

**THE SEVENTY-THIRD DAY**

---

CARSON CITY (Wednesday), April 19, 2023

Senate called to order at 12:06 p.m.

President Anthony presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Randy Roser.

Lord, I pray that every day we bring You our praise and thanksgiving for our many blessings and that You walk us through our day, especially our Lieutenant Governor and Senators. Truly You are our great God.

We know that You have sent Your Spirit to work in and through this exceptional group of Senators to serve, protect and lead the citizens of Nevada. Guide their thoughts, values and morals this day, as I am sure they face difficult situations while trying to bring glory to Your Name.

In Jesus' Name,

AMEN.

Pledge of Allegiance to the Flag.

By previous order of the Senate, the reading of the Journal is dispensed with, and the President and Secretary are authorized to make the necessary corrections and additions.

REPORTS OF COMMITTEE

*Mr. President:*

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

*Mr. President:*

Your Committee on Growth and Infrastructure, to which were referred Senate Bills Nos. 257, 338, 424, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DALLAS HARRIS, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 222, 289, 296, 389, 418, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

*Mr. President:*

Your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 54, 133, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAMES OHRENSCHALL, *Chair*

*Mr. President:*

Your Committee on Natural Resources, to which was referred Senate Bill No. 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JULIE PAZINA, *Chair*

WAIVERS AND EXEMPTIONS  
NOTICE OF EXEMPTION

April 19, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 54, 107, 139, 222, 389.

WAYNE THORLEY  
*Fiscal Analysis Division*

## MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bills Nos. 25, 26, 171, 180, 251, 258 and 269 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Cannizzaro moved that Senate Bills Nos. 174 and 261 be taken from the General File and placed on the Secretary's Desk.

Remarks by Senator Cannizzaro.

This is for purposes of amendments and further discussion.

Motion carried.

Senator Dondero Loop moved that Senate Bills Nos. 107 and 139 be taken from the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

## SECOND READING AND AMENDMENT

Senate Bill No. 21.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 455.

SUMMARY—Revises certain classifications based on populations. (BDR 20-391)

AN ACT relating to classifications based on population; revising the population bases that apply to certain provisions of the Nevada Revised Statutes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, except as otherwise provided or required by the context, "population" is defined for the entire Nevada Revised Statutes as the number of people in a specified area as determined by the last preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to the United States Constitution and as reported by the Secretary of Commerce to the Governor of Nevada. (NRS 0.050) The Nevada Supreme Court has upheld classifications in statutes based on the population of entities if the classification is rationally related to the subject matter and purpose of the statute, applies prospectively to all such entities that might come within its designated class and does not create an odious, absurd or bizarre distinction. (*County of Clark v. City of*

*Las Vegas*, 97 Nev. 260, 264 (1981)) This bill revises the classifications of populations in certain provisions of the Nevada Revised Statutes in order to determine whether such classifications continue to meet the conditions expressed by the Nevada Supreme Court.

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

Section 1. NRS 244.1507 is hereby amended to read as follows:

244.1507 1. Except as otherwise provided in subsection 2, the board of county commissioners of a county whose population is less than ~~45,000~~ 52,000 may by ordinance direct that:

(a) The powers and duties of two or more county offices be combined into one county office.

(b) The powers and duties of one county office be allocated between two or more county offices.

2. A board of county commissioners shall not take the action described in subsection 1 unless:

(a) The board determines that the combining or separating of the applicable county offices will benefit the public;

(b) The board determines that the combining or separating of the applicable county offices will not create:

(1) An ethical, legal or practical conflict of interest; or

(2) A situation in which the powers and duties assigned to a county office are incompatible with the proper performance of that office in the public interest;

(c) The board submits to the residents of the county, in the form of an advisory ballot question pursuant to NRS 295.230, a proposal to combine or separate the applicable county offices; and

(d) A majority of the voters voting on the advisory ballot question approves the proposal.

3. If the combining or separating of county offices pursuant to this section will result in the elimination of one or more county offices, the combining or separating of offices must not become effective until the earlier of the date on which:

(a) The normal term of office of the person whose office will be eliminated expires; or

(b) The person whose office will be eliminated resigns.

4. If the combining or separating of county offices pursuant to this section results in the powers and duties of one county office being transferred to another county office, the county office to which the powers and duties are transferred shall be deemed to be the county office from which the powers and duties were transferred for the purposes of any applicable provision of law authorizing or requiring the performance or exercise of those powers and duties, as appropriate.

Sec. 2. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276,

244.279, 244.2815, 244.2825, 244.2833, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph and paragraph (h) of subsection 1 of NRS 244.281, obtain two independent appraisals of the real property before selling or leasing it. If the board of county commissioners holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the board of county commissioners as to the qualifications of the appraiser is conclusive.

2. The board of county commissioners shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

4. An appraiser shall not perform an appraisal on any real property for sale or lease by the board of county commissioners if:

(a) The appraiser has an interest in the real property or an adjoining property;

(b) The real property is located in a county whose population is ~~45,000~~ 52,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the

appraiser and the person is within the third degree of consanguinity or affinity;  
or

(c) The real property is located in a county whose population is less than ~~[45,000]~~ 52,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 3. NRS 244.2815 is hereby amended to read as follows:

244.2815 1. A board of county commissioners may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:

(a) Without first offering the real property to the public; and

(b) For less than fair market value of the real property.

2. Before a board of county commissioners may sell, lease or otherwise dispose of real property pursuant to this section, the board must:

(a) Except as otherwise provided in subsection 3, obtain an appraisal of the real property pursuant to NRS 244.2795; and

(b) Adopt a resolution finding that it is in the best interest of the public to sell, lease or otherwise dispose of the real property:

(1) Without offering the real property to the public; and

(2) For less than fair market value of the real property.

3. The board of county commissioners of a county whose population is less than ~~[45,000]~~ 52,000 may lease real property pursuant to this section without obtaining the appraisal otherwise required pursuant to subsection 2 if:

(a) The real property was acquired by the county directly from the Federal Government; and

(b) The terms and conditions under which the real property was acquired prohibit the sale of the real property and provide for the reversion of the title to the real property to the Federal Government upon demand by the Federal Government.

4. As used in this section:

(a) "Economic development" means:

(1) The establishment of new commercial enterprises or facilities within the county;

(2) The support, retention or expansion of existing commercial enterprises or facilities within the county;

(3) The establishment, retention or expansion of public, quasi-public or other facilities or operations within the county;

(4) The establishment of residential housing needed to support the establishment of new commercial enterprises or facilities or the expansion of existing commercial enterprises or facilities; or

(5) Any combination of the activities described in subparagraphs (1) to (4), inclusive,

↳ to create and retain opportunities of employment for the residents of the county.

(b) "Redevelopment" has the meaning ascribed to it in NRS 279.408.

Sec. 4. NRS 244A.7645 is hereby amended to read as follows:

244A.7645 1. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is 100,000 or more, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers.

(b) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an incorporated city within the county and department, division or municipal court of a city or town that employs marshals within the county, as applicable.

2. If a surcharge is imposed pursuant to NRS 244A.7643 in a county whose population is less than 100,000, the board of county commissioners of that county shall establish by ordinance an advisory committee to develop a plan to enhance or improve the telephone system for reporting an emergency in that county and to oversee any money allocated for that purpose. The advisory committee must:

(a) Consist of not less than five members who:

(1) Are residents of the county;

(2) Possess knowledge concerning telephone systems for reporting emergencies; and

(3) Are not elected public officers.

(b) Include a representative of an incumbent local exchange carrier which provides service to persons in that county. As used in this paragraph, "incumbent local exchange carrier" has the meaning ascribed to it in 47 U.S.C. § 251(h)(1), as that section existed on October 1, 1999, and includes a local exchange carrier that is treated as an incumbent local exchange carrier pursuant to that section.

(c) Subject to the provisions of subparagraph (3) of paragraph (a), include the chief law enforcement officer or his or her designee from each office of the county sheriff, metropolitan police department, police department of an

incorporated city within the county and department, division or municipal court of a city or town that employs marshals within the county, as applicable.

3. If a surcharge is imposed in a county pursuant to NRS 244A.7643, the board of county commissioners of that county shall create a special revenue fund of the county for the deposit of the money collected pursuant to NRS 244A.7643. The money in the fund must be used only:

(a) To pay the costs of adopting and reviewing the 5-year master plan for the enhancement of the telephone system for reporting emergencies in the county that is required pursuant to NRS 244A.7643.

(b) With respect to the telephone system for reporting an emergency:

(1) In a county whose population is ~~{45,000}~~ 52,000 or more, to enhance the telephone system for reporting an emergency, including only:

(I) Paying recurring and nonrecurring charges for telecommunication services necessary for the operation of the enhanced telephone system;

(II) Paying costs for personnel and training associated with the routine maintenance and updating of the database for the system;

(III) Purchasing, leasing or renting the equipment and software necessary to operate the enhanced telephone system, including, without limitation, equipment and software that identify the number or location from which a call is made; and

(IV) Paying costs associated with any maintenance, upgrade and replacement of equipment and software necessary for the operation of the enhanced telephone system.

(2) In a county whose population is less than ~~{45,000,}~~ 52,000, to improve the telephone system for reporting an emergency in the county.

(c) With respect to purchasing and maintaining portable event recording devices and vehicular event recording devices, to pay:

(1) By an entity described in this subparagraph, costs associated with the acquisition, maintenance, storage of data, upgrade and replacement of equipment and software necessary for the operation of portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices. Money may be expended pursuant to this subparagraph for the purchase and maintenance of portable event recording devices or vehicular event recording devices only by:

(I) The sheriff's office of a county;

(II) A metropolitan police department;

(III) A police department of an incorporated city;

(IV) A department, division or municipal court of a city or town that employs marshals;

(V) A department of alternative sentencing; or

(VI) A county school district that employs school police officers.

(2) Costs for personnel and training associated with maintaining, updating and operating the equipment, hardware and software necessary for portable event recording devices and vehicular event recording devices or

systems that consist of both portable event recording devices and vehicular event recording devices.

(3) Costs for personnel and training associated with the maintenance, retention and redaction of audio and video events recorded on portable event recording devices and vehicular event recording devices or systems that consist of both portable event recording devices and vehicular event recording devices.

(d) To pay any costs associated with performing an analysis or audit pursuant to NRS 244A.7648 of the surcharges collected by telecommunications providers.

4. For the purposes described in subsection 3, money in the fund must be expended in the following order of priority:

(a) Paying the costs authorized pursuant to paragraph (a) of subsection 3 to adopt and review the 5-year master plan.

(b) If the county performs an analysis or audit described in NRS 244A.7648, paying the costs associated authorized pursuant to paragraph (d) of subsection 3.

(c) Paying the costs authorized pursuant to paragraph (b) of subsection 3.

(d) If the county has imposed a portion of the surcharge for purposes of purchasing and maintaining portable event recording devices and vehicular event recording devices:

(1) Paying the costs authorized pursuant to paragraph (c) of subsection 3 other than costs related to personnel and training.

(2) Paying the costs authorized pursuant to paragraph (c) of subsection 3 related to personnel.

(3) Paying the costs authorized pursuant to paragraph (c) of subsection 3 related to training.

