26** also establishes the circumstances in which the tribe of an Indian child has exclusive jurisdiction in such cases.

Section 27 of this bill requires, in general, a court to transfer a child custody proceeding involving an Indian child if the parent, Indian custodian or tribe of the Indian child petitions the court to transfer the proceeding to tribal court.

Section 27 also establishes various other provisions regarding such a transfer and the denial of such a transfer by the court. **Section 28** of this bill sets forth the actions that a court is required to take upon granting a transfer motion under **section 27**.

~~[Section 29 of this bill establishes requirements for certain persons and the court with regard to determining whether a child is an Indian child in child custody proceedings.]~~

Section 30 of this bill ~~[provides that]~~ **requires a court to ask each party** in a child custody proceeding, ~~[if a person is required to determine whether a]~~ **at the commencement of the proceeding, whether the party knows or has reason to know that the** child is an Indian child**.** ~~[, the person is required to make a good faith effort to make such a determination by consulting with certain persons.]~~ **Section 30** ~~[also]~~ establishes the circumstances in which a court ~~[or person]~~ has reason to know that a child is an Indian child and imposes certain requirements on a court ~~[concerning the procedure for verifying whether]~~ **if there is reason to know that** a child is an Indian child**.** ~~[.]~~ **but the court does not have sufficient evidence to determine whether the child is an Indian child.**

Section 31 of this bill requires the person taking a child into protective custody in an emergency proceeding to make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child, the appropriate agency which provides child welfare services is required, if the nature of the emergency allows, to notify any tribe of which the child is or may be a member and provide certain information, including a statement that the tribe has a right to participate in the proceeding as a party or in an advisory capacity. **Section 31** also imposes certain requirements relating to: (1) the provision of notice of a child custody proceeding if there is reason to know that a child alleged to be within the court's jurisdiction is an Indian child; and (2) the hearing regarding the proceeding.

Section 32 of this bill provides that if a court finds at a hearing in a child custody proceeding that a child is an Indian child, at least one qualified expert witness must testify regarding certain information. If a qualified witness is required to testify, **section 32** requires the petitioner in the proceeding to contact the tribe of the Indian child and request that the tribe identify one or more persons who can testify as a qualified witness. Additionally, **section 32** authorizes a court to hear supplemental testimony from certain professionals.

Section 33 of this bill provides that if a child in a child custody proceeding is an Indian child and active efforts, which are efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family, are required, the court is required to determine whether active efforts have been made to prevent the breakup of or to reunite the family. **Section 33** establishes requirements relating to active efforts.

Section 34 of this bill authorizes a tribe that is a party to a proceeding to be represented by any person, regardless of whether the person is licensed to

practice law. **Section 34** also authorizes an attorney who is not barred from practicing law in Nevada to appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that certain requirements are met.

Section 35 of this bill provides that in a proceeding involving a child who is or may be in need of protection, if the child is an Indian child, the court is required to appoint counsel to represent the Indian child and, in certain circumstances, also appoint counsel to represent the Indian child's parent or Indian custodian. **Section 35** also authorizes an attorney who is appointed to represent an Indian child to inspect certain records of the Indian child without the consent of the Indian child or his or her parent or Indian custodian.

Section 36 of this bill authorizes each party in a child custody proceeding in which the child is an Indian child to timely examine all reports and documents held by an agency which provides child welfare services that are not otherwise subject to a discovery exception or precluded under state or federal law.

Section 37 of this bill establishes requirements concerning the: (1) least restrictive setting in which an Indian child must be placed if the parental rights of the Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care; and (2) placement of an Indian child if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement. **Section 37** also authorizes the alternative placement of an Indian child in certain circumstances.

Section 38 of this bill authorizes certain persons to file a petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights in a pending child custody proceeding under **sections 2-38** or, if no proceeding is pending, in any court with jurisdiction over the matter. **Section 38** requires the court to vacate an order or judgment regarding jurisdiction, placement, guardianship or the termination of parental rights if certain provisions of **sections 2-38** have been violated and the court determines that vacating the order or judgment is proper.

Sections 42-50 of this bill establish provisions specifically relating to the adoption of Indian children. **Section 42** of this bill provides that a petition for adoption of a child must include certain contents concerning whether there is reason to know that the child who is the subject of the petition is an Indian child and requires a petitioner who has reason to know that the child is an Indian child to serve copies of the petition on certain persons and file with the court a declaration of compliance concerning such notice. **Section 43** of this bill: (1) requires written consent to the adoption of an Indian child to be given by the Indian child's parents unless their parental rights have been terminated; (2) establishes requirements concerning such consent; and (3) authorizes the withdrawal of such consent.

Section 45 of this bill establishes provisions concerning the entry of a judgment for the adoption of a child, including certain requirements relating to the adoption of an Indian child. **Section 46** of this bill authorizes the filing

of a petition to vacate a judgment of adoption of an Indian child and requires the court to vacate the judgment if the petition is timely filed and the court finds by clear and convincing evidence that the consent of a parent to the adoption was obtained through fraud or duress. **Section 47** of this bill requires a court to provide notice to certain persons and the appropriate agency which provides child welfare services if a judgment of adoption of an Indian child is vacated and, unless the return of custody of the Indian child to a former parent or prior Indian custodian or the restoration of parental rights is not in the best interests of the child, return custody of the Indian child to the former parent or prior Indian custodian or restore parental rights.

Section 48 of this bill requires that access to the adoption records of an Indian child be given to the Indian child's tribe or the United States Secretary of the Interior not later than 14 days after the request for such records.

Section 49 of this bill requires the appropriate agency which provides child welfare services to file with the court in a proceeding for the adoption of a minor child a written compliance report that reflects the agency's review of the petition for adoption and advises the court on whether the petitioner submitted complete and sufficient documentation relating to the petitioner's compliance with the ~~[inquiry and]~~ notice requirements and placement preferences. **Section 49** requires the Division of Child and Family Services of the Department of Health and Human Services (hereinafter "Division") to adopt regulations providing a nonexhaustive description of the documentation that may be submitted to the court as evidence of such compliance and any other regulations for the preparation of such compliance reports that are necessary for agencies which provide child welfare services to carry out their duties. **Section 49** also authorizes the Court Administrator to prepare and make available to the public certain forms and information to assist petitioners and to design and offer trainings to courts having jurisdiction over adoption matters.

Section 50 of this bill establishes provisions governing tribal customary adoption, which is the adoption of an Indian child by and through the tribal custom, traditions or law of the child's tribe without the termination of parental rights. **Section 50** requires the Division to adopt certain regulations concerning tribal customary adoption and authorizes: (1) the Supreme Court to adopt rules necessary for the court processes to implement the provisions relating to tribal customary adoption; and (2) the Court Administrator to prepare necessary forms for the implementation of the provisions relating to tribal customary adoption. **Section 73** of this bill requires the Division to submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the implementation of tribal customary adoption as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Section 41.5 of this bill provides that the provisions of **sections 42-50** do not apply if: (1) in certain circumstances, a parent of an Indian child is

voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent; (2) **a family member within the third degree of consanguinity of an Indian child is adopting the Indian child; (3)** an Indian child **who was conceived by means of assisted reproduction** is being adopted **;** ~~[after being born to a gestational carrier pursuant to a gestational agreement;]~~ or ~~[(3)]~~ **(4)** an Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption. **Section 57** of this bill similarly provides that provisions relating to proceedings that otherwise concern the termination of parental rights of the parent of an Indian child do not apply in certain circumstances if a parent of an Indian child is voluntarily terminating his or her parental rights and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent.

Section 65 of this bill requires the Division to adopt regulations necessary for the implementation of **sections 2-38 and 42-50**.

Section 67 of this bill requires an agency which provides child welfare services to provide training for its personnel regarding the requirements of **sections 2-38 and 42-50**.

Sections 40, 51-62 and 64-70 of this bill make conforming changes to provisions of existing law to reflect the changes made in **sections 2-38**. **Section 78** of this bill repeals certain provisions of existing law that are no longer necessary because of the provisions of **sections 2-38**.

Section 72 of this bill requires the Division and the Court Administrator to submit biennial reports to the Chairs of the Senate and Assembly Standing Committees on Judiciary containing certain data relating to Indian children in dependency proceedings. **Section 76** of this bill authorizes the Court Administrator to adopt any rules necessary to implement **sections 2-38 and 42-50**.

WHEREAS, Current research shows that family, culture and community promote resiliency and health development in Indian children; and

WHEREAS, Congress, working with tribal nations, tribal leadership and advocates for Indian children, passed the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., in 1978 to stop the removal of Indian children from their homes, families and communities; and

WHEREAS, At the time Congress passed the Indian Child Welfare Act, Indian children were being removed by public and private agencies at rates as high as 25 percent to 35 percent; and

WHEREAS, Indian children continue to be removed from their homes at rates higher than other non-Indian children; and

WHEREAS, Despite requirements under the Indian Child Welfare Act, application of the Indian Child Welfare Act in Nevada courts is inconsistent; and

WHEREAS, Clearly addressing in state law the coordination between and respective roles of the state and tribes regarding the provision of child welfare services to Indian children will provide uniform and consistent direction to state courts, tribes and practitioners to prevent unlawful removals of Indian children from their families and promote the stable placement of Indian children in loving, permanent homes that are connected to family and culture; now, therefore,

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

Section 1. Title 11 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 38, inclusive, of this act.

Sec. 2. ***1. The Legislature hereby finds that the United States Congress recognizes the special legal status of Indian tribes and their members. It is the policy of this State to protect the health and safety of Indian children and the stability and security of Indian tribes and families by promoting practices designed to prevent the removal of Indian children from their families and, if removal is necessary and lawful, to prioritize the placement of an Indian child with the Indian child's extended family and tribal community.***

2. This State recognizes the inherent jurisdiction of Indian tribes to make decisions regarding the custody of Indian children and also recognizes the importance of ensuring that Indian children and Indian families receive appropriate services to obviate the need to remove an Indian child from the Indian child's home and, if removal is necessary and lawful, to effect the child's safe return home.

3. Sections 2 to 38, inclusive, of this act create additional safeguards for Indian children to address disproportionate rates of removal, to improve the treatment of and services provided to Indian children and Indian families in the child welfare system and to ensure that Indian children who must be removed are placed with Indian families, communities and cultures.

Sec. 3. ***As used in sections 2 to 38, inclusive, of this act, the words and terms defined in sections 3.5 to 17, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3.5. ***"Agency" means an agency which provides child welfare services, as defined in NRS 432B.030.***

Sec. 4. ***"Child custody proceeding" means a matter in which the legal custody or physical custody of ~~[an Indian]~~ a child is an issue, including, without limitation, a matter arising under chapter 125A, 127, 128 or 432B of NRS. The term does not include an emergency proceeding.***

Sec. 5. ***"Division" means the Division of Child and Family Services of the Department of Health and Human Services.***

Sec. 6. *"Emergency proceeding" means any court action that involves the emergency removal or emergency placement of an Indian child, with or without a protective custody order.*

Sec. 7. *"Extended family member" has the meaning given that term by the law or custom of an Indian child's tribe or, if that meaning cannot be determined, means a person who has attained 18 years of age and who is the Indian child's grandparent, aunt, uncle, brother, sister, sister-in-law, brother-in-law, niece, nephew, first cousin, second cousin, stepparent or another person determined by the Indian child's tribe, clan or band member.*

Sec. 8. *"Indian" means a person who is a member of an Indian tribe or who is an Alaska Native and a member of a regional corporation as defined in section 7 of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1606.*

Sec. 9. *"Indian child" means any unmarried person who has not attained 18 years of age and is:*

1. A member or citizen of an Indian tribe; or

2. Eligible for membership or citizenship in an Indian tribe and is the biological child of a member of an Indian tribe.

Sec. 10. *"Indian custodian" means an Indian, other than the Indian child's parent, who has custody, as described in subsection 1 of section 18 of this act, of the Indian child, or to whom temporary physical care, custody and control has been transferred by the Indian child's parent.*

Sec. 11. *"Indian tribe" or "tribe" means any Indian tribe, band, nation or other organized group or community of Indians federally recognized as eligible for the services provided to Indians by the United States Secretary of the Interior because of their status as Indians, including any Alaska Native village as defined in 43 U.S.C. § 1602(c).*

Sec. 12. *"Juvenile court" has the meaning ascribed to it in NRS 62A.180.*

Sec. 13. *"Member" or "membership" means a determination by an Indian tribe that a person is a member or citizen in that Indian tribe.*

Sec. 14. *"Parent" means:*

1. A biological parent of an Indian child;

2. An Indian who has lawfully adopted an Indian child, including adoptions made under tribal law or custom; or

3. A person who has established a parent and child relationship with an Indian child pursuant to the laws of this State.

Sec. 15. *"Party" means a party to a proceeding.*

Sec. 16. *"Reservation" means Indian country as defined in 18 U.S.C. § 1151 and any lands not covered under that section, the title to which is held by the United States in trust for the benefit of an Indian tribe or person or held by an Indian tribe or person subject to a restriction by the United States against alienation.*

Sec. 17. *"Tribal court" means a court with jurisdiction over child custody proceedings involving an Indian child that is either a Court of Indian Offenses, a court established and operated under the code or custom*

of an Indian tribe or any other administrative body of a tribe that is vested with authority over child custody proceedings ~~[.]~~ involving an Indian child.

Sec. 17.5. *1. Notwithstanding any other provision of law, the provisions of sections 2 to 38, inclusive, of this act do not apply if:*

(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;

(b) A family member related within the third degree of consanguinity to an Indian child is adopting the Indian child;

(c) An Indian child who was conceived by means of assisted reproduction is being adopted ; ~~[after being born to a gestational carrier pursuant to a gestational agreement;]~~ or

~~[(c)]~~ (d) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.

2. As used in this section:

(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.

(b) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.

~~[(b) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.~~

~~(c) "Gestational carrier" has the meaning ascribed to it in NRS 126.580.]~~

Sec. 18. *1. A person has custody of an Indian child under sections 2 to 38, inclusive, of this act if the person has physical custody or legal custody of the Indian child under any applicable tribal law, tribal custom or state law.*

2. An Indian child's parent has continued custody of the Indian child if the parent currently has, or previously had, custody of the Indian child.

Sec. 19. (Deleted by amendment.)

Sec. 20. *In a child custody proceeding involving an Indian child, when making a determination regarding the best interests of the child in accordance with sections 2 to 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS, the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., or any applicable regulations or rules regarding sections 2 to 38, inclusive, of this act, chapter 125A, 127, 128 or 432B of NRS or the Indian Child Welfare Act, the court shall, in consultation with the Indian child's tribe, consider the following:*

1. The protection of the safety, well-being, development and stability of the Indian child;

2. The prevention of unnecessary out-of-home placement of the Indian child;

3. The prioritization of placement of the Indian child in accordance with the placement preferences under section 37 of this act;

4. The value to the Indian child of establishing, developing or maintaining a political, cultural, social and spiritual relationship with the Indian child's tribe and tribal community; and

5. The importance to the Indian child of the Indian tribe's ability to maintain the tribe's existence and integrity in promotion of the stability and security of Indian children and families.

Sec. 21. *For purposes of sections 2 to 38, inclusive, of this act:*

1. A person's domicile is the place the person regards as home, where the person intends to remain or to which, if absent, the person intends to return.

2. An Indian child's domicile is, in order of priority, the domicile of:

(a) The Indian child's parents or, if the Indian child's parents do not have the same domicile, the Indian child's parent who has physical custody of the Indian child;

(b) The Indian child's Indian custodian; or

(c) The Indian child's guardian.

Sec. 22. *1. Unless an Indian child's parent objects, the appropriate agency shall provide assistance with enrolling an Indian child within the jurisdiction of the juvenile court under NRS 432B.410 in a tribe with which the child is eligible for enrollment.*

2. In any child custody proceeding under chapter 432B of NRS ~~*[.]*~~ *involving an Indian child, if the appropriate agency reasonably believes that the Indian child is eligible for enrollment in a tribe, the agency shall notify the Indian child's parents of their right to object to the agency's assistance under subsection 1. The provision of notice pursuant to this subsection is deemed to be satisfied by sending the notice to the last known mailing address of each of the Indian child's parents.*

Sec. 23. *1. In a child custody proceeding in which an Indian child is alleged to be within the jurisdiction of the court, the Indian child's tribe is:*

(a) If the Indian child is a member of or is eligible for membership in only one tribe, the tribe of which the Indian child is a member or eligible for membership.

(b) If the Indian child is a member of one tribe but is eligible for membership in one or more other tribes, the tribe of which the Indian child is a member.

(c) If the Indian child is a member of more than one tribe or if the Indian child is not a member of any tribe but is eligible for membership with more than one tribe:

(1) The tribe designated by agreement between the tribes of which the Indian child is a member or in which the Indian child is eligible for membership; or

(2) If the tribes are unable to agree on the designation of the Indian child's tribe, the tribe designated by the court.

2. When designating an Indian child's tribe under subparagraph (2) of paragraph (c) of subsection 1, the court shall, after a hearing, designate the tribe with which the Indian child has the more significant contacts, taking into consideration the following:

(a) The preference of the Indian child's parent;

(b) The duration of the Indian child's current or prior domicile or residence on or near the reservation of each tribe;

(c) The tribal membership of the Indian child's custodial parent or Indian custodian;

(d) The interests asserted by each tribe;

(e) Whether a tribe has previously adjudicated a case involving the Indian child; and

(f) If the court determines that the Indian child is of sufficient age and capacity to meaningfully self-identify, the self-identification of the Indian child.

3. If an Indian child is a member of or is eligible for membership in more than one tribe, the court may, in its discretion, permit a tribe, in addition to the Indian child's tribe, to participate in a proceeding under chapter 432B of NRS involving the Indian child in an advisory capacity or as a party.

Sec. 24. *In any child custody proceeding involving an Indian child that is based on allegations that ~~[an]~~ the Indian child is within the jurisdiction of the court, the court must determine the residence and domicile of the Indian child and whether the Indian child is a ward of tribal court. The court shall communicate with any tribal courts to the extent necessary to make a determination under this section.*

Sec. 25. *1. Agencies shall make a good faith effort to enter into a tribal-state agreement with any Indian tribe within the borders of this State. Agencies may also enter into a tribal-state agreement with any Indian tribe outside of this State having significant numbers of member children or membership-eligible children residing in this State.*

2. The purposes of a tribal-state agreement are to promote the continued existence and integrity of the Indian tribe as a political entity and to protect the vital interests of Indian children in securing and maintaining political, cultural and social relationships with their tribe.

3. A tribal-state agreement may include agreements regarding default jurisdiction over cases in which the state courts and tribal courts have concurrent jurisdiction, the transfer of cases between state courts and tribal courts, the assessment, removal, placement, custody and adoption of Indian children and any other child welfare services provided to Indian children.

4. A tribal-state agreement must:

(a) Provide for the cooperative delivery of child welfare services to Indian children in this State, including, without limitation, the utilization, to the extent available, of services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population to implement the terms of the tribal-state agreement; and

(b) If services provided by the tribe or an organization whose mission is to serve the American Indian or Alaska Native population are unavailable, provide for an agency's use of community services and resources developed specifically for Indian families that have the demonstrated experience and capacity to provide culturally relevant and effective services to Indian children.

Sec. 26. *1. Except as otherwise provided in this section, the court's jurisdiction in a child custody proceeding involving an Indian child is concurrent with the Indian child's tribe.*

2. The tribe has exclusive jurisdiction in a child custody proceeding involving an Indian child if:

(a) The Indian child is a ward of a tribal court of the tribe; or

(b) The Indian child resides or is domiciled within the reservation of the tribe.

3. Communications between the court and a tribal court regarding calendars, court records and similar matters may occur without informing the parties or creating a record of the communications.

4. Notwithstanding the provisions of this section, the juvenile court has temporary exclusive jurisdiction over an Indian child who is placed in protective custody pursuant to chapter 432B of NRS.

5. As used in this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

Sec. 27. *1. Except as otherwise provided in subsection 4, the court shall transfer a child custody proceeding involving an Indian child if, at any time during the proceeding, the Indian child's parent, Indian custodian or tribe petitions the court to transfer the proceeding to the tribal court.*

2. Upon receipt of a transfer motion, the court shall contact the Indian child's tribe and request a timely response regarding whether the tribe intends to decline the transfer.

3. If a party objects to the transfer motion for good cause, the court shall fix the time for hearing on objections to the motion. At the hearing, the objecting party has the burden of proof of establishing by clear and convincing evidence that good cause exists to deny the transfer. If the Indian child's tribe contests the assertion that good cause exists to deny the transfer, the court shall give the tribe's argument substantial weight. When making a determination whether good cause exists to deny the transfer motion, the court may not consider:

(a) Whether the proceeding is at an advanced stage;

(b) Whether there has been a prior proceeding involving the Indian child in which a transfer motion was not filed;

(c) Whether the transfer could affect the placement of the Indian child;

(d) The cultural connections of the Indian child with the tribe or the tribe's reservation; or

(e) The socioeconomic conditions of the Indian child's tribe or any negative perception of tribal or United States Bureau of Indian Affairs' social services or judicial systems.

4. The court shall deny the transfer motion if:

(a) The tribe declines the transfer orally on the record or in writing;

(b) The Indian child's parent objects to the transfer; or

(c) The court finds by clear and convincing evidence, after hearing, that good cause exists to deny the transfer.

5. Notwithstanding paragraph (b) of subsection 4, the objection of the Indian child's parent does not preclude the transfer if:

(a) The objecting parent dies or the objecting parent's parental rights are terminated and have not been restored; and

(b) The Indian child's remaining parent, Indian custodian or tribe files a new transfer motion subsequent to the death of the objecting parent or the termination of the parental rights of the objecting parent.

6. If the court denies a transfer under this section, the court shall document the basis for the denial in a written order.

Sec. 28. *Upon granting a transfer motion under section 27 of this act, the court shall expeditiously:*

1. Notify the tribal court of the pending dismissal of the child custody proceeding;

2. Transfer all information regarding the proceeding, including, without limitation, pleadings and court records, to the tribal court;

3. If the Indian child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, direct the appropriate agency to:

(a) Coordinate with the tribal court and the Indian child's tribe to ensure that the transfer of the proceeding and the transfer of custody of the Indian child is accomplished with minimal disruption of services to the Indian child and the Indian child's family; and

(b) Provide the Indian child's tribe with documentation related to the Indian child's eligibility for state and federal assistance and information related to the Indian child's social history, treatment diagnosis and services and other relevant case and service related data; and

4. Dismiss the proceeding upon confirmation from the tribal court that the tribal court received the transferred information.

Sec. 29. ~~[*Notwithstanding any other provision of law and in addition to any other requirements, in any child custody proceeding:*~~

~~*1. Each petitioner and every other person otherwise required by the court or by any applicable law shall:*~~

~~*(a) Determine whether there is reason to know that the child is an Indian child; and*~~

~~*(b) Demonstrate to the court that he or she made efforts to determine whether a child is an Indian child.*~~

~~*2. The court shall:*~~

~~*(a) Make a finding regarding whether there is reason to know that the child is an Indian child, unless the court has previously found that the child is an Indian child; and*~~

~~*(b) Not enter a custody order in the matter until all applicable inquiry and notice requirements set forth in sections 2 to 38, inclusive, of this act have been met.]*~~ **(Deleted by amendment.)**

Sec. 30. *1.* ~~*[Except if the person already knows that a child is an Indian child, whenever a person is required in a child custody proceeding to determine whether there is reason to know that the child is an Indian child, the person shall make a good faith effort to determine whether the child is an Indian child, including, without limitation, by consulting with:*~~

~~*(a) The child;*~~

~~*(b) The child's parent or parents;*~~

~~*(c) Any person having custody of the child or with whom the child resides;*~~

~~*(d) Extended family members of the child;*~~

~~*(e) Any other person who may reasonably be expected to have information regarding the child's membership or eligibility for membership in an Indian tribe; and*~~

~~*(f) Any Indian tribe of which the child may be a member or of which the child may be eligible for membership.]*~~ ***At the commencement of any child custody proceeding, the court must ask each party whether the party knows or has reason to know that the child is an Indian child. All responses to such an inquiry must be made on the record. The court must instruct the parties to inform the court if they subsequently receive information that provides reason to know the child is an Indian child.***

2. ***If there is reason to know that a child in a child custody proceeding is an Indian child but the court does not have sufficient evidence to determine whether the child is an Indian child, the court must:***

(a) Confirm, by way of a report, declaration or testimony included in the record that an agency or party used due diligence to identify and work with all of the tribes of which there is reason to know the child may be a member or is eligible for membership to verify whether the child is a member or the child's parent is a member and the child is eligible for membership; and

(b) Treat the child as an Indian child, unless and until it is determined on the record that the child is not an Indian child.

3. A court ~~*[or person]*~~ ***, upon conducting the inquiry required pursuant to subsection 1,*** *has reason to know that a child* ***in a child custody proceeding*** *is an Indian child if:*

(a) ~~*[The person knows that the child is an Indian child;*~~

~~*(b) The court has found that the child is an Indian child or that there is reason to know that the child is an Indian child;*~~

~~*(c)]*~~ *Any* ~~*[person present in the proceeding,]*~~ ***party,*** *officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court* ~~*[or the person]*~~ *that the child is an Indian child* ~~*[or]*~~ **;**

(b) Any party, officer of the court involved in the proceeding, Indian tribe, Indian organization or agency informs the court that it has discovered information ~~[has been discovered]~~ indicating that the child is an Indian child;

~~[(d)]~~ (c) The child ~~[indicates to]~~ who is the subject of the proceeding gives the court ~~[or the person]~~ reason to know that the child is an Indian child;

~~[(e)]~~ (d) The court ~~[or the person]~~ is informed that the domicile or residence of the child, the child's parent or the child's Indian custodian is on a reservation or in an Alaska Native village;

~~[(f)]~~ (e) The court ~~[or the person]~~ is informed that the child is or has been a ward of a tribal court;

~~[(g)]~~ or

(f) The court ~~[or the person]~~ is informed that the child or the child's parent possesses an identification card ~~[or other record]~~ indicating membership in an Indian tribe . ~~[;~~

~~(h) Testimony or documents presented to the court indicate in any way that the child may be an Indian child; or~~

~~(i) Any other indicia provided to the court or the person, or within the knowledge of the court or the person, indicates that the child is an Indian child.~~

~~3. Except as otherwise provided in section 49 of this act, whenever a person is required to demonstrate to the court in a child custody proceeding that the person made efforts to determine whether a child is an Indian child, the court shall make written findings regarding whether the person satisfied the inquiry requirements under subsection 1 and whether the child is an Indian child or whether there is reason to know that the child is an Indian child. At the commencement of any hearing in an emergency proceeding or a child custody proceeding, unless the court previously found that the child is an Indian child, the court shall ask, on the record, each person present on the matter whether the person has reason to know that the child is an Indian child and shall make a finding regarding whether there is reason to know that the child is an Indian child.~~

~~4. If the court finds under subsection 3 that there is:~~

~~(a) Reason to know that the child is an Indian child but the court does not have sufficient evidence to find that the child is an Indian child, the court shall order that the inquiry as to whether the child is an Indian child continue until the court finds that the child is not an Indian child.~~

~~(b) Not reason to know that the child is an Indian child, the court shall order each party to immediately inform the court if the party receives information providing reason to know that the child is an Indian child.~~

~~5. If the court finds under subsection 3 that there is reason to know that the child is an Indian child but the court does not have sufficient evidence to make a finding that the child is or is not an Indian child, the court shall require the appropriate agency or other party to submit a report, declaration or testimony on the record that the agency or other party used due diligence~~

~~*to identify and work with all of the tribes of which the child may be a member or in which the child may be eligible for membership to verify whether the child is a member or is eligible for membership.*~~

~~*6. A person making an inquiry under this section shall request that any tribe receiving information under this section keep documents and information regarding the inquiry confidential if the proceeding arises under chapter 432B of NRS or a consenting parent in an adoption proceeding requests anonymity.]*~~

4. In seeking verification of a child's status in a child custody proceeding in which there is a consenting parent who evidences, by written request or statement in the record, a desire for anonymity, the court must keep relevant documents pertaining to the inquiry required under this section confidential and under seal. A request ~~[from a consenting parent]~~ for anonymity does not relieve the court , an agency or any party ~~[in an adoption proceeding]~~ from ~~[the]~~ any duty of compliance with the Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., including, without limitation, the duty to verify whether the child is an Indian child. A tribe receiving information related to this inquiry must keep documents and information confidential.

Sec. 31. *1. In an emergency proceeding, the person taking a child into protective custody must make a good faith effort to determine whether there is reason to know that the child is an Indian child and, if there is reason to know that the child is an Indian child and the nature of the emergency allows, the appropriate agency shall notify by telephone, electronic mail, facsimile or other means of immediate communication any tribe of which the child is or may be a member. Notification under this subsection must include the basis for the child's removal, the time, date and place of the initial hearing and a statement that the tribe has the right to participate in the proceeding as a party or in an advisory capacity.*

2. Except as provided in subsection 1, if there is reason to know that a child in a child custody proceeding who is alleged to be within the court's jurisdiction is an Indian child and notice is required, the party providing notice shall:

(a) Promptly send notice of the proceeding as described in subsection 3; and

(b) File a copy of each notice sent pursuant to this section with the court, together with any return receipts or other proof of service.

3. Notice under subsection 2 must be:

(a) Sent to:

(1) Each tribe of which the child may be a member or of which the Indian child may be eligible for membership; or

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's tribe cannot be ascertained.

(b) Sent by registered or certified mail, return receipt requested.

(c) In clear and understandable language and include the following:

(1) The child's name, date of birth and, if known, place of birth;

(2) To the extent known:

(I) All names, including maiden, married and former names or aliases, of the child's parents, the places of birth of the child's parents' and tribal enrollment numbers; and

(II) The names, dates of birth, places of birth and tribal enrollment information of other direct lineal ancestors of the child;

(3) The name of each Indian tribe of which the child is a member or in which the Indian child may be eligible for membership;

(4) If notice is required to be sent to the appropriate Regional Director of the United States Bureau of Indian Affairs under subparagraph (2) of paragraph (a), to the extent known, information regarding the child's direct lineal ancestors, an ancestral chart for each biological parent, and the child's tribal affiliations and blood quantum;

(5) In a child custody proceeding, a copy of the petition or motion initiating the proceeding and, if a hearing has been scheduled, information on the date, time and location of the hearing;

(6) The name of the petitioner and the name and address of the attorney of the petitioner;

(7) In a proceeding under chapter 432B of NRS:

(I) A statement that the child's parent or Indian custodian has the right to participate in the proceeding as a party to the proceeding;

(II) A statement that the child's tribe has the right to participate in the proceeding as a party or in an advisory capacity;

(III) A statement that if the court determines that the child's parent or Indian custodian is unable to afford counsel, the parent or Indian custodian has the right to court-appointed counsel; and

(IV) A statement that the child's parent, Indian custodian or tribe has the right, upon request, to up to 20 additional days to prepare for the proceeding;

(8) A statement that the child's parent, Indian custodian or tribe has the right to petition the court to transfer the child custody proceeding to the tribal court;

(9) A statement describing the potential legal consequences of the proceeding on the future parental and custodial rights of the parent or Indian custodian;

(10) The mailing addresses and telephone numbers of the court and contact information for all parties to the proceeding; and

(11) A statement that the information contained in the notice is confidential and that the notice should not be shared with any person not needing the information to exercise rights under sections 2 to 38, inclusive, of this act.

4. If there is a reason to know that the Indian child's parent or Indian custodian has limited English proficiency, the court must provide language access services as required by Title VI of the Civil Rights Act of 1964, 42

U.S.C. §§ 2000d et seq., and other applicable federal and state laws. If the court is unable to secure translation or interpretation support, the court shall contact or direct a party to contact the Indian child's tribe or the local office of the United States Bureau of Indian Affairs for assistance identifying a qualified translator or interpreter.

5. If a child is known to be an Indian child, a hearing may not be held until at least 10 days after the receipt of the notice by the Indian child's tribe or, if applicable, the United States Bureau of Indian Affairs. Upon request, the court shall grant the Indian child's parent, Indian custodian or tribe up to 20 additional days from the date upon which notice was received by the tribe to prepare for participation in the hearing. Nothing in this subsection prevents a court at an emergency proceeding before the expiration of the waiting period described in this subsection from reviewing the removal of an Indian child from the Indian child's parent or Indian custodian to determine whether the removal or placement is no longer necessary to prevent imminent physical damage or harm to the Indian child.

Sec. 32. ***1. In any child custody proceeding <u>involving an Indian child</u> that requires the testimony of a qualified expert witness, the petitioner shall contact the Indian child's tribe and request that the tribe identify one or more persons meeting the criteria described in subsection 3 or 4. The petitioner may also request the assistance of the United States Bureau of Indian Affairs in locating persons meeting the criteria described in subsection 3 or 4.***

2. At a hearing in a child custody proceeding, if the court has found that a child is an Indian child, at least one qualified expert witness must testify regarding whether the continued custody of the Indian child by the child's parent or custody by the child's Indian custodian is likely to result in serious emotional or physical damage to the Indian child.

3. A person is a qualified expert witness under this section if the Indian child's tribe has designated the person as being qualified to testify to the prevailing social and cultural standards of the tribe.

4. If the Indian child's tribe has not identified a qualified expert witness, the following persons, in order of priority, may testify as a qualified expert witness:

(a) A member of the Indian child's tribe or another person who is recognized by the tribe as knowledgeable about tribal customs regarding family organization or child rearing practices;

(b) A person having substantial experience in the delivery of child and family services to Indians and extensive knowledge of prevailing social and cultural standards and child rearing practices within the Indian child's tribe; or

(c) Any person having substantial experience in the delivery of child and family services to Indians and knowledge of prevailing social and cultural standards and child rearing practices in Indian tribes with cultural similarities to the child's tribe.

5. In addition to testimony from a qualified expert witness, the court may hear supplemental testimony regarding information described in subsection 2 from a professional having substantial education and experience in the area of the professional's specialty.

6. No petitioning party, employees of the petitioning party or an employee of an agency may serve as a qualified expert witness or a professional under this section.

Sec. 33. *1. If a child in a child custody proceeding is an Indian child and active efforts are required, the court must determine whether active efforts have been made to prevent the breakup of the family or to reunite the family.*

2. Active efforts require a higher standard of conduct than reasonable efforts.

3. Active efforts must:

(a) Be documented in detail in writing and on the record;

(b) If the child is alleged to be within the jurisdiction of the juvenile court under NRS 432B.410, include assisting the Indian child's parent or parents or Indian custodian through the steps of a case plan;

(c) Include, to the extent possible, providing assistance with the cooperation of the Indian child's tribe;

(d) Be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians and tribe; and

(e) Be tailored to the facts and circumstances of the case.

4. As used in this section, "active efforts" means efforts that are affirmative, active, thorough, timely and intended to maintain or reunite an Indian child with the Indian child's family.

Sec. 34. *1. Notwithstanding the provisions of NRS 7.285, a tribe that is a party to a child custody proceeding involving an Indian child may be represented by any person, regardless of whether the person is licensed to practice law.*

2. An attorney who is not barred from practicing law in this State may appear in any proceeding involving an Indian child without associating with local counsel if the attorney establishes to the satisfaction of the State Bar of Nevada that:

(a) The attorney will appear in a court in this State for the limited purpose of participating in a proceeding under chapter 432B of NRS subject to the provisions of sections 2 to 38, inclusive, of this act;

(b) The attorney represents an Indian child's parent, Indian custodian or tribe; and

(c) The Indian child's tribe has affirmed the Indian child's membership or eligibility for membership under tribal law.

3. An Indian custodian or tribe may notify the court, orally on the record or in writing, that the Indian custodian or tribe withdraws as a party to the proceeding.

Sec. 35. *1. If a child in a proceeding under chapter 432B of NRS is an Indian child:*

(a) The court shall appoint counsel to represent the Indian child.

(b) If the Indian child's parent or Indian custodian requests counsel to represent the parent or Indian custodian but is without sufficient financial means to employ suitable counsel possessing skills and experience commensurate with the nature of the petition and the complexity of the case, the court shall appoint suitable counsel to represent the Indian child's parent or Indian custodian if the parent or Indian custodian is determined to be financially eligible for the appointment of such counsel.

2. Except as otherwise provided in this subsection, upon presentation of the order of appointment under this section by the attorney for the Indian child, any agency, hospital, school organization, division or department of this State, doctor, nurse or other health care provider, psychologist, psychiatrist, law enforcement agency or mental health clinic shall permit the attorney for the Indian child to inspect and copy any records of the Indian child involved in the case, without the consent of the Indian child or the Indian child's parent or Indian custodian. This subsection does not apply to records of a law enforcement agency relating to an ongoing investigation before bringing charges.

Sec. 36. *1. In any child custody proceeding, if the child is an Indian child, each party has the right to timely examine all reports or other documents held by an agency that are not otherwise subject to a discovery exception or precluded under state or federal law.*

2. The preservation of confidentiality under this section does not relieve the court or any petitioners in an adoption proceeding from the duty to comply with the placement preferences under section 37 of this act if the child is an Indian child.

Sec. 37. *1. Except as otherwise provided in subsection 3, if the parental rights of an Indian child's parents have not been terminated and the Indian child is in need of placement or continuation in substitute care, the child must be placed in the least restrictive setting that:*

(a) Most closely approximates a family, taking into consideration sibling attachment;

(b) Allows the Indian child's special needs, if any, to be met;

(c) Is in reasonable proximity to the Indian child's home, extended family or siblings; and

(d) Is in accordance with the order of preference established by the Indian child's tribe or, if the Indian child's tribe has not established placement preferences, is in accordance with the following order of preference:

(1) A member of the Indian child's extended family;

(2) A foster home licensed, approved or specified by the Indian child's tribe;

(3) A foster home licensed or approved by a licensing authority in this State and in which one or more of the licensed or approved foster parents is an Indian; or

(4) An institution for children that has a program suitable to meet the Indian child's needs and is approved by an Indian tribe or operated by an Indian organization.

2. Except as otherwise provided in subsection 3, if the parental rights of the Indian child's parents have been terminated and the Indian child is in need of an adoptive placement, the Indian child shall be placed:

(a) In accordance with the order of preference established by the Indian child's tribe; or

(b) If the Indian child's tribe has not established placement preferences, according to the following order of preference:

(1) With a member of the Indian child's extended family;

(2) With other members of the Indian child's tribe; or

(3) With other Indian families.

3. If an Indian child is placed outside of the placement preferences set forth in subsection 1 or 2, the party placing the child shall file a motion requesting that the court make a finding that good cause exists for placement outside of such placement preferences. If the court determines that the moving party has established, by clear and convincing evidence, that there is good cause to depart from the placement preferences under this section, the court may authorize placement in an alternative placement. The court's determination under this subsection:

(a) Must be in writing and be based on:

(1) The preferences of the Indian child;

(2) The presence of a sibling attachment that cannot be maintained through placement consistent with the placement preferences established by subsection 1 or 2;

(3) Any extraordinary physical, mental or emotional needs of the Indian child that require specialized treatment services if, despite active efforts, those services are unavailable in the community where families who meet the placement preferences under subsection 1 or 2 reside; or

(4) Whether, despite a diligent search, a placement meeting the placement preferences under this section is unavailable, as determined by the prevailing social and cultural standards of the Indian community in which the Indian child's parent or extended family resides or with which the Indian child's parent or extended family members maintain social and cultural ties.

(b) Must, in applying the placement preferences under this subsection, give weight to a parent's request for anonymity if the placement is an adoptive placement to which the parent has consented.

(c) May be informed by but not determined by the placement request of a parent of the Indian child, after the parent has reviewed the placement

options, if any, that comply with the placement preferences under this section.

(d) May not be based on:

(1) The socioeconomic conditions of the Indian child's tribe;

(2) Any perception of the tribal or United States Bureau of Indian Affairs social services or judicial systems;

(3) The distance between a placement meeting the placement preferences under this section that is located on or near a reservation and the Indian child's parent; or

(4) The ordinary bonding or attachment between the Indian child and a nonpreferred placement arising from time spent in the nonpreferred placement.

Sec. 38. ***1. A petition to vacate an order or a judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights may be filed in a pending child custody proceeding involving the Indian child or, if none, in any court of competent jurisdiction by:***

(a) The Indian child who was alleged to be within the jurisdiction of the court;

(b) The Indian child's parent or Indian custodian from whose custody such child was removed or whose parental rights were terminated; or

(c) The Indian child's tribe.

2. The court shall vacate an order or judgment involving an Indian child regarding jurisdiction, placement, guardianship or the termination of parental rights if the court determines that any provision of section 26 or 27, subsection 2 or 5 of section 31, paragraph (a) or (b) of subsection 3 of section 31, subsection 1 of section 35 or section 36 of this act or, if required, subsection 2 of section 32 or section 33 or 37 of this act has been violated and the court determines it is appropriate to vacate the order or judgment.

3. If the vacated order or judgment resulted in the removal or placement of the Indian child, the court shall order the child immediately returned to the Indian child's parent or Indian custodian and the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

4. If the vacated order or judgment terminated parental rights, the court shall order the previously terminated parental rights to be restored.

5. If the State or any other party affirmatively asks the court to reconsider the issues under the vacated order or judgment, the court's findings or determinations must be readjudicated.

6. As used in this section, "termination of parental rights" includes, without limitation, the involuntary termination of parental rights under chapter 128 or 432B of NRS.

Sec. 39. (Deleted by amendment.)

Sec. 40. NRS 125A.215 is hereby amended to read as follows:

125A.215 1. ~~[A child custody proceeding that pertains to an Indian child as defined in the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq., is not subject to the provisions of this chapter to the extent that the proceeding is governed by the Indian Child Welfare Act.~~

~~2.]~~ A court of this state shall treat ~~[a]~~ ***an Indian*** tribe as if it were a state of the United States for the purpose of applying NRS 125A.005 to 125A.395, inclusive.

~~[3.]~~ ***2.*** A child custody determination made by a tribe under factual circumstances in substantial conformity with the jurisdictional standards of the provisions of this chapter must be recognized and enforced pursuant to NRS 125A.405 to 125A.585, inclusive.

Sec. 41. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 41.5 to 50, inclusive, of this act.

Sec. 41.5. ***1. Notwithstanding any other provision of law, the provisions of sections 42 to 50, inclusive, of this act, do not apply if:***

(a) A parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child;

(b) A family member related within the third degree of consanguinity to an Indian child is adopting the Indian child;

(c) An Indian child who was conceived by means of assisted reproduction is being adopted ; ~~[after being born to a gestational carrier pursuant to a gestational agreement;]~~ or

~~[(c)]~~ (d) An Indian child is being adopted by a stepparent or other nonbiological parent in a confirmatory adoption.

2. As used in this section:

(a) "Assisted reproduction" has the meaning ascribed to it in NRS 126.510.

(b) "Confirmatory adoption" means an adoption in which a nonbiological parent of a child, including, without limitation, a stepparent, co-parent or second parent, adopts the child to confirm the parental rights of the nonbiological parent.

~~[(b)]~~ (c) "Extended family member" has the meaning ascribed to it in section 7 of this act.

~~[(c) "Gestational agreement" has the meaning ascribed to it in NRS 126.570.~~

~~(d) "Gestational carrier" has the meaning ascribed to it in NRS 126.580.]~~

Sec. 42. ***1. In addition to the requirements set forth in NRS 127.110, a petition for adoption of a child must contain:***

(a) ~~[A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, of the petitioner's good faith efforts described in subsection 1 of~~

~~*section 30 of this act, to determine whether there is reason to know that the child is an Indian child;*~~

~~*(b)*~~ *A statement as to whether the petitioner has reason to know that the child is an Indian child; and*

~~*[(c)]*~~ *(b) If the petitioner has reason to know that the child is an Indian child:*

(1) A declaration under penalty of perjury and documentation, as described by the regulations adopted by the Division pursuant to section 49 of this act, showing that the proposed adoptive placement complies with the requirements under section 37 of this act; or

(2) A statement that the petitioner is moving the court under subsection 3 of section 37 of this act for a finding, by clear and convincing evidence, that good cause exists for alternative adoptive placement and a statement describing the details supporting the assertion of the petitioner that good cause exists for the alternative placement, as described in subsection 3 of section 37 of this act.

2. A petition for adoption of a child must, if applicable, request the following:

(a) ~~*[A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act;*~~

~~*(b)*~~ *A finding of whether there is reason to know that the child is an Indian child;*

~~*[(c)]*~~ *and*

(b) If the court finds that the child is an Indian child:

(1) The determinations required under section 24 of this act regarding the Indian child's residence, domicile and wardship status;

(2) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act; and

(3) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if not, that upon the petitioner's motion under subsection 3 of section 37 of this act, good cause exists for placement contrary to the placement preferences in section 37 of this act.

3. If the petitioner has reason to know that the child is an Indian child, within 30 days after filing the petition, the petitioner shall:

(a) Serve copies of the petition by registered or certified mail, return receipt requested, together with the notice of proceeding in the form required under subsection 3 of section 31 of this act, to:

(1) Each tribe of which the Indian child may be a member or in which the Indian child may be eligible for membership;

(2) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents, Indian custodian or tribe cannot be ascertained; and

(3) The appropriate agency which provides child welfare services.

(b) File a declaration of compliance with the court, including a copy of each notice sent, together with any return receipts or other proof of service.

Sec. 43. *1. If a petition for adoption of a child concerns the adoption of an Indian child, except as otherwise provided in subsection 4 and unless the parental rights of the Indian child's parents have been terminated, consent in writing to the adoption must be given by the Indian child's parents. Such written consent must be filed with the court.*

2. An Indian child's parent may consent to the adoption of the Indian child at any time not less than 10 days following the date of the Indian child's birth by executing the consent in person before the court on the record.

3. Before the execution of a parent's consent under subsection 2, the court must explain to the parent on the record in detail and in the language of the parent:

(a) The right to legal counsel;

(b) The terms and consequences of the consent in detail; and

(c) That at any time before the entry of the judgment of adoption, the parent may withdraw consent for any reason and petition the court to have the child returned.

4. After the execution of a parent's consent under subsection 2, the court shall certify that the court made the explanation under subsection 3 and that the parent fully understood the explanation.

5. At any time before the entry of a judgment of adoption, an Indian child's parent may withdraw the parent's consent under this section. The withdrawal of consent must be made by filing the written withdrawal with the court or by making a statement of withdrawal on the record in the adoption proceeding. Upon entry of the withdrawal of consent, the court must promptly notify the person or entity that arranged the adoptive placement to regain custody and control of the Indian child. A parent who withdraws his or her consent may petition the court for the return of the child.

6. As used in this section, "parent" has the meaning ascribed to it in section 14 of this act.

Sec. 44. (Deleted by amendment.)

Sec. 45. *1. If, upon a petition for adoption of a child duly presented and consented to, the court is satisfied as to the identity and relations of the persons, that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is fit and proper that such adoption be effected, a judgment shall be made setting forth the facts and ordering that from the date of the judgment, the child, for all legal intents and purposes, is the child of the petitioner.*

2. A judgment entered under this section must include ~~*[:*~~

~~*(a) A finding that the petitioner complied with the inquiry requirements under subsection 1 of section 30 of this act to determine whether there is reason to know that the child is an Indian child; and*~~

~~*(b) A]*~~ *a finding that the child is or is not an Indian child.*

3. In an adoption of an Indian child, the judgment must include:

(a) The birth name and date of birth of the Indian child, the Indian child's tribal affiliation and the name of the Indian child after adoption;

(b) If known, the names and addresses of the biological parents;

(c) The names and addresses of the adoptive parents;

(d) The name and contact information for any agency having files or information relating to the adoption;

(e) Any information relating to tribal membership or eligibility for tribal membership of the Indian child;

(f) The determination regarding the Indian child's residence, domicile and tribal wardship status as required under section 24 of this act;

(g) A finding that the petitioner complied with the notice requirements under subsection 2 of section 31 of this act;

(h) If the adoptive placement and the parents entered into a post-adoptive contact agreement or the adoptive placement and the Indian child's tribe has entered into an agreement that requires the adoptive placement to maintain connection between the child and the child's tribe, the terms of the agreement; and

(i) A finding that the adoptive placement complies with the placement preferences under section 37 of this act or, if the placement does not comply with the placement preferences under section 37 of this act, a finding upon the petitioner's motion under subsection 3 of section 37 of this act that good cause exists for placement contrary to the placement preferences.

4. For each finding or determination made under this section, the court must provide a description of the facts upon which the finding or determination is based.

5. Upon entry of the judgment of adoption of an Indian child, the court shall provide to the United States ~~[Secretary of the Interior]~~ Bureau of Indian Affairs copies of the judgment entered under this section , ~~[and]~~ any ~~[document]~~ affidavit signed by a consenting parent requesting anonymity ~~[.]~~ , and all other required information in accordance with 25 C.F.R. § 23.140.

Sec. 46. *1. A petition to vacate a judgment of adoption of an Indian child under this chapter may be filed in a court of competent jurisdiction by a parent who consented to the adoption.*

2. Upon the filing of a petition under this section, the court shall set a time for a hearing on the petition and provide notice of the petition and hearing to each party to the adoption proceeding and to the Indian child's tribe.

3. After a hearing on the petition, the court shall vacate the judgment of adoption if:

(a) The petition is filed not later than 2 years following the date of the judgment; and

(b) The court finds by clear and convincing evidence that the parent's consent was obtained through fraud or duress.

4. When the court vacates a judgment of adoption under this section, the court shall also order that the parental rights of the parent whose consent

the court found was obtained through fraud or duress be restored. The order restoring parental rights under this section must include a plan for the physical custody of the Indian child, whether the Indian child will be placed with an agency which provides child welfare services or with the parent.

Sec. 47. *1. If a judgment of adoption of an Indian child under this chapter is vacated, the court vacating the judgment must notify, by registered or certified mail with return receipt requested, the Indian child's former parents, prior Indian custodian, if any, and Indian tribe and the appropriate agency which provides child welfare services.*

2. The notice required under subsection 1 must:

(a) Include the Indian child's current name and any former names as reflected in the court record;

(b) Inform the recipient of the right to move the court for the return of custody of and restoration of parental rights to the Indian child, if appropriate, under this section;

(c) Provide sufficient information to allow the recipient to participate in any scheduled hearings; and

(d) Be sent to the last known address in the court record.

3. An Indian child's former parent or prior Indian custodian may waive notice under this section by executing a waiver of notice in person before the court and filing the waiver with the court. The waiver must clearly set out any conditions to the waiver. Before the execution of the waiver, the court must explain to the former parent or prior Indian custodian, on the record in detail and in the language of the former parent or prior Indian custodian:

(a) The former parent's right to legal counsel, if applicable;

(b) The terms and consequences of the waiver; and

(c) How the waiver may be revoked.

4. After execution of the waiver pursuant to subsection 3, the court shall certify that it provided the explanation as required under subsection 3 and that the former parent or prior Indian custodian fully understood the explanation.

5. At any time before the entry of a judgment of adoption of an Indian child, the former parent or prior Indian custodian may revoke a waiver executed by the former parent or prior Indian custodian pursuant to subsection 3 by filing a written revocation with the court or by making a statement of revocation on the record in a proceeding for the adoption of the Indian child.

6. If a judgment of adoption of an Indian child under this chapter is vacated other than as provided in section 38 of this act, an Indian child's former parent or prior Indian custodian may intervene in the proceeding and move the court for the Indian child to be returned to the custody of the former parent or prior Indian custodian and for the parental rights to the Indian child to be restored. The moving party shall provide by registered or certified mail, return receipt requested, notice of the motion for the Indian child to be returned to the custody of the former parent or prior Indian

custodian and the time set for filing objections to the motion, together with notice of proceeding in the form required under subsection 3 of section 31 of this act to:

(a) The agency which provides child welfare services in the county in which the order was vacated;

(b) Each tribe of which the child may be a member or in which the Indian child may be eligible for membership;

(c) The child's parents;

(d) The child's Indian custodian, if applicable; and

(e) The appropriate Regional Director of the United States Bureau of Indian Affairs listed in 25 C.F.R. § 23.11(b), if the identity or location of the child's parents cannot be ascertained.

➥ The petitioner shall file a declaration of compliance, including a copy of each notice sent under this subsection, together with any return receipts or other proof of service.

7. Upon the filing of an objection to a motion made pursuant to subsection 6, the court shall fix the time for hearing on objections.

8. The court shall order the Indian child to be returned to the custody of the former parent or prior Indian custodian or restore the parental rights to the Indian child unless the court finds, by clear and convincing evidence, that the return of custody or restoration of parental rights is not in the child's best interests, as described in section 20 of this act. If the court orders the Indian child to be returned to the custody of the former parent or prior Indian custodian, the court's order must include a transition plan for the physical custody of the child, which may include protective supervision.

9. As used in this section:

(a) "Former parent" means a person who was previously the legal parent of an Indian child subject to a judgment of adoption under this chapter and whose parental rights have not been restored under section 46 of this act.

(b) "Prior Indian custodian" means a person who was previously the custodian of an Indian child subject to a judgment of adoption of the child under this chapter.

Sec. 48. *1. Notwithstanding any other provision of law, if an Indian child's tribe or the United States Secretary of the Interior requests access to the adoption records of an Indian child, the court must make the records available not later than 14 days following the date of the request.*

2. The records made available under subsection 1 must, at a minimum, include the petition, all substantive orders entered in the adoption proceeding, the complete record of the placement finding and, if the placement departs from the placement preferences under section 37 of this act, detailed documentation of the efforts to comply with the placement preferences.

Sec. 49. *1. In a proceeding for the adoption of a minor child, within 90 days after service of a petition upon the appropriate agency which provides child welfare services as required pursuant to section 42 of this act,*

the agency shall file with the court an ICWA compliance report, which must reflect the agency's review of the petition and advise the court on whether the documentation submitted by the petitioner is sufficient and complete for the court to make the ~~[findings]~~ finding required pursuant to subsection 2. Nothing in this section requires the agency to make a determination of law regarding the documentation provided by the petitioner.

2. ~~[Upon]~~ Except as otherwise provided in this subsection, upon receiving an ICWA compliance report, the court shall order the matter to proceed . ~~[if]~~ If notice is required, the court shall not order the matter to proceed unless the court finds that the petitioner satisfied ~~[the inquiry requirements under subsection 1 of section 30 of this act and, if applicable,]~~ the notice requirements under subsection 2 of section 31 of this act. If the court finds that:

(a) ~~[Subject to the procedures under subsection 3 of section 30 of this act, the]~~ The child is an Indian child, the court's order under this subsection must include a finding regarding whether the proposed adoptive placement complies with the preferences under section 37 of this act. If the court finds that the proposed adoptive placement does not comply with such preferences or that the documentation provided by the petitioner is insufficient for the court to make a finding, the court shall direct the petitioner to amend the petition to cure the deficiency or file a motion under subsection 3 of section 37 of this act, for authority to make the placement contrary to the placement preferences under section 37 of this act.

(b) The petitioner failed to satisfy , ~~[the inquiry requirements under subsection 1 of section 30 of this act or,]~~ if applicable, the notice requirements under subsection 2 of section 31 of this act, or if the documentation supplied by the petitioner is insufficient for the court to make ~~[those findings,]~~ that finding, the court shall direct the petitioner to cure the ~~[inquiry or]~~ notice deficiency and file an amended petition. If the court directs the petitioner to file an amended petition pursuant to this subsection or a motion and the petitioner fails to do so within a reasonable amount of time, the court shall order the petitioner to appear and show cause why the court should not dismiss the petition.

3. The Division shall adopt regulations providing a nonexhaustive description of the documentation that petitioners or moving parties in proceedings under this chapter may submit to the court to document compliance with the ~~[inquiry requirements under subsection 1 of section 30 of this act and]~~ notice requirements under subsection 2 of section 31 of this act and the placement preferences under section 37 of this act, including, without limitation:

(a) Descriptions of the consultations the petitioner or moving party made with the persons described in ~~[subsection 1 of section 30 of this act and]~~ subsection 3 of section 31 of this act and the responses the petitioner or moving party obtained;

(b) Descriptions of any oral responses and copies of any written responses the petitioner or moving party obtained from the persons described in ~~[subsection 1 of section 30 of this act and]~~ subsection 3 of section 31 of this act;

(c) Copies of any identification cards or other records indicating the membership of the child or the child's parent in an Indian tribe;

(d) Copies of any tribal court records regarding the Indian child;

(e) Any reports, declarations or testimony on the record documenting the due diligence of the petitioner or moving party to identify and work with all of the tribes of which the petitioner or moving party has reason to know that the child may be a member or in which the child may be eligible for membership; and

(f) The declaration of compliance regarding the notices the petitioner sent, as described in section 42 of this act.

4. The Division shall adopt any other regulations for the preparation of ICWA compliance reports that are necessary for agencies which provide child welfare services to carry out their duties under this chapter.

5. The Court Administrator may prepare and make available to the public forms and information to assist petitioners to comply with the requirements under this section and sections ~~[30,]~~ 31, 37 and 42 of this act and any related rules or regulations, including, without limitation:

(a) Forms of petitions required under section 42 of this act, motions to request a deviation from the placement preferences under subsection 3 of section 37 of this act and notices required under subsection 3 of section 31 of this act; and

(b) Worksheets and checklists to assist petitioners with ~~[the inquiry required under subsection 1 of section 30 of this act]~~ the notices required under subsection 2 of section 31 of this act, and assessing whether proposed adoptive placements satisfy the preferences under section 37 of this act.