5. If money in the fund is distributed to a recipient and:

(a) The recipient has not used the money for any purpose authorized pursuant to subsection 3 within 6 months, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Return the unused money.

(b) The recipient used any portion of the money for a purpose that is not authorized pursuant to subsection 3, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Repay the portion of the money that was used for a purpose not authorized pursuant to subsection 3.

(c) The recipient was not entitled to receive all or a portion of the money, the recipient must:

(1) Notify the board of county commissioners and the advisory committee; and

(2) Repay all money to which the recipient was not entitled to receive.

6. If the balance in the fund created in a county whose population is 100,000 or more pursuant to subsection 3 which has not been committed for expenditure exceeds \$5,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$5,000,000.

7. If the balance in the fund created in a county whose population is ~~{45,000}~~ 52,000 or more but less than 100,000 pursuant to subsection 3 which has not been committed for expenditure exceeds \$1,000,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$1,000,000.

8. If the balance in the fund created in a county whose population is less than ~~{45,000}~~ 52,000 pursuant to subsection 3 which has not been committed for expenditure exceeds \$500,000 at the end of any fiscal year, the board of county commissioners shall reduce the amount of the surcharge imposed during the next fiscal year by the amount necessary to ensure that the unencumbered balance in the fund at the end of the next fiscal year does not exceed \$500,000.

Sec. 5. NRS 248.040 is hereby amended to read as follows:

248.040 1. Except as provided in NRS 248.045, each sheriff may:

(a) Appoint, in writing signed by him or her, one or more deputies, who may perform all the duties devolving on the sheriff of the county and such other duties as the sheriff may from time to time direct. The appointment of a deputy sheriff must not be construed to confer upon that deputy policymaking authority for the office of the sheriff or the county by which the deputy sheriff is employed.

(b) Except as otherwise provided in this paragraph, only remove a deputy who has completed a probationary period of 12 months for cause. A deputy who functions as the head of a department or an administrative employee or who has not completed the probationary period may be removed at the sheriff's pleasure.

2. For the purposes of paragraph (b) of subsection 1, in any county whose population is less than ~~{45,000,}~~ 52,000, "cause" includes, without limitation:

(a) Failure to be certified by the Peace Officers' Standards and Training Commission within the time required by NRS 289.550;

(b) Loss of the certification by the Peace Officers' Standards and Training Commission required by NRS 289.550; or

(c) Failure to maintain a valid driver's license.

↪ This subsection does not limit or impair any internal grievance procedure, grievance procedure negotiated pursuant to chapter 288 of NRS or administrative remedy otherwise available to a deputy.

3. No deputy sheriff is qualified to act as such unless he or she has taken an oath to discharge the duties of the office faithfully and impartially. The oath, together with the written appointment, must be recorded in the office of the recorder of the county within which the sheriff legally holds and exercises office. Revocations of such appointments must be recorded as provided in this subsection. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.

4. The sheriff may require of his or her deputies such bonds as to the sheriff seem proper.

Sec. 6. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies at a physical location or by means of a remote technology system. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. If any portion of a meeting is open to the public, the public officers and employees responsible for the meeting must make reasonable efforts to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees. No violation of this chapter occurs if a member of the public is not permitted to attend a public meeting because the facilities for the meeting have reached maximum capacity if reasonable efforts were taken to accommodate the anticipated number of attendees. Nothing in this subsection requires a public body to incur any costs to secure a facility outside the control or jurisdiction of the public body or to upgrade, improve or otherwise modify an existing facility to accommodate the anticipated number of attendees.

3. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the notice must include information on how a member of the public may:

- (1) Use the remote technology system to hear and observe the meeting;
  - (2) Participate in the meeting by telephone; and
  - (3) Provide live public comment during the meeting and, if authorized by the public body, provide prerecorded public comment.
- (b) A list of the locations where the notice has been posted.

(c) The name, contact information and business address for the person designated by the public body from whom a member of the public may request the supporting material for the meeting described in subsection 7 and:

(1) A list of the locations where the supporting material is available to the public; or

(2) Information about how the supporting material may be found on the Internet website of the public body.

(d) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items by placing the term "for possible action" next to the appropriate item or, if the item is placed on the agenda pursuant to NRS 241.0365, by placing the term "for possible corrective action" next to the appropriate item.

(3) Periods devoted to comments by the general public, if any, and discussion of those comments. Comments by the general public must be taken:

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

↪ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting. No action may be taken upon a matter raised during a period devoted to comments by the general public until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action regarding a person, the name of that person.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

4. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body. If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the public body must also post the notice to the Internet website of the public body not later than 9 a.m. of the third working day before the meeting is to be held unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the Internet website of the public body.

(b) Posting the notice on the official website of the State pursuant to NRS 232.2175 not later than 9 a.m. of the third working day before the meeting is to be held, unless the public body is unable to do so because of technical problems relating to the operation or maintenance of the official website of the State.

(c) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) Transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

5. For each of its meetings, a public body shall document in writing that the public body complied with the minimum public notice required by paragraph (a) of subsection 4. The documentation must be prepared by every person who posted a copy of the public notice and include, without limitation:

(a) The date and time when the person posted the copy of the public notice;

(b) The address of the location where the person posted the copy of the public notice; and

(c) The name, title and signature of the person who posted the copy of the notice.

6. Except as otherwise provided in paragraph (a) of subsection 4, if a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 4. The inability of a public body to post notice of a

meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

7. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 8 or 9, as applicable, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body;

or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➔ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

8. Unless it must be made available at an earlier time pursuant to NRS 288.153, a copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 7 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➔ If the requester has agreed to receive the information and material set forth in subsection 7 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

9. Unless the supporting material must be posted at an earlier time pursuant to NRS 288.153, and except as otherwise provided in subsection 11, the governing body of a county or city whose population is ~~45,000~~ 52,000 or more shall post the supporting material described in paragraph (c) of subsection 7 to its website not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting. Such posting is supplemental to the right of the public to request the supporting material pursuant to subsection 7. The inability of the governing body, as a result of technical problems with its website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

10. Except as otherwise provided in subsection 11, a public body may provide the public notice, information or supporting material required by this section by electronic mail. Except as otherwise provided in this subsection, if a public body makes such notice, information or supporting material available by electronic mail, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept receipt by electronic mail. If a public body is required to post the public notice, information or supporting material on its website pursuant to this section, the public body shall inquire of a person who requests the notice, information or supporting material if the person will accept by electronic mail a link to the posting on the website when the documents are made available. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or supporting material or a link to a website required by this section to a person who has agreed to receive such notice, information, supporting material or link by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

11. If a public body holds a meeting using a remote technology system pursuant to NRS 241.023 and has no physical location for the meeting, the public body must:

- (a) Have an Internet website; and
- (b) Post to its Internet website:
  - (1) The public notice required by this section; and
  - (2) Supporting material not later than the time the material is provided to the members of the governing body or, if the supporting material is provided to the members of the governing body at a meeting, not later than 24 hours after the conclusion of the meeting.

↪ The inability of the governing body, as a result of technical problems with its Internet website, to post supporting material pursuant to this subsection shall not be deemed to be a violation of the provisions of this chapter.

12. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

- (a) Disasters caused by fire, flood, earthquake or other natural causes; or
- (b) Any impairment of the health and safety of the public.

Sec. 7. NRS 241.0355 is hereby amended to read as follows:

241.0355 1. A public body that is required to be composed of elected officials only may not take action by vote unless at least a majority of all the members of the public body vote in favor of the action. For purposes of this subsection, a public body may not count an abstention as a vote in favor of an action.

2. In a county whose population is ~~45,000~~ 52,000 or more, the provisions of subsection 5 of NRS 281A.420 do not apply to a public body that is required to be composed of elected officials only, unless before abstaining from the vote, the member of the public body receives and discloses the opinion of the legal counsel authorized by law to provide legal advice to the public body that

the abstention is required pursuant to NRS 281A.420. The opinion of counsel must be in writing and set forth with specificity the factual circumstances and analysis leading to that conclusion.

Sec. 8. NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, 268.064, 278.479 to 278.4965, inclusive, and subsection 4 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph and paragraph (h) of subsection 1 of NRS 268.061, obtain two independent appraisals of the real property before selling or leasing it. If the governing body holds a public hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must be based on the zoning of the real property as set forth in the master plan for the city and must have been prepared not more than 6 months before the date on which real property is offered for sale or lease.

(b) Select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the governing body as to the qualifications of the appraiser is conclusive.

2. The governing body shall adopt by ordinance the procedures for creating or amending a list of appraisers qualified to conduct appraisals of real property offered for sale or lease by the governing body. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the property owner or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any real property offered for sale or lease by the governing body if:

(a) The appraiser has an interest in the real property or an adjoining property;

(b) The real property is located in a city in a county whose population is ~~{45,000}~~ 52,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a city in a county whose population is less than ~~{45,000}~~ 52,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

5. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 9. NRS 278.02095 is hereby amended to read as follows:

278.02095 1. Except as otherwise provided in this section, in an ordinance relating to the zoning of land adopted or amended by a governing body, the definition of "single-family residence" must include a manufactured home.

2. Notwithstanding the provisions of subsection 1, a governing body shall adopt standards for the placement of a manufactured home that will not be affixed to a lot within a mobile home park which require that:

(a) The manufactured home:

(1) Be permanently affixed to a residential lot;

(2) Be manufactured within the 6 years immediately preceding the date on which it is affixed to the residential lot;

(3) Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home, as established by the governing body;

(4) Consist of more than one section; and

(5) Consist of at least 1,200 square feet of living area unless the governing body, by administrative variance or other expedited procedure established by the governing body, approves a lesser amount of square footage based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity of the manufactured home; and

(b) If the manufactured home has an elevated foundation, the foundation is masked architecturally in a manner determined by the governing body.

↪ The governing body of a local government in a county whose population is less than ~~{45,000}~~ 52,000 may adopt standards that are less restrictive than the standards set forth in this subsection.

3. Standards adopted by a governing body pursuant to subsection 2 must be objective and documented clearly and must not be adopted to discourage or impede the construction or provision of affordable housing, including, without limitation, the use of manufactured homes for affordable housing.

4. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the certificate of ownership to the Housing Division of the Department of Business and Industry. The Division shall provide proof of such a surrender to the owner who must submit that proof to the building department.

5. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes, nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

6. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "New manufactured home" has the meaning ascribed to it in NRS 489.125.

Sec. 10. NRS 278.030 is hereby amended to read as follows:

278.030 1. The governing body of each city whose population is 25,000 or more and of each county whose population is ~~{45,000}~~ 52,000 or more shall create by ordinance a planning commission to consist of seven members.

2. Cities whose population is less than 25,000 and counties whose population is less than ~~{45,000}~~ 52,000 may create by ordinance a planning commission to consist of seven members. If the governing body of any city whose population is less than 25,000 or of any county whose population is less than ~~{45,000}~~ 52,000 deems the creation of a planning commission unnecessary or inadvisable, the governing body may, in lieu of creating a planning commission as provided in this subsection, perform all the functions and have all of the powers which would otherwise be granted to and be performed by the planning commission.