6. The Court Administrator may design and offer trainings to courts having jurisdiction over adoption matters regarding the application of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act to adoptions of minor children, including, without limitation, identifying when there is reason to know that the child is an Indian child and making findings regarding the sufficiency of ~~[inquiry and]~~ notice and the appropriateness of adoptive placements.

7. As used in this section, "ICWA compliance report" means a written report prepared by an agency which provides child welfare services concerning compliance with the Indian Child Welfare Act.

Sec. 50. *1. If the court determines that tribal customary adoption is in the best interests, as described in section 20 of this act, of a ward who is an Indian child and the Indian child's tribe consents to the tribal customary adoption:*

(a) The appropriate agency which provides child welfare services shall provide the Indian child's tribe and proposed tribal customary adoptive

parents with a written report on the Indian child, including, without limitation, to the extent not otherwise prohibited by state or federal law, the medical background, if known, of the Indian child's parents, and the Indian child's educational information, developmental history and medical background, including all known diagnostic information, current medical reports and any psychological evaluations.

(b) The court shall accept a tribal customary adoptive home study conducted by the Indian child's tribe if the home study:

(1) Includes federal criminal background checks, including reports of child abuse, that meet the standards applicable under the laws of this State for all other proposed adoptive placements;

(2) Uses the prevailing social and cultural standards of the Indian child's tribe as the standards for evaluation of the proposed adoptive placement;

(3) Includes an evaluation of the background, safety and health information of the proposed adoptive placement, including the biological, psychological and social factors of the proposed adoptive placement and assessment of the commitment, capability and suitability of the proposed adoptive placement to meet the Indian child's needs; and

(4) Except where the proposed adoptive placement is the Indian child's current foster care placement, is completed before the placement of the Indian child in the proposed adoptive placement.

(c) Notwithstanding subsection 2, the court may not accept the tribe's order or judgment of tribal customary adoption if any adult living in the proposed adoptive placement has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or a crime involving violence. The Division shall, by regulation, define "crime involving violence" for the purposes of this paragraph. The definition must include rape, sexual assault and homicide, but must not include other physical assault or battery.

2. The court shall accept an order or judgment for tribal customary adoption that is filed by the Indian child's tribe if:

(a) The court determines that tribal customary adoption is an appropriate permanent placement option for the Indian child;

(b) The court finds that the tribal customary adoption is in the Indian child's best interests, as described in section 20 of this act; and

(c) The order or judgment:

(1) Includes a description of the modification of the legal relationship of the Indian child's parents or Indian custodian and the Indian child, including any contact between the Indian child and the Indian child's parents or Indian custodian, responsibilities of the Indian child's parents or Indian custodian and the rights of inheritance of the parents and Indian child;

(2) Includes a description of the Indian child's legal relationship with the tribe; and

(3) Does not include any child support obligation from the Indian child's parents or Indian custodian.

➥ The court shall afford full faith and credit to a tribal customary adoption order or judgment that is accepted under this subsection.

3. A tribal customary adoptive parent is not required to file a petition for adoption when the court accepts a tribal customary adoption order or judgment under subsection 2. The clerk of the court may not charge or collect a fee for a proceeding under this subsection.

4. After accepting a tribal customary adoption order or judgment under subsection 2, the court that accepted the order or judgment shall proceed as provided in section 45 of this act and enter a judgment of adoption. In addition to the requirements under section 45 of this act, the judgment of adoption must include a statement that any parental rights or obligations not specified in the judgment are transferred to the tribal customary adoptive parents and a description of any parental rights or duties retained by the Indian child's parents, the rights of inheritance of the parents and Indian child and the Indian child's legal relationship with the child's tribe.

5. A tribal customary adoption under this section does not require the consent of the Indian child or the child's parents.

6. Upon the court's entry of a judgment of adoption under this section, the court's jurisdiction over the Indian child terminates.

7. Any parental rights or obligations not specifically retained by the Indian child's parents in the judgment of adoption are conclusively presumed to transfer to the tribal customary adoptive parents.

8. This section remains operative only to the extent that compliance with the provisions of this section do not conflict with federal law as a condition of receiving funding under Title IV-E of the Social Security Act, 42 U.S.C. §§ 601 et seq.

9. The Division shall adopt regulations requiring that any report regarding a ward who is an Indian child that an agency which provides child welfare services submits to the court, including any home studies, placement reports or other reports required by law must address tribal customary adoption as a permanency option. The Supreme Court may adopt rules necessary for the court processes to implement the provisions of this section, and the Court Administrator may prepare necessary forms for the implementation of this section.

10. As used in this section, "tribal customary adoption" means the adoption of an Indian child, by and through the tribal custom, traditions or law of the child's tribe, and which may be effected without the termination of parental rights.

Sec. 51. NRS 127.003 is hereby amended to read as follows:

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

1. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

2. "Division" means the Division of Child and Family Services of the Department of Health and Human Services.

3. "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.~~

~~4. "Indian Child Welfare Act" means the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.]~~ ***section 9 of this act.***

Sec. 51.5. (Deleted by amendment.)

Sec. 52. NRS 127.010 is hereby amended to read as follows:

127.010 Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the district courts of this State have original jurisdiction in adoption proceedings.

Sec. 53. NRS 127.018 is hereby amended to read as follows:

127.018 1. ~~[Unless the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***Except as otherwise provided in sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act,*** a child of whom this State:

(a) Is the home state on the date of the commencement of the proceeding; or

(b) Was the home state within 6 months before the commencement of the proceeding,

➥ may not be adopted except upon an order of a district court in this State.

2. As used in this section, "home state" means:

(a) The state in which a child lived for at least 6 consecutive months, including any temporary absence from the state, immediately before the commencement of a proceeding; or

(b) In the case of a child less than 6 months of age, the state in which the child lived from birth, including any temporary absence from the state.

Sec. 54. NRS 127.053 is hereby amended to read as follows:

127.053 No consent to a specific adoption executed in this State, or executed outside this State for use in this State, is valid unless it:

1. Identifies the child to be adopted by name, if any, sex and date of birth.

2. Is in writing and signed by the person consenting to the adoption as required in this chapter.

3. Is acknowledged by the person consenting and signing the consent to adoption in the manner and form required for conveyances of real property.

4. Contains, at the time of execution, the name of the person or persons to whom consent to adopt the child is given.

5. ***Indicates whether the person giving the consent has reason to know that the child is an Indian child and, if the person does not have reason to know that the child is an Indian child, includes a statement that the person will inform the court immediately if, before the entry of the judgment of adoption under section 45 of this act, the person receives information that provides reason to know that the child is an Indian child.***

6. Is attested by at least two competent, disinterested witnesses who subscribe their names to the consent in the presence of the person consenting.

If neither the petitioner nor the spouse of a petitioner is related to the child within the third degree of consanguinity, then one of the witnesses must be a social worker employed by:

(a) An agency which provides child welfare services;

(b) An agency licensed in this state to place children for adoption;

(c) A comparable state or county agency of another state; or

(d) An agency authorized under the laws of another state to place children for adoption, if the natural parent resides in that state.

Sec. 55. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.

(i) Whether the ***petitioners have reason to know that the*** child is ~~[known to be]~~ an Indian child.

(j) That there are no known signs that the child is currently experiencing victimization from human trafficking, exploitation or abuse.

3. ~~[No]~~ ***Except as otherwise provided in sections 17.5 and 41.5 of this act, no*** order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive ~~[.]~~ ***, and the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 56. NRS 128.020 is hereby amended to read as follows:

128.020 Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the district courts have jurisdiction in all cases and proceedings under this chapter. The jurisdiction of the district courts extends to any child who should be declared free from the custody and control of either or both of his or her parents.

Sec. 57. NRS 128.023 is hereby amended to read as follows:

128.023 1. ~~[If]~~ ***Except as otherwise provided in subsection 3, if*** proceedings pursuant to this chapter involve the termination of parental rights of the parent of an Indian child, the court shall ~~[~~:

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~(c) If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.~~] ***require that notice of the proceedings and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.***

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent; and

(b) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

➥ as provided in the Indian Child Welfare Act.

3. The provisions of this section do not apply if a parent of an Indian child is voluntarily terminating his or her parental rights and the provisions of chapter 432B of NRS do not apply, and an extended family member of the Indian child is subsequently adopting the Indian child upon the termination of the parental rights of the parent of the Indian child. As used in this subsection, "extended family member" has the meaning ascribed to it in section 7 of this act.

Sec. 58. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to ....., a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of the parents of the child.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of the child's legal guardian, if there is one.

(f) The name and residence of the child's nearest known relative, if no parent or guardian can be found.

(g) Whether the ***petitioner has reason to know that the*** child is ~~[known to be]~~ an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.

5. If the petitioner or the child is receiving public assistance, the petition must so state.

Sec. 59. NRS 3.223 is hereby amended to read as follows:

3.223 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act of 1978, 25 U.S.C. §§ 1901 et seq.,]~~ ***as otherwise provided in section 26 of this act,*** in each judicial district in which it is established, the family court has original, exclusive jurisdiction in any proceeding:

(a) Brought pursuant to title 5 of NRS or chapter 31A, 123, 125, 125A, 125B, 125C, 126, 127, 128, 129, 130, 159A, 425 or 432B of NRS, except to the extent that a specific statute authorizes the use of any other judicial or administrative procedure to facilitate the collection of an obligation for support.

(b) Brought pursuant to NRS 442.255 and 442.2555 to request the court to issue an order authorizing an abortion.

(c) For judicial approval of the marriage of a minor.

(d) Otherwise within the jurisdiction of the juvenile court.

(e) To establish the date of birth, place of birth or parentage of a minor.

(f) To change the name of a minor.

(g) For a judicial declaration of the sanity of a minor.

(h) To approve the withholding or withdrawal of life-sustaining procedures from a person as authorized by law.

(i) Brought pursuant to NRS 433A.200 to 433A.330, inclusive, for an involuntary court-ordered admission to a mental health facility.

(j) Brought pursuant to NRS 433A.335 to 433A.345, inclusive, to require a person to receive assisted outpatient treatment.

(k) Brought pursuant to NRS 441A.505 to 441A.720, inclusive, for an involuntary court-ordered isolation or quarantine.

2. The family court, where established and, except as otherwise provided in paragraph (m) of subsection 1 of NRS 4.370, the justice court have concurrent jurisdiction over actions for the issuance of a temporary or extended order for protection against domestic violence.

3. The family court, where established, and the district court have concurrent jurisdiction over any action for damages brought pursuant to NRS 41.134 by a person who suffered injury as the proximate result of an act that constitutes domestic violence.

Sec. 60. NRS 7.285 is hereby amended to read as follows:

7.285 1. ~~[A]~~ ***Except as otherwise provided in section 34 of this act, a*** person shall not practice law in this state if the person:

(a) Is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state pursuant to the rules of the Supreme Court; or

(b) Is suspended or has been disbarred from membership in the State Bar of Nevada pursuant to the rules of the Supreme Court.

2. A person who violates any provision of subsection 1 is guilty of:

(a) For a first offense within the immediately preceding 7 years, a misdemeanor.

(b) For a second offense within the immediately preceding 7 years, a gross misdemeanor.

(c) For a third and any subsequent offense within the immediately preceding 7 years, a category E felony and shall be punished as provided in NRS 193.130.

3. The State Bar of Nevada may bring a civil action to secure an injunction and any other appropriate relief against a person who violates this section.

Sec. 61. NRS 62A.160 is hereby amended to read as follows:

62A.160 "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.]~~ ***section 9 of this act.***

Sec. 62. NRS 62D.210 is hereby amended to read as follows:

62D.210 1. If a proceeding conducted pursuant to the provisions of this title involves the placement of an Indian child into foster care, the juvenile court shall ~~[:~~

~~(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act or, if a tribe declines or is unable to exercise jurisdiction, exercise jurisdiction as provided in the Indian Child Welfare Act.]~~ ***require that notice of the proceeding and any other notice required pursuant to this chapter be provided in accordance with section 31 of this act.***

2. If the juvenile court determines that the parent of an Indian child for whom foster care is sought is indigent, the juvenile court, as provided in the Indian Child Welfare Act:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney.

Sec. 63. (Deleted by amendment.)

Sec. 64. NRS 432B.067 is hereby amended to read as follows:

432B.067 "Indian child" has the meaning ascribed to it in ~~[25 U.S.C. § 1903.]~~ ***section 9 of this act.***

Sec. 65. NRS 432B.190 is hereby amended to read as follows:

432B.190 The Division of Child and Family Services shall, in consultation with each agency which provides child welfare services, adopt:

1. Regulations establishing reasonable and uniform standards for:

(a) Child welfare services provided in this State;

(b) Programs for the prevention of abuse or neglect of a child and the achievement of the permanent placement of a child;

(c) The development of local councils involving public and private organizations;

(d) Reports of abuse or neglect, records of these reports and the response to these reports;

(e) Carrying out the provisions of NRS 432B.260, including, without limitation, the qualifications of persons with whom agencies which provide child welfare services enter into agreements to provide services to children and families;

(f) The management and assessment of reported cases of abuse or neglect;

(g) The protection of the legal rights of parents and children;

(h) Emergency shelter for a child;

(i) The prevention, identification and correction of abuse or neglect of a child in residential institutions;

(j) Developing and distributing to persons who are responsible for a child's welfare a pamphlet that is written in language which is easy to understand, is available in English and in any other language the Division determines is appropriate based on the demographic characteristics of this State and sets forth:

(1) Contact information regarding persons and governmental entities which provide assistance to persons who are responsible for the welfare of children, including, without limitation, persons and entities which provide assistance to persons who are being investigated for allegedly abusing or neglecting a child;

(2) The procedures for taking a child for placement in protective custody; and

(3) The state and federal legal rights of:

(I) A person who is responsible for a child's welfare and who is the subject of an investigation of alleged abuse or neglect of a child, including, without limitation, the legal rights of such a person at the time an agency which provides child welfare services makes initial contact with the person in the course of the investigation and at the time the agency takes the child for placement in protective custody, and the legal right of such a person to be informed of any allegation of abuse or neglect of a child which is made against the person at the initial time of contact with the person by the agency; and

(II) Persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding; and

(k) Making the necessary inquiries required pursuant to NRS 432B.397 to determine whether a child is an Indian child.

2. Regulations, which are applicable to any person who is authorized to place a child in protective custody without the consent of the person responsible for the child's welfare, setting forth reasonable and uniform standards for establishing whether immediate action is necessary to protect the child from injury, abuse or neglect for the purposes of determining whether to place the child into protective custody pursuant to NRS 432B.390. Such

standards must consider the potential harm to the child in remaining in his or her home, including, without limitation:

(a) Circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm.

(b) The conditions or behaviors of the child's family which threaten the safety of the child who is unable to protect himself or herself and who is dependent on others for protection, including, without limitation, conditions or behaviors that are beyond the control of the caregiver of the child and create an imminent threat of serious harm to the child.

➥ The Division of Child and Family Services shall ensure that the appropriate persons or entities to whom the regulations adopted pursuant to this subsection apply are provided with a copy of such regulations. As used in this subsection, "serious harm" includes the threat or evidence of serious physical injury, sexual abuse, significant pain or mental suffering, extreme fear or terror, extreme impairment or disability, death, substantial impairment or risk of substantial impairment to the child's mental or physical health or development.

3. Regulations establishing procedures for:

(a) Expeditiously locating any missing child who has been placed in the custody of an agency which provides child welfare services;

(b) Determining the primary factors that contributed to a child who has been placed in the custody of an agency which provides child welfare services running away or otherwise being absent from foster care, and to the extent possible and appropriate, responding to those factors in current and subsequent placements; and

(c) Determining the experiences of a child who has been placed in the custody of an agency which provides child welfare services during any period the child was missing, including, without limitation, determining whether the child may be a victim of sexual abuse or sexual exploitation.

4. Such other regulations as are necessary for ~~[the]~~ ***:***

(a) The administration of NRS 432B.010 to 432B.606, inclusive.

(b) The implementation of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 66. (Deleted by amendment.)

Sec. 67. NRS 432B.397 is hereby amended to read as follows:

432B.397 1. The agency which provides child welfare services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries ~~***[in accordance with subsection 1 of section 30 of this act]***~~ to determine whether ***there is reason to know that*** the child is an Indian child. The agency shall report that determination to the court.

2. An agency which provides child welfare services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act ~~[.]~~ ***, sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.***

Sec. 68. NRS 432B.410 is hereby amended to read as follows:

432B.410 1. Except ~~[if the child involved is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act,]~~ ***as otherwise provided in section 26 of this act,*** the court has exclusive original jurisdiction in proceedings concerning any child domiciled, living or found within the county who is a child in need of protection or may be a child in need of protection.

2. Action taken by the court because of the abuse or neglect of a child does not preclude the prosecution and conviction of any person for violation of NRS 200.508 based on the same facts.

Sec. 69. NRS 432B.425 is hereby amended to read as follows:

432B.425 If proceedings pursuant to this chapter involve the protection of an Indian child, the court shall ~~[:~~

~~1. Cause the Indian child's tribe to be notified in writing at the beginning of the proceedings in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.~~

~~2. Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.~~

~~3. If a tribe declines or is unable to exercise jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.]~~ ***require that notice of the proceedings and any other notice required by this chapter be provided in accordance with section 31 of this act.***

Sec. 70. NRS 432B.5902 is hereby amended to read as follows:

432B.5902 1. After a motion for the termination of parental rights is filed pursuant to NRS 432B.5901, unless a party to be served voluntarily appears and consents to the hearing, and except as otherwise provided in subsection 3, a copy of the motion and notice of the hearing must be served, either together or separately, upon all parties to the proceeding by personal service or, if the whereabouts of the person are unknown, obtaining an order from the court that service may be made by publication in accordance with the procedure set forth in subsections 1, 4 and 5 of NRS 128.070 and subsection 2.

2. If a court orders that service be made by publication pursuant to subsection 1 and the person to be served by publication has a last known address, personal service must also be attempted before service of the notice is deemed to be complete. The court order must direct the publication to be made in a newspaper designated by the court at least once every week for a period of 4 weeks. If personal service is also attempted, service of the notice shall be deemed to be complete at the expiration of such a period. The provisions of this subsection and subsection 1 must not be construed to preclude personal service and service by publication from being attempted simultaneously.

3. Service shall be deemed to be complete if a party to be served appears in court for a hearing held pursuant to this chapter and the court provides the

party with a copy of the motion, notifies the party of the date of the hearing on the motion and records such service.

4. Except as otherwise provided in subsection 5, a copy of the motion and notice of the hearing on the motion must be sent by certified mail to:

(a) The attorneys and any guardians ad litem for the child and the parent of the child who is the subject of the motion;

(b) If ~~[applicable, each Indian tribe of]~~ the child who is ~~[the]~~ subject ~~[of]~~ ***to*** the ~~[motion, in accordance with NRS 128.023;]~~ ***motion is known to be an Indian child, the child's Indian tribe;*** and

(c) Any known relative of the child who is the subject of the motion within the fifth degree of consanguinity who is residing in this State.

5. If an attorney has consented to electronic service, a copy of the motion and notice of the hearing on the motion may be sent to the attorney electronically instead of by certified mail.

6. The court shall ensure that any prospective adoptive parent of the child who is the subject of the motion is provided with a copy of the notice of the hearing on the motion. Except as otherwise provided in NRS 432B.5904 or another provision of law, the name and address of the prospective adoptive parent must be kept confidential.

7. Any party to the proceeding may file a written response to the motion.

Sec. 71. The provisions of subsection 3 of section 25 of this act apply to tribal-state agreements entered into or renewed on or after January 1, 2024.

Sec. 72. Not later than September 15, 2024, and each even-numbered year thereafter, the Division of Child and Family Services of the Department of Health and Human Services and the Court Administrator shall report to the Chairs of the Senate and Assembly Standing Committees on Judiciary regarding, as applicable:

1. The number of Indian children involved in dependency proceedings during the prior 2-year period.

2. The average duration Indian children were in protective custody.

3. The ratio of Indian children to non-Indian children in protective custody.

4. Which tribes the Indian children in protective custody were members of or of which they were eligible for membership.

5. The number of Indian children in foster care who are in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

6. The number of Indian children placed in adoptive homes in each of the placement preference categories described in section 37 of this act and the number of those placements that have Indian parents in the home.

7. The number of available placements and common barriers to recruitment and retention of appropriate placements.

8. The number of times the court found that good cause existed to deviate from the statutory placement preferences under section 37 of this act, when

making a finding regarding the placement of a child in a dependency proceeding.

9. The number of cases that were transferred to tribal court under section 28 of this act.

10. The number of times the court found good cause to decline to transfer jurisdiction of a dependency proceeding to tribal court upon request and the most common reasons the court found good cause to decline a transfer petition.

11. The efforts the Division and the Court Administrator have taken to ensure compliance with the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act in dependency proceedings.

12. The number of ICWA compliance reports in which an agency which provides child welfare services reported the petitioner's documentation was insufficient for the court to make a finding regarding whether the petitioner complied with the ~~[inquiry requirements under subsection 1 of section 30 of this act and]~~ notice requirements under subsection 2 of section 31 of this act. As used in this subsection:

(a) "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

(b) "ICWA compliance report" has the meaning ascribed to it in section 49 of this act.

Sec. 73. Not later than March 15, 2025, the Division of Child and Family Services of the Department of Health and Human Services shall submit a report to the Chairs of the Senate and Assembly Standing Committees on Judiciary describing the Division's implementation of tribal customary adoption as described in section 50 of this act as an alternative permanency option for wards who are Indian children and the Division's recommendation for proposed legislation to improve the tribal customary adoption process.

Sec. 74. 1. A court shall give full faith and credit to the public acts, records and judicial proceedings of an Indian tribe applicable to an Indian child in a child custody proceeding.

2. As used in this section, "child custody proceeding" has the meaning ascribed to it in section 4 of this act.

Sec. 75. 1. If any provision of sections 2 to 38, inclusive, of this act or sections 42 to 50, inclusive, of this act is found to provide a lower standard of protection to the rights of an Indian child or the Indian child's parent, Indian custodian or tribe than that provided in the Indian Child Welfare Act:

(a) The higher standard of protection in the Indian Child Welfare Act controls; and

(b) It shall not serve to render inoperative any remaining provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act that may be held to provide a higher standard of protection than that provided in the Indian Child Welfare Act.

2. As used in this section, "Indian Child Welfare Act" means the federal Indian Child Welfare Act, 25 U.S.C. §§ 1901 et seq., and any related regulations.

Sec. 76. The Court Administrator may adopt any rules necessary to implement the provisions of sections 2 to 38, inclusive, of this act and sections 42 to 50, inclusive, of this act.

Sec. 77. 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. 78. NRS 62D.200, 127.013, 127.017, 128.027, 432B.451 and 432B.465 are hereby repealed.

Sec. 79. This act becomes effective:

1. 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
2. On January 1, 2024, for all other purposes.

LEADLINES OF REPEALED SECTIONS

62D.200 Full faith and credit given to proceedings of Indian tribe.

127.013 Transfer of proceedings to Indian tribe.

127.017 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

128.027 Extent to which court must give full faith and credit to judicial proceedings of Indian tribe.

432B.451 Qualified expert witness required in proceeding to place Indian child in foster care.

432B.465 Full faith and credit to judicial proceedings of Indian tribe.

Assemblywoman Brittney Miller moved that the Assembly do not concur in the Senate Amendment No. 730 to Assembly Bill No. 444.

Motion carried.

Bill ordered transmitted to the Senate.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 144 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 144 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 144 ("AB 144"), which is titled as follows:

> AN ACT relating to lighting products; prohibiting the sale, offer to sell or distribution of compact fluorescent lamps and linear fluorescent lamps; authorizing the Attorney General to bring a civil action against a person who has repeatedly violated such a

prohibition; providing a civil penalty; and providing other matters properly relating thereto.

AB 144 is yet another example of an unnecessary, strict regulation that eliminates consumer choice without any immediate need to do so. Currently, the U.S. Energy Information Administration notes that nearly half of U.S. households use LED light bulbs for all or most of their indoor lighting.

AB 144 provides harsh civil penalties payable to the State for each sale, offer to sell, or distribution of fluorescent lights and, moreover, penalizes the use of fluorescent lights by the day. Given the clear trend in consumer preferences toward LED lighting, this bill does little more than strictly penalize those who have not yet elected to use LED lights.

Since AB 144's primary emphasis is to provide severe, inflexible civil penalties for those who have not yet chosen to, or are otherwise unable to, comply with its provisions, I cannot support it.

For these reasons, I veto this bill and return it to you without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 144 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 235 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 235 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 235 ("AB 235"), which is titled as follows:

AN ACT relating to governmental administration; requiring the payment of prevailing wages to workers who perform custom fabrication on a public work or for certain performance contracts of local governments or state agencies; and providing other matters properly relating thereto.

AB 235 significantly expands Nevada's prevailing wage definition in a manner that will only serve to increase costs on prefabrication projects–with all those costs inevitably being absorbed by Nevadan taxpayers.

One of AB 235's most glaring issues is that most prefabricated components come from vendors from out-of-state or, at the very least, away from the project site. Local governments here, imposing Nevada's prevailing wage standards on workers from other states, or even other countries, is untenable due to the difficulties associated with verifying various worker's classifications and hours worked in those jurisdictions. It is untenable to expose local governments to potential costly litigation because of difficulties associated with other locales.

Since AB 235 primarily serves to make it more difficult to build and efficiently manage certain critical infrastructure projects in Nevada, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 235 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 251 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 251 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 251 ("AB 251"), which is titled as follows:

> AN ACT relating to pharmacy; revising requirements governing the language in which certain information relating to a prescription must be provided to a patient; and providing other matters properly relating thereto.

AB 251 is well-intended in that it aims to increase the accessibility of pharmacy services for those who are more comfortable using a language other than English. That said, requiring every pharmacy in Nevada–from independently owned establishments to Fortune 10 companies–to provide information in each of the ten of the most spoken languages at-home in the State is an unnecessarily onerous burden. Not only is this law burdensome, it also provides no clarity about whether and how pharmacists should provide verbal instructions regarding certain prescriptions as may otherwise be required by law.

Since AB 251 creates an unnecessary burden on pharmacies across our State, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 251 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 282 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 282 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 282 ("AB 282"), which is titled as follows:

> AN ACT relating to substitute teachers; requiring school districts to provide certain substitute teachers with a subsidy for the purchase of health insurance coverage; and providing other matters properly relating thereto.

AB 282 is a well-intended measure which aims to make health insurance more accessible for substitute teachers across Nevada. The bill provides for a payment to full-time substitute teachers of a health insurance subsidy of at least $450 per month after the 30th consecutive day of teaching. After qualifying for a subsidy, the full-time substitute teacher continues to receive the subsidy until they have not taught for 45 consecutive days, did not teach at least 70 percent of the instructional school days in a month, or fail to provide proof they have purchased a health insurance policy.

It is true that many school districts have relied upon long-term full-time substitute teachers to maintain their teaching workforce. Addressing the compensation of those substitute teachers who are responsible for providing classroom instruction to students is essential to keeping them coming back to the classroom. However, these are still temporary employees. Further, the definition of full-time substitute teacher is overly broad and does not address the number of hours a substitute must teach each day to be considered full-time. Some districts offer health insurance to long-term full-time substitute teachers after they have been teaching for an extended period of time. Using that approach, the substitute teachers are treated more like regular employees than temporary ones.

There are also some technical issues with the bill. For instance, health insurance subsidies for employees are almost always "pre-tax", meaning they are reduced from gross income before tax withholdings are calculated. These subsidies would be taxable to the substitute teacher, reducing their overall value as they would be subject to withholdings for federal taxes and Social Security. Further, the substitute teacher must provide "proof of purchase" of a health insurance plan within 30 days of receiving the subsidy. Some of these individuals may already have health insurance through a spouse which they did not "purchase". It is unclear from the bill language whether those individuals would qualify for the subsidy. This bill also does not address or require the same benefit for full-time substitute teachers at charter schools creating a disparity between such teachers based on where they teach.

Lastly, in addition to the cost of actually providing this benefit, there is an administrative burden for the school districts associated with keeping track of who qualifies at which time and when the qualification period ends. Since this will be different for each substitute teacher, much of this will be a manual process unlike the automated payroll processes for permanent employees.

School districts and substitute teachers would be better off if the daily rate for substitute teachers was increased. ft would compensate the substitute teachers more appropriately without the added administrative burden put in place with this bill.