Sec. 11. NRS 293.464 is hereby amended to read as follows:

293.464 1. If a court of competent jurisdiction orders a county to extend the deadline for voting beyond the statutory deadline in a particular election, the county clerk shall, as soon as practicable after receiving notice of the court's decision:

(a) Cause notice of the extended deadline to be published in a newspaper of general circulation in the county; and

(b) Transmit a notice of the extended deadline to each registered voter who received a mail ballot for the election and has not returned the mail ballot before the date on which the notice will be transmitted.

2. The notice required pursuant to paragraph (a) of subsection 1 must be published:

(a) In a county whose population is ~~{47,500}~~ 52,000 or more, on at least 3 successive days.

(b) In a county whose population is less than ~~{47,500}~~ 52,000, at least twice in successive issues of the newspaper.

Sec. 12. NRS 318.5121 is hereby amended to read as follows:

318.5121 1. The board of trustees shall adopt by resolution the procedures for creating and maintaining a list of appraisers qualified to conduct appraisals of real property offered for sale by the board. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the real property that may be appraised; and

(b) Be organized at random and rotated from time to time.

2. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income that may constitute a conflict of interest and any relationship with the real property owner or the owner of an adjoining real property.

3. An appraiser shall not perform an appraisal on any real property for sale by the board of trustees if:

(a) The appraiser has an interest in the real property or an adjoining property;

(b) The real property is located in a county whose population is ~~{45,000}~~ 52,000 or more and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the third degree of consanguinity or affinity; or

(c) The real property is located in a county whose population is less than ~~{45,000}~~ 52,000 and any person who is related to the appraiser has an interest in the real property or an adjoining property and the relationship between the appraiser and the person is within the second degree of consanguinity or affinity.

Sec. 13. NRS 350.0125 is hereby amended to read as follows:

350.0125 1. The commission in a county whose population is less than ~~{47,500}~~ 52,000 may request technical assistance from the Department of Taxation to carry out the duties of the commission. Upon such a request, the Department of Taxation shall provide to that commission such technical assistance to the extent that resources are available.

2. The board of county commissioners of a county whose population is ~~{47,500}~~ 52,000 or more shall provide the commission in that county with such staff as is necessary to carry out the duties of the commission. The staff provided to the commission pursuant to this subsection shall provide such technical assistance to the commission as the commission requires, except the

staff shall not render an opinion on the merits of any proposal or other matter before the commission.

Sec. 14. NRS 361.453 is hereby amended to read as follows:

361.453 1. Except as otherwise provided in this section and NRS 354.705, 354.723, 387.3288 and 450.760, the total ad valorem tax levy for all public purposes must not exceed \$3.64 on each \$100 of assessed valuation, or a lesser or greater amount fixed by the State Board of Examiners if the State Board of Examiners is directed by law to fix a lesser or greater amount for that fiscal year.

2. Any levy imposed by the Legislature for the repayment of bonded indebtedness or the operating expenses of the State of Nevada and any levy imposed by the board of county commissioners pursuant to NRS 387.195 that is in excess of 50 cents on each \$100 of assessed valuation of taxable property within the county must not be included in calculating the limitation set forth in subsection 1 on the total ad valorem tax levied within the boundaries of the county, city or unincorporated town, if, in a county whose population is less than ~~[45,000,]~~ 52,000, or in a city or unincorporated town located within that county:

(a) The combined tax rate certified by the Nevada Tax Commission was at least \$3.50 on each \$100 of assessed valuation on June 25, 1998;

(b) The governing body of that county, city or unincorporated town proposes to its registered voters an additional levy ad valorem above the total ad valorem tax levy for all public purposes set forth in subsection 1;

(c) The proposal specifies the amount of money to be derived, the purpose for which it is to be expended and the duration of the levy; and

(d) The proposal is approved by a majority of the voters voting on the question at a general election or a special election called for that purpose.

3. The duration of the additional levy ad valorem levied pursuant to subsection 2 must not exceed 5 years. The governing body of the county, city or unincorporated town may discontinue the levy before it expires and may not thereafter reimpose it in whole or in part without following the procedure required for its original imposition set forth in subsection 2.

4. A special election may be held pursuant to subsection 2 only if the governing body of the county, city or unincorporated town determines, by a unanimous vote, that an emergency exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the county, city or unincorporated town to prevent or mitigate a substantial financial loss to the county, city or unincorporated town or to enable the governing body to provide an essential service to the residents of the county, city or unincorporated town.

Sec. 15. NRS 379.050 is hereby amended to read as follows:

379.050 1. Whenever a new county library is provided for in any county whose population is ~~45,000~~ 52,000 or more, the trustees of any district library in the county previously established may transfer all books, funds, equipment or other property in the possession of such trustees to the new library upon the demand of the trustees of the new library.

2. Whenever there are two or more county library districts in any county whose population is ~~45,000~~ 52,000 or more, the districts may merge into one county library district upon approval of the library trustees of the merging districts.

3. Whenever there is a city or a town library located adjacent to a county library district, the city or town library may:

(a) Merge with the county library district upon approval of the trustees of the merging library and district; or

(b) Subject to the limitations in NRS 379.0221, consolidate with the county library district.

4. All expenses incurred in making a transfer or merger must be paid out of the general fund of the new library.

Sec. 15.5. NRS 387.331 is hereby amended to read as follows:

387.331 1. The tax on residential construction authorized by this section is a specified amount which must be the same for each:

(a) Lot for a mobile home;

(b) Residential dwelling unit; and

(c) Suite in an apartment house,

↪ imposed on the privilege of constructing apartment houses and residential dwelling units and developing lots for mobile homes.

2. The board of trustees of any school district *in a county* whose population is less than ~~55,000~~ 100,000 *and is not a consolidated municipality* may request that the board of county commissioners of the county in which the school district is located impose a tax on residential construction in the school district to construct, remodel and make additions to school buildings. Whenever the board of trustees takes that action, it shall notify the board of county commissioners and shall specify the areas of the county to be served by the buildings to be erected or enlarged.

3. If the board of county commissioners decides that the tax should be imposed, it shall notify the Nevada Tax Commission. If the Commission approves, the board of county commissioners may then impose the tax, whose specified amount must not exceed \$1,600.

4. The board shall collect the tax so imposed, in the areas of the county to which it applies, and may require that administrative costs, not to exceed 1 percent, be paid from the amount collected.

5. The money collected must be deposited with the county treasurer in the school district's fund for capital projects to be held and expended in the same manner as other money deposited in that fund.

Sec. 16. NRS 396.892 is hereby amended to read as follows:

396.892 1. Each student who receives a loan made pursuant to NRS 396.890 to 396.898, inclusive, shall repay the loan and accrued interest pursuant to the terms of the loan unless the student:

- (a) Practices nursing in a rural area of Nevada or as an employee of the State for 6 months for each academic year for which he or she received a loan; or
- (b) Practices nursing in any other area of Nevada for 1 year for each academic year for which he or she received a loan.

2. The Board of Regents may adopt regulations:

- (a) Extending the time for completing the required practice beyond 5 years for persons who are granted extensions because of hardship; and
- (b) Granting prorated credit towards repayment of a loan for time a person practices nursing as required, for cases in which the period for required practice is only partially completed,

↪ and such other regulations as are necessary to carry out the provisions of NRS 396.890 to 396.898, inclusive.

3. As used in this section, "practices nursing in a rural area" means that the person practices nursing in an area located in a county whose population is less than ~~47,500~~ 52,000 at least half of the total time the person spends in the practice of nursing, and not less than 20 hours per week.

Sec. 17. NRS 403.490 is hereby amended to read as follows:

403.490 1. To perform any work or construct any superstructure under this chapter wherein an expenditure of \$100,000 or more may be necessary, the board of county highway commissioners shall cause definite plans of such work or superstructure to be made, estimates of the amount of work to be done and the probable cost thereof, together with a copy of the specifications thereof.

2. Except as otherwise provided in subsection 3, upon receipt of the plans, estimates and specifications for a project for which the estimated cost is \$100,000 or more, the board of county highway commissioners shall advertise for bids and let contracts in the manner prescribed by chapter 332 or 338 of NRS, as applicable.

3. In a county whose population is less than ~~45,000~~ 52,000, if the estimated cost of a project is \$100,000 or more but less than \$250,000, the board of county highway commissioners may hold a hearing to determine, by majority vote of the board, if the project can be performed by county employees or through the employment of day labor under the supervision of the board and by the use of its own machinery, tools and other equipment without advertising for bids and letting contracts pursuant to subsection 2. Notice for such a hearing must be provided not less than 15 days before the date of the hearing and must be published pursuant to the provisions of NRS 238.010 to 238.080, inclusive. The board shall provide, in the notice and at least 15 days before the hearing at the office of the board and at the place of the hearing, the following information, without limitation:

- (a) A list of:

(1) All county employees, if any, including supervisors, who will perform the work, including, without limitation, the classification of each employee and an estimate of the direct and indirect costs of the labor;

(2) The number of day laborers, if any, that will be employed to perform the work; and

(3) All machinery, tools and other equipment of the county to be used on the project.

(b) An estimate of:

(1) The direct and indirect costs of the labor of the county employees who will perform the work, if any;

(2) The direct and indirect costs of the labor of any day laborers who will be employed to perform the work pursuant to chapter 338 of NRS;

(3) The cost of any administrative support that will be required for the performance of the work;

(4) The total cost of the project, including, without limitation, the fair market value or, if available, the actual cost of all materials, supplies, equipment and labor necessary for the project; and

(5) The amount of savings to be realized by having county employees or day laborers perform the work.

4. In cases of emergency the board of county highway commissioners may let contracts for repairs in the manner prescribed by chapter 332 of NRS.

5. Nothing in this section shall prevent any county from opening, building, improving or repairing any public road or highway in the county through the work of county employees or the employment of day labor, under the supervision of the board of county highway commissioners and by the use of its own machinery, tools and other equipment, without letting contracts to the lowest responsible bidder, if the probable cost of the work does not exceed \$100,000.

Sec. 18. NRS 444A.040 is hereby amended to read as follows:

444A.040 1. The board of county commissioners in a county whose population is 100,000 or more, or its designee, shall make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

(d) The encouragement of businesses to reduce solid waste and to separate at the source recyclable material from other solid waste. This program must, without limitation, make information regarding solid waste reduction and recycling opportunities available to a business at the time the business applies for or renews a business license.

2. The board of county commissioners of a county whose population is ~~{45,000}~~ 52,000 or more but less than 100,000, or its designee:

(a) May make available for use in that county a program for the separation at the source of recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.

(b) Shall make available for use in that county a program for:

(1) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program established pursuant to paragraph (a).

(2) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

3. The board of county commissioners of a county whose population is less than ~~{45,000,}~~ 52,000, or its designee, may make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

4. Any program made available pursuant to this section:

(a) Must not:

(1) Conflict with the standards adopted by the State Environmental Commission pursuant to NRS 444A.020; and

(2) Become effective until approved by the Department.

(b) May be based on the model plans adopted pursuant to NRS 444A.030.

5. The governing body of a municipality may adopt and carry out within the municipality such programs made available pursuant to this section as are deemed necessary and appropriate for that municipality.

6. Any municipality may, with the approval of the governing body of an adjoining municipality, participate in any program adopted by the adjoining municipality pursuant to subsection 5.

7. Persons residing on an Indian reservation or Indian colony may participate in any program adopted pursuant to subsection 5 by a municipality in which the reservation or colony is located if the governing body of the reservation or colony adopts an ordinance requesting such participation. Upon receipt of such a request, the governing body of the municipality shall make available to the residents of the reservation or colony those programs requested.

Sec. 19. NRS 455.125 is hereby amended to read as follows:

455.125 If an operator of a sewer main receives notice through an association for operators pursuant to paragraph (a) of subsection 1 of NRS 455.110:

1. For a proposed excavation or demolition, the operator of the sewer main shall provide the person responsible for the excavation or demolition with the operator's best available information regarding the location of the connection of the sewer service lateral to the sewer main. The operator shall convey the information to the person responsible for the excavation or demolition in such manner as is determined by the operator which may include any one or more of the following methods, without limitation:

(a) Identification of the location of the connection of the sewer service lateral to the sewer main;

(b) Providing copies of documents relating to the location of the sewer service lateral within 2 working days; or

(c) Placement of a triangular green marking along the sewer main or the edge of the public right-of-way, pointing toward the real property serviced by the sewer service lateral to indicate that the location of the sewer service lateral is unknown.

2. The operator of a sewer main shall make its best efforts to comply with paragraph (a) or (c) of subsection 1 within 2 working days. If an operator of a sewer main cannot complete the requirements of paragraph (a) or (c) of subsection 1 within 2 working days, then the operator and the person responsible for the excavation or demolition must mutually agree upon a reasonable amount of time within which the operator must comply.

3. A government, governmental agency or political subdivision of a government that operates a sewer main:

(a) Except as otherwise provided in subsection 4, in a county with a population of ~~{45,000}~~ 52,000 or more may not charge a person responsible for excavation or demolition in a public right-of-way for complying with this section.

(b) In a county with a population of less than ~~{45,000}~~ 52,000 may charge a person responsible for excavation or demolition in a public right-of-way for complying with this section in an amount that does not exceed the actual costs for the operator for compliance with this section. Costs assessed pursuant to

this paragraph are not subject to the provisions of NRS 354.59881 to 354.59889, inclusive.

4. A government, governmental agency or political subdivision that operates a sewer main in a county with a population of ~~[45,000]~~ 52,000 or more may charge a person responsible for excavation or demolition in a public right-of-way for complying with this section in an amount that does not exceed the actual costs for the operator for compliance with this section if:

(a) The sewer system of the operator services not more than 260 accounts; and

(b) There is no natural gas pipeline located within the service area of the operator of the sewer main.

↪ Costs assessed pursuant to this subsection are not subject to the provisions of NRS 354.59881 to 354.59889, inclusive.

5. If the operator of a sewer main has received the information required pursuant to NRS 455.131 or has otherwise identified the location of the sewer service lateral in the public right-of-way, then the operator of the sewer main shall be responsible thereafter to identify the location of the sewer service lateral from that information.

Sec. 20. NRS 463.750 is hereby amended to read as follows:

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

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

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

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

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

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

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

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

(b) Provide that:

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

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

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

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

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

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

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

(d) Set forth provisions governing:

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

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

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

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

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

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

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

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

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

(b) In a county whose population is ~~{45,000}~~ 52,000 or more but less than 700,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

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

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

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

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

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

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

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

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

(3) Operates either:

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

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

4. The Commission may:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. A person who violates subsection 10 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than \$50,000, or both.

Sec. 21. NRS 647.060 is hereby amended to read as follows:

647.060 1. At the time of purchase by any junk dealer of any hides or junk, the junk dealer shall require the person vending the hides or junk to subscribe a statement containing the following information:

(a) When, where and from whom the vendor obtained the property.

(b) The vendor's age, residence, including the city or town, and the street and number, if any, of the residence, and such other information as is reasonably necessary to enable the residence to be located.

(c) The name of the employer, if any, of the vendor and the place of business or employment of the employer.

2. Except as otherwise provided in subsection 3, the junk dealer shall on the next business day:

(a) File the original statement subscribed by the vendor in the office of the sheriff of the county where the purchase was made; and

(b) If the purchase was made in a city or town, file a copy of the statement with the chief of police of that city or town.

3. In a county whose population is less than ~~{47,500,}~~ 52,000, the original statement may be filed in the office of the sheriff's deputy for transmission to the sheriff.

Sec. 22. The Legislature declares that in enacting this act it has reviewed each of the classifications by population amended by this act, has considered the suggestions of the several counties and of other interested persons in this State relating to whether any should be retained unchanged or amended differently, and has found that each of the sections in which a criterion of population has been changed should not under present conditions apply to a county larger or smaller, as the case may be, than the new criterion established.

Sec. 23. This act becomes effective upon passage and approval.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 455 to Senate Bill No. 21 revises subsection 1 and 2 of NRS 387.331 to increase the population threshold from 55,000 to 100,000 to allow a county, Lyon, to continue collecting the residential construction tax on behalf of the school district.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 24.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 456.

SUMMARY—Revises provisions relating to the Office of Small Business Advocacy within the Office of the Lieutenant Governor. (BDR 18-404)

AN ACT relating to the Office of the Lieutenant Governor; revising provisions governing the funding of the Office of Small Business Advocacy within the Office of the Lieutenant Governor; ~~removing~~ extending the prospective expiration of the Office of Small Business Advocacy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) creates within the Office of the Lieutenant Governor the Office of Small Business Advocacy; (2) eliminates the Office on June 30, 2023; and (3) authorizes the Lieutenant Governor to employ personnel as necessary to perform the functions and duties of the Office of Small Business Advocacy within the limits of money available from sources other than from the State General Fund. (NRS 224.160) Section 2 of this bill ~~removes~~ extends the prospective expiration of the Office on July 1, 2023, ~~thereby making the Office permanent.~~ to July 1, 2025. (Chapter 240, Statutes of Nevada 2021, at page 1147) Section 1 of this bill: (1) eliminates the prohibition on employing personnel for the Office of Small Business Advocacy with money from the State General Fund; and (2) authorizes the Lieutenant Governor to employ personnel for the Office of Small Business Advocacy within the limits of money appropriated or authorized for such purposes.

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

Section 1. NRS 224.160 is hereby amended to read as follows:

224.160 1. The Office of Small Business Advocacy is hereby created within the Office of the Lieutenant Governor.

2. The Lieutenant Governor may, within the limits of money ~~available other than from the State General Fund~~ *appropriated or authorized* for such purpose, employ such personnel as are necessary to perform the functions and duties of the Office of Small Business Advocacy set forth in NRS 224.100 to 224.250, inclusive. To be employed by the Lieutenant Governor pursuant to this section, a person must have the necessary training and experience to perform the duties for which he or she is hired. An employee of the Office of Small Business Advocacy is in the unclassified service of the State and serves at the pleasure of the Lieutenant Governor.

3. A state agency may cooperate with and assist the Office of Small Business Advocacy in the performance of its duties and functions.

Sec. 2. Section 20 of chapter 240, Statutes of Nevada 2021, at page 1154, is hereby amended to read as follows:

Sec. 20. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 19, inclusive, of this act: ~~become effective;~~

(a) Become effective:

(1) 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

(2) ~~(b)~~ On July 1, 2021, for all other purposes.

(b) Expire by limitation on June 30, ~~2023,~~ 2025.

Sec. 3. This act becomes effective upon passage and approval.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 456 to Senate Bill No. 24 extends the prospective expiration of the Office of Small Business Advocacy in the Office of the Lieutenant Governor from July 1, 2023, to July 1, 2025.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 83.

Bill read second time and ordered to third reading.

Senate Bill No. 94.

Bill read second time and ordered to third reading.

Senate Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 460.

SUMMARY—Revises the Charter of the City of North Las Vegas. (BDR S-5)

AN ACT relating to the Charter of the City of North Las Vegas; increasing the number of wards in the City of North Las Vegas; increasing the number of Council Members of the City Council of the City of North Las Vegas; requiring the City Manager to conduct an annual diversity study and establish a supplier diversity program; setting forth residency requirements for ~~certain city officers;~~ the City Manager; revising the powers and duties of the City Attorney; requiring certain reports to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of North Las Vegas divides the City into four wards, each of which is represented on the City Council by a Council Member. (North Las Vegas City Charter §§ 1.045, 2.010) Section 1 of this bill increases the number of wards in the City of North Las Vegas from four to six. Section 2 of this bill provides that the City Council of the City consists of six Council Members and a Mayor. Section 8 of this bill requires that the seats for the City Council Members be designated one through six. Section 10 of this bill requires, between July 1, 2023, and December 31, 2023, the City

Council to, by ordinance: (1) establish the boundaries for the new fifth and sixth wards; and (2) change the boundaries of the existing four wards so that the boundaries of all six wards are contiguous and as nearly as equal in population as possible. Sections 7 and 11 of this bill provide that the Council Members who represent the fifth and sixth wards will be first elected at the general municipal election held in November 2024, and the wards will not be considered vacant before that election. Section 12 of this bill requires the City Manager to present a report to the Joint Interim Standing Committee on Legislative Operations and Elections during the legislative interim regarding the redistricting of the wards.

Existing law requires the City Council to appoint a City Manager who need not be a resident of the City or the State of Nevada at the time of his or her appointment, but he or she may reside outside the City while in office only with the approval of the City Council. (North Las Vegas City Charter § 3.010) Section 4 of this bill requires that the City Manager become an actual resident of the City not later than 6 months after the date of his or her appointment and remain a resident of the City while in office. ~~Similarly, section 5 of this bill requires any appointed administrative officer who is the chief financial officer, an assistant city manager or assistant chief of staff to become an actual resident of the City not later than 6 months after the date of appointment and remain a resident of the City while in office.~~ Section 13 of this bill provides that if the City Manager ~~[, chief financial officer, assistant city manager or assistant chief of staff]~~ is not an actual resident of the City on July 1, 2023, he or she must become an actual resident of the City not later than December 31, 2023, and remain a resident while in office.

Section 3 of this bill requires the City Manager to: (1) prepare an annual diversity study to determine the number of city employees who are in managerial positions and are women, veterans or members of a minority group; and (2) establish a supplier diversity program.

Section 6 of this bill provides that the City Attorney or an attorney with whom the City Council enters into a contract to perform all or a portion of the duties of the City Attorney may not opine or provide legal advice to the Mayor or a Council Member on any issue or matter that does not directly relate to the official duties of the Mayor or the Council Member.

Section 9 of this bill requires the City Manager to submit a report to the Senate Standing Committee on Government Affairs and the Assembly Standing Committee on Government Affairs on vacant or leased space in the North Las Vegas City Hall.

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

Section 1. Section 1.045 of the Charter of the City of North Las Vegas, being chapter 344, Statutes of Nevada 1999, at page 1413, is hereby amended to read as follows:

Sec. 1.045 Wards: Creation; Boundaries.

1. The City must be divided into ~~four~~ six wards which must be as nearly equal in population as practicable, and each of which must be composed entirely of contiguous territory.

2. The boundaries of the wards must be established and changed by ordinance. Except as otherwise provided in subsection 3, the boundaries of the wards must be changed whenever the population, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, in any ward exceeds the population in any other ward by more than 5 percent.

3. The boundaries of the wards must not be changed, except to accommodate an annexation of territory to the City, during the period beginning 30 days immediately preceding the last day for filing a declaration of candidacy for a municipal election and ending on the date of the election.