For these reasons, I veto this bill and return it to without my signature or approval

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 282 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 298 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 298 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 298 ("AB 298"), which is titled as follows:

> AN ACT relating to real property; requiring, under certain circumstances, a landlord who collects from a prospective tenant any fee to apply to rent a dwelling unit to return such fees; prohibiting a landlord from collecting certain application fees for a minor in the household of a prospective tenant; requiring any written agreement for the use and occupancy of a dwelling unit or premises to contain separate appendices relating to fees and tenant rights; making it unlawful for a landlord or certain other persons to charge a tenant certain fees; temporarily prohibiting a landlord from entering into a rental agreement with certain existing tenants that increases the rent due from the tenant by more than a certain amount; and providing other matters properly relating thereto.

AB 298 is an unreasonable restraint on standard business activity. Under AB 298, a lessor would be prevented from collecting, and retaining, any fee relating to the rental of a dwelling unit. Further, it creates increased requirements for providing certain appendixes regarding both fees and rights associated with tenancy. Though the bill is admirably intended to increase transparency in the rental process, it is needlessly heavy-handed in its approach.

Since this bill is too rigid in its approach to addressing suspect pre-contract lessor practices, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 298 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 359 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 359 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 359 ("AB 359"), which is titled as follows:

> AN ACT relating to taxation; revising provisions governing the effectuation of additional annual increases in certain taxes imposed on fuels for motor vehicles in certain larger counties; and providing other matters properly relating thereto.

Ensuring well-maintained roads for Clark County residents and visitors is an important goal. However, the mechanism proposed in AB 359–circumventing an affirmative vote of the people–is concerning to me. The arguments in favor of fuel revenue indexing are compelling, but a decision on this issue, which impacts household budgets every day, is most appropriately rendered by the voters.

There is no question that the increasing number of hybrid and electric vehicles is diminishing fuel tax revenues, shifting the cost burden for keeping our roads in good repair to those driving vehicles powered by traditional gasoline engines. The high upfront cost for the most fuel-efficient vehicles is a significant barrier to many Nevadans, leaving those with fewer resources shouldering a disproportionate share of the expense for the care and upkeep of our transportation infrastructure. AB 359 does not adequately address how to ensure that all drivers contribute fairly towards the shared resource of well-maintained streets.

The current, voter-authorized fuel revenue indexing does not expire until 2026, leaving sufficient time for further consideration of solutions that more equitably allocate responsibility for roadway improvements among all users.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 359 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 366 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 366 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 366 ("AB 366"), which is titled as follows:

> AN ACT relating to governmental administration; moving the Keep Nevada Working Task Force from the Office of the Lieutenant Governor to the Office of the Secretary of State; revising the membership of the Task Force; and providing other matters properly relating thereto.

AB 366 would remove the Keep Nevada Working Task Force from the Office of the Lieutenant Governor and instead place the Task Force under the purview of the Secretary of State. The Task Force should move, but it should be located within the Department of Workforce created under SB 431.

Since AB 366 removes the Keep Nevada Working Task Force from a workforce and economic development-related office to an elections and records-related office, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 366 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 394 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 394 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 394 ("AB 394"), which is titled as follows:

> AN ACT relating to elections; requiring the Secretary of State to adopt regulations that prescribe the procedure to be used if the abstract or certification of results for any election is not timely prepared or transmitted; prohibiting, with certain exceptions, the counting of ballots more than once; and providing other matters properly relating thereto.

AB 394 is an overreach into the conduct of duly elected county officials and prevents county clerks from using their discretion to determine the most effective way to ensure confidence and security in their election processes.

Specifically, AB 394's total prohibition on counting ballots a second time, unless during an audit or recount, is unfathomable. The most important goal while counting votes should be to ensure that each vote counts the way the voter intended. If certain counties are convinced that counting their votes a second time increases accuracy in their process, the law should not restrict them from so counting.

Since AB 394 does nothing to address the common sense electoral reforms contained in SB 405, my Election Integrity Act, and only serves to decrease voter confidence that their vote will be counted as cast, I cannot support it.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 394 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 456 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 456 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 456 ("AB 456"), which is titled as follows:

> AN ACT relating to railroads; establishing requirements for the installation and operation of wayside detector systems; requiring a stopped train or other equipment to be cut, separated or moved to clear a railroad grade crossing upon the approach of an emergency vehicle; providing a civil penalty; prohibiting the operation in this State of certain trains that are more than 7,500 feet long on certain railroad tracks; and providing other matters properly relating thereto.

AB 456 is presumably intended to decrease the likelihood of catastrophic train accidents like the one that began in East Palestine, Ohio in February this year. Our State's goal is certainly to have no similar accident occur here. The bill provides that no commercial train's operational length may exceed 7,500 feet in the state of Nevada. Aside from being another policy overreach from the Legislature, it is also far from certain the constitutionality of AB 465 would be upheld in Court. Supreme Court precedent dating back to 1945 demonstrates the Court's firm opposition to laws that affect interstate commerce where the state interest is outweighed by the nation's interest "in an adequate, economical and efficient railway transportation service, which must prevail." *Southern Pacific* Co. *v. Arizona*, 325 U.S. 761, 783-84 (1945).

Though mostly well-intended, since this bill's prohibition on commercial trains greater in length than 7,500 feet is unlikely to withstand litigation, I cannot support it.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 456 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 464 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

May 31, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 464 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 464 (AB 464), which is titled as follows:

> AN ACT making an appropriation to the Legislative Fund for the costs of project development and initial operating expenses relating to anticipated building renovations and construction; and providing other matters properly relating thereto.

Assembly Bill 464 appropriates $1,550,000 for development and initial operating expenses relating to anticipated building renovations and construction. Pursuant to testimony provided during the Senate Finance Committee on May 15, 2023, some of this funding may be used for projects related to the acquisition of property in Clark County, the purchase of which has not yet been approved by the Legislature.

The testimony provided for this bill was also not clear whether this funding is included in the Legislative Capital Improvement Program approved by the Legislature.

When the Executive Branch submits a capital improvement project, it includes a detailed breakout of costs and a summary of the project. The Legislature provides only a single line on a sheet of paper.

I believe that when it comes to the expenditure of public funds, the Legislative Branch should be held to the same standard of transparency and accountability they demand from the Executive Branch.

Until there is sufficient detail supporting the request in this bill, I cannot support Assembly Bill 464.

For these reasons, I veto this bill and return it to without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 464 be placed on the Chief Clerk's Desk.

Motion carried.

Vetoed Assembly Bill No. 520 of the 82nd Session.

Governor's message stating his objections read.

OFFICE OF THE GOVERNOR

June 1, 2023

THE HONORABLE STEVE YEAGER, SPEAKER OF THE NEVADA STATE ASSEMBLY, Nevada Legislature, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 520 of the 82nd Legislative Session

DEAR SPEAKER YEAGER:

I am forwarding to you, for filing within the time limit set forth in the Nevada Constitution and without my approval, Assembly Bill 520 ("AB 520"), which is titled as follows:

> AN ACT relating to state financial administration; making appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the 2023-2025 biennium; providing for the use of the money so appropriated; making various other changes relating to the financial administration of the State; and providing other matters properly relating thereto.

AB520 appropriates State General Fund and Highway Fund dollars to support the civil government of the State of Nevada. These appropriations fund a wide range of services from health care to K-12 and higher education to public safety as well as the administration of the three branches of State government. This budget largely reflects the priorities I proposed in my recommended budget, and I am grateful for the hard work of the Legislature. With that said, I made it clear in my State of the State address that fiscal balance and responsibility would be paramount in my administration. AB 520 falls short in a number of important areas.

It spends more and saves less. It utilizes one-time money to fund recurring programs, and it creates the potential for Nevada to face a fiscal cliff. These undisciplined budgeting practices create an unacceptable level of risk for the people of Nevada.

I acknowledge that the Legislature's recommended budget will reflect legislative priorities, some of which may differ from my own. Among the additions included in AB 520 is 78 percent increase in funding for the Legislative Branch of government. Perhaps more troubling than the absolute value of this increase is a lack of detail around the Legislature's proposed spending increase. I believe accountability and transparency should not only be imposed, but embraced, by our state's lawmakers.

I am also mindful that there are critical budget policy issues that remain unresolved and are beyond the scope of AB 520. This includes the need to increase the Account to Stabilize the Operations of State Government, or the State Rainy Day Fund, from 20 percent to 30 percent of operating appropriations. Fully funding this account is necessary to ensure we have the reserves needed to manage the State through the inevitable cycles of the economy.

In the short time remaining in the 2023 Session, I encourage the Legislature to revisit the elements of AB 520 and forward a revised budget that better balances our wants for today with our needs of tomorrow.

For these reasons, I veto this bill and return it without my signature or approval.

Respectfully submitted,
JOE LOMBARDO
Governor of Nevada

Bill read.

Assemblywoman Jauregui moved that Assembly Bill No. 520 be placed on the Chief Clerk's Desk.

Motion carried.

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

Assembly in recess at 1:19 p.m.

ASSEMBLY IN SESSION

At 6:36 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ELAINE MARZOLA, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 342, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SHANNON BILBRAY-AXELROD, *Chair*

Mr. Speaker:

Your Committee on Growth and Infrastructure, to which was referred Senate Bill No. 205, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

HOWARD WATTS, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SARAH PETERS, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, to which was referred Senate Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, to which was referred Senate Bill No. 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LESLEY E. COHEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2023

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 99.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 98, 231, 241, 451.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 707 to Senate Bill No. 180.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 524 be taken from the Chief Clerk's Desk and placed at the top of the General File

Motion carried.

Assemblywoman Jauregui moved that Senate Bills Nos. 277 and 301 be taken from their positions on the General File and placed at the bottom of the General File

Motion carried.

Assemblywoman Torres moved to rescind the action whereby the Assembly did not concur with Senate Amendment No. 693 to Assembly Bill No. 305.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 305.

The following Senate amendment was read:

Amendment No. 693.

AN ACT relating to public works; requiring **, with certain exceptions,** a contractor or subcontractor to comply with certain requirements relating to the use of apprentices who are women on a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a contractor or subcontractor engaged in: (1) vertical construction who employs a worker on a public work to use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed; and (2) horizontal construction who employs a worker on a public work to use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. (NRS 338.01165) **Section 1** of this bill requires that, to the extent practicable: (1) at least 2 percent of the hours of labor for vertical construction that is required to be performed by apprentices must be performed by women; and (2) at least 1 percent of the hours of labor for horizontal construction that is required to be performed by apprentices must be performed by women. **Section 1 also requires the State Apprenticeship Council to review, at least once every 2 years, the policies of an apprenticeship program that does not provide enough apprentices who are women to enable a contractor or subcontractor to meet the percentage of hours of labor required to be performed by women.** **Section 2** of this bill provides that such requirements do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

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

Section 1. NRS 338.01165 is hereby amended to read as follows:

338.01165 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in vertical construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 10 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are employed. ***To the extent practicable, at least 2 percent of the hours of labor that is required to be performed by apprentices must be performed by women. For purposes of this subsection, "to the extent practicable" means to the extent the requirement to have at least 2 percent of the hours of labor to be performed by apprentices who are women is feasible or capable of being done or carried out with reasonable effort, taking into account the number and availability of apprentices who are women in the applicable apprenticed craft or type of work.***

2. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, a contractor or subcontractor engaged in horizontal construction who employs a worker on a public work pursuant to NRS 338.040 shall use one or more apprentices for at least 3 percent of the total hours of labor worked for each apprenticed craft or type of work to be performed on the public work for which more than three workers are

employed. ***To the extent practicable, at least 1 percent of the hours of labor that is required to be performed by apprentices must be performed by women. For purposes of this subsection, "to the extent practicable" means to the extent the requirement to have at least 3 percent of the hours of labor to be performed by apprentices who are women is feasible or capable of being done or carried out with reasonable effort, taking into account the number and availability of apprentices who are women in the applicable apprenticed craft or type of work.***

3. On or after January 1, 2021, the Labor Commissioner, in collaboration with the State Apprenticeship Council, may adopt regulations to increase the percentage of total hours of labor required to be performed by an apprentice pursuant to subsection 1 or 2 by not more than 2 percentage points.

4. An apprentice who graduates from an apprenticeship program while employed on a public work shall:

(a) Be deemed an apprentice on the public work for the purposes of subsections 1 and 2.

(b) Be deemed a journeyman for all other purposes, including, without limitation, the payment of wages or the payment of wages and benefits to a journeyman covered by a collective bargaining agreement.

5. A contractor or subcontractor engaged on a public work is not required to use an apprentice ***, regardless of gender,*** in a craft or type of work performed in a jurisdiction recognized by the State Apprenticeship Council as not having apprentices in that craft or type of work.

6. A public body may, upon the request of a contractor or subcontractor, submit a request to the Labor Commissioner to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2 for good cause. A public body must submit such a request, before an advertisement for bids has been placed, the opening of bids or the award of a contract for a public work or after the public body has commenced work on the public work. Such a request must include any supporting documentation, including, without limitation, proof of denial of or failure to approve a request for apprentices pursuant to subparagraph (3) of paragraph (d) of subsection ~~[10.]~~ ***11.***

7. The Labor Commissioner shall issue a determination of whether to grant a modification or waiver requested pursuant to subsection 6 within 15 days after the receipt of such request. The Labor Commissioner may grant such a request if he or she makes a finding that there is good cause to modify or waive the percentage of hours of labor provided by one or more apprentices required pursuant to subsection 1 or 2.

8. A public body, contractor or subcontractor may request a hearing on the determination of the Labor Commissioner within 10 days after receipt of the determination of the Labor Commissioner. The hearing must be conducted in accordance with regulations adopted by the Labor Commissioner. If the Labor Commissioner does not receive a request for a hearing pursuant to this

subsection, the determination of the Labor Commissioner is a final decision for the purposes of judicial review pursuant to chapter 233B of NRS.

9. A contractor or subcontractor engaged on a public work shall enter into an apprenticeship agreement for all apprentices required to be used in the construction of a public work. If the Labor Commissioner granted a modification or waiver pursuant to subsection 7 because the Labor Commissioner finds that a request for apprentices was denied or the request was not approved within 5 business days as described in subparagraph (3) of paragraph (d) of subsection ~~[10]~~ ***11*** and apprentices are later provided, then the contractor or subcontractor shall enter into an apprenticeship agreement for all apprentices later provided.

10. ***If a contractor or subcontractor does not meet the requirements set forth in subsection 1 or 2, as applicable, to have a percentage of the hours of labor performed by apprentices who are women, there is a rebuttable presumption that there were not enough apprentices who are women available to comply with such requirements. If an apprenticeship program is unable to rebut the presumption, the State Apprenticeship Council shall, at least once every two years, require the apprenticeship program to appear before the State Apprenticeship Council to review the policies of the program to recruit women. The State Apprenticeship Council may, without limitation, recommend improvements for recruiting women to the apprenticeship program.***

11. As used in this section:

(a) "Apprentice" means a person enrolled in an apprenticeship program recognized by the State Apprenticeship Council.

(b) "Apprenticed craft or type of work" means a craft or type of work for which there is an existing apprenticeship program recognized by the State Apprenticeship Council.

(c) "Apprenticeship program" means an apprenticeship program recognized by the State Apprenticeship Council.

(d) "Good cause" means:

(1) There are no apprentices available from an apprenticeship program within the jurisdiction where the public work is to be completed as recognized by the State Apprenticeship Council;

(2) The contractor or subcontractor is required to perform uniquely complex or hazardous tasks on the public work that require the skill and expertise of a greater percentage of journeymen; or

(3) The contractor or subcontractor has requested apprentices from an apprenticeship program and the request has been denied or the request has not been approved within 5 business days.

➥ The term does not include the refusal of a contractor or subcontractor to enter into an apprenticeship agreement pursuant to subsection 9.

(e) "Journeyman" has the meaning ascribed to it in NRS 624.260.

(f) "State Apprenticeship Council" means the State Apprenticeship Council created by NRS 610.030.

Sec. 2. The amendatory provisions of this act do not apply to a contract for a public work for which bids have been submitted before January 1, 2024.

Sec. 3. This act becomes effective on January 1, 2024.

Assemblywoman Torres moved that the Assembly concur in the Senate Amendment No. 693 to Assembly Bill No. 305.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 98.

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

Motion carried.

Senate Bill No. 99.

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

Motion carried.

Senate Bill No. 231.

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

Motion carried.

Senate Bill No. 241.

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

Motion carried.

Senate Bill No. 451.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 163.

Bill read second time and ordered to third reading.

Senate Bill No. 205.

Bill read second time and ordered to third reading.

Senate Bill No. 276.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 926.

AN ACT relating to collection agencies; requiring a collection agency to display certain information on the Internet website of the collection agency; authorizing a collection agent to work from a remote location under certain circumstances; revising certain terminology related to collection agencies; revising the entities required to obtain a license as a collection agency and the circumstances under which such a license is required; revising provisions governing certain records and an application for and the issuance of a license as a collection agency; revising the frequency of the determination of the amount of the bond or substitute for a bond that a collection agency is required to maintain; eliminating certain examinations; removing a requirement that a collection agency obtain a permit for a branch office; revising provisions relating to the application and issuance of a compliance manager's certificate; prohibiting the compliance manager of a collection agency from being simultaneously employed by another collection agency or exempt entity as a compliance manager; exempting certain debt buyers from certain provisions governing collection agencies; revising provisions related to certain annual reports; prohibiting certain actions by a collection agency, compliance manager or collection agent; repealing certain provisions governing foreign collection agencies and certificates; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of collection agencies and collection agents. (Chapter 649 of NRS) **Section 3** of this bill defines the term "debt buyer" to mean a person that is regularly engaged in the business of purchasing claims that have been charged off for the purpose of collecting such claims. **Section 14** of this bill includes a debt buyer within the definition of "collection agency," thereby requiring a debt buyer to obtain a license as a collection agency and comply with existing law governing collection agencies. **Sections 18 and 39** of this bill authorize a debt buyer and an affiliate of the debt buyer to share a license. **Sections 34, 35 and 38** of this bill exempt debt buyers from provisions of existing law governing the relationship between a collection agency and a customer when debt buyers do not also collect claims on behalf of parties who are not affiliated with the debt buyer.

Section 5 of this bill defines the term "remote location" to mean a location separate from either the principal place of business or a branch office of a collection agency. **Sections 7-10** of this bill establish requirements governing collection agents who work from remote locations. Specifically, **section 10** requires a collection agency to maintain certain records concerning such collection agents. Before a collection agent begins working from a remote location, **section 7** requires the collection agent to: (1) sign a written agreement to perform certain duties, authorize certain monitoring by the employer and refrain from certain activities while working from the remote location; (2) complete certain training; and (3) work ~~[in an office of]~~ **for** the collection agency for at least 7 days ~~[.]~~ **under direct oversight and mentoring from a supervisor.** **Section 8** of this bill requires the remote location from which a

collection agent works to satisfy certain requirements to protect data and enable the collection agent to work safely and effectively. **Section 8** also prohibits: (1) multiple collection agents who do not reside in the same residence from working from the same remote location; and (2) a collection agent from printing or storing physical records at a remote location. **Section 9** of this bill requires a collection agency to develop and implement a written security policy for work from a remote location and sets forth certain requirements for the security policy. **Section 10** imposes certain additional requirements relating to the work of collection agents from a remote location.

Section 13 of this bill revises the definition of the term "claim" to include any obligation for the payment of money or its equivalent that is delinquent or in default and assigned to a collection agency. **Sections 33, 37 and 40** of this bill replace the term "debt" with "claim" to more accurately state the property interest on which the collection agency may act.

Section 14 revises the definition of the term "collection agency" to exclude certain financial institutions, employees of such institutions, persons collecting claims that they originated on their own behalf and various other persons and entities deemed not to be debt collectors under federal law, thereby exempting such persons and entities from requirements governing collection agencies. **Section 15** of this bill amends the term "collection agent" to mean a person who performs certain activities on behalf of a collection agency outside the place of business of a collection agency, thereby exempting persons who do not act on behalf of a collection agency from requirements governing collection agents. **Sections 2 and 4** of this bill define certain other terms. **Section 12** of this bill makes a conforming change to indicate the proper placement of **sections 2-5** in the Nevada Revised Statutes.

Section 18 prescribes the circumstances under which a person is required to obtain a license as a collection agency. **Section 52** of this bill repeals provisions governing foreign collection agencies, thereby requiring such collection agencies to be licensed in the same manner as domestic collection agencies. **Sections 17 and 48** of this bill make certain information provided to the Commissioner of Financial Institutions by an applicant for a license confidential. **Sections 19 and 20** of this bill revise the required contents of an application to operate a collection agency. **Sections 22, 24, 31 and 52** of this bill revise provisions governing the procedure for issuing a license or removing a business location from the place of business as stated in the license, including by removing a requirement that the Commissioner issue a physical license to a successful applicant.

Existing law requires a collection agency to employ a manager who is: (1) certified as a manager; and (2) **jointly** responsible for the operation of the collection agency. (NRS 649.035, 649.095, 649.305) **Sections 16, 20, 26-30, 32, 36, 37, 40 and 51** of this bill revise the term "manager" to "compliance manager." **Section 16 also provides that a compliance manager is required to equally share responsibility only for the collection operation of the collection agency. Section 26** of this bill revises the requirements to apply for

a compliance manager's certificate. **Section 30** of this bill prohibits a compliance manager from being employed as a compliance manager by more than one collection agency at a time, or by a collection agency and an exempt entity at the same time. **Sections 22, 23, 29 and 52** of this bill remove a requirement that an applicant for a license to operate a collection agency pass an examination and references to that requirement. **Section 26.5** of this bill requires the Commissioner to waive the examination for a certificate as a compliance manager if the applicant and collection agency that employs the applicant hold certain certifications.

Existing law requires: (1) an applicant for a license to operate a collection agency to file a bond or an appropriate substitute with the Commissioner; and (2) the Commissioner to determine the appropriate amount of the bond or appropriate substitute 3 months after submission and semiannually thereafter. (NRS 649.105) **Section 21** of this bill instead requires the Commissioner to review the amount of that bond or substitute annually.

Existing law requires an applicant to state the location of the business and to obtain a permit to operate a branch office. (NRS 649.095, 649.167) **Section 25** of this bill removes the requirement to obtain a permit and instead requires a collection agency to notify the Commissioner of the location of the branch office. **Section 29** of this bill makes a conforming change to remove the fees for the issuance and renewal of a permit to operate a branch office.

Existing law requires a license or certificate issued by the Commissioner to be displayed on the wall of the place of business of the collection agency. (NRS 649.315) **Sections 6, 49 and 52** of this bill remove this requirement and instead require a collection agency to display its license number and the certificate identification number of the certificate issued to the compliance manager of the collection agency on an Internet website maintained by the collection agency.

Existing law requires a collection agency to submit a report to the Commissioner on or before January 31 of each year relating to the money due to all creditors by the collection agency and the total sum in the customer trust fund accounts of the collection agency. (NRS 649.345) **Section 36** requires this report to be submitted on or before April 15 of each year.

Existing law prohibits a collection agency or its agents or employees from engaging in certain practices. (NRS 649.375) **Section 40** additionally prohibits a collection agency or its compliance manager, agents or employees from: (1) filing a civil action to collect a debt when the collection agency, compliance manager, agent or employee knows or should know that the applicable limitation period for filing such an action has expired; and (2) selling an interest in a resolved claim or any personal or financial information related to the resolved claim. Any person who violates these provisions is guilty of a gross misdemeanor and subject to an administrative fine. (NRS 649.435, 649.440)

Existing law prescribes the time within which certain civil actions may be filed. (NRS 11.190) Existing law provides that, for an action based on

indebtedness, the relevant time period begins on the date on which the last payment was made. (NRS 11.200) **Section 41** of this bill provides that a payment made on a debt or certain other activity relating to the debt after the time period for filing an action based on a debt has expired does not revive the applicable limitation. **Section 33** requires certain notice provided to a medical debtor to notify the debtor that such a payment does not revive the applicable limitation.

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

Section 1. Chapter 649 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***"Collection activities" means activities performed by a collection agency or collection agents related to the collection of or attempt to collect a claim.***

Sec. 3. ***"Debt buyer" means a person who is regularly engaged in the business of purchasing claims that have been charged off for the purpose of collecting such claims, including, without limitation, by personally collecting claims, hiring a third party to collect claims or hiring an attorney to engage in litigation for the purpose of collecting claims.***

Sec. 4. ***"Exempt entity" means an entity described in paragraphs (b) to (k), inclusive, of subsection 2 of NRS 649.020.***

Sec. 5. ***"Remote location" means a location separate from either the principal place of business or a branch office of a collection agency.***

Sec. 6. ***A collection agency shall display on any Internet website maintained by the collection agency:***

1. The license number issued to the collection agency by the Commissioner pursuant to NRS 649.135; and

2. The certificate identification number of the certificate issued to the compliance manager of the collection agency by the Commissioner pursuant to NRS 649.225.

Sec. 7. ***Before a collection agent begins working from a remote location, the collection agent must:***

1. Sign a written agreement prepared by the collection agency that requires a collection agent working from a remote location to:

(a) Maintain data concerning debtors in a confidential manner and refrain from printing or otherwise reproducing such data into a physical record while working from the remote location;

(b) Read and comply with the security policy established pursuant to section 9 of this act and any policy to ensure the safety of the equipment of the collection agency that the collection agent is authorized to use;

(c) Review a description of the work that the collection agent is authorized to perform from the remote location and only perform work included in that description;

(d) Refrain from disclosing to a debtor that the collection agent is working from a remote location or that the remote location is a place of business of the collection agency;

(e) Authorize the employer to monitor the collection agent while he or she is working from the remote location, including, without limitation, recording any calls to and from the remote location relating to collection activities; and

(f) Refrain from conducting any activities related to his or her work with the collection agency with a debtor or customer in person at the remote location;

2. Complete a program of training ~~[at the office of the principal place of business of the collection agency]~~ regarding compliance with applicable laws and regulations, privacy, confidentiality, monitoring, security and any other issue relevant to the work the collection agent will perform from the remote location; and

3. Work ~~[at the office of the principal place of business or a branch office of]~~ for the collection agency ~~[with]~~ under direct oversight and mentoring from a supervisor for at least 7 days.

Sec. 8. *1. The remote location from which a collection agent works must:*

(a) Be capable of providing the same degree of oversight and monitoring of the collection agent as if the collection agent was working in the principal place of business or a branch office of the collection agency;

(b) Be fully connected to the technological systems, including, without limitation, any computer system, of the office at the principal place of business or a branch office of the collection agency;

(c) Allow the collection agency to:

(1) Record calls made to and from the remote location; and

(2) Monitor calls to and from the remote location in real time;

(d) Be a private location where confidentiality can be maintained; and

(e) Have the equipment necessary for the collection agent to perform his or her work safely and effectively.

2. Each collection agent who works from a remote location must be connected to the principal place of business or a branch office of the collection agency in a manner that requires the collection agent to use unique credentials to access the technological systems of the collection agency.

3. Except as otherwise provided in this subsection, two or more collection agents shall not work from the same remote location. Two or more collection agents who reside in the same residence may each work remotely from that residence.

4. A collection agent shall not print or store any physical records of a collection agency at a remote location.

5. A remote location from which a collection agent works shall be deemed to be an extension of the principal place of business or branch office to which the collection agent is connected pursuant to paragraph (b) of

subsection 1 for the purposes of this chapter and any other relevant purposes.

Sec. 9. *1. A collection agency shall develop and implement a written security policy for collection agents who work from a remote location to ensure that the data of debtors, customers and the collection agency is secure and protected from unauthorized disclosure, access, use, modification, duplication or destruction. The security policy must include, without limitation:*

(a) Access to the technological systems of the collection agency through a virtual private network or other similar network or system which:

(1) Utilizes multifactor authentication, data encryption and frequent password changes; and

(2) Automatically locks a collection agent out of his or her account if suspicious activity is detected;

(b) A procedure to immediately update and repair any security network or system to ensure that current security technologies are utilized;

(c) A requirement to store all data of debtors, customers and the collection agency on designated drives that are safe, secure and expandable;

(d) A requirement that collection agents work on electronic devices that are secured with software and hardware protections including, without limitation, antivirus software and a firewall;

(e) A requirement that collection agents access any system of the collection agency through an electronic device that has been issued by the collection agency and a prohibition on using such an electronic device for personal purposes;

(f) A procedure for the containment and disclosure of any breach of data that occurs, including, without limitation, the issuance of any disclosure that is required by law;

(g) A procedure for the protection of data during a natural disaster or other emergency that has the potential to impact the data or electronic devices of the collection agency at a remote location and the recovery of data after such a natural disaster or other emergency;

(h) A procedure for the secure disposal of data in accordance with any applicable law or contract;

(i) A procedure for conducting an annual risk assessment concerning the protection of the data of debtors, customers and the collection agency and a plan to implement new policies based on the results of the risk assessment; and

(j) Procedures to:

(1) Prevent a former collection agent from accessing any system of the collection agency; and

(2) Remotely disable or remove all data from an electronic device owned by the collection agency at the remote location.