Sec. 2. Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3561, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of [four] six Council Members and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his or her election.

(b) A qualified elector within the City.

3. Each Council Member:

(a) Must be a qualified elector who has resided in the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his or her office.

(b) Must continue to live in the ward he or she represents, except that changes in ward boundaries made pursuant to section 1.045 will not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Council Member shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. Each Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent, and except as otherwise provided in sections 5.010 and 5.100, his or her term of office is 4 years.

6. The Mayor must be voted upon by the registered voters of the City at large, and except as otherwise provided in sections 5.010 and 5.100, his or her term of office is 4 years.

7. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council.

Sec. 3. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto new sections to be designated as section 3.022 and 3.023, respectively, immediately following section 3.020, to read as follows:

*Sec. 3.022 Diversity Studies.*

1. *On or before December 31 of each year, the City Manager shall prepare a diversity study to determine the number of employees of each agency, bureau, board, commission, department, division and other office of the City who are in managerial positions and are women, veterans or members of a minority group.*

2. *Each diversity study prepared pursuant to this section must be posted in a prominent location on the Internet website of the City.*

3. *The City Manager shall present the results of each diversity study at a public meeting to the City Council and the Charter Committee. The City Council and Charter Committee shall consider the results of the diversity study in determining whether to propose any amendment to this Charter.*

4. *A diversity study prepared pursuant to this section must not include any personally identifiable information of any employee of the City.*

5. *The City Manager shall maintain the records, documents and other materials used in the preparation of a diversity study pursuant to this section in written or electronic form for at least 10 years after the presentation of the results of the diversity study pursuant to subsection 3.*

6. *As used in this section, "minority group" means:*

*(a) A racial or ethnic minority group;*

*(b) A group of persons with disabilities; or*

*(c) A group of persons who identify as LGBTQ. As used in this paragraph, "LGBTQ" means lesbian, gay, bisexual, transgender, queer, intersex or any other nonheterosexual or noncisgender orientation or gender identity or expression.*

*Sec. 3.023 Supplier Diversity Program.*

1. *The City Manager shall establish a supplier diversity program to ensure that businesses located in the City that are owned by women, veterans or a member of a minority group are made aware of the City's advertisements for bids or requests for proposals.*

2. *The City Manager shall ensure that information about the supplier diversity program established pursuant to this section is prominently displayed on the Internet website of the City.*

3. *On or before January 1 of each year, the City Manager shall prepare a report on the supplier diversity program that includes, without limitation:*

(a) *The number of contracts awarded by the City for the previous calendar year to businesses located in the City that are owned by women, veterans or a member of a minority group; and*

(b) *The amount of money paid to businesses located in the City that are owned by women, veterans or a member of a minority group pursuant to the contracts described in paragraph (a).*

4. *Each report must be prominently displayed on the Internet website of the City.*

5. *The City Manager shall present the report prepared pursuant to this section at a public meeting to the City Council and the Charter Committee. The City Council and Charter Committee shall consider the results of the report in determining whether to propose any amendment to this Charter.*

6. *The City Manager shall maintain the records, documents and other materials used in the preparation of a report pursuant to this section in written or electronic form for at least 10 years after the presentation of the report pursuant to subsection 5.*

7. *As used in this section, "minority group" means:*

(a) *A racial or ethnic minority group;*

(b) *A group of persons with disabilities; or*

(c) *A group of persons who identify as LGBTQ. As used in this paragraph, "LGBTQ" means lesbian, gay, bisexual, transgender, queer, intersex or any other nonheterosexual or noncisgender orientation or gender identity or expression.*

Sec. 4. Section 3.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1219, is hereby amended to read as follows:

Sec. 3.010 City Manager: Appointment and qualifications; acting City Manager.

1. The City Council shall appoint a City Manager for an indefinite term and fix his or her compensation. The City Manager shall be appointed on the basis of his or her administrative qualifications. The City Manager need not be a resident of the City ~~for the State of Nevada~~ at the time of his or her appointment. ~~but he or she may reside outside the City while in office only with the approval of the City Council.~~ *The City Manager must become an actual resident of the City not later than 6 months after the date of his or her appointment and remain a resident of the City while in office.*

2. By letter filed with the City Clerk, the City Manager shall designate, subject to the approval of the City Council, a qualified city administrative officer to exercise the powers and perform the duties of the City Manager during his or her temporary absence or disability. The City Council may revoke such designation at any time.

Sec. 5. ~~Section 3.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 254,~~

Statutes of Nevada 2021, at page 1330, is hereby amended to read as follows:

~~Sec. 3.020 [City Manager:] Powers and duties [.] of City Manager; appointive administrative officers.~~

~~1. The City Manager is the Chief Administrative Officer of the City. He or she is responsible to the City Council for the efficient and proper administration of all City affairs placed in his or her charge by or under this Charter.~~

~~2. The City Manager : [shall:]~~

~~(a) [Except] Shall, except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter, appoint, and when he or she deems it necessary for the good of the service, discharge or suspend all City employees and appointed administrative officers provided for by this Charter. [He or she may] An appointed administrative officer who is the chief financial officer, an assistant city manager or assistant chief of staff need not be a resident of the City at the time of his or her appointment, but he or she must become an actual resident of the City not later than 6 months after the date of his or her appointment and remain a resident of the City while in office.~~

~~(b) May authorize any administrative officer who is subject to his or her direction and supervision to exercise the powers enumerated in [this] paragraph (a) with respect to subordinates in that officer's department, office or agency.~~

~~[(b) Direct]~~

~~(c) Shall direct and supervise the administration of all departments, offices and agencies of the City, except:~~

~~(1) As otherwise provided by law; and~~

~~(2) For any department, office or agency whose head is not appointed by the City Manager.~~

~~[(c) Attend]~~

~~(d) Shall attend all City Council meetings and have the right to take part in all discussions. The City Manager may not vote.~~

~~[(d) Be]~~

~~(e) Shall be responsible for the enforcement of all laws, provisions of this Charter and acts of the City Council subject to enforcement by the City Manager or by his or her officers subject to his or her direction and supervision.~~

~~[(e) Prepare]~~

~~(f) Shall prepare and submit the annual budget and capital program to the City Council.~~

~~[(f) Submit]~~

~~(g) Shall submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.~~

~~[(g) Make]~~

~~— (h) Shall make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to his or her direction and supervision.~~

~~— [(h) Keep]~~

~~— (i) Shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs as he or she deems desirable.~~

~~— [(i) Perform]~~

~~— (j) Shall perform such other duties as are specified in this Charter or which may be required by the City Council.] (Deleted by amendment.)~~

Sec. 6. Section 3.050 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 254, Statutes of Nevada 2021, at page 1332, is hereby amended to read as follows:

Sec. 3.050 City Attorney: Appointment; salary; qualifications; duties; removal; contract in lieu of or in addition to appointment.

1. Except as otherwise provided in subsection 6, the City Council shall appoint a City Attorney and fix his or her salary.

2. The City Attorney and any attorney with whom the City Council enters into a contract pursuant to subsection 6 must be a licensed member of the State Bar of Nevada.

3. ~~[(The)]~~ Except as otherwise provided in subsection 8, the City Attorney is the Chief Legal Officer of the City and shall perform such duties as may be designated by the City Council or prescribed by ordinance.

4. The City Attorney is under the general direction and supervision of the City Council.

5. The City Attorney serves at the pleasure of the City Council and may be removed at any time in accordance with the terms of the City Attorney's employment contract by an affirmative vote of a majority of the entire membership of the City Council.

6. In lieu of or in addition to appointing a City Attorney pursuant to subsection 1, the City Council may enter into a contract with one or more attorneys employed by or associated with a professional corporation, partnership or limited-liability company that engages in the practice of law in this State to perform all or a portion of the duties of the City Attorney. If the City Council enters into such a contract, the City Council shall ensure that the contract specifies the duties to be performed and the compensation payable for the performance of those duties.

7. An attorney with whom the City Council enters into a contract to perform all or a portion of the duties of the City Attorney pursuant to subsection 6 has, for each of the duties specified in the contract, all

the powers and duties otherwise conferred upon a City Attorney who is appointed pursuant to subsection 1.

8. *The City Attorney or an attorney with whom the City Council enters into a contract to perform all or a portion of the duties of the City Attorney pursuant to subsection 6 may not opine or provide legal advice to the Mayor or a Council Member on any issue or matter that does not directly relate to the official duties of the Mayor or the Council Member.*

Sec. 7. Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3562, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. On the second Tuesday after the first Monday in June 2019, there must be elected, at a general municipal election to be held for that purpose, two Council Members, who shall hold office until their successors have been elected and qualified pursuant to subsection 4.

2. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

3. On the first Tuesday after the first Monday in November 2022, and at each successive interval of 6 years, there must be elected, at a general municipal election to be held for that purpose, a Municipal Judge who shall hold office for a period of 6 years and until his or her successor has been elected and qualified.

4. On the first Tuesday after the first Monday in November 2024, and at each successive interval of 4 years thereafter, there must be elected, at a general municipal election to be held for that purpose, ~~two~~ four Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

5. In a general municipal election:

(a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 8. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 558, Statutes of Nevada 2019, at page 3562, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated

by the numbers one through ~~four~~ six, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. A primary municipal election must be held:

(a) On the Tuesday following the first Monday in April 2019; and  
(b) Beginning in 2022, on the second Tuesday in June of each even-numbered year.

3. In the primary municipal election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

4. Except as otherwise provided in subsection 5, after the primary municipal election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general municipal election.

5. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary municipal election, he or she must be declared elected to that office and no general municipal election need be held for that office.

Sec. 9. On or before May 1, 2023, the City Manager of the City of North Las Vegas shall submit a report to the Senate Standing Committee on Government Affairs and the Assembly Standing Committee on Government Affairs regarding any space in the North Las Vegas City Hall that is vacant or leased. The report must include:

1. An identification on the floor plan of the North Las Vegas City Hall of each vacant or leased space.

2. The square footage of each such vacant or leased space.

3. For each such leased space, the dates of the commencement and termination of the lease.

Sec. 10. Between July 1, 2023, and December 31, 2023, the City Council must, by ordinance:

1. Establish the boundaries for the fifth and sixth wards created by the provisions of section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act; and

2. Change the boundaries of the existing four wards so that the boundaries of all six wards created pursuant to section 1.045 of the Charter of the City of

North Las Vegas, as amended by section 1 of this act, are contiguous and as nearly as equal in population as possible.

Sec. 11. The fifth and sixth wards created by the provisions of section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act, must be filled initially at the general municipal election held on the first Tuesday after the first Monday in November 2024, provided for by section 5.010 of the Charter of the City of North Las Vegas, as amended by section 7 of this act, and shall not be deemed to be vacant before that time.

Sec. 12. 1. On or before June 1, 2024, the City Manager of the City of North Las Vegas shall present a report to the Joint Interim Standing Committee on Legislative Operations and Elections regarding:

(a) Establishing the boundaries for the fifth and sixth wards created by the provisions of section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act; and

(b) Changing the boundaries of the existing four wards so that the boundaries of all six wards created pursuant to section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act, are contiguous and as nearly as equal in population as possible.

2. The report presented pursuant to subsection 1 must include the sources of funding used to pay for carrying out the provisions of paragraphs (a) and (b) of subsection 1 and an itemization of the expenditures made from that funding.

Sec. 13. Notwithstanding the provisions of ~~sections~~ section 3.010 ~~and 3.020~~ of the Charter of the City of North Las Vegas, as amended by ~~sections~~ section 4 ~~and 5~~ of this act, ~~respectively,~~ if the City Manager ~~[, chief financial officer, assistant city manager or assistant chief of staff]~~ is not an actual resident of the City on July 1, 2023, he or she must become an actual resident of the City not later than December 31, 2023, and remain a resident while in office.

Sec. 14. 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. 15. 1. This section and sections 9 and 14 of this act become effective upon passage and approval.

2. Sections 1, 2, 7, 8, 10, 11 and 12 of this act become effective:

(a) Upon passage and approval for the purpose of adopting ordinances, establishing the boundaries of the additional wards created by the provisions of section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act, changing the boundaries of the first through fourth wards to comply with the provisions of section 1.045 of the Charter of the City of North Las Vegas, as amended by section 1 of this act, and performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

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

3. Sections 3 to 6, inclusive, and 13 of this act become effective on July 1, 2023.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 460 to Senate Bill No. 184 deletes section 5 related to residency requirements for certain city officers.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 194.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 240.

SUMMARY—Revises provisions relating to step therapy protocols. (BDR 57-885)

AN ACT relating to insurance; requiring certain insurers to use evidence based guidelines when developing a step therapy protocol; requiring such insurers to create a process by which an attending practitioner and an insured are authorized to apply for an exemption from a step therapy protocol; requiring such insurers to grant such an exemption in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a process by which a person may request an exemption from a step therapy protocol established by his or her insurer for a prescription drug used to treat late stage cancer or an associated symptom. If such a request is granted, existing law requires the insurer to cover the prescription drug. (NRS 689A.04041, 689B.0305, 689C.1684, 695A.259, 695B.19085, 695C.17333, 695G.1675) Sections 1, 3-8 and 11 of this bill require certain private-sector insurers to establish a process by which an insured and his or her attending practitioner may: (1) request an exemption from a step therapy protocol that applies to prescription drugs; and (2) appeal a decision concerning such a request. Sections 1, 3-8 and 11 require an insurer to: (1) grant such a request if the attending practitioner submits certain information providing adequate justification for the exemption; and (2) make the process to request an exemption and submit an appeal accessible on an Internet website maintained by the insurer. Sections 1, 3-8 and 11 additionally require certain private-sector insurers to use guidelines based on medical or scientific evidence, if available, when developing a step therapy protocol. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Section 10 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 8. The Commissioner is also authorized to take such action against other health insurers who fail to comply with the requirements of sections 1, 3-7 and 11. (NRS 680A.200)

Sections 9 and 12 of this bill provide that the provisions of sections 8 and 11 do not apply to Medicaid managed care organizations. Sections 9 and 12 of this bill additionally provide that the provisions of sections 8 and 11, respectively, do not apply to a health maintenance organization or managed care organization that provides services to members of the Public Employees' Benefits Program.

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

Section 1. Chapter 689A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *When developing a step therapy protocol, an insurer shall use guidelines based on medical or scientific evidence, if such guidelines are available.*

2. *An insurer that offers or issues a policy of health insurance which includes coverage for a prescription drug for the treatment of any medical condition that is part of a step therapy protocol shall:*

*(a) Establish a clear, convenient and readily accessible process by which an insured and his or her attending practitioner may:*

*(1) Request an exemption for the insured from the step therapy protocol; and*

*(2) Appeal a decision made by the insurer concerning a request for an exemption from the step therapy protocol pursuant to subparagraph (1);*

*(b) Make the process described in paragraph (a) accessible through an Internet website maintained by the insurer; and*

*(c) Except as otherwise provided in this paragraph, respond to a request made or an appeal submitted pursuant to paragraph (a) not later than ~~72 hours~~ 2 business days after the request is made or the appeal is submitted, as applicable. If the attending practitioner indicates that exigent circumstances exist, the insurer shall respond to the request or appeal within 24 hours after the request is made or the appeal is submitted, as applicable.*

3. *An insurer shall grant a request to exempt an insured from a step therapy protocol made in accordance with the process established pursuant to subsection 2 if the attending practitioner for the insured submits to the insurer a statement which provides an adequate justification for the exemption and any documentation necessary to support the statement. The insurer shall determine ~~that~~ whether such justification exists if the statement and documentation demonstrate that:*

*(a) Each prescription drug that is required to be used earlier in the step therapy protocol:*

*(1) Is contraindicated or will likely cause an adverse reaction or physical or mental harm to the insured;*

*(2) Is expected to be ineffective based on the known clinical characteristics of the insured and the known characteristics of the required prescription drug;*

(3) *Has been tried by the insured, regardless of whether the insured was covered by the current policy of health insurance at the time, and was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse event relating to the prescription drug; or*

(4) *Is not in the best interest of the insured, based on medical necessity;*  
*or*

(b) *The insured is stable on a prescription drug selected by his or her attending practitioner for the medical condition under consideration, regardless of whether the insured was covered by his or her current policy of health insurance at the time the attending practitioner selected the drug.*

4. *If an insurer does not respond to a request for an exemption from a step therapy protocol or an appeal concerning a decision relating to such a request within the time frame prescribed by paragraph (c) of subsection 2, the request shall be deemed to have been granted.*

5. *If a request for an exemption from a step therapy protocol is granted pursuant to subsection 3 or deemed granted pursuant to subsection 4, the insurer shall immediately authorize coverage for and dispensing of the drug chosen by the attending practitioner for the insured.*

6. *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, 2023, 2024, has the legal effect of including the coverage by this section, and any provisions of the policy that conflict with the provisions of this section is void.*

7. *The provisions of this section do not apply to any prescription drug to which the provisions of NRS 689A.04041 apply.*

8. *As used in this section:*

(a) *"Attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the medical condition of an insured for which a prescription drug is prescribed.*

(b) *"Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.*

Sec. 2. NRS 689A.330 is hereby amended to read as follows:

689A.330 If any policy is issued by a domestic insurer for delivery to a person residing in another state, and if the insurance commissioner or corresponding public officer of that other state has informed the Commissioner that the policy is not subject to approval or disapproval by that officer, the Commissioner may by ruling require that the policy meet the standards set forth in NRS 689A.030 to 689A.320, inclusive [-], *and section 1 of this act.*

Sec. 3. Chapter 689B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *When developing a step therapy protocol, an insurer shall use guidelines based on medical or scientific evidence, if such guidelines are available.*

2. An insurer that offers or issues a policy of group health insurance which includes coverage for a prescription drug for the treatment of any medical condition that is part of a step therapy protocol shall:

(a) Establish a clear, convenient and readily accessible process by which an insured and his or her attending practitioner may:

(1) Request an exemption from the insured from the step therapy protocol; and

(2) Appeal a decision made by the insurer concerning a request for an exemption from the step therapy protocol pursuant to subparagraph (1);

(b) Make the process described in paragraph (a) accessible through an Internet website maintained by the insurer; and

(c) Except as otherwise provided in this paragraph, respond to a request made or an appeal submitted pursuant to paragraph (a) not later than ~~72 hours~~ 2 business days after the request is made or the appeal is submitted, as applicable. If the attending practitioner indicates that exigent circumstances exist, the insurer shall respond to the request or appeal within 24 hours after the request is made or the appeal is submitted, as applicable.

3. An insurer shall grant a request to exempt an insured from a step therapy protocol made in accordance with the process established pursuant to subsection 2 if the attending practitioner for the insured submits to the insurer a statement which provides an adequate justification for the exemption and any documentation necessary to support the statement. The insurer shall determine ~~that~~ whether such justification exists if the statement and documentation demonstrate that:

(a) Each prescription drug that is required to be used earlier in the step therapy protocol:

(1) Is contraindicated or will likely cause an adverse reaction or physical or mental harm to the insured;

(2) Is expected to be ineffective based on the known clinical characteristics of the insured and the known characteristics of the required prescription drug;

(3) Has been tried by the insured, regardless of whether the insured was covered by the current policy of group health insurance at the time, and was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse event relating to the prescription drug; or

(4) Is not in the best interest of the insured, based on medical necessity; or

(b) The insured is stable on a prescription drug selected by his or her attending practitioner for the medical condition under consideration, regardless of whether the insured was covered by his or her current policy of group health insurance at the time the attending practitioner selected the drug.

4. If an insurer does not respond to a request for an exemption from a step therapy protocol or an appeal concerning a decision relating to such a request within the time frame prescribed by paragraph (c) of subsection 2, the request shall be deemed to have been granted.

5. If a request for an exemption from a step therapy protocol is granted pursuant to subsection 3 or deemed granted pursuant to subsection 4, the insurer shall immediately authorize coverage for and dispensing of the drug chosen by the attending practitioner for the insured.

6. 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, 2023, 2024, has the legal effect of including the coverage required by this section, and any provisions of the policy that conflict with the provisions of this section is void.

7. The provisions of this section do not apply to any prescription drug to which the provisions of NRS 689B.0305 apply.

8. As used in this section:

(a) "Attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the medical condition of an insured for which a prescription drug is prescribed.

(b) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

Sec. 4. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

1. When developing a step therapy protocol, a carrier shall use guidelines based on medical or scientific evidence, if such guidelines are available.

2. A carrier that offers or issues a health benefit plan which includes coverage for a prescription drug for the treatment of any medical condition that is part of a step therapy protocol shall:

(a) Establish a clear, convenient and readily accessible process by which an insured and his or her attending practitioner may:

(1) Request an exemption for the insured from the step therapy protocol; and

(2) Appeal a decision made by the carrier concerning a request for an exemption from the step therapy protocol pursuant to subparagraph (1);

(b) Make the process described in paragraph (a) accessible through an Internet website maintained by the carrier; and

(c) Except as otherwise provided in this paragraph, respond to a request made or an appeal submitted pursuant to paragraph (a) not later than ~~72 hours~~ 2 business days after the request is made or the appeal is submitted, as applicable. If the attending practitioner indicates that exigent circumstances exist, the carrier shall respond to the request or appeal within 24 hours after the request is made or the appeal is submitted, as applicable.