2. A collection agency that complies with the requirements of 16 C.F.R. Part 314 satisfies the requirements of this section.

Sec. 10. ***1. A collection agency working from a remote location shall comply with any applicable federal and state laws, including, without limitation, the provisions of this chapter, including, without limitation, NRS 649.335, and the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq.***

2. A collection agency shall:

(a) Record calls performed by a collection agent conducting collection activities from a remote location and maintain such recordings for at least ~~*[4]*~~ *3 years; and*

(b) Monitor calls performed by a collection agent conducting collection activities from a remote location in real time on a regular basis.

3. A collection agency or collection agent shall not:

(a) Represent to any person that the collection agent is working independently of the collection agency;

(b) Use the remote location from which a collection agent is working and any related address, telephone number or facsimile number in advertising for the collection agency;

(c) Require or invite a debtor to come to a remote location from which a collection agent is working for the purpose of collection activities; or

(d) Hold out a remote location from which a collection agent is working in such a manner that a debtor is likely to believe that the remote location is the principal place of business or a branch office of the collection agency, including, without limitation, by receiving mail at the remote location, storing records at the remote location or stating to a debtor or customer that the collection agent is working from the remote location.

4. A collection agency shall:

(a) Maintain a record of collection agents who are authorized to work from a remote location which must include, for each such collection agent:

(1) The name, telephone number and electronic mail address of the collection agent; and

(2) The address of the remote location;

(b) Maintain a record of equipment supplied to collection agents for use at a remote location;

(c) Review its policies and procedures governing remote work for compliance with sections 7 to 10, inclusive, of this act at least annually and upon request of the Commissioner; and

(d) Establish a procedure to ensure that a collection agent working from a remote location does so without acting in any illegal, unethical or unsafe manner.

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 649.005 is hereby amended to read as follows:

649.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 649.010 to 649.042, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 13. NRS 649.010 is hereby amended to read as follows:

649.010 "Claim" means any obligation for the payment of money or its equivalent that is past due ~~[.]~~ ***, delinquent or in default and assigned to a collection agency.***

Sec. 14. NRS 649.020 is hereby amended to read as follows:

649.020 1. "Collection agency" means all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another.

2. "Collection agency" does not include any of the following unless they are conducting collection ~~[agencies:]~~ ***activities in a capacity other than that described in this subsection:***

(a) ~~[Individuals]~~ ***Natural persons*** regularly employed ***by an exempt entity*** on a regular wage or salary ~~[, in the capacity of credit men or in other similar capacity upon the staff of employees of any person]~~ ***who, on behalf of the exempt entity, collect a claim owed to the exempt entity provided that such persons are*** not engaged in the business of a collection agency or making or attempting to make collections as an incident to the usual practices of their primary business or profession.

(b) Banks ~~[.]~~ ***, savings banks, credit unions, thrift companies or trust companies.***

(c) Nonprofit cooperative associations.

(d) Unit-owners' associations and the board members, officers, employees and units' owners of those associations when acting under the authority of and in accordance with chapter 116 or 116B of NRS and the governing documents of the association, except for those community managers included within the term "collection agency" pursuant to subsection 3.

(e) Abstract companies doing an escrow business.

(f) Duly licensed real estate brokers, except for those real estate brokers who are community managers included within the term "collection agency" pursuant to subsection 3.

(g) Attorneys and counselors at law licensed to practice in this State, so long as they are retained by their clients to collect or to solicit or obtain payment of such clients' claims in the usual course of the practice of their profession.

(h) A mortgage servicer licensed pursuant to chapter 645F of NRS, except where such a mortgage servicer is attempting to collect a claim that was assigned when the relevant loan was in default.

(i) Any person collecting in his or her own name on a claim that he or she originated.

(j) Any person servicing a claim that he or she originated and sold.

(k) Any person or entity described in 15 U.S.C. § 1692a(6)(A) to 1692a(6)(F), inclusive.

3. "Collection ~~[agency":]~~ ***agency" includes:***

(a) ~~[Includes a]~~ ***A*** community manager while engaged in the management of a common-interest community or the management of an association of a

condominium hotel if the community manager, or any employee, agent or affiliate of the community manager, performs or offers to perform any act associated with the foreclosure of a lien pursuant to NRS 116.31162 to 116.31168, inclusive, or 116B.635 to 116B.660, inclusive; and

(b) ~~[~~Does~~]~~ ***A debt buyer.***

4. "Collection agency" does not include any ~~[~~other~~]~~ community manager ***, other than a community manager described in paragraph (a) of subsection 3,*** while engaged in the management of a common-interest community or the management of an association of a condominium hotel.

~~[~~4.~~]~~ ***5.*** As used in this section:

(a) "Community manager" has the meaning ascribed to it in NRS 116.023 or 116B.050.

(b) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

Sec. 15. NRS 649.025 is hereby amended to read as follows:

649.025 "Collection agent" means any person, ~~[~~whether or not regularly employed at a regular wage or salary, who in the capacity of a credit man or in any other similar capacity~~]~~ ***who, on behalf of a collection agency,*** makes a collection, solicitation or investigation of a claim at a place or location other than the business premises of the collection agency, but does not include:

1. Employees of a collection agency whose activities and duties are restricted to the business premises of the collection agency.

2. The individuals, corporations and associations enumerated in subsection 2 of NRS 649.020.

Sec. 16. NRS 649.035 is hereby amended to read as follows:

649.035 ~~[~~"Manager"~~]~~ ***"Compliance manager"*** means a person who:

1. Holds a ***compliance*** manager's certificate;

2. Is designated as the ***compliance*** manager of a collection agency;

3. Shares equally with the holder of a license to conduct a collection agency the responsibility for the ***collection*** operation of the collection agency; and

4. Devotes a majority of the hours he or she works as an employee of the agency to the actual ~~[~~management, operation and administration~~]~~ ***oversight and compliance*** of that collection agency.

Sec. 17. NRS 649.065 is hereby amended to read as follows:

649.065 1. The Commissioner shall keep in the Office of the Commissioner, in a suitable record provided for the purpose, all applications for certificates, licenses and all bonds required to be filed under this chapter. The record must state the date of issuance or denial of the license or certificate and the date and nature of any action taken against any of them.

2. All licenses and certificates issued must be sufficiently identified in the record.

3. All renewals must be recorded in the same manner as originals, except that, in addition, the number of the preceding license or certificate issued must be recorded.

4. Except ~~[for confidential information contained therein, the record must be open for inspection as a public record in the Office of the Commissioner.]~~ ***as otherwise provided in NRS 239.0115, any application and personal or financial records submitted by a person pursuant to the provisions of this chapter and any personal or financial records or other documents obtained by the Division of Financial Institutions of the Department of Business and Industry pursuant to an examination, audit or investigation conducted by the Division are confidential and may be disclosed only to:***

(a) The Division, any authorized employee of the Division and any state or federal agency investigating activity covered by this chapter.

(b) The Department of Taxation for its use in carrying out the provisions of chapter 363C of NRS.

Sec. 18. NRS 649.075 is hereby amended to read as follows:

649.075 1. Except as otherwise provided in this section, a person shall not ~~[conduct within this State a collection agency or]~~ engage ***in the business of a collection agency*** within this State ~~[in the business of collecting claims for others, or of soliciting the right to collect or receive payment for another of any claim, or advertise, or solicit, either in print, by letter, in person or otherwise, the right to collect or receive payment for another of any claim, or seek to make collection or obtain payment of any claim on behalf of another]~~ without having first applied for and obtained a license ***as a collection agency*** from the Commissioner.

2. ~~[A person is not required to obtain a license if the person holds a certificate of registration as a foreign collection agency issued by the Commissioner pursuant to NRS 649.171.]~~ ***A person engages in the business of a collection agency in this State for the purposes of subsection 1 if the person is located:***

(a) In this State and is seeking to collect a claim, regardless of whether the debtor resided or currently resides in this State or another state;

(b) In another state and is seeking to collect a claim from a debtor that resides in this State; or

(c) In another state and is seeking to collect a claim on behalf of a person or entity that resides in this State.

3. A person engaging in the business of a collection agency shall obtain a license for the office of the principal place of business of the person. A person is not required to obtain a license for a branch office or remote location.

4. A debt buyer may share a single license as a collection agency with a person affiliated with the debt buyer if the affiliated person does not engage in any collection activities other than purchasing claims.

Sec. 19. NRS 649.085 is hereby amended to read as follows:

649.085 Every individual applicant, every officer and director of a corporate applicant, and every member of a firm or partnership applicant for a license as a collection agency or collection agent must submit proof satisfactory to the Commissioner that he or she:

1. Has a good reputation for honesty, trustworthiness and integrity and is competent to transact the business of a collection agency in a manner which protects the interests of the general public.

2. Has not had a collection agency license suspended or revoked within the 10 years immediately preceding the date of the application ~~[.]~~ ***, unless the license was suspended for a minor violation that did not harm a debtor and the license was subsequently restored.***

3. Has not been convicted of, or entered a plea of nolo contendere to:

(a) A felony relating to the practice of collection agencies or collection agents; or

(b) Any crime involving fraud, misrepresentation or moral turpitude.

4. Has not made a false statement of material fact on the application.

5. Will maintain ~~[one or more offices in this State or one or more offices in another state for the transaction of the business of his or her collection agency.]~~ ***a physical office as the principal place of business. If a collection agent of the applicant will be working from a remote location, the principal place of business of the applicant must be located in the United States.***

6. Has established a plan to ensure that his or her collection agency will provide the services of a collection agency adequately and efficiently.

Sec. 20. NRS 649.095 is hereby amended to read as follows:

649.095 1. An application for a license must be in writing and filed with the Commissioner on a form provided for that purpose.

2. The application must state:

(a) The name of the applicant and the name under which the applicant does business or expects to do business.

(b) The address of the applicant's business and residence, including street and number.

(c) The character of the business sought to be carried on.

(d) ~~[The]~~ ***Except as otherwise provided in this paragraph, the*** locations by street and number where the business will be transacted ~~[.]~~ ***, including, without limitation, the location of any branch office. The application is not required to include any remote location from which a collection agent will work.***

(e) In the case of a firm or partnership, the full names and residential addresses of all members or partners and the name and residential address of the ***compliance*** manager.

(f) In the case of a corporation or voluntary association, the name and residential address of each of the directors and officers and the name and residential address of the ***compliance*** manager.

(g) Any other information reasonably related to the applicant's qualifications for the license which the Commissioner determines to be necessary.

(h) ***If the applicant plans to have one or more collection agents work from a remote location, evidence that the applicant is able to comply with the provisions of sections 7 to 10, inclusive, of this act.***

(i) All information required to complete the application.

3. In addition to any other requirements, each applicant or member, partner, director, officer or ***compliance*** manager of an applicant shall submit to the Commissioner a complete set of fingerprints and written permission authorizing the Division of Financial Institutions of the Department of Business and Industry 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.

4. The application must be subscribed by the applicant and acknowledged.

5. Every applicant may be examined concerning the applicant's competency, experience, character and qualifications by the Commissioner or the Commissioner's authorized agent, and if the examination reveals that the applicant lacks any of the required qualifications, issuance of the license must be denied. Every application must have attached to it a financial statement showing the assets, liabilities and net worth of the applicant.

6. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a license to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 21. NRS 649.105 is hereby amended to read as follows:

649.105 1. An applicant for a license must file with the Commissioner, concurrently with the application, a bond in the sum of $35,000, or an appropriate substitute pursuant to NRS 649.119, which must run to the State of Nevada. The bond must be made and executed by the principal and a surety company authorized to write bonds in the State of Nevada.

2. The bonds must be conditioned:

(a) That the principal, who must be the applicant, must, upon demand in writing, pay any customer from whom any claim for collection is received, the proceeds of the collection, in accordance with the terms of the agreement made between the principal and the customer; and

(b) That the principal must comply with all requirements of this or any other statute with respect to the duties, obligations and liabilities of collection agencies.

3. ~~[Not later than 3 months after the issuance of the license and semiannually thereafter, the]~~ ***The*** Commissioner shall ***annually*** determine the appropriate amount of bond or appropriate substitute which must be maintained by the licensee ***.*** ~~[in]~~ ***If applicable, such a determination must be in*** accordance with the licensee's average monthly balance in the trust account maintained pursuant to NRS 649.355:

AMOUNT OF

AVERAGE MONTHLY BALANCE	BOND REQUIRED
Less than $100,000	$35,000
$100,000 or more but less than $150,000	40,000
$150,000 or more but less than $200,000	50,000
$200,000 or more	60,000

Sec. 22. NRS 649.135 is hereby amended to read as follows:

649.135 ***1.*** The Commissioner shall ~~[~~enter an order approving the~~]~~ ***approve an*** application for a license ~~[~~,~~]~~ ***and*** keep on file his or her findings of fact pertaining thereto ~~[~~, and permit the applicant to take the required examination,~~]~~ if the Commissioner finds that the applicant has met all the other requirements of this chapter pertaining to the applicant's qualifications and application.

2. Upon the approval of the application, the payment of any required fees and the submission of any required information, the Commissioner shall:

(a) Notify the applicant of the approval and issue a unique license number to the applicant; and

(b) Update any applicable public record maintained by the Commissioner to show that the person holds an active license that authorizes the person to conduct collection activities in this State.

Sec. 23. NRS 649.155 is hereby amended to read as follows:

649.155 1. If the Commissioner finds that any application or applicant for a collection agency license does not meet the requirements of NRS 649.135 ***,*** ~~[~~or the applicant fails to pass the required examination,~~]~~ the Commissioner shall enter an order denying the application.

2. Within 10 days after the entry of such an order, the Commissioner shall mail or deliver to the applicant written notice of the denial in which all the reasons for such denial are stated.

Sec. 24. NRS 649.165 is hereby amended to read as follows:

649.165 Upon ~~[~~receipt~~]~~ ***notification*** of the ~~[~~license,~~]~~ ***approval of the application by the Commissioner pursuant to NRS 649.135,*** the licensee shall have the right to conduct the business of a collection agency with all the powers and privileges contained in, but subject to, the provisions of this chapter.

Sec. 25. NRS 649.167 is hereby amended to read as follows:

649.167 1. ~~[~~A collection agency licensed in this State may apply to the Commissioner for a permit~~]~~ ***A license as a collection agency granted pursuant to NRS 649.135 is valid for the principal place of business and any branch office of the licensee.***

2. Immediately upon beginning to operate a branch office ~~[~~in this State~~]~~ in a location not ~~[~~previously approved by its license.~~]~~

~~2. The Commissioner shall not issue a permit for a branch office until the principal office of the collection agency has been examined by the Commissioner and found to be satisfactory.~~

~~3. A branch office must have a manager on the premises during regular business hours.~~

~~4. The Commissioner shall adopt regulations concerning an application for a permit to operate a branch office.~~] ***provided to the Commissioner on the application submitted pursuant to NRS 649.095, a collection agency shall notify the Commissioner in writing of the location of the branch office.***

Sec. 26. NRS 649.196 is hereby amended to read as follows:

649.196 1. Each applicant for a ***compliance*** manager's certificate must submit proof satisfactory to the Commissioner that the applicant:

(a) Is at least 21 years of age.

(b) Has a good reputation for honesty, trustworthiness and integrity and is competent to [~~transact the business~~] ***oversee the compliance*** of a collection agency in a manner which protects the interests of the general public. ***An applicant may demonstrate competency to oversee the compliance of a collection agency by:***

(1) Holding a certification from a national association that is a nonprofit organization with expertise in the business of collections, compliance or financial services;

(2) Having 3 years of experience working in compliance for a collection agency;

(3) Holding a professional degree or accreditation relating to compliance of a collection agency; or

(4) Serving as a compliance manager on or before October 1, 2023.

(c) Has not committed any of the acts specified in NRS 649.215.

(d) Has not had a collection agency license or ***compliance*** manager's certificate suspended or revoked within the 10 years immediately preceding the date of filing the application [~~.~~] ***, unless the license or certificate was suspended for a minor violation that did not harm a debtor and was subsequently restored.***

(e) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(f) Has had not less than 2 years' full-time experience with a collection agency in the collection of accounts [~~assigned by creditors who were not affiliated with the collection agency except as assignors of accounts.~~] ***or with a financial institution or as a compliance manager.*** At least 1 year of the 2 years of experience must have been within the 18-month period preceding the date of filing the application.

2. Each applicant must:

(a) Pass the examination or reexamination provided for in NRS 649.205 [~~. (b)~~] ***, unless the examination or reexamination is waived pursuant to subsection 4 of NRS 649.205.***

(b) Pay the required fees.

[~~(c) Submit, in such form as the Commissioner prescribes:~~

~~(1) Three recent photographs; and~~

~~(2) Three complete sets of fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~(d)~~ ***(c)*** Submit such ~~[other]~~ information reasonably related to his or her qualifications for the ***compliance*** manager's certificate as the Commissioner determines to be necessary.

3. The Commissioner may refuse to issue a ***compliance*** manager's certificate if the applicant does not meet the requirements of subsections 1 and 2.

4. If the Commissioner refuses to issue a ***compliance*** manager's certificate pursuant to this section, the Commissioner shall notify the applicant in writing by certified mail stating the reasons for the refusal. The applicant may submit a written request for a hearing within 20 days after receiving the notice. If the applicant fails to submit a written request within the prescribed period, the Commissioner shall enter a final order.

5. The Commissioner shall consider an application to be withdrawn if the Commissioner has not received all information and fees required to complete the application within 6 months after the date the application is first submitted to the Commissioner or within such later period as the Commissioner determines in accordance with any existing policies of joint regulatory partners. If an application is deemed to be withdrawn pursuant to this subsection or if an applicant otherwise withdraws an application, the Commissioner may not issue a ~~[license]~~ ***certificate*** to the applicant unless the applicant submits a new application and pays any required fees.

Sec. 26.5. NRS 649.205 is hereby amended to read as follows:

649.205 1. The Commissioner shall provide for ***compliance*** managers' examinations at such times and places as the Commissioner may direct, at least twice each year.

2. The examinations must be of a length, scope and character which the Commissioner deems reasonably necessary to determine the fitness of the applicants to act as ***compliance*** managers of collection agencies.

3. If an applicant does not pass the examination, the applicant must reapply to take the examination and pay a reexamination fee of not more than $100 for each subsequent examination. The Commissioner shall adopt regulations establishing the amount of the reexamination fee required pursuant to this subsection.

4. ***If the applicant and collection agency that employs or seeks to employ the applicant are both certified by a national association that is a nonprofit with expertise in the business of collections which the Commissioner determines proves the competence of the applicant, the Commissioner must waive the examination for the applicant.***

5. The Commissioner may make such rules and regulations as may be necessary to carry out the purposes of this section.

Sec. 27. NRS 649.215 is hereby amended to read as follows:

649.215 The Commissioner may refuse to permit an applicant for a ***compliance*** manager's certificate to take the examination, or, after a hearing, may suspend or revoke a ***compliance*** manager's certificate if the applicant or ***compliance*** manager has:

1. Committed or participated in any act which, if committed or done by a licensee, would be grounds for the suspension or revocation of a license.

2. Been refused a license or certificate pursuant to this chapter or had such a license or certificate suspended or revoked.

3. Participated in any act, which act was a basis for the refusal or revocation of a collection agency license.

4. Falsified any of the information submitted to the Commissioner in support of an application pursuant to this chapter.

5. Impersonated, or permitted or aided and abetted another to impersonate, a law enforcement officer or employee of the United States, a state or any political subdivision thereof.

6. Made any statement in connection with his or her employment with a collection agency with the intent to give an impression that he or she was a law enforcement officer of the United States, a state or political subdivision thereof.

Sec. 28. NRS 649.225 is hereby amended to read as follows:

649.225 1. The Commissioner shall issue a ***compliance*** manager's certificate to any applicant who meets the requirements of this chapter for the certificate. ***Each certificate must have a unique identification number.***

2. Each ***compliance*** manager holding a ***compliance*** manager's certificate issued pursuant to this chapter shall notify the Commissioner in writing of any change in his or her residence address within 10 days after the change.

Sec. 29. NRS 649.295 is hereby amended to read as follows:

649.295 1. A nonrefundable fee of not more than $500 for the application ~~[and survey]~~ must accompany each new application for a license as a collection agency. Each applicant shall also pay any additional expenses incurred in the process of investigation. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account created by NRS 232.545.

2. A fee of not less than $200 or more than $600, prorated on the basis of the licensing year as provided by the Commissioner, must be charged for each original license issued. A fee of not more than $500 must be charged for each annual renewal of a license.

3. A fee of not more than $20 must be charged for each ~~[duplicate license or]~~ license for a transfer of location issued.

4. A nonrefundable application fee of not more than $500 and a nonrefundable investigation fee of not more than $150 must accompany each application for a ***compliance*** manager's certificate.

5. A fee of not more than $40 must be charged for each ***compliance*** manager's certificate issued and for each annual renewal of such a certificate.

6. A fee of not more than $60 must be charged for the reinstatement of a ***compliance*** manager's certificate.

7. A fee of not more than $10 must be charged for each day an application for the renewal of a license or certificate, or a required report, is filed late, unless the fee or portion thereof is excused by the Commissioner for good cause shown.

8. ~~[A nonrefundable fee of not more than $250 for the application and an examination must accompany each application for a permit to operate a branch office of a licensed collection agency. A fee of not more than $500 must be charged for each annual renewal of such a permit.~~

~~9.]~~ For each examination the Commissioner shall charge and collect from the licensee a fee for conducting the examination and preparing and typing the report of the examination at the rate established and, if applicable, adjusted pursuant to NRS 658.101. Failure to pay the fee within 30 days after receipt of the bill is a ground for revoking the collection agency's license.

~~[10.]~~ ***9.*** Except as otherwise provided in NRS 658.101, the Commissioner shall adopt regulations establishing the amount of the fees required pursuant to this section.

~~[11.]~~ ***10.*** Except as otherwise provided in subsection 1, all money received by the Commissioner pursuant to this chapter must be deposited in the State Treasury pursuant to the provisions of NRS 658.091.

Sec. 30. NRS 649.305 is hereby amended to read as follows:

649.305 ***1.*** No collection agency may operate its business without a ***compliance*** manager who holds a valid ***compliance*** manager's certificate issued under the provisions of this chapter.

2. Except as otherwise provided in this subsection, a compliance manager must not be employed as a compliance manager by more than one collection agency or employed by a collection agency and an exempt entity at the same time. A compliance manager may be simultaneously employed as a compliance manager by a collection agency and an affiliate of that collection agency.

Sec. 31. NRS 649.325 is hereby amended to read as follows:

649.325 1. A collection agency shall not remove its business location from the place of business as stated in the ~~[license]~~ ***record of the licensee*** except upon prior approval by the Commissioner in writing.

2. If the removal is approved, the Commissioner shall note the change ~~[upon the face of the license and enter in his or her records a notation of that change.]~~ ***in the record of the licensee.***

Sec. 32. NRS 649.330 is hereby amended to read as follows:

649.330 1. A collection agency shall immediately notify the Commissioner of any change:

(a) Of the ***compliance*** manager of the agency; or

(b) If the agency is a corporation, in the ownership of 5 percent or more of its outstanding voting stock.

2. An application must be submitted to the Commissioner, pursuant to NRS 649.095, by:

(a) The person who replaces the ***compliance*** manager; and

(b) A person who acquires:

(1) At least 25 percent of the outstanding voting stock of an agency; or

(2) Any outstanding voting stock of an agency if the change will result in a change in the control of the agency.

➥ Except as otherwise provided in subsection 4, the Commissioner shall conduct an investigation to determine whether the applicant has the competence, experience, character and qualifications necessary for the licensing of a collection agency. If the Commissioner denies the application, the Commissioner may ~~[in his or her order]~~ forbid the applicant from participating in the business of the collection agency.

3. The collection agency with which the applicant is affiliated shall pay such expenses incurred in the investigation as the Commissioner deems necessary. All money received by the Commissioner pursuant to this subsection must be placed in the Investigative Account created by NRS 232.545.

4. A collection agency may submit a written request to the Commissioner to waive an investigation pursuant to subsection 2. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or the applicant's employment with a financial institution.

Sec. 33. NRS 649.332 is hereby amended to read as follows:

649.332 1. To verify a ~~[debt,]~~ ***claim,*** a collection agency shall:

(a) Obtain or attempt to obtain from the creditor any document that is not in the possession of the collection agency and is reasonably responsive to the dispute of the debtor, if any; and

(b) If such a document is obtained, mail the document to the debtor.

2. When collecting a ~~[debt]~~ ***claim*** on behalf of a hospital, within 5 days after the initial communication with the debtor in connection with the collection of the ~~[debt,]~~ ***claim,*** a collection agency shall, unless the following information is included in the initial communication, send a written notice to the debtor that includes a statement indicating that:

(a) If the debtor pays or agrees to pay the ~~[debt]~~ ***claim*** or any portion of the ~~[debt,]~~ ***claim,*** the payment or agreement to pay ~~[may]~~ ***:***

(1) May be construed as ~~[:~~

~~(1) An]~~ ***an*** acknowledgment of the ~~[debt]~~ ***claim*** by the debtor; and

(2) ~~[A]~~ ***As provided in NRS 11.200, does not constitute a*** waiver by the debtor of any applicable statute of limitations set forth in NRS 11.190 that otherwise precludes the collection of the ~~[debt;]~~ ***claim;*** and

(b) If the debtor does not understand or has questions concerning his or her legal rights or obligations relating to the ~~[debt,]~~ ***claim,*** the debtor should seek legal advice.

3. As used in this section, "hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 34. NRS 649.334 is hereby amended to read as follows:

649.334 1. The terms and conditions of any written agreement between a collection agency and a customer must be specific, intelligible and unambiguous. In the absence of a written agreement, unless the conduct of the parties indicates a different mutual understanding, the understanding of the customer concerning the terms of the agreement must govern in any dispute between the customer and the collection agency.

2. Unless a written agreement between the parties otherwise provides, any money collected on a claim, after court costs have been recovered, must first be credited to the principal amount of the claim. Any interest charged and collected on the claim must be allocated pursuant to the agreement between the customer and the collection agency.

3. Except with the consent of its customer, a collection agency shall not accept less than the full amount of a claim in settlement of an assigned claim.

4. A collection agency shall, at the time it remits to the customer the money it collected on behalf of the customer, give each customer an accounting in writing of the money it collected on behalf of the customer in connection with a claim.

5. This section does not apply to a debt buyer who is not also collecting claims on behalf of parties who are not affiliated with the debt buyer.

Sec. 35. NRS 649.3345 is hereby amended to read as follows:

649.3345 1. Unless a written agreement between the parties otherwise provides, a customer may withdraw, without obligation, any claim assigned to a collection agency at any time 6 months after the date of the assignment if:

(a) The customer gives written notice of the withdrawal to the collection agency not less than 60 days before the effective date of the withdrawal; and

(b) The claim is not in the process of being collected.

2. As used in this section, "in the process of being collected," means that:

(a) A payment on the claim has been received after the date of the assignment;

(b) An action on the claim has been filed by or on behalf of the collection agency;

(c) The claim has been forwarded to another collection agency for collection;

(d) A lawful and sufficient claim or notice of lien has been filed by the collection agency on behalf of the customer to ensure payment from money distributed in connection with the probate of an estate, proceeding in bankruptcy, assignment for the benefit of creditors or any similar proceeding; or

(e) The collection agency has obtained from the debtor an enforceable written promise to make payment.

3. Upon the withdrawal of any claim, the collection agency shall return to the customer any documents, records or other items relating to the claim that have been supplied by the customer.

4. This section does not apply to a debt buyer who is not also collecting claims on behalf of parties who are not affiliated with the debt buyer.

Sec. 36. NRS 649.345 is hereby amended to read as follows:

649.345 1. Each licensed collection agency shall file with the Commissioner a written report, signed and sworn to by its ***compliance*** manager, no later than ~~[January 31]~~ ***April 15*** of each year, unless the Commissioner determines that there is good cause for later filing of the report. The report must include:

(a) ~~[The]~~ ***If applicable, the*** total sum of money due to all creditors as of the close of the last business day of the preceding month.

(b) ~~[The]~~ ***If applicable, the*** total sum on deposit in customer trust fund accounts and available for immediate distribution as of the close of the last business day of the preceding month, the title of the trust account or accounts, and the name of the banks or credit unions where the money is deposited.

(c) ~~[The]~~ ***If applicable, the*** total amount of creditors' or forwarders' share of money collected more than 60 days before the last business day of the preceding month and not remitted by that date.

(d) When the total sum under paragraph (c) exceeds $10, the name of each creditor or forwarder and the respective share of each in that sum.

(e) Such other information, audit or reports as the Commissioner may require.

2. The filing of any report required by this section which is known by the collection agency to contain false information or statements constitutes grounds for the suspension of the agency's license or the ***compliance*** manager's certificate, or both.

Sec. 37. NRS 649.347 is hereby amended to read as follows:

649.347 1. Each licensed collection agency shall file with the Commissioner a written report not later than January 31 of each year, unless the Commissioner determines that there is good cause for later filing of the report. The report must include:

(a) The number of cases in which the collection agency collected a ~~[debt]~~ ***claim*** for a unit-owners' association during the immediately preceding year;

(b) The name of each unit-owners' association for which the collection agency collected a ~~[debt]~~ ***claim*** during the immediately preceding year and the amount of money collected for each such unit-owners' association;

(c) The total amount of money collected by the collection agency for unit-owners' associations during the immediately preceding year;

(d) The zip code of each debtor from whom the collection agency collected a ~~[debt]~~ ***claim*** for a unit-owners' association during the immediately preceding year; and

(e) A statement, signed by the ***compliance*** manager of the collection agency, affirming that the collection agency did not collect a ~~[debt]~~ ***claim***

against any person during the immediately preceding year in violation of the provisions of paragraph (i) of subsection 1 of NRS 649.375.

2. As used in this section, "unit-owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

Sec. 38. NRS 649.355 is hereby amended to read as follows:

649.355 1. Every collection agency and collection agent shall openly, fairly and honestly conduct the collection agency business and shall at all times conform to the accepted business ethics and practices of the collection agency business.

2. Every licensee shall at all times maintain a separate account in a bank or credit union in which must be deposited all money collected. ~~[Except as otherwise provided in regulations adopted by the Commissioner pursuant to NRS 649.054, the]~~ ***The*** account must be maintained in a bank or credit union located in this State and bear some title sufficient to distinguish it from the licensee's personal or general checking account and to designate it as a trust account, such as "customer's trust fund account." The trust account must at all times contain sufficient money to pay all money due or owing to all customers, and no disbursement may be made from the account except to customers or to pay costs advanced for those customers, except that a licensee may periodically withdraw from the account such money as may accrue to the licensee from collections deposited or from adjustments resulting from costs advanced and payments made directly to customers.

3. Every licensee maintaining a separate custodial or trust account shall keep a record of all money deposited in the account, which must indicate clearly the date and from whom the money was received, the date deposited, the dates of withdrawals and other pertinent information concerning the transaction, and must show clearly for whose account the money is deposited and to whom the money belongs. The money must be remitted to the creditors respectively entitled thereto within 30 days following the end of the month in which payment is received. The records and money are subject to inspection by the Commissioner or the Commissioner's authorized representative. The records must be maintained at the premises in this State at which the licensee is authorized to conduct business.

4. If the Commissioner finds that a licensee's records are not maintained pursuant to subsections 2 and 3, the Commissioner may require the licensee to deliver an audited financial statement prepared from his or her records by a certified public accountant who holds a certificate to engage in the practice of public accounting in this State. The statement must be submitted within 60 days after the Commissioner requests it. The Commissioner may grant a reasonable extension for the submission of the financial statement if an extension is requested before the statement is due.

5. Subsections 2, 3 and 4 do not apply to a debt buyer who is not also collecting claims on behalf of parties who are not affiliated with the debt buyer.

Sec. 39. NRS 649.365 is hereby amended to read as follows:

649.365 1. A collection agency licensed under this chapter must obtain the approval of the Commissioner before using or changing a business name.

2. A collection agency licensed under this chapter shall not:

(a) ~~[Use]~~ ***Except as authorized for a debt buyer in NRS 649.075, use*** any business name which is identical or similar to a business name used by another collection agency licensed under this chapter or which may mislead or confuse the public.

(b) Use any printed forms which may mislead or confuse the public.

(c) Use the term "credit bureau" in its name unless it operates a bona fide credit bureau in conjunction with its collection agency business. For purposes of this paragraph, "credit bureau" means any person engaged in gathering, recording and disseminating information relative to the creditworthiness, financial responsibility, paying habits or character of persons being considered for credit extension for prospective creditors.

Sec. 40. NRS 649.375 is hereby amended to read as follows:

649.375 1. A collection agency, or its ***compliance*** manager, agents or employees, shall not:

(a) Use any device, subterfuge, pretense or deceptive means or representations to collect any ~~[debt,]~~ ***claim,*** nor use any collection letter, demand or notice which simulates a legal process or purports to be from any local, city, county, state or government authority or attorney.

(b) Collect or attempt to collect any interest, charge, fee or expense incidental to the principal obligation unless:

(1) Any such interest, charge, fee or expense as authorized by law ***or contract*** or as agreed to by the parties has been added to the principal of the ~~[debt]~~ ***claim*** by the creditor before receipt of the item of collection;

(2) Any such interest, charge, fee or expense as authorized by law ***or contract*** or as agreed to by the parties has been added to the principal of the ~~[debt]~~ ***claim*** by the collection agency and described as such in the first written communication with the debtor; or

(3) The interest, charge, fee or expense has been judicially determined as proper and legally due from and chargeable against the debtor.

(c) Assign or transfer any claim or account upon termination or abandonment of its collection business unless prior written consent by the customer is given for the assignment or transfer. The written consent must contain an agreement with the customer as to all terms and conditions of the assignment or transfer, including the name and address of the intended assignee. Prior written consent of the Commissioner must also be obtained for any bulk assignment or transfer of claims or accounts, and any assignment or transfer may be regulated and made subject to such limitations or conditions as the Commissioner by regulation may reasonably prescribe.

(d) Operate its business or solicit claims for collection from any location, address or post office box other than that listed on its license or as may be prescribed by the Commissioner ~~[.]~~ ***, except for employees of a collection***

agency working from a remote location pursuant to sections 7 to 10, inclusive, of this act.

(e) Harass a debtor's employer in collecting or attempting to collect a claim, nor engage in any conduct that constitutes harassment as defined by regulations adopted by the Commissioner.

(f) Advertise for sale or threaten to advertise for sale any claim as a means to enforce payment of the claim, unless acting under court order.

(g) Publish or post, or cause to be published or posted, any list of debtors except for the benefit of its stockholders or membership in relation to its internal affairs.

(h) Conduct or operate, in conjunction with its collection agency business, a debt counseling or prorater service for a debtor who has incurred a ~~[debt]~~ ***claim*** primarily for personal, family or household purposes whereby the debtor assigns or turns over to the counselor or prorater any of the debtor's earnings or other money for apportionment and payment of the ~~[debtor's debts]~~ ***claim*** or obligations ~~[.]~~ ***of the debtor.*** This section does not prohibit the conjunctive operation of a business of commercial debt adjustment with a collection agency if the business deals exclusively with the collection of commercial debt.

(i) Collect a ~~[debt]~~ ***claim*** from a person who owes fees to:

(1) A unit-owners' association, if the collection agency is:

(I) Owned or operated by or is an affiliate of a person or entity who is the community manager for the unit-owners' association; or

(II) Owned or operated by a relative of a person who is the community manager for the unit-owners' association.

(2) A person or entity who is an operator of a tow car, if the collection agency is:

(I) Owned or operated by or is an affiliate of a person or entity who is the operator of a tow car; or

(II) Owned or operated by a relative of a person who is the operator of a tow car.

(3) A person or entity who engages in the business of, acts in the capacity of or assumes to act as a property manager of an apartment building, if the collection agency is:

(I) Owned or operated by or is an affiliate of the person or entity who engages in the business of, acts in the capacity of or assumes to act as the property manager of an apartment building; or

(II) Owned or operated by a relative of the person who engages in the business of, acts in the capacity of or assumes to act as the property manager of an apartment building.

(j) File a civil action to collect a debt when the collection agency, compliance manager, agent or employee knows or should know that the applicable limitation period for filing such an action has expired.

(k) Sell an interest in a resolved claim or any personal or financial information related to the resolved claim.

2. As used in this section:

(a) "Affiliate" means a person who directly or indirectly, through one or more intermediaries, controls or is controlled by or is under common control with another designated person.

(b) "Community manager" has the meaning ascribed to it in NRS 116.023 or 116B.050.

(c) "Operator of a tow car" means a person or entity required by NRS 706.4463 to obtain a certificate of public convenience and necessity.

(d) "Property manager" has the meaning ascribed to it in NRS 645.0195.

(e) "Relative" means a person who is related by blood, adoption, marriage or domestic partnership within the third degree of consanguinity or affinity.

(f) "Unit-owners' association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

Sec. 41. NRS 11.200 is hereby amended to read as follows:

11.200 ***1.*** The time in NRS 11.190 shall be deemed to date from the last transaction or the last item charged or last credit given; and whenever any payment on principal or interest has been or shall be made upon an existing contract, whether it be a bill of exchange, promissory note or other evidence of indebtedness if such payment be made after the same shall have become due, the limitation shall commence from the time the last payment was made.

2. Notwithstanding any other provision of law, any payment on a debt, affirmation of a debt or other activity taken relating to a debt by a debtor after the time in NRS 11.190 has expired does not revive ~~[or extend]~~ the applicable limitation.

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. 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, ***649.095,*** 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

(1) Was not created or prepared in an electronic format; and

(2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

(1) Give access to proprietary software; or

(2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.

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

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

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

Sec. 49. Section 6 of this act is hereby amended to read as follows:

Sec. 6. ***1.*** A collection agency shall display on any Internet website maintained by the collection agency:

~~[1.]~~ ***(a)*** The ~~[license number issued to]~~ ***unique identifier registered with the Registry for*** the collection agency ***.*** ~~[by the Commissioner pursuant to NRS 649.135.~~

~~2.]~~ ***(b)*** The certificate identification number of the certificate issued to the compliance manager of the collection agency by the Commissioner pursuant to NRS 649.225.

(c) The unique identifier registered with the Registry for the compliance manager of the collection agency.

2. As used in this section, "unique identifier" has the meaning ascribed to it in NRS 649.281.

Sec. 50. 1. Notwithstanding the amendatory provisions of this act, a debt buyer who is operating in this State on October 1, 2023, may continue such operations until January 1, 2024, without applying for a license as a collection agency pursuant to NRS 649.095, as amended by section 20 of this act. If the debt buyer applies for such a license on or before January 1, 2024, the debt buyer may continue such operation in this State without holding such a license until the license is issued or the application is denied.

2. The amendatory provisions of this act do not apply to an action or arbitration commenced or a judgment entered before October 1, 2023.

3. As used in this section:

(a) "Collection agency" has the meaning ascribed to it in NRS 649.020, as amended by section 14 of this act.

(b) "Debt buyer" has the meaning ascribed to it in section 3 of this act.

Sec. 51. The Legislative Counsel shall:

1. In preparing the Nevada Revised Statutes, use the authority set forth in subsection 10 of NRS 220.120 to substitute appropriately the term "compliance manager" for the term "manager" as previously used in reference to the person responsible for a collection agency.

2. In preparing supplements to the Nevada Administrative Code, substitute appropriately the term "compliance manager" for the term "manager" as previously used in reference to the person responsible for a collection agency.

Sec. 52. NRS 649.054, 649.145, 649.171 and 649.315 are hereby repealed.

Sec. 53. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 48, inclusive, 50, 51 and 52 of this act become effective:

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

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

3. Section 49 of this act becomes effective on the date on which the Commissioner of Financial Institutions notifies the Governor and the Director of the Legislative Counsel Bureau that the Nationwide Multistate Licensing System and Registry has sufficient capabilities to allow the Commissioner to carry out the provisions of chapter 347, Statutes of Nevada 2021, at page 2030.

LEADLINES OF REPEALED SECTIONS

649.054 Regulations authorizing collection from location outside of Nevada; standards for trust accounts.

649.145 Conditions for issuance of license; contents of license.

649.171 Certificate of registration; limitations on business practices; fees; disciplinary action; regulations.

649.315 Display of license or certificate.

Assemblywoman Marzola moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 311.

Bill read second time and ordered to third reading.

Senate Bill No. 342.

Bill read second time and ordered to third reading.

Senate Bill No. 350.

Bill read second time and ordered to third reading.

Senate Bill No. 364.

Bill read second time.

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

Amendment No. 928.

AN ACT relating to cultural remains; requiring, under certain circumstances, a law enforcement agency to communicate with ~~[the Nevada]~~ **an** Indian ~~[Commission]~~ **tribe** or notify the Office of Historic Preservation of the State Department of Conservation and Natural Resources regarding certain

human remains; requiring the Office ~~[and the Department]~~ to deliver certain regulations to the Legislative Counsel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Office of Historic Preservation of the State Department of Conservation and Natural Resources to adopt regulations to carry out the provisions of existing law relating to the protection of Indian burial sites and historic and prehistoric sites. (NRS 383.440) **Section 3** of this bill requires **: (1) such regulations to incorporate the values, beliefs and traditions of the Indian tribes of this State and requires the Nevada Indian Commission to consult with Indian tribes on behalf of the Office and submit the results of the consultation to the Office; and (2)** that the Office deliver such proposed regulations to the Legislative Counsel not later than December 31, 2023.

Section 1 of this bill provides that if a law enforcement agency goes to a location where human remains are found that are reasonably believed to be a native Indian, the law enforcement agency, as part of an investigation, is required to: (1) ~~[communicate]~~ **consult** with ~~[the Nevada Indian Commission;]~~ **a representative of an Indian tribe located within the county where the remains are found;** or (2) notify the Office. ~~[Section 1 further requires the Nevada Indian Commission, if the Commission receives communication from a law enforcement agency, to consult with a representative of an Indian tribe located within the county in which the remains are found. Section 1 also requires the Department to adopt regulations to carry out the provisions of section 1. Section 3 requires the Department to deliver such proposed regulations to the Legislative Counsel not later than December 31, 2023.]~~

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

Section 1. Chapter 383 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a law enforcement agency goes to a location where human remains are found that are reasonably believed to be native Indian, the law enforcement agency must, as part of an investigation:

(a) ~~[Communicate]~~ Consult with ~~[the Nevada Indian Commission for the purposes described in subsection 2;]~~ a representative of an Indian tribe located within the county where the remains are found; or

(b) Notify the Office.

2. ~~[If the Nevada Indian Commission receives communication from a law enforcement agency pursuant to subsection 1, the Nevada Indian Commission shall consult with a representative of an Indian tribe located within the county in which the remains are found.~~

~~3. The Department shall adopt regulations as necessary to carry out the provisions of this section. The Department may adopt such regulations without consultation with any Indian tribe.~~

~~4.~~ ***As used in this section, "law enforcement agency" has the meaning ascribed to it in NRS 289.010.***

Sec. 2. (Deleted by amendment.)

Sec. 3. Not later than December 31, 2023:

1. The **regulations adopted by the Office of Historic Preservation of the State Department of Conservation and Natural Resources pursuant to NRS 383.440 must incorporate the values, beliefs and traditions of the Indian tribes. The Nevada Indian Commission shall consult with Indian tribes on behalf of the Office to incorporate the values, beliefs and traditions of the Indian tribes as determined and conveyed by the members of the Indian tribes and submit the results of the consultation to the Office.**

2. The Office ~~[of Historic Preservation of the State Department of Conservation and Natural Resources]~~ shall deliver proposed regulations to the Legislative Counsel pursuant to NRS 233B.063 to carry out the provisions of NRS 383.150 to 383.440, inclusive, as required pursuant to NRS 383.440.

~~[2. The State Department of Conservation and Natural Resources shall deliver proposed regulations to the Legislative Counsel pursuant to NRS 233B.063 to carry out the provisions of section 1 of this act as required pursuant to section 1 of this act.]~~

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

Assemblywoman Cohen moved the adoption of the amendment.

Amendment adopted.

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

Senate Bill No. 439.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 929.

SENATORS D. HARRIS, SCHEIBLE AND DONATE

JOINT SPONSORS: ASSEMBLYWOMEN GONZÁLEZ, PETERS AND TAYLOR

AN ACT relating to communicable diseases; requiring certain state and local agencies to develop policies to provide uninterrupted services during a public health emergency to certain persons; requiring a public or private detention facility to take certain measures to ensure the access of prisoners to treatment for and methods to prevent the acquisition of human immunodeficiency virus; revising provisions governing certain crimes committed by prisoners; requiring certain public and private health insurers to provide certain coverage; requiring such an insurer to reimburse an advanced practice registered nurse or physician assistant at the same rate as a physician for certain services; authorizing providers of health care to receive credit toward requirements for continuing education for certain training relating to the human immunodeficiency virus; requiring certain providers of health care to complete such training; providing that the repeal or revision of certain

crimes applies retroactively; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services and district, county and city health departments to perform certain functions relating to public health in this State, including certain duties relating to the control of communicable diseases. (NRS 439.150-439.265, 439.340, 439.350, 439.360, 439.366, 439.367, 439.3675, 439.405, 439.410, 439.460, 439.470) Existing law also requires a district health officer or the Chief Medical Officer to perform certain duties relating to the control of communicable diseases. (Chapter 441A of NRS) Existing law prescribes certain responsibilities of the Division of Health Care Financing and Policy of the Department concerning the administration of the Medicaid program. (NRS 422.061, 422.063) **Section 1** of this bill requires the Department and all district, county and city boards of health to develop policies to provide uninterrupted services during a public health emergency to persons who have been diagnosed with the human immunodeficiency virus or persons who are at a high risk of acquiring the human immunodeficiency virus. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes.

Existing law requires the Director of the Department of Corrections to establish standards for the medical and dental services of each institution or facility under the control of the Department. (NRS 209.381) Existing law also requires a sheriff, chief of police or town marshal to arrange for the administration of medical care required by prisoners while in his or her custody. (NRS 211.140) **Sections 11 and 12** of this bill impose certain requirements on the operators of public and private prisons, jails and detention facilities to ensure the access of prisoners to treatment for human immunodeficiency virus and methods of preventing the acquisition of human immunodeficiency virus.

Existing law prohibits a prisoner from using, propelling, discharging, spreading or concealing human excrement or bodily fluid with intent or under circumstances where it is reasonably likely that the excrement or fluid will come in contact with another person. Under most circumstances, a violation is a gross misdemeanor, a category D felony or a category B felony, depending on the circumstances of the prisoner's confinement. However, if the prisoner knew at the time of the offense that any portion of the excrement or bodily fluid contained a communicable disease that causes or is reasonably likely to cause substantial bodily harm, the violation is a category A felony, regardless of whether the communicable disease was transmitted. (NRS 212.189) **Section 13** of this bill instead provides that such a violation is only a category A felony where: (1) the communicable disease was likely to be transmitted by his or her conduct; and (2) the communicable disease was actually transmitted as a result of the conduct. **Section 78** of this bill provides that the provisions of **section 13** apply retroactively to violations that occurred before the effective date of

that section, if the person who committed the violation has not been convicted before that date.

Existing law requires public and private health plans, including Medicaid and health plans for state government employees, to cover an examination and testing of a pregnant woman for *Chlamydia trachomatis*, gonorrhea, hepatitis B, hepatitis C and syphilis. (NRS 287.04335, 422.27173, 689A.0412, 689B.0315, 689C.1675, 695A.1856, 695B.1913, 695C.1737, 695G.1714) **Sections 16, 22, 34, 42, 47, 52, 55, 60, 65, 67 and 72** of this bill additionally require such insurance plans to cover: (1) testing for, treatment of and prevention of sexually transmitted diseases; and (2) condoms for certain covered persons.

Existing law requires certain public and private health plans, including health plans for state government employees, to cover drugs that prevent the acquisition of human immunodeficiency virus and any related laboratory or diagnostic procedures. (NRS 287.010, 287.04335, 689A.0437, 689B.0312, 689C.1671, 695A.1843, 695B.1924, 695C.1743, 695G.1705) **Sections 31, 37, 44, 51, 57, 62, 68 and 74** of this bill require such insurance plans to cover all such drugs approved by the United States Food and Drug Administration and all drugs approved by the Food and Drug Administration for treating human immunodeficiency virus or hepatitis C without restrictions, other than step therapy. **Sections 23, 37, 44, 51, 57, 62, 68 and 74** of this bill require such insurance plans to: (1) cover any service to test for, prevent or treat those diseases provided by a provider of primary care if the service is covered when provided by a specialist and certain other requirements are met; and (2) reimburse an advanced practice registered nurse or a physician assistant for such services at a rate equal to that provided to a physician. **Sections 16, 20, 31, 33, 41, 46, 52, 54, 59, 64, 67 and 71** impose similar requirements regarding: (1) coverage of certain drugs approved by the Food and Drug Administration to treat substance use disorder; (2) coverage of services for the treatment of substance use disorder provided by a provider of primary care; and (3) reimbursement for such services provided by an advanced practice registered nurse. **Sections 14.5-15.5** of this bill make conforming changes to exempt local governmental agencies that provide health insurance to employees through a plan of self-insurance from the amendatory provisions of **section 44** while maintaining existing requirements that apply to such insurance. **Sections 36, 38, 49 and 50** of this bill make conforming changes to indicate that the coverage required by **sections 33 and 46** is in addition to certain coverage of services for the treatment of substance use disorder that certain insurers are required by existing law to provide. **Sections 14 and 39** of this bill make conforming changes to indicate the proper placement of **sections 20, 22, 33 and 34** in the Nevada Revised Statutes. **Section 69** 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 64 or 65**. The Commissioner would also be authorized to take such action against any health insurer who fails to comply with the requirements of

sections 33, 34, 37, 41-44, 46, 47, 50, 54-57, 59-62, 67, 68 or 71-74 of this bill. (NRS 680A.200, 695C.330)

Existing law requires the Department of Health and Human Services to develop a list of preferred prescription drugs to be used for the Medicaid program. Existing law requires the Department to: (1) include on that list drugs for the prevention of human immunodeficiency virus; and (2) include drugs prescribed to treat the human immunodeficiency virus on a list of drugs that are excluded from the restrictions imposed on drugs that are on the list of preferred prescription drugs. (NRS 422.4025) **Section 25** of this bill requires the Medicaid program to cover a prescription drug that is not on the list of preferred prescription drugs if the drug is: (1) used to treat hepatitis C, used to provide medication-assisted treatment for opioid use disorder, used to support safe withdrawal from substance use disorder or is in the same class as a prescription drug on the list of preferred prescription drugs; and (2) is unsuitable for a recipient of Medicaid for certain reasons.

Existing law requires physicians, osteopathic physicians, physician assistants and nurses to complete certain continuing education in order to renew their licenses. (NRS 630.253, 632.343, 633.471) **Sections 28-30 and 75** of this bill require such a provider of health care who provides or supervises the provision of emergency medical care or primary care in a hospital to complete before the first renewal of their license or, for currently practicing providers, the next renewal of their license, at least 2 hours of training in stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus. **Section 27** of this bill authorizes any provider of health care to use training in that subject in place of not more than 2 hours of any other training that the provider is required to complete, other than continuing education relating to ethics.

Senate Bill No. 275 of the 2021 Legislative Session repealed certain criminal offenses for which an element of the offense was having the human immunodeficiency virus. (Section 24, chapter 491, Statutes of Nevada 2021, at page 3199) **Section 77** of this bill provides that the repeal of those offenses applies retroactively to violations that occurred before the effective date of Senate Bill No. 275.

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

Section 1. Chapter 441A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department of Health and Human Services and all district, county and city boards of health shall develop policies to provide uninterrupted services during a public health emergency to persons who have been diagnosed with the human immunodeficiency virus or who are at a high risk of acquiring the human immunodeficiency virus and who are receiving services from the Department or any division thereof or the district,

county or city health department, as applicable. Such policies may provide, without limitation, for the delivery of such services during a public health emergency:

(a) Over the Internet;

(b) Using an application for a mobile device; or

(c) By calling or sending text messages from a telephone number that is not generally blocked or identified as a source of unwanted calls or messages.

2. As used in this section:

(a) "Mobile device" includes, without limitation, a smartphone or a tablet computer.

(b) "Public health emergency" means:

(1) A public health emergency or other health event identified by a health authority pursuant to NRS 439.970; or

(2) A state of emergency or declaration of disaster proclaimed pursuant to NRS 414.070 that relates to or affects public health.

Sec. 2. NRS 441A.334 is hereby amended to read as follows:

441A.334 As used in this section and NRS 441A.335 and 441A.336, ***and section 1 of this act,*** "provider of health care" means a physician, nurse or physician assistant licensed in accordance with state law.

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. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department or the operator of a private facility or institution shall not enter into a contract or other agreement with any person or entity to provide medical services to offenders who are diagnosed with human immunodeficiency virus unless the person or entity demonstrates that at least 95 percent of the patients who are diagnosed with human immunodeficiency virus to whom the person or entity provides medical services:

(a) Are offered treatment on the same day as the diagnosis; and

(b) Are able to begin such treatment not later than 7 days after diagnosis.

2. Except as otherwise provided in subsection 3, an institution, facility or private facility or institution shall take reasonable measures to ensure the availability of:

(a) Any drug prescribed for treating the human immunodeficiency virus in the form recommended by the prescribing practitioner to each offender who has been diagnosed with human immunodeficiency virus to the same extent and under the same conditions as other medical care for offenders.

(b) Methods of preventing the acquisition of human immunodeficiency virus, including, without limitation, drugs approved by the United States Food and Drug Administration for that purpose, to all offenders free of charge.

3. An institution, facility or private facility or institution:

(a) Is not required to make available a drug described in subsection 2 for which a prescription is required to an offender for whom such a prescription has not been issued.

(b) Shall take reasonable measures to make available to all offenders a provider of health care who is authorized to issue a prescription for a drug described in subsection 2.

(c) Shall not demand, request or suggest that a provider of health care refrain from issuing a prescription for a drug described in subsection 2 to an offender or take any other measure to prevent a provider of health care from issuing such a prescription.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 12. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A sheriff, chief of police or town marshal who is responsible for a county, city or town jail or detention facility shall not enter into a contract or other agreement with any person or entity to provide medical services to prisoners who are diagnosed with human immunodeficiency virus unless the person or entity demonstrates that at least 95 percent of the patients who are diagnosed with human immunodeficiency virus to whom the person or entity provides medical services:

(a) Are offered treatment on the same day as the diagnosis; and

(b) Are able to begin such treatment not later than 7 days after diagnosis.

2. Except as otherwise provided in subsection 3, a county, city or town jail or detention facility shall take reasonable measures to ensure the availability of:

(a) Any drug prescribed for treating the human immunodeficiency virus in the form recommended by the prescribing practitioner to each prisoner who has been diagnosed with human immunodeficiency virus to the same extent and under the same conditions as other medical care for prisoners.

(b) Methods of preventing the acquisition of human immunodeficiency virus, including, without limitation, drugs approved by the United States Food and Drug Administration for that purpose, to all prisoners free of charge.

3. A county, city or town jail or detention facility:

(a) Is not required to make available a drug described in subsection 2 for which a prescription is required to a prisoner for whom such a prescription has not been issued.

(b) Shall take reasonable measures to make available to all prisoners a provider of health care who is authorized to issue a prescription for a drug described in subsection 2.

(c) Shall not demand, request or suggest that a provider of health care refrain from issuing a prescription for a drug described in subsection 2 to an offender or take any other measure to prevent a provider of health care from issuing such a prescription.

4. As used in this section, "provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 13. NRS 212.189 is hereby amended to read as follows:

212.189 1. Except as otherwise provided in subsection 10, a prisoner who is under lawful arrest, in lawful custody or in lawful confinement shall not knowingly:

(a) Store or stockpile any human excrement or bodily fluid;

(b) Sell, supply or provide any human excrement or bodily fluid to any other person;

(c) Buy, receive or acquire any human excrement or bodily fluid from any other person; or

(d) Use, propel, discharge, spread or conceal, or cause to be used, propelled, discharged, spread or concealed, any human excrement or bodily fluid:

(1) With the intent to have the excrement or bodily fluid come into physical contact with any portion of the body of another person, including, without limitation, an officer or employee of a prison or law enforcement agency, whether or not such physical contact actually occurs; or

(2) Under circumstances in which the excrement or bodily fluid is reasonably likely to come into physical contact with any portion of the body of another person, including, without limitation, an officer or employee of a prison or law enforcement agency, whether or not such physical contact actually occurs.

2. Except as otherwise provided in subsection 4, if a prisoner who is under lawful arrest or in lawful custody violates any provision of subsection 1, the prisoner is guilty of:

(a) For a first offense, a gross misdemeanor.

(b) For a second offense or any subsequent offense, a category D felony and shall be punished as provided in NRS 193.130.