3. A carrier shall grant a request to exempt an insured from a step therapy protocol made in accordance with the process established pursuant to subsection 2 if the attending practitioner for the insured submits to the carrier a statement which provides an adequate justification for the exemption and any documentation necessary to support the statement. The carrier shall determine ~~that~~ whether such justification exists if the statement and documentation demonstrate that:

(a) *Each prescription drug that is required to be used earlier in the step therapy protocol:*

(1) *Is contraindicated or will likely cause an adverse reaction or physical or mental harm to the insured;*

(2) *Is expected to be ineffective based on the known clinical characteristics of the insured and the known characteristics of the required prescription drug;*

(3) *Has been tried by the insured, regardless of whether the insured was covered by the current health benefit plan at the time, and was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse event relating to the prescription drug; or*

(4) *Is not in the best interest of the insured, based on medical necessity;*  
or

(b) *The insured is stable on a prescription drug selected by his or her attending practitioner for the medical condition under consideration, regardless of whether the insured was covered by his or her current health benefit plan at the time the attending practitioner selected the drug.*

4. *If a carrier does not respond to a request for an exemption from a step therapy protocol or an appeal concerning a decision relating to such a request within the time frame prescribed by paragraph (c) of subsection 2, the request shall be deemed to have been granted.*

5. *If a request for an exemption from a step therapy protocol is granted pursuant to subsection 3 or deemed granted pursuant to subsection 4, the carrier shall immediately authorize coverage for and dispensing of the drug chosen by the attending practitioner for the insured.*

6. *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, 2024, ~~2023~~ has the legal effect of including the coverage required by this section, and any provisions of the policy that conflict with the provisions of this section is void.*

7. *The provisions of this section do not apply to any prescription drug to which the provisions of NRS 689C.1684 apply.*

8. *As used in this section:*

(a) *"Attending practitioner" means the practitioner, as defined in NRS639.0125, who has primary responsibility for the treatment of the medical condition of an insured for which a prescription drug is prescribed.*

(b) *"Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.*

Sec. 5. NRS 689C.425 is hereby amended to read as follows:

689C.425 A voluntary purchasing group and any contract issued to such a group pursuant to NRS 689C.360 to 689C.600, inclusive, are subject to the provisions of NRS 689C.015 to 689C.355, inclusive, and section 4 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. 6. Chapter 695A of NRS is hereby amended by adding thereto a new

section to read as follows:

1. When developing a step therapy protocol, a society shall use guidelines based on medical or scientific evidence, if such guidelines are available.

2. A society that offers or issues a benefit contract which includes coverage for a prescription drug for the treatment of any medical condition that is part of a step therapy protocol shall:

(a) Establish a clear, convenient and readily accessible process by which an insured and his or her attending practitioner may:

(1) Request an exemption from the step therapy protocol; and

(2) Appeal a decision made by the society concerning a request for an exemption from the step therapy protocol pursuant to subparagraph (1);

(b) Make the process described in paragraph (a) accessible through an Internet website maintained by the society; and

(c) Except as otherwise provided in this paragraph, respond to a request made or an appeal submitted pursuant to paragraph (a) not later than ~~72 hours~~ 2 business days after the request is made or the appeal is submitted, as applicable. If the attending practitioner indicates that exigent circumstances exist, the society shall respond to the request or appeal within 24 hours after the request is made or the appeal is submitted, as applicable.

3. A society shall grant a request to exempt an insured from a step therapy protocol made in accordance with the process established pursuant to subsection 2 if the attending practitioner for the insured submits to the society a statement which provides an adequate justification for the exemption and any documentation necessary to support the statement. The society shall determine ~~that~~ whether such justification exists if the statement and documentation demonstrate that:

(a) Each prescription drug that is required to be used earlier in the step therapy protocol:

(1) Is contraindicated or will likely cause an adverse reaction or physical or mental harm to the insured;

(2) Is expected to be ineffective based on the known clinical characteristics of the insured and the known characteristics of the required prescription drug;

(3) Has been tried by the insured, regardless of whether the insured was covered by the current benefit contract at the time, and was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse event relating to the prescription drug; or

(4) Is not in the best interest of the insured, based on medical necessity; or

(b) The insured is stable on a prescription drug selected by his or her attending practitioner for the medical condition under consideration, regardless of whether the insured was covered by his or her current benefit contract at the time the attending practitioner selected the drug.

4. If a society does not respond to a request for an exemption from a step therapy protocol or an appeal concerning a decision relating to such a request within the time frame prescribed by paragraph (c) of subsection 2, the request shall be deemed to have been granted.

5. If a request for an exemption from a step therapy protocol is granted pursuant to subsection 3 or deemed granted pursuant to subsection 4, the society shall immediately authorize coverage for and dispensing of the drug chosen by the attending practitioner for the insured.

6. A benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October~~ January 1, 2023, ~~2023~~ 2024, has the legal effect of including the coverage required by this section, and any provisions of the policy that conflict with the provisions of this section is void.

7. The provisions of this section do not apply to any prescription drug to which the provisions of NRS 695A.259 apply.

8. As used in this section:

(a) "Attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the medical condition of an insured for which a prescription drug is prescribed.

(b) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

Sec. 7. Chapter 695B of NRS is hereby amended by adding thereto a new section to read as follows:

1. When developing a step therapy protocol, a hospital or medical services corporation shall use guidelines based on medical or scientific evidence, if such guidelines are available.

2. A hospital or medical services corporation that offers or issues a policy of health insurance which includes coverage for a prescription drug for the treatment of any medical condition that is part of a step therapy protocol shall:

(a) Establish a clear, convenient and readily accessible process by which an insured and his or her attending practitioner may:

(1) Request an exemption for the insured from the step therapy protocol; and

(2) Appeal a decision made by the hospital or medical services corporation concerning a request for an exemption from the step therapy protocol pursuant to subparagraph (1);

(b) Make the process described in paragraph (a) accessible through an Internet website maintained by the hospital or medical services corporation; and

(c) Except as otherwise provided in this paragraph, respond to a request made or an appeal submitted pursuant to paragraph (a) not later than ~~72 hours~~ 2 business days after the request is made or the appeal is submitted, as applicable. If the attending practitioner indicates that exigent circumstances exist, the hospital or medical services corporation shall

respond to the request or appeal within 24 hours after the request is made or the appeal is submitted, as applicable.

3. A hospital or medical services corporation shall grant a request to exempt an insured from a step therapy protocol made in accordance with the process established pursuant to subsection 2 if the attending practitioner for the insured submits to the hospital or medical services corporation a statement which provides an adequate justification for the exemption and any documentation necessary to support the statement. The hospital or medical services corporation shall determine ~~(that)~~ whether such justification exists if the statement and documentation demonstrate that:

(a) Each prescription drug that is required to be used earlier in the step therapy protocol:

(1) Is contraindicated or will likely cause an adverse reaction or physical or mental harm to the insured;

(2) Is expected to be ineffective based on the known clinical characteristics of the insured and the known characteristics of the required prescription drug;

(3) Has been tried by the insured, regardless of whether the insured was covered by the current policy of health insurance at the time, and was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse event relating to the prescription drug; or

(4) Is not in the best interest of the insured, based on medical necessity;

or

(b) The insured is stable on a prescription drug selected by his or her attending practitioner for the medical condition under consideration, regardless of whether the insured was covered by his or her current policy of health insurance at the time the attending practitioner selected the drug.

4. If a hospital or medical services corporation does not respond to a request for an exemption from a step therapy protocol or an appeal concerning a decision relating to such a request within the time frame prescribed by paragraph (c) of subsection 2, the request shall be deemed to have been granted.

5. If a request for an exemption from a step therapy protocol is granted pursuant to subsection 3 or deemed granted pursuant to subsection 4, the hospital or medical services corporation shall immediately authorize coverage for and dispensing of the drug chosen by the attending practitioner for the insured.

6. 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, 2023, 2024, has the legal effect of including the coverage required by this section, and any provisions of the policy that conflict with the provisions of this section is void.

7. The provisions of this section do not apply to any prescription drug to which the provisions of NRS 695B.19085 apply.

8. As used in this section:

(a) "Attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the medical condition of an insured for which a prescription drug is prescribed.

(b) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

Sec. 8. Chapter 695C of NRS is hereby amended by adding thereto a new section to read as follows:

1. When developing a step therapy protocol, a health maintenance organization shall use guidelines based on medical or scientific evidence, if such guidelines are available.

2. A health maintenance organization that offers or issues a health care plan which includes coverage for a prescription drug for the treatment of any medical condition that is part of a step therapy protocol shall:

(a) Establish a clear, convenient and readily accessible process by which an enrollee and his or her attending practitioner may:

(1) Request an exemption from the enrollee from the step therapy protocol; and

(2) Appeal a decision made by the health maintenance organization concerning a request for an exemption from the step therapy protocol pursuant to subparagraph (1);

(b) Make the process described in paragraph (a) accessible through an Internet website maintained by the health maintenance organization; and

(c) Except as otherwise provided in this paragraph, respond to a request made or an appeal submitted pursuant to paragraph (a) not later than ~~{72 hours}~~ 2 business days after the request is made or the appeal is submitted, as applicable. If the attending practitioner indicates that exigent circumstances exist, the health maintenance organization shall respond to the request or appeal within 24 hours after the request is made or the appeal is submitted, as applicable.

3. A health maintenance organization shall grant a request to exempt an enrollee from a step therapy protocol made in accordance with the process established pursuant to subsection 2 if the attending practitioner for the enrollee submits to the health maintenance organization a statement which provides an adequate justification for the exemption and any documentation necessary to support the statement. The health maintenance organization shall determine ~~that~~ whether such justification exists if the statement and documentation demonstrate that:

(a) Each prescription drug that is required to be used earlier in the step therapy protocol:

(1) Is contraindicated or will likely cause an adverse reaction or physical or mental harm to the enrollee;

(2) Is expected to be ineffective based on the known clinical characteristics of the enrollee and the known characteristics of the required prescription drug;

(3) *Has been tried by the enrollee, regardless of whether the enrollee was covered by the current health care plan at the time, and was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse event relating to the prescription drug; or*

(4) *Is not in the best interest of the enrollee, based on medical necessity; or*

(b) *The enrollee is stable on a prescription drug selected by his or her attending practitioner for the medical condition under consideration, regardless of whether the enrollee was covered by his or her current health care plan at the time the attending practitioner selected the drug.*

4. *If a health maintenance organization does not respond to a request for an exemption from a step therapy protocol or an appeal concerning a decision relating to such a request within the time frame prescribed by paragraph (c) of subsection 2, the request shall be deemed to have been granted.*

5. *If a request for an exemption from a step therapy protocol is granted pursuant to subsection 3 or deemed granted pursuant to subsection 4, the health maintenance organization shall immediately authorize coverage for and dispensing of the drug chosen by the attending practitioner for the enrollee.*

6. *A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after ~~October 1,~~ January 1, 2024, has the legal effect of including the coverage required by this section, and any provisions of the policy that conflict with the provisions of this section is void.*

7. *The provisions of this section do not apply to any prescription drug to which the provisions of NRS 695C.17333 apply.*

8. *As used in this section:*

(a) *"Attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the medical condition of an insured for which a prescription drug is prescribed.*

(b) *"Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.*

Sec. 9. 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, *and section 8 of this act*, 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 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of section 8 of this act do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 10. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, *and section 8 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. 11. Chapter 695G of NRS is hereby amended by adding thereto a new section to read as follows:

1. *When developing a step therapy protocol, a managed care organization shall use guidelines based on medical or scientific evidence, if such guidelines are available.*

2. *A managed care organization that offers or issues a health care plan which includes coverage for a prescription drug for the treatment of any medical condition that is part of a step therapy protocol shall:*

(a) Establish a clear, convenient and readily accessible process by which an insured and his or her attending practitioner may:

(1) Request an exemption from the insured from the step therapy protocol; and

(2) Appeal a decision made by the managed care organization concerning a request for an exemption from the step therapy protocol pursuant to subparagraph (1);

(b) Make the process described in paragraph (a) accessible through an Internet website maintained by the managed care organization; and

(c) Except as otherwise provided in this paragraph, respond to a request made or an appeal submitted pursuant to paragraph (a) not later than ~~72 hours~~ 2 business days after the request is made or the appeal is submitted, as applicable. If the attending practitioner indicates that exigent circumstances exist, the managed care organization shall respond to the request or appeal within 24 hours after the request is made or the appeal is submitted, as applicable.