3. Except as otherwise provided in subsection 4, if a prisoner who is in lawful confinement, other than residential confinement, violates any provision of subsection 1, the prisoner is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

4. If a prisoner who is under lawful arrest, in lawful custody or in lawful confinement violates any provision of paragraph (d) of subsection 1 and, at the time of the offense, the prisoner knew that any portion of the excrement or bodily fluid involved in the offense contained a communicable disease that

causes or is reasonably likely to cause substantial bodily harm, ~~[whether or not]~~ ***the communicable disease is likely to be transmitted as a result of the offense and*** the communicable disease was ***actually*** transmitted to a victim as a result of the offense, the prisoner is guilty of a category A felony and shall be punished by imprisonment in the state prison:

(a) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(b) For a definite term of 25 years, with eligibility for parole beginning when a minimum of 10 years has been served,

➥ and may be further punished by a fine of not more than $50,000.

5. A sentence imposed upon a prisoner pursuant to subsection 2, 3 or 4:

(a) Is not subject to suspension or the granting of probation; and

(b) Must run consecutively after the prisoner has served any sentences imposed upon the prisoner for the offense or offenses for which the prisoner was under lawful arrest, in lawful custody or in lawful confinement when the prisoner violated the provisions of subsection 1.

6. In addition to any other penalty, the court shall order a prisoner who violates any provision of paragraph (d) of subsection 1 to reimburse the appropriate person or governmental body for the cost of any examinations or testing:

(a) Conducted pursuant to paragraphs (a) and (b) of subsection 8; or

(b) Paid for pursuant to subparagraph (2) of paragraph (c) of subsection 8.

7. The warden, sheriff, administrator or other person responsible for administering a prison shall immediately and fully investigate any act described in subsection 1 that is reported or suspected to have been committed in the prison.

8. If there is probable cause to believe that an act described in paragraph (d) of subsection 1 has been committed in a prison:

(a) Each prisoner believed to have committed the act or to have been the bodily source of any portion of the excrement or bodily fluid involved in the act shall submit to any appropriate examinations and testing to determine whether each such prisoner has any communicable disease.

(b) If possible, a sample of the excrement or bodily fluid involved in the act must be recovered and tested to determine whether any communicable disease is present in the excrement or bodily fluid.

(c) If the excrement or bodily fluid involved in the act came into physical contact with any portion of the body of an officer or employee of a prison or law enforcement agency:

(1) The results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be provided to each such officer, employee or other person; and

(2) For each such officer or employee:

(I) Of a prison, the person or governmental body operating the prison where the act was committed shall pay for any appropriate examinations and testing requested by the officer or employee to determine whether a

communicable disease was transmitted to the officer or employee as a result of the act; and

(II) Of any law enforcement agency, the law enforcement agency that employs the officer or employee shall pay for any appropriate examinations and testing requested by the officer or employee to determine whether a communicable disease was transmitted to the officer or employee as a result of the act.

(d) The results of the investigation conducted pursuant to subsection 7 and the results of any examinations or testing conducted pursuant to paragraphs (a) and (b) must be submitted to the district attorney of the county in which the act was committed or to the Office of the Attorney General for possible prosecution of each prisoner who committed the act.

9. If a prisoner is charged with committing an act described in paragraph (d) of subsection 1 and a victim or an intended victim of the act was an officer or employee of a prison or law enforcement agency, the prosecuting attorney shall not dismiss the charge in exchange for a plea of guilty, guilty but mentally ill or nolo contendere to a lesser charge or for any other reason unless the prosecuting attorney knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial.

10. The provisions of this section do not apply to a prisoner who is in residential confinement or to a prisoner who commits an act described in subsection 1 if the act:

(a) Is otherwise lawful and is authorized by the warden, sheriff, administrator or other person responsible for administering the prison, or his or her designee, and the prisoner performs the act in accordance with the directions or instructions given to the prisoner by that person;

(b) Involves the discharge of human excrement or bodily fluid directly from the body of the prisoner and the discharge is the direct result of a temporary or permanent injury, disease or medical condition afflicting the prisoner that prevents the prisoner from having physical control over the discharge of his or her own excrement or bodily fluid; or

(c) Constitutes voluntary sexual conduct with another person in violation of the provisions of NRS 212.187.

Sec. 14. 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 20 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. 14.5. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

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 that provides health insurance through a plan of self-insurance shall provide coverage for:

(a) Drugs approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus;

(b) Laboratory testing that is necessary for therapy that uses such a drug; and

(c) The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the governing body.

2. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall reimburse a pharmacist who participates in the network plan of the governing body for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

3. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may subject the benefits required by subsection 1 to reasonable medical management techniques.

4. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the governing body.

5. A plan of self-insurance described in subsection 1 that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a plan of self-insurance provided by the governing body of a local governmental agency 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 governing body. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 15. 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.031, inclusive, 689B.0313 to*** 689B.050, inclusive, 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. 15.5. NRS 287.040 is hereby amended to read as follows:

287.040 The provisions of NRS 287.010 to 287.040, inclusive, ***and section 14.5 of this act*** do not make it compulsory upon any governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada, except as otherwise provided in NRS 287.021 or subsection 4 of NRS 287.023 or in an agreement entered into pursuant to subsection 3 of NRS 287.015, to pay any premiums, contributions or other costs for group insurance, a plan of benefits or medical or hospital services established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, for coverage under the Public Employees' Benefits Program, or to make any

contributions to a trust fund established pursuant to NRS 287.017, or upon any officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State to accept any such coverage or to assign his or her wages or salary in payment of premiums or contributions therefor.

Sec. 16. 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 sections 71 and 72 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. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. Chapter 422 of NRS is hereby amended by adding thereto the provisions set forth as sections 20 and 21 of this act.

Sec. 20. ***1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenses for any service for the treatment of substance use disorder provided by a provider of primary care if the service is included in the State Plan when provided by a specialist and:***

(a) The service is within the scope of practice of the provider of primary care; or

(b) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 422.27173 is hereby amended to read as follows:

422.27173 The Director shall include in the State Plan for Medicaid a requirement that the State must pay the nonfederal share of expenditures incurred for ***:***

1. Testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all recipients of Medicaid, regardless of age. Services covered pursuant to this section must include, without limitation, the examination of a pregnant woman for the discovery of:

~~[1.]~~ ***(a)*** Chlamydia trachomatis, gonorrhea, hepatitis B and hepatitis C in accordance with NRS 442.013.

~~[2.]~~ ***(b)*** Syphilis in accordance with NRS 442.010.

2. Condoms for recipients of Medicaid.

Sec. 23. NRS 422.27235 is hereby amended to read as follows:

422.27235 ***1.*** The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

~~[1.]~~ ***(a)*** Any laboratory testing that is necessary for therapy that uses a drug approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus **.** ~~[; and]~~

~~[2.]~~ ***(b)*** The services of a pharmacist described in NRS 639.28085. The State must provide reimbursement for such services at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. The Director shall include in the State Plan for Medicaid a requirement that the State reimburse an advanced practice registered nurse or a physician assistant for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 422.4025 is hereby amended to read as follows:

422.4025 1. The Department shall:

(a) By regulation, develop a list of preferred prescription drugs to be used for the Medicaid program and the Children's Health Insurance Program, and each public or nonprofit health benefit plan that elects to use the list of preferred prescription drugs as its formulary pursuant to NRS 287.012, 287.0433 or 687B.407; and

(b) Negotiate and enter into agreements to purchase the drugs included on the list of preferred prescription drugs on behalf of the health benefit plans described in paragraph (a) or enter into a contract pursuant to NRS 422.4053 with a pharmacy benefit manager, health maintenance organization or one or more public or private entities in this State, the District of Columbia or other states or territories of the United States, as appropriate, to negotiate such agreements.

2. The Department shall, by regulation, establish a list of prescription drugs which must be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs established pursuant to subsection 1. The list established pursuant to this subsection must include, without limitation:

(a) Prescription drugs that are prescribed for the treatment of the human immunodeficiency virus, including, without limitation, antiretroviral medications;

(b) Antirejection medications for organ transplants;

(c) Antihemophilic medications; and

(d) Any prescription drug which the Board identifies as appropriate for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs.

3. The regulations must provide that the Board makes the final determination of:

(a) Whether a class of therapeutic prescription drugs is included on the list of preferred prescription drugs and is excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs;

(b) Which therapeutically equivalent prescription drugs will be reviewed for inclusion on the list of preferred prescription drugs and for exclusion from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs; and

(c) Which prescription drugs should be excluded from any restrictions that are imposed by the Medicaid program on drugs that are on the list of preferred prescription drugs based on continuity of care concerning a specific diagnosis, condition, class of therapeutic prescription drugs or medical specialty.

4. The list of preferred prescription drugs established pursuant to subsection 1 must include, without limitation:

(a) Any prescription drug determined by the Board to be essential for treating sickle cell disease and its variants; and

(b) Prescription drugs to prevent the acquisition of human immunodeficiency virus.

5. The regulations must provide that each new pharmaceutical product and each existing pharmaceutical product for which there is new clinical evidence supporting its inclusion on the list of preferred prescription drugs must be made available pursuant to the Medicaid program with prior authorization until the Board reviews the product or the evidence.

6. ***The Medicaid program must cover a prescription drug that is not included on the list of preferred prescription drugs as if the drug were included on that list if:***

(a) The drug is:

(1) Used to treat hepatitis C;

(2) Used to provide medication-assisted treatment for opioid use disorder;

(3) Used to support safe withdrawal from substance use disorder; or

(4) In the same class as a drug on the list of preferred prescription drugs; and

(b) All preferred prescription drugs within the same class as the drug are unsuitable for a recipient of Medicaid because:

(1) The recipient is allergic to all preferred prescription drugs within the same class as the drug;

(2) All preferred prescription drugs within the same class as the drug are contraindicated for the recipient or are likely to interact in a harmful manner with another drug that the recipient is taking;

(3) The recipient has a history of adverse reactions to all preferred prescription drugs within the same class as the drug; or

(4) The drug has a unique indication that is supported by peer-reviewed clinical evidence or approved by the United States Food and Drug Administration.

7. On or before February 1 of each year, the Department shall:

(a) Compile a report concerning the agreements negotiated pursuant to paragraph (b) of subsection 1 and contracts entered into pursuant to NRS 422.4053 which must include, without limitation, the financial effects of obtaining prescription drugs through those agreements and contracts, in total and aggregated separately for agreements negotiated by the Department, contracts with a pharmacy benefit manager, contracts with a health maintenance organization and contracts with public and private entities from this State, the District of Columbia and other states and territories of the United States; and

(b) Post the report on an Internet website maintained by the Department and submit the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) In odd-numbered years, the Legislature; or

(2) In even-numbered years, the Legislative Commission.

Sec. 26. NRS 608.156 is hereby amended to read as follows:

608.156 1. ~~[If]~~ ***In addition to any benefits required by NRS 608.1555,*** an employer provides health benefits for his or her employees, the employer shall provide benefits for the expenses for the treatment of alcohol and substance use disorders. The annual benefits provided by the employer must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a maximum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a maximum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a maximum benefit of $2,500 per calendar year.

2. The maximum amount which may be paid in the lifetime of the insured for any combination of the treatments listed in subsection 1 is $39,000.

3. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by the employer are paid.

4. The employee is entitled to these benefits if treatment is received in any:

(a) Program for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 27. NRS 629.093 is hereby amended to read as follows:

629.093 Unless a specific statute or regulation requires or authorizes a greater number of hours, a provider of health care may use credit earned for continuing education relating to Alzheimer's disease ***or the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus*** in place of not more than 2 hours each year of the continuing education that the provider of health care is required to complete, other than any continuing education relating to ethics that the provider of health care is required to complete.

Sec. 28. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to submit evidence of compliance with the requirements for continuing education as set forth in regulations adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

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

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

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

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

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

(c) Must provide for the completion by a holder of a license to practice medicine of a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 6.

(d) Must provide for the completion of at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

(e) Must provide for the biennial completion by each psychiatrist and each physician assistant practicing under the supervision of a psychiatrist of one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

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

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

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

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

(II) Persons from various religious backgrounds;

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

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

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

(VIII) Persons who are part of any other population that a psychiatrist or a physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

(f) Must allow the holder of a license to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

(g) Must provide for the completion by a physician or physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care of at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.

3. The Board may determine whether to include in a program of continuing education courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction in addition to the course of instruction required by paragraph (b) of subsection 2.

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

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

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

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

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

5. The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall require each holder of a license to practice medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness, which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

7. The Board shall encourage each holder of a license to practice medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

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

8. A holder of a license to practice medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

9. Except as otherwise provided in NRS 630.2535, a holder of a license to practice medicine may substitute not more than 2 hours of continuing education credits in pain management, care for persons with an addictive disorder or the screening, brief intervention and referral to treatment approach to substance use disorder for the purposes of satisfying an equivalent requirement for continuing education in ethics.

10. As used in this section:

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

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

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

(d) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

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

~~[(e)]~~ ***(f)*** "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 29. NRS 632.343 is hereby amended to read as follows:

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

(a) An accredited school of professional nursing;

(b) An accredited school of practical nursing;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(II) Persons from various religious backgrounds;

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

(IV) Children and senior citizens;

(V) Veterans;

(VI) Persons with a mental illness;

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

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

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

(e) For each person licensed pursuant to this chapter who provides or supervises the provision of emergency medical services in a hospital or primary care, at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus to be completed within 2 years after beginning to provide or supervise the provision of such services or care.

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

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

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

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

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

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

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

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

(a) Recognizing the symptoms of pediatric cancer; and

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

8. As used in this section:

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

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

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

(d) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

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

~~[(e)]~~ ***(f)*** "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 30. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~[14]~~ ***15*** and NRS 633.491, every holder of a license, except a physician assistant, issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Subject to subsection ~~[13,]~~ ***14,*** submitting evidence to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board in accordance with regulations adopted by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

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

2. The Secretary of the Board shall notify each licensee of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. Subject to subsection ~~[13,]~~ ***14,*** upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. The Board shall require each holder of a license to practice osteopathic medicine to complete a course of instruction within 2 years after initial licensure that provides at least 2 hours of instruction on evidence-based suicide prevention and awareness as described in subsection 9.

5. The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.

6. The Board shall encourage each holder of a license to practice osteopathic medicine or as a physician assistant to receive, as a portion of his or her continuing education, training and education in the diagnosis of rare diseases, including, without limitation:

(a) Recognizing the symptoms of pediatric cancer; and

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

7. The Board shall require, as part of the continuing education requirements approved by the Board, the biennial completion by a holder of a license to practice osteopathic medicine of at least 2 hours of continuing education credits in ethics, pain management, care of persons with addictive disorders or the screening, brief intervention and referral to treatment approach to substance use disorder.

8. The continuing education requirements approved by the Board must allow the holder of a license as an osteopathic physician or physician assistant to receive credit toward the total amount of continuing education required by the Board for the completion of a course of instruction relating to genetic counseling and genetic testing.

9. The Board shall require each holder of a license to practice osteopathic medicine to receive as a portion of his or her continuing education at least 2 hours of instruction every 4 years on evidence-based suicide prevention and awareness which may include, without limitation, instruction concerning:

(a) The skills and knowledge that the licensee needs to detect behaviors that may lead to suicide, including, without limitation, post-traumatic stress disorder;

(b) Approaches to engaging other professionals in suicide intervention; and

(c) The detection of suicidal thoughts and ideations and the prevention of suicide.

10. A holder of a license to practice osteopathic medicine may not substitute the continuing education credits relating to suicide prevention and awareness required by this section for the purposes of satisfying an equivalent requirement for continuing education in ethics.

11. The Board shall require each holder of a license to practice osteopathic medicine to complete at least 2 hours of training in the screening, brief intervention and referral to treatment approach to substance use disorder within 2 years after initial licensure.

12. The Board shall require each psychiatrist or a physician assistant practicing under the supervision of a psychiatrist to biennially complete one or more courses of instruction that provide at least 2 hours of instruction relating to cultural competency and diversity, equity and inclusion. Such instruction:

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

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

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

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

(2) Persons from various religious backgrounds;

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

(4) Children and senior citizens;

(5) Veterans;

(6) Persons with a mental illness;

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

(8) Persons who are part of any other population that a psychiatrist or physician assistant practicing under the supervision of a psychiatrist may need to better understand, as determined by the Board.

13. ***The Board shall require each holder of a license to practice osteopathic medicine or as a physician assistant who provides or supervises the provision of emergency medical services in a hospital or primary care to complete at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus within 2 years after beginning to provide or supervise the provision of such services or care.***

14. The Board shall not require a physician assistant to receive or maintain certification by the National Commission on Certification of Physician Assistants, or its successor organization, or by any other nationally recognized organization for the accreditation of physician assistants to satisfy any

continuing education requirement pursuant to paragraph (d) of subsection 1 and subsection 3.

~~[14.]~~ ***15.*** Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

16. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 31. 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.0437,*** 689A.044, 689A.0445, 689B.031, ***689B.0312,*** 689B.0313, 689B.0315, 689B.0317, 689B.0374, ***689C.1671,*** 689C.1675, ***695A.1843,*** 695A.1856, 695B.1912, 695B.1913, 695B.1914, ***695B.1924,*** 695B.1925, 695B.1942, 695C.1713, 695C.1735, 695C.1737, ***695C.1743,*** 695C.1745, 695C.1751, 695G.170, ***695G.1705,*** 695G.171, 695G.1714 and 695G.177, ***and sections 33, 41, 46, 54, 59, 64 and 71 of this act,*** 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 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. 32. Chapter 689A of NRS is hereby amended by adding thereto the provisions set forth as sections 33, 34 and 35 of this act.

Sec. 33. ***1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. An insurer shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the insurer.

3. An insurer shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 34. *1. An insurer that offers or issues a policy of health insurance shall include in the policy:*

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689A.0412 and 689A.0437.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 35. (Deleted by amendment.)

Sec. 36. NRS 689A.030 is hereby amended to read as follows:

689A.030 A policy of health insurance must not be delivered or issued for delivery to any person in this State unless it otherwise complies with this Code, and complies with the following:

1. The entire money and other considerations for the policy must be expressed therein.

2. The time when the insurance takes effect and terminates must be expressed therein.

3. It must purport to insure only one person, except that a policy may insure, originally or by subsequent amendment, upon the application of an adult member of a family, who shall be deemed the policyholder, any two or more eligible members of that family, including the husband, wife, domestic partner as defined in NRS 122A.030, dependent children, from the time of birth, adoption or placement for the purpose of adoption as provided in NRS 689A.043, or any child on or before the last day of the month in which the child attains 26 years of age, and any other person dependent upon the policyholder.

4. The style, arrangement and overall appearance of the policy must not give undue prominence to any portion of the text, and every printed portion of the text of the policy and of any endorsements or attached papers must be plainly printed in light-faced type of a style in general use, the size of which must be uniform and not less than 10 points with a lowercase unspaced alphabet length not less than 120 points. “Text” includes all printed matter except the name and address of the insurer, the name or the title of the policy, the brief description, if any, and captions and subcaptions.

5. The exceptions and reductions of indemnity must be set forth in the policy and, other than those contained in NRS 689A.050 to 689A.290, inclusive, must be printed, at the insurer’s option, with the benefit provision to which they apply or under an appropriate caption such as “Exceptions” or “Exceptions and Reductions,” except that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of that exception or reduction must be included with the benefit provision to which it applies.

6. Each such form, including riders and endorsements, must be identified by a number in the lower left-hand corner of the first page thereof.

7. The policy must not contain any provision purporting to make any portion of the charter, rules, constitution or bylaws of the insurer a part of the policy unless that portion is set forth in full in the policy, except in the case of

the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the Commissioner.

8. The policy must provide benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. ~~[~~The~~]~~ ***Except as otherwise provided in this subsection, the*** policy must provide ~~[~~, at the option of the applicant,~~]~~ benefits for expenses incurred for the treatment of alcohol or substance use disorder ***.*** ~~[~~, unless~~]~~ ***Except for the benefits required by section 34 of this act, such benefits must be provided:***

(a) At the option of the applicant; and

(b) Unless the policy provides coverage only for a specified disease or provides for the payment of a specific amount of money if the insured is hospitalized or receiving health care in his or her home.

10. The policy must provide benefits for expense arising from hospice care.

Sec. 37. NRS 689A.0437 is hereby amended to read as follows:

689A.0437 1. An insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) ~~[~~Drugs~~]~~ ***All drugs*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[~~;~~]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the insurer;***

(b) Laboratory testing that is necessary for therapy that uses ~~[~~such~~]~~ a drug ~~[~~;~~]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[~~(c)~~]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of health insurance shall reimburse ~~[~~a~~]~~ ***:***

(a) A pharmacist who participates in the network plan of the insurer for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the insurer for any service to test for,

prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. An insurer ~~[may subject]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

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]~~ ***January*** 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 38. NRS 689A.046 is hereby amended to read as follows:

689A.046 1. ~~[The]~~ ***In addition to the benefits required by section 33 of this act, the*** benefits provided by a policy for health insurance for treatment of alcohol or substance use disorder must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effect of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorder which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorder as part of its accredited activities.

Sec. 39. 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 sections 33 and 34 of this act.***

Sec. 40. Chapter 689B of NRS is hereby amended by adding thereto the provisions set forth as sections 41, 42 and 43 of this act.

Sec. 41. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. An insurer shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the insurer.

3. An insurer shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

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 January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 42. ***1. An insurer that offers or issues a policy of group health insurance shall include in the policy:***

(a) Coverage of testing for and the treatment of and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689B.0312 and 689B.0315.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of group health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 43. (Deleted by amendment.)

Sec. 44. NRS 689B.0312 is hereby amended to read as follows:

689B.0312 1. An insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) ~~[~~Drugs~~]~~ ***All drugs*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[;]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the insurer;***

(b) Laboratory testing that is necessary for therapy that uses ~~[~~such~~]~~ a drug ~~[;]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[~~(c)~~]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the insurer.

2. An insurer that offers or issues a policy of group health insurance shall reimburse ~~[~~a~~]~~ ***:***

(a) A pharmacist who participates in the network plan of the insurer for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the insurer for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. An insurer ~~[~~may subject~~]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[~~reasonable~~]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. An insurer shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

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~~]~~

January 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 45. Chapter 689C of NRS is hereby amended by adding thereto the provisions set forth as sections 46, 47 and 48 of this act.

Sec. 46. ***1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A carrier shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the carrier.

3. A carrier shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier 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 carrier. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 47. ***1. A carrier that offers or issues a health benefit plan shall include in the plan:***

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 689C.1671 and 689C.1675.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 48. (Deleted by amendment.)

Sec. 49. NRS 689C.166 is hereby amended to read as follows:

689C.166 Each group health insurance policy must contain in substance a provision for benefits payable for expenses incurred for the treatment of alcohol or substance use disorder, as provided in NRS 689C.167 ~~[.]~~ ***and section 46 of this act.***

Sec. 50. NRS 689C.167 is hereby amended to read as follows:

689C.167 1. ~~[The]~~ ***In addition to the benefits required by section 46 of this act, the*** benefits provided by a group policy for health insurance, as

required by NRS 689C.166, for the treatment of alcohol or substance use disorders must ~~[consist of:]~~ ***include, without limitation:***

(a) Treatment for withdrawal from the physiological effects of alcohol or drugs, with a minimum benefit of $1,500 per calendar year.

(b) Treatment for a patient admitted to a facility, with a minimum benefit of $9,000 per calendar year.

(c) Counseling for a person, group or family who is not admitted to a facility, with a minimum benefit of $2,500 per calendar year.

2. Except as otherwise provided in NRS 687B.409, these benefits must be paid in the same manner as benefits for any other illness covered by a similar policy are paid.

3. The insured person is entitled to these benefits if treatment is received in any:

(a) Facility for the treatment of alcohol or substance use disorders which is certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

(b) Hospital or other medical facility or facility for the dependent which is licensed by the Division of Public and Behavioral Health of the Department of Health and Human Services, is accredited by The Joint Commission or CARF International and provides a program for the treatment of alcohol or substance use disorders as part of its accredited activities.

Sec. 51. NRS 689C.1671 is hereby amended to read as follows:

689C.1671 1. A carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) ~~[Drugs]~~ ***All drugs*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[;]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the carrier;***

(b) Laboratory testing that is necessary for therapy that uses ~~[such]~~ a drug ~~[;]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[(c)]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the health benefit plan of the carrier.

2. A carrier that offers or issues a health benefit plan shall reimburse ~~[a]~~ ***:***

(a) A pharmacist who participates in the health benefit plan of the carrier for the services described in NRS 639.28085 at a rate equal to the rate of

reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the carrier for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A carrier ~~[may subject]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A carrier shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

5. A health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier 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 carrier. The term does not include an arrangement for the financing of premiums.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 52. 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 sections 46 and 47 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. 53. Chapter 695A of NRS is hereby amended by adding thereto the provisions set forth as sections 54, 55 and 56 of this act.

Sec. 54. ***1. A society that offers or issues a benefit contract shall include in the contract coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A society shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the society.

3. A society shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 55. ***1. A society that offers or issues a benefit contract shall include in the contract:***

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695A.1843 and 695A.1856.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract that conflicts with the provisions of this section is void.

Sec. 56. (Deleted by amendment.)

Sec. 57. NRS 695A.1843 is hereby amended to read as follows:

695A.1843 1. A society that offers or issues a benefit contract shall include in the benefit coverage for:

(a) ~~[~~Drugs~~]~~ ***All*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[~~**,**~~]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the society;***

(b) Laboratory testing that is necessary for therapy that uses ~~[~~such~~]~~ a drug ~~[~~**,**~~]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[~~(c)~~]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the society.

2. A society that offers or issues a benefit contract shall reimburse ~~[~~a~~]~~ ***:***

(a) A pharmacist who participates in the network plan of the society for the services described in NRS 639.28085 at a rate equal to the rate of

reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the society for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A society ~~[may subject]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A society shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

5. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 58. Chapter 695B of NRS is hereby amended by adding thereto the provisions set forth as sections 59, 60 and 61 of this act.

Sec. 59. ***1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A hospital or medical services corporation shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the hospital or medical services corporation.

3. A hospital or medical services corporation shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

5. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services 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 services corporation. The term does not include an arrangement for the financing of premiums.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 60. ***1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy:***

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695B.1913 and 695B.1924.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A policy of health insurance subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

Sec. 61. (Deleted by amendment.)

Sec. 62. NRS 695B.1924 is hereby amended to read as follows:

695B.1924 1. A hospital or medical services corporation that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) ~~[~~Drugs~~]~~ ***All drugs*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[;]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the hospital or medical services organization;***

(b) Laboratory testing that is necessary for therapy using ~~[~~such~~]~~ a drug ~~[;]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[~~(c)~~]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the hospital or medical services corporation.

2. A hospital or medical services corporation that offers or issues a policy of health insurance shall reimburse ~~[~~a~~]~~ ***:***

(a) A pharmacist who participates in the network plan of the hospital or medical services corporation for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the hospital or medical services corporation for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A hospital or medical services corporation ~~[may subject]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[reasonable]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A hospital or medical services corporation shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the hospital or medical services corporation.

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]~~ ***January*** 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the policy that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by a hospital or medical services 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 services corporation. The term does not include an arrangement for the financing of premiums.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 63. Chapter 695C of NRS is hereby amended by adding thereto the provisions set forth as sections 64, 65 and 66 of this act.

Sec. 64. ***1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A health maintenance organization shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the health maintenance organization.

3. A health maintenance organization shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 65. ***1. A health maintenance organization that offers or issues a health care plan shall include in the plan:***

(a) Coverage of testing for and the treatment and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all enrollees, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695C.1737 and 695C.1743.

(b) Unrestricted coverage of condoms for enrollees who are 13 years of age or older.

2. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 66. (Deleted by amendment.)

Sec. 67. 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 sections 64 and 65 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. 68. NRS 695C.1743 is hereby amended to read as follows:

695C.1743 1. A health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~[~~Drugs~~]~~ ***All drugs*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[;]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the health maintenance organization;***

(b) Laboratory testing that is necessary for therapy that uses ~~[~~such~~]~~ a drug ~~[;]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[~~(c)~~]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the health maintenance organization.

2. A health maintenance organization that offers or issues a health care plan shall reimburse ~~[~~a~~]~~ ***:***

(a) A pharmacist who participates in the network plan of the health maintenance organization for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the health maintenance organization for any service to test for, prevent or treat human immunodeficiency virus or hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A health maintenance organization ~~[~~may subject~~]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[~~reasonable~~]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the enrollee is diagnosed.

4. A health maintenance organization shall ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[October]~~ ***January*** 1, ~~[2021,]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 69. 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 sections 64 and 65 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. 70. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 71, 72 and 73 of this act.

Sec. 71. ***1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:***

(a) All drugs approved by the United States Food and Drug Administration to:

(1) Provide medication-assisted treatment for opioid use disorder, including, without limitation, buprenorphine, methadone and naltrexone.