3. A managed care organization shall grant a request to exempt an insured from a step therapy protocol made in accordance with the process established pursuant to subsection 2 if the attending practitioner for the insured submits to the managed care organization a statement which provides an adequate justification for the exemption and any documentation necessary to support the statement. The managed care organization shall determine ~~that~~ whether such justification exists if the statement and documentation demonstrate that:

(a) Each prescription drug that is required to be used earlier in the step therapy protocol:

(1) Is contraindicated or will likely cause an adverse reaction or physical or mental harm to the insured;

(2) Is expected to be ineffective based on the known clinical characteristics of the insured and the known characteristics of the required prescription drug;

(3) Has been tried by the insured, regardless of whether the insured was covered by the current health care plan at the time, and was discontinued due to lack of efficacy or effectiveness, diminished effect or an adverse event relating to the prescription drug; or

(4) Is not in the best interest of the insured, based on medical necessity; or

(b) The insured is stable on a prescription drug selected by his or her attending practitioner for the medical condition under consideration, regardless of whether the insured was covered by his or her current health care plan at the time the attending practitioner selected the drug.

4. If a managed care organization does not respond to a request for an exemption from a step therapy protocol or an appeal concerning a decision relating to such a request within the time frame prescribed by paragraph (c) of subsection 2, the request shall be deemed to have been granted.

5. If a request for an exemption from a step therapy protocol is granted pursuant to subsection 3 or deemed granted pursuant to subsection 4, the managed care organization shall immediately authorize coverage for and dispensing of the drug chosen by the attending practitioner for the insured.

6. 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, ~~2023,~~ 2024, has the legal effect of including the coverage required by this section, and any provisions of the policy that conflict with the provisions of this section is void.

7. The provisions of this section do not apply to any prescription drug to which the provisions of NRS 695G.1675 apply.

8. As used in this section:

(a) "Attending practitioner" means the practitioner, as defined in NRS 639.0125, who has primary responsibility for the treatment of the medical condition of an insured for which a prescription drug is prescribed.

(b) "Medical or scientific evidence" has the meaning ascribed to it in NRS 695G.053.

Sec. 12. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

2. In addition to the provisions of this chapter, each managed care organization shall comply with:

(a) The provisions of chapter 686A of NRS, including all obligations and remedies set forth therein; and

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.127, 695G.164, 695G.1645, 695G.167, section 11 of this act and 695G.200 to 695G.230, inclusive, do not apply to a managed care organization that provides health care services 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]~~

4. The provisions of section 11 of this act do not apply to a managed care organization that provides health care services to members of the Public Employees' Benefits Program.

5. Subsections 3 and 4 do not exempt a managed care organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 13. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 12, inclusive, of this act become effective:

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

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 240 to Senate Bill No. 194 extends the response time for health insurers to reply to requests or appeals from 72 hours to 2 business days; clarifies the insurer's authority in determining justification based on submitted documentation and explicitly excludes the Public Employees Benefits Program from the bill's provisions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 462.

SUMMARY—Revises provisions governing peace officers. (BDR 23-651)

AN ACT relating to peace officers; revising provisions relating to the required contents of an application for certification as a peace officer; requiring a law enforcement agency to provide to the Peace Officers' Standards and Training Commission certain notice and information concerning peace officers employed by the agency; prohibiting a law enforcement agency from requiring a peace officer to make certain attestations concerning cannabis as a condition precedent to employment; prescribing requirements for certain standards adopted by regulation of the Commission; disqualifying certain persons from serving as peace officers; requiring the Executive Director of the Commission to report certain information to the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or an equivalent database; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing peace officers and creates the Peace Officers' Standards and Training Commission, which generally provides for the training, education and certification of peace officers. (Chapter 289 of NRS) Existing law requires an application for certification as a peace officer to include the social security number of the applicant and a statement regarding the payment of child support. (NRS 289.560, 289.570) Section 2 of this bill additionally requires an application for certification as a peace officer to include an affidavit stating that the applicant: (1) is not disqualified from serving as a peace officer; (2) has not been discharged, disciplined or asked to resign from employment with a law enforcement agency for certain ~~misconduct~~ conduct; and (3) has not resigned from employment or otherwise separated from employment with a law enforcement agency while

an investigation concerning certain alleged ~~[misconduct]~~ conduct was pending. Section 2 also requires the Commission to: (1) deny an application for certification that does not include the required affidavit; and (2) search the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, or an equivalent database, to ensure that the name of the applicant does not appear in any such index or database. Section 6 of this bill makes a conforming change to indicate the proper placement of sections 2 and 3 of this bill in the Nevada Revised Statutes.

Section 3 requires a law enforcement agency to immediately notify the Commission if a peace officer employed by the agency: (1) is charged with certain crimes; or (2) resigns from employment or otherwise separates from employment with the agency ~~+~~ while an investigation concerning alleged misconduct is pending. Section 3 also requires a law enforcement agency, upon the request of the Commission, to provide certain information to the Commission concerning a peace officer who resigns or otherwise separates from employment with the agency while an investigation concerning alleged misconduct is pending.

With certain exceptions, existing law prohibits a law enforcement agency from requiring a peace officer to disclose certain information as a condition precedent to a promotion, job assignment or other personnel action. (NRS 289.030) Section 5 of this bill additionally prohibits a law enforcement agency from requiring a peace officer to provide an oral or written ~~[affirmation attesting that he or she has not engaged in the adult]~~ attestation concerning any use of cannabis [for medical use of cannabis] by the peace officer that occurred before the peace officer submitted his or her application for employment with the law enforcement agency as a condition precedent to employment as a peace officer.

Existing law requires the Commission to adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. (NRS 289.510) Section 7 of this bill provides that the standards prescribed by regulations adopted by the Commission: (1) must not prohibit the certification of an applicant solely on the basis that the applicant has engaged in the adult use of cannabis or the medical use of cannabis; (2) must not require the decertification of a peace officer solely on the basis that the peace officer has engaged in the adult use of cannabis or the medical use of cannabis; and (3) must require the decertification of a peace officer upon a determination by the Commission that the peace officer knowingly provided false or misleading information in his or her application for certification. Section 7 also makes conforming changes to reorganize certain provisions relating to regulations adopted by the Commission. Section 4 of this bill defines certain terms for the purposes of certain requirements relating to cannabis prescribed by sections 5 and 7.

Existing law provides that a person who has been convicted of a felony in this State or any other state is not qualified to serve as a peace officer. (NRS 289.555) Section 9 of this bill makes this prohibition applicable

regardless of whether the person has had the conviction expunged or sealed. Section 9 also provides that a person is not qualified to serve as a peace officer if the person has been: (1) convicted of domestic violence in this State or any other state, regardless of whether such a conviction was sealed or expunged; (2) reported to the National Decertification Index or an equivalent database; or (3) decertified or has had his or her certificate or license to practice or serve as a peace officer revoked or annulled by the Commission or a certifying or licensing authority in any other state.

Existing law requires the Commission to appoint an Executive Director of the Commission and authorizes the Executive Director to perform certain acts relating to the certification of peace officers. (NRS 289.520, 289.530) Section 8 of this bill requires the Executive Director to report to the National Decertification Index or an equivalent database: (1) the name of each decertified peace officer; and (2) any other information required by the Index or database, as applicable.

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

Section 1. Chapter 289 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *An application for certification as a peace officer must include an affidavit stating that the applicant:*

(a) *Is not disqualified from serving as a peace officer pursuant to NRS 289.555;*

(b) *Has not been discharged, disciplined or asked to resign from employment with a law enforcement agency in this State or any other state for ~~misconduct~~ conduct which would, under the regulations adopted by the Commission pursuant to NRS 289.510, constitute grounds for ~~initiating disciplinary action or~~ denying certification ~~+~~ or revoking the certificate of a peace officer; and*

(c) *Has not resigned from employment or otherwise separated from employment with a law enforcement agency in this State or any other state while an investigation concerning allegations of ~~misconduct~~ conduct which would, under the regulations adopted by the Commission pursuant to NRS 289.510, constitute grounds for denying certification or revoking the certificate of a peace officer, was pending.*

2. *The Commission shall summarily deny any application for certification as a peace officer if the application does not include the affidavit required by subsection 1.*

3. *The Commission shall, for each applicant for certification as a peace officer, search the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, or an equivalent database maintained for the purpose of serving as a national registry of certificate or license revocation actions relating to peace officer misconduct, to ensure that the name of the applicant does not appear in any such index or database.*

Sec. 3. A law enforcement agency shall:

1. Immediately notify the Commission if a peace officer employed by the agency:

(a) Is charged with a crime for which the regulations adopted by the Commission pursuant to NRS 289.510 authorize the Commission to revoke or suspend the certificate of the peace officer; or

(b) Resigns from employment or otherwise separates from employment with the agency ~~for~~ while an investigation concerning alleged misconduct is pending; and

2. If a peace officer resigns or otherwise separates from employment while an investigation concerning alleged misconduct is pending, provide any information requested by the Commission as soon as practicable after receiving the request.

Sec. 4. NRS 289.010 is hereby amended to read as follows:

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

1. "Administrative file" means any file of a peace officer containing information, comments or documents about the peace officer. The term does not include any file relating to an investigation conducted pursuant to NRS 289.057 or a criminal investigation of a peace officer.

2. "Adult use of cannabis" has the meaning ascribed to it in NRS 678A.075.

3. "Law enforcement agency" means any agency, office, bureau, department, unit or division created by any statute, ordinance or rule which:

(a) Has a duty to enforce the law; and

(b) Employs any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~3.4~~ 4. "Medical use of cannabis" has the meaning ascribed to it in NRS 678A.215.

5. "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.

~~4.4~~ 6. "Punitive action" means any action which may lead to dismissal, demotion, suspension, reduction in salary, written reprimand or transfer of a peace officer for purposes of punishment.

7. "Screening test" means a test of a person's blood, urine, hair or saliva to detect the general presence of a controlled substance or other drug.

Sec. 5. NRS 289.030 is hereby amended to read as follows:

289.030 1. A law enforcement agency shall not require any peace officer to ~~disclose~~ :

(a) Disclose the peace officer's assets, debts, sources of income or other financial information or make such a disclosure a condition precedent to a promotion, job assignment or other personnel action unless that information is necessary to:

~~1.1~~ (1) Determine the peace officer's credentials for transfer to a specialized unit;

~~{2.}~~ (2) Prevent any conflict of interest which may result in any new assignment; or

~~{3.}~~ (3) Determine whether the peace officer is engaged in unlawful activity.

~~(b) Provide an oral or written affirmation attesting that he or she has not engaged in the adult use of cannabis for by the medical use of cannabis peace officer that occurred before the peace officer submitted his or her application for employment with the law enforcement agency as a condition precedent to employment with the agency as a peace officer.~~

2. ~~Nothing in this section shall be construed to prohibit a law enforcement agency from adopting:~~

~~(a) Requiring a peace officer to provide an oral or written attestation concerning any use of cannabis by the peace officer that has occurred after the submission of his