(2) Support safe withdrawal from substance use disorder, including, without limitation, lofexidine.

(b) Any service for the treatment of substance use disorder provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation.

2. A managed care organization shall provide the coverage required by paragraph (a) of subsection 1 regardless of whether the drug is included in the formulary of the managed care organization.

3. A managed care organization shall not:

(a) Subject the benefits required by paragraph (a) of subsection 1 to medical management techniques, other than step therapy;

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1; or

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) "Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 72. ***1. A managed care organization that offers or issues a health care plan shall include in the plan:***

(a) Coverage of testing for, treatment of and prevention of sexually transmitted diseases, including, without limitation, Chlamydia trachomatis, gonorrhea, syphilis, human immunodeficiency virus and hepatitis B and C, for all insureds, regardless of age. Such coverage must include, without limitation, the coverage required by NRS 695G.1705 and 695G.1714.

(b) Unrestricted coverage of condoms for insureds who are 13 years of age or older.

2. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

Sec. 73. (Deleted by amendment.)

Sec. 74. NRS 695G.1705 is hereby amended to read as follows:

695G.1705 1. A managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) ~~[Drugs]~~ ***All drugs*** approved by the United States Food and Drug Administration for preventing the acquisition of human immunodeficiency virus ~~[;]~~ ***or treating human immunodeficiency virus or hepatitis C in the form recommended by the prescribing practitioner, regardless of whether the drug is included in the formulary of the managed care organization;***

(b) Laboratory testing that is necessary for therapy that uses ~~[such]~~ a drug ~~[;]~~ ***to prevent the acquisition of human immunodeficiency virus;***

(c) Any service to test for, prevent or treat human immunodeficiency virus or hepatitis C provided by a provider of primary care if the service is covered when provided by a specialist and:

(1) The service is within the scope of practice of the provider of primary care; or

(2) The provider of primary care is capable of providing the service safely and effectively in consultation with a specialist and the provider engages in such consultation; and

~~[(c)]~~ ***(d)*** The services described in NRS 639.28085, when provided by a pharmacist who participates in the network plan of the managed care organization.

2. A managed care organization that offers or issues a health care plan shall reimburse ~~[a]~~ ***:***

(a) A pharmacist who participates in the network plan of the managed care organization for the services described in NRS 639.28085 at a rate equal to the rate of reimbursement provided to a physician, physician assistant or advanced practice registered nurse for similar services.

(b) An advanced practice registered nurse or a physician assistant who participates in the network plan of the managed care organization for any service to test for, prevent or treat human immunodeficiency virus or

hepatitis C at a rate equal to the rate of reimbursement provided to a physician for similar services.

3. A managed care organization ~~[~~may subject~~]~~ ***shall not:***

(a) Subject the benefits required by subsection 1 to ~~[~~reasonable~~]~~ medical management techniques ~~[.]~~ ***, other than step therapy;***

(b) Limit the covered amount of a drug described in paragraph (a) of subsection 1;

(c) Refuse to cover a drug described in paragraph (a) of subsection 1 because the drug is dispensed by a pharmacy through mail order service; or

(d) Prohibit or restrict access to any service or drug to treat human immunodeficiency virus or hepatitis C on the same day on which the insured is diagnosed.

4. A managed care organization shall ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

5. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~[~~October~~]~~ ***January*** 1, ~~[~~2021,~~]~~ ***2024,*** has the legal effect of including the coverage required by subsection 1, and any provision of the plan that conflicts with the provisions of this section is void.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or use of health care services or prescription drugs. The term includes, without limitation, the use of step therapy, prior authorization and categorizing drugs and devices based on cost, type or method of administration.

(b) "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.

(c) ***"Primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.***

(d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 75. 1. The first application that a physician, osteopathic physician or physician assistant licensed pursuant to chapter 630 or 633 of NRS or a nurse who provides or supervises the provision of emergency medical services in a hospital or primary care and who is licensed on January 1, 2024, submits to renew his or her license on or after that date must include, without limitation, proof that the applicant has completed at least 2 hours of training in the stigma, discrimination and unrecognized bias toward persons who have acquired or are at a high risk of acquiring human immunodeficiency virus, as required by NRS 630.253, 632.343 and 633.471, as amended by sections 28, 29 and 30 of this act, respectively, as applicable.

2. As used in this section, "primary care" means the practice of family medicine, pediatrics, internal medicine, obstetrics and gynecology and midwifery.

Sec. 76. The Legislature hereby finds and declares that:

1. In *Lapinski v. State*, 84 Nev. 611, 613 (1968), the Nevada Supreme Court held that "the power to define crimes and penalties lies exclusively in the legislature."

2. The Nevada Supreme Court has further held in *Tellis v. State*, 84 Nev. 587, 591 (1968), *Sparkman v. State*, 95 Nev. 76, 82 (1979) and *State v. Dist. Ct. (Pullin)*, 124 Nev. 564, 567-68 (2008), that the penalty for a crime is determined by the law in effect at the time the offender committed the crime and not the law in effect at the time the offender is sentenced unless the Legislature has expressed its clear intent that a statute ameliorating the penalty apply retroactively.

3. NRS 441A.118 states that "[t]he Legislature hereby finds and declares that the spread of communicable diseases is best addressed through public health measures rather than criminalization."

4. For those reasons, the Legislature is exercising its exclusive power to define the acts which subject a person to criminal penalties by:

(a) Retroactively applying the provisions of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, which repealed certain criminal offenses that were based on a person having the human immunodeficiency virus, to apply to conduct that occurred before those offenses were repealed; and

(b) Making certain offenses which were punishable as category A felonies before the effective date of section 13 of this act based on the potential to spread a communicable disease instead punishable as category B felonies, category D felonies or gross misdemeanors.

Sec. 77. 1. The provisions of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, apply to any violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, if the violation occurred before, on or after June 6, 2021, and the person was convicted on or after the effective date of this section.

2. If, before June 6, 2021, a person committed a violation of a NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199, and the person was not charged for that violation before the effective date of this section, the person must not be charged for that violation.

3. Each court in this State shall cancel each outstanding bench warrant issued by the court for a person who failed to appear in court in relation to an alleged violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199.

4. The Central Repository for Nevada Records of Criminal History shall remove from each database or compilation of records of criminal history maintained by the Central Repository all records of bench warrants issued for a person who failed to appear in court in relation to an alleged violation of NRS 201.205 or 201.358, as those sections existed before the enactment of section 24 of chapter 491, Statutes of Nevada 2021, at page 3199.

Sec. 78. 1. The provisions of NRS 212.189, as amended by section 13 of this act, apply to any violation of that section, that occurred before, on or after the effective date of that section, if the person was not convicted before the effective date of that section.

2. If a person commits a violation of a NRS 212.189 which is punishable as a category A felony before the effective date of section 13 of this act, and the violation is punishable as a category B felony, a category D felony or a gross misdemeanor pursuant to NRS 212.189, as amended by section 13 of this act, the person must not be charged with or convicted of a category A felony, if the violation occurs on or after the effective date of section 13 of this act, and may only be charged with and convicted of a category B felony, category D felony or gross misdemeanor, as applicable, on or after the effective date of section 13 of this act.

Sec. 79. 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. 80. 1. This section and sections 3 to 10, inclusive, 13, 76, 77 and 78 of this act become effective upon passage and approval.

2. Sections 1, 2, 11, 12, 14 to 75, inclusive, and 79 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 Jauregui moved the adoption of the amendment.

Amendment adopted.

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

GENERAL FILE AND THIRD READING

Assembly Bill No. 524.

Bill read third time.

The following amendment was proposed by Assemblyman Watts:

Amendment No. 943.

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 significant share of the renewable energy facilities and energy storage systems included in the scenario must be owned by the utility.

➥ 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;

(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) ***"Energy storage system" has the meaning ascribed to it in NRS 704.793.***

(f) "Historically underserved community" has the meaning ascribed to it in NRS 704.78343.

~~[(f)]~~ ***(g)*** "Low-income household" has the meaning ascribed to it in NRS 704.78347.

~~[(g)]~~ ***(h)*** "New electric resource" has the meaning ascribed to it in NRS 704B.110.

~~[(h)]~~ ***(i)*** "Provider of new electric resources" has the meaning ascribed to it in NRS 704B.130.

~~[(i)]~~ ***(j)*** "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)]~~ ***(k)*** "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 **section becomes effective upon passage and approval.**

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

~~[2.]~~ **3. Sections 2 to 8, inclusive, of this act become effective:**

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

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

4. Section 1 of this act expires by limitation on June 30, 2049.

Assemblyman Watts moved the adoption of the amendment.

Remarks by Assemblyman Watts.

Amendment adopted.

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

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bills Nos. 322 and 524 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. 322.
Bill read third time.
Roll call on Assembly Bill No. 322:
YEAS—30.
NAYS—Cohen, Considine, Hafen, Kasama, La Rue Hatch, Monroe-Moreno, Newby, O'Neill, Orentlicher, Summers-Armstrong, Taylor, Yurek—12.
Assembly Bill No. 322 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 524.
Bill read third time.
Roll call on Assembly Bill No. 524:
YEAS—42.
NAYS—None.
Assembly Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 9.
Bill read third time.
Roll call on Senate Bill No. 9:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Senate Bill No. 9 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 24 be taken from the General File and placed on the Chief Clerk's Desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 36.
Bill read third time.
Roll call on Senate Bill No. 36:
YEAS—42.
NAYS—None.
Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 45.
Bill read third time.
Roll call on Senate Bill No. 45:

YEAS—42.
NAYS—None.

Senate Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 54.

Bill read third time.

Roll call on Senate Bill No. 54:

YEAS—32.

NAYS—DeLong, Dickman, Gray, Gurr, Hafen, Hansen, Hibbetts, McArthur, O'Neill, Yurek—10.

Senate Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 71.

Bill read third time.

Roll call on Senate Bill No. 71:

YEAS—41.

NAYS—Brittney Miller.

Senate Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 88.

Bill read third time.

Roll call on Senate Bill No. 88:

YEAS—33.

NAYS—DeLong, Dickman, Gray, Hafen, Hansen, Hibbetts, Koenig, McArthur, O'Neill—9.

Senate Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 103.

Bill read third time.

Roll call on Senate Bill No. 103:

YEAS—42.

NAYS—None.

Senate Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 107.

Bill read third time.

Roll call on Senate Bill No. 107:

YEAS—40.

NAYS—Brittney Miller, Thomas—2.

Senate Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 145.

Bill read third time.

Roll call on Senate Bill No. 145:

YEAS—42.

NAYS—None.

Senate Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 166.

Bill read third time.

Roll call on Senate Bill No. 166:

YEAS—38.

NAYS—DeLong, Dickman, Hafen, Hansen—4.

Senate Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 167.

Bill read third time.

Roll call on Senate Bill No. 167:

YEAS—42.

NAYS—None.

Senate Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 216.

Bill read third time.

Roll call on Senate Bill No. 216:

YEAS—42.

NAYS—None.

Senate Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 222.

Bill read third time.

Roll call on Senate Bill No. 222:

YEAS—42.

NAYS—None.

Senate Bill No. 222 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 232.
Bill read third time.
Roll call on Senate Bill No. 232:
YEAS—41.
NAYS—Gurr.
Senate Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 237.
Bill read third time.
Roll call on Senate Bill No. 237:
YEAS—42.
NAYS—None.
Senate Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 240.
Bill read third time.
Roll call on Senate Bill No. 240:
YEAS—42.
NAYS—None.
Senate Bill No. 240 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 273.
Bill read third time.
Roll call on Senate Bill No. 273:
YEAS—42.
NAYS—None.
Senate Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 275.
Bill read third time.
Roll call on Senate Bill No. 275:
YEAS—28.
NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.
Senate Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 279.
Bill read third time.
Roll call on Senate Bill No. 279:

YEAS—42.
NAYS—None.
Senate Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 281.
Bill read third time.
Roll call on Senate Bill No. 281:
YEAS—42.
NAYS—None.
Senate Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 282.
Bill read third time.
Roll call on Senate Bill No. 282:
YEAS—36.
NAYS—Gray, Hafen, Hansen, McArthur, Thomas, Yurek—6.
Senate Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 285.
Bill read third time.
Roll call on Senate Bill No. 285:
YEAS—42.
NAYS—None.
Senate Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 290.
Bill read third time.
Roll call on Senate Bill No. 290:
YEAS—35.
NAYS—Cohen, Considine, González, La Rue Hatch, Orentlicher, Summers-Armstrong, Taylor—7.
Senate Bill No. 290 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 291.
Bill read third time.
Roll call on Senate Bill No. 291:
YEAS—42.
NAYS—None.

Senate Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Senate Bill No. 294 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 305.

Bill read third time.

Roll call on Senate Bill No. 305:

YEAS—35.

NAYS—DeLong, Dickman, Gallant, Hafen, Hansen, McArthur, O'Neill—7.

Senate Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 307.

Bill read third time.

Roll call on Senate Bill No. 307:

YEAS—42.

NAYS—None.

Senate Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 319.

Bill read third time.

Roll call on Senate Bill No. 319:

YEAS—42.

NAYS—None.

Senate Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 339.

Bill read third time.

Roll call on Senate Bill No. 339:

YEAS—41.

NAYS—Gurr.

Senate Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 362.

Bill read third time.

Roll call on Senate Bill No. 362:
YEAS—42.
NAYS—None.
Senate Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 367.
Bill read third time.
Roll call on Senate Bill No. 367:
YEAS—38.
NAYS—Dickman, Gray, Gurr, O'Neill—4.
Senate Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 387.
Bill read third time.
Roll call on Senate Bill No. 387:
YEAS—42.
NAYS—None.
Senate Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 389.
Bill read third time.
Roll call on Senate Bill No. 389:
YEAS—42.
NAYS—None.
Senate Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 413.
Bill read third time.
Roll call on Senate Bill No. 413:
YEAS—42.
NAYS—None.
Senate Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 416.
Bill read third time.
Roll call on Senate Bill No. 416:
YEAS—39.
NAYS—Gurr, Hafen, Kasama—3.

Senate Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 425.

Bill read third time.

Roll call on Senate Bill No. 425:

YEAS—42.

NAYS—None.

Senate Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 440.

Bill read third time.

Roll call on Senate Bill No. 440:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 443.

Bill read third time.

Roll call on Senate Bill No. 443:

YEAS—28.

NAYS—DeLong, Dickman, Gallant, Gray, Gurr, Hafen, Hansen, Hardy, Hibbetts, Kasama, Koenig, McArthur, O'Neill, Yurek—14.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 445.

Bill read third time.

Roll call on Senate Bill No. 445:

YEAS—42.

NAYS—None.

Senate Bill No. 445 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 448.

Bill read third time.

Roll call on Senate Bill No. 448:

YEAS—42.

NAYS—None.

Senate Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 449.

Bill read third time.

Roll call on Senate Bill No. 449:

YEAS—42.

NAYS—None.

Senate Bill No. 449 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 452.

Bill read third time.

Roll call on Senate Bill No. 452:

YEAS—42.

NAYS—None.

Senate Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 453.

Bill read third time.

Roll call on Senate Bill No. 453:

YEAS—42.

NAYS—None.

Senate Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 455.

Bill read third time.

Roll call on Senate Bill No. 455:

YEAS—42.

NAYS—None.

Senate Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 456.

Bill read third time.

Roll call on Senate Bill No. 456:

YEAS—42.

NAYS—None.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 457.
Bill read third time.
Roll call on Senate Bill No. 457:
YEAS—42.
NAYS—None.
Senate Bill No. 457 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 458.
Bill read third time.
Roll call on Senate Bill No. 458:
YEAS—42.
NAYS—None.
Senate Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 459.
Bill read third time.
Roll call on Senate Bill No. 459:
YEAS—42.
NAYS—None.
Senate Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 7:46 p.m.

ASSEMBLY IN SESSION

At 11:34 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 525, 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*

GENERAL FILE AND THIRD READING

Assembly Bill No. 525.
Bill read third time.

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

Amendment No. 940.

SUMMARY—Makes appropriations for various purposes relating to health, education**, ~~[and]~~** employment**, ~~[.]~~ and other community services.** (BDR S-1225)

AN ACT making appropriations for various purposes relating to health, education**, ~~[and]~~** employment**, ~~[;]~~ and other community services;** 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 Interim Finance Committee the sum of $750,000 for allocation to the International Gaming Institute of the University of Nevada, Las Vegas, for the "Expanding the Leaderverse" initiative to increase the diversity of the leadership in the gaming industry.

2. Allocation of the money appropriated by subsection 1 is contingent upon matching money being obtained by the International Gaming Institute, including, without limitation, gifts, grants and donations to the International Gaming Institute from private and public sources of money other than the appropriation made by subsection 1. The Interim Finance Committee shall not direct the transfer of any portion of money from the appropriation made by subsection 1 until the International Gaming Institute submits to the Committee proof satisfactory to the Committee that matching money in an equivalent amount has been committed.

~~[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. 1.5. **There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $5,500,000 for allocation to the nonprofit corporation formed to establish an art museum in Las Vegas, Nevada, upon a showing to the Committee:**

1. That the corporation has been incorporated under the laws of this State as a nonprofit corporation; and

2. That the purpose of the corporation is to establish an art museum in Las Vegas, Nevada.

Sec. 2. ~~**[1.]**~~ There is hereby appropriated from the State General Fund to United Way of Northern Nevada the sum of $1,200,000 for its activities related to public health, education and improving economic mobility.

~~[2. Upon acceptance of the money appropriated by subsection 1, United Way of Northern Nevada 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 United Way of Northern Nevada 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 United Way of Northern Nevada 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 United Way of Northern Nevada, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by 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.]~~ There is hereby appropriated from the State General Fund to the Foundation for an Independent Tomorrow the sum of $2,000,000 for its activities related to vocational training, job preparation, education and employment services.

~~[2. Upon acceptance of the money appropriated by subsection 1, the Foundation for an Independent Tomorrow 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 Foundation for an Independent Tomorrow 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 Foundation for an Independent Tomorrow 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 Foundation for an Independent Tomorrow, regardless of their form or location, that the~~

~~Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by 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. 4. **There is hereby appropriated from the State General Fund to the Culinary Academy of Las Vegas the sum of $15,000,000 for its capital improvement plan.**

Sec. 5. **There is hereby appropriated from the State General Fund to A Source of Joy Theatricals, Inc. the sum of $1,000,000 for the Legacy Theatre Project.**

Sec. 6. **There is hereby appropriated from the State General Fund to the Food Bank of Northern Nevada the sum of $2,000,000 to address food insecurities of residents of this State.**

Sec. 7. **There is hereby appropriated from the State General Fund to the Three Square Food Bank the sum of $2,000,000 to address food insecurities of residents of this State.**

Sec. 8. **There is hereby appropriated from the State General Fund to Boys Town Nevada the sum of $250,000 for its programs and services.**

Sec. 9. **There is hereby appropriated from the State General Fund to Foster Kinship the sum of $750,000 for the Kinship Navigator Program.**

Sec. 10. **There is hereby appropriated from the State General Fund to HopeLink of Southern Nevada the sum of $2,000,000 for wraparound services for families at risk of homelessness.**

Sec. 11. **There is hereby appropriated from the State General Fund to Catholic Charities of Southern Nevada the sum of $2,000,000 for the Meals on Wheels Program.**

Sec. 12. **There is hereby appropriated from the State General Fund to the Candlelighters Childhood Cancer Foundation of Nevada the sum of $1,000,000 for the provision of assistance to children affected by cancer and their families.**

Sec. 13. **There is hereby appropriated from the State General Fund to Legal Aid Center of Southern Nevada the sum of $250,000 for programs and services relating to tenants' rights.**

Sec. 14. **There is hereby appropriated from the State General Fund to the United Way of Southern Nevada the sum of $1,200,000 for its activities related to public health, education and improving economic mobility.**

Sec. 15. **There is hereby appropriated from the State General Fund to Goodwill of Southern Nevada the sum of $1,500,000 for transforming workforce development initiatives.**

Sec. 16. **There is hereby appropriated from the State General Fund to the Special Olympics Nevada the sum of $500,000 for its programs.**

Sec. 17. **There is hereby appropriated from the State General Fund to Friends in Service Helping the sum of $3,000,000 for a capital improvement project.**

Sec. 18. **There is hereby appropriated from the State General Fund to the United Labor Agency of Nevada, Inc. the sum of $500,000 for providing community services.**

Sec. 19. **There is hereby appropriated from the State General Fund to the Community Health Alliance the sum of $4,500,000 for a capital improvement project.**

Sec. 20. **There is hereby appropriated from the State General Fund to Chicanos Por La Causa Nevada, Inc. the sum of $10,000 for economic empowerment of low-income persons.**

Sec. 21. **There is hereby appropriated from the State General Fund to the Latino Youth Leadership Foundation the sum of $10,000 to assist high school pupils with leadership training and development.**

Sec. 22. **There is hereby appropriated from the State General Fund to the Nevada Latino Bar Association the sum of $10,000 to provide assistance for preparation for the admission test for law school.**

Sec. 23. **There is hereby appropriated from the State General Fund to Project 150 the sum of $10,000 to provide support to homeless, displaced and disadvantaged high school pupils.**

Sec. 24. **There is hereby appropriated from the State General Fund to the South-Asian Women's Alliance of Nevada the sum of $10,000 to bridge the gap between South-Asian communities and resources in Southern Nevada.**

Sec. 25. **There is hereby appropriated from the State General Fund to Leaders in Training the sum of $10,000 for educational training, support and programming for first-generation college students.**

Sec. 26. **There is hereby appropriated from the State General Fund to the Uplift Foundation of Nevada the sum of $10,000 for its programs and services.**

Sec. 27. **There is hereby appropriated from the State General Fund to The Foundation Christian Center the sum of $10,000 for its food programs.**

Sec. 28. **There is hereby appropriated from the State General Fund to King of Jewels the sum of $10,000 for its programs.**

Sec. 29. **There is hereby appropriated from the State General Fund to The Cupcake Girls the sum of $ 10,000 for services for persons affected by sex trafficking.**

Sec. 30. **There is hereby appropriated from the State General Fund to HELP of Southern Nevada the sum of $25,000 for the Shannon West Homeless Youth Center.**

Sec. 31. **There is hereby appropriated from the State General Fund to T.U.L.I.P.S. (Teaching and Uniting Ladies to Inspire Positive Success) the sum of $25,000 for its programs.**

Sec. 32. **There is hereby appropriated from the State General Fund to Gentleman By Choice Community Development Corporation the sum of $25,000 for its programs.**

Sec. 33. **There is hereby appropriated from the State General Fund to Spread the Word Nevada the sum of $500,000 for providing books to advance childhood literacy.**

Sec. 34. **There is hereby appropriated from the State General Fund to Northern Nevada HOPES the sum of $2,000,000 for providing primary and behavioral health care services.**

Sec. 35. **There is hereby appropriated from the State General Fund to the Pioneer Center for the Performing Arts the sum of $1,000,000 for a renovation project.**

Sec. 36. **There is hereby appropriated from the State General Fund to Nevada Partners, Inc. the sum of $1,000,000 to assist with its summer and educational program.**

Sec. 37. **There is hereby appropriated from the State General Fund to the Nevada Small Business Development Center the sum of $1,000,000 for its programs.**

Sec. 38. **There is hereby appropriated from the State General Fund to the Nevada State Prison Preservation Society the sum of $1,000,000 for a capital improvement project.**

Sec. 39. **There is hereby appropriated from the State General Fund to the Boys & Girls Clubs of Southern Nevada the sum of $250,000 for its programs.**

Sec. 40. **There is hereby appropriated from the State General Fund to the Boys & Girls Club of Truckee Meadows the sum of $100,000 for its programs.**

Sec. 41. **There is hereby appropriated from the State General Fund to the Nevada Blind Children's Foundation the sum of $750,000 for its programs and services.**

Sec. 42. **There is hereby appropriated from the State General Fund to the Urban Chamber Community Development Corporation the sum of $100,000 for its Nevada Small Business Development Center.**

Sec. 43. **There is hereby appropriated from the State General Fund to The Neon Museum the sum of $2,000,000 for a capital improvement project.**

Sec. 44. **There is hereby appropriated from the State General Fund to the Economic Opportunity Board of Clark County the sum of $100,000 for its programs.**

Sec. 45. **There is hereby appropriated from the State General Fund to the Nevada Partnership for Homeless Youth the sum of $25,000 for its programs.**

Sec. 46. **There is hereby appropriated from the State General Fund to the Vision Theatrical Foundation, Inc. the sum of $10,000 for its programs.**

Sec. 47. **There is hereby appropriated from the State General Fund to Communities in Schools of Nevada the sum of $1,000,000 for its programs.**

Sec. 48. **There is hereby appropriated from the State General Fund to the Greater Youth Sports Association the sum of $5,000 for its programs.**

Sec. 49. **There is hereby appropriated from the State General Fund to the Obodo Collective the sum of $10,000 for its programs.**

Sec. 50. **There is hereby appropriated from the State General Fund to U.S. VETS - Las Vegas the sum of $25,000 for its activities to assist in the successful transition of military veterans and their families.**

Sec. 51. **There is hereby appropriated from the State General Fund to the National Alliance on Mental Illness (NAMI) Southern Nevada the sum of $25,000 for providing mental health support groups, classes, presentations and other resources without charge.**

Sec. 52. **There is hereby appropriated from the State General Fund to the Arriba Las Vegas Worker Center the sum of $10,000 for its activities to develop, educate and empower worker and migrant communities.**

Sec. 53. **There is hereby appropriated from the State General Fund to Puentes the sum of $10,000 for its programs and services.**

Sec. 54. **There is hereby appropriated from the State General Fund to Teach for America the sum of $25,000 for its programs.**

Sec. 55. **Upon acceptance of the money appropriated by this act, the entity that accepts the money agrees to:**

1. 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 this act from the date on which the money was received by the entity through December 1, 2024;

2. 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 this act from the date on which the money was received by the entity through June 30, 2025; and

3. 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 entity, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by this act.

Sec. 56. **Any remaining balance of the appropriations made by sections 1 to 54, 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. 4.]~~ ***Sec. 57.*** 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.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Jauregui moved that Assembly Bill No. 525 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 525.

Bill read third time.

Roll call on Assembly Bill No. 525:

YEAS—39.

NAYS—Dickman, Gallant, Gray—3.

Assembly Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 529.

Bill read third time.

Remarks by Assemblyman Hafen.

Conflict of interest declared by Assemblyman Hafen.

ASSEMBLYMAN HAFEN:

I need to disclose that my businesses in Pahrump go in front of the Nye County Board of Commissioners. This bill originally came from Nye County. Not being able to consult my legal counsel at 11:38 p.m., I will be abstaining because my original legal advice was to abstain from this item.

Roll call on Assembly Bill No. 529:

YEAS—41.

NAYS—None.

NOT VOTING—Hafen.

Assembly Bill No. 529 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblywoman Jauregui moved that Senate Bills Nos. 195, 277, 294, 301, 327, 371, 460, 461, 463, 464, 466, 468, 470, 471, 472, 473, 476, 477, 478, 479, 482, 483, 484, 485, 486, 487, 488, 489, 491, 493, 494, 497, 499, and 500 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Yeager requested that the following remarks be entered in the Journal.

ASSEMBLYMAN YEAGER:

On behalf of the Assembly, I would like to express our deepest regret on the passing of Mrs. Shipa Zed of Reno on March 9, 2022. She was a selfless soul who touched many hearts. An enthusiastic volunteer for various community welfare causes, she frequently fed the poor and the homeless. She was a chef in her own right, specializing in traditional Indian cooking, and is still well-remembered by many of her past students at Truckee Meadows Community College. She was a culinary artist who was committed to quality and innovation. A Shipa Zed scholarship fund for helping the students achieve their goals is in the process of being established. She visited 57 countries spreading goodwill, covering every continent other than Antarctica. She was indeed the matriarch of the Zed clan.

Our sincere sympathy and condolences go out to her family in this time of sorrow—her husband, Rajan Zed; her son, Navgeet King Zed; her daughter, Palkin Zed; her daughter-in-law, Dr. Shilpi Garg; and her Maltese poodle, Kavi. Selflessness was the goal of Shipa Zed's life. In all her undertakings, she kept the welfare of others always in mind. She was always ready to go the extra mile. She was authentic, charming, compassionate, contented, forgiving, free from selfish attachments, friendly, generous, humble, kind, pure, self-controlled, supportive, trustworthy, warm, wholehearted, and she always thought of others.

Again, on behalf of the body, we express our deepest regret to the family.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman D'Silva, the privilege of the floor of the Assembly Chamber for this day was extended to Cristian Terminel.

Assemblywoman Jauregui moved that the Assembly adjourn until Sunday, June 4, 2023, at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:39 p.m.

Approved:

STEVE YEAGER
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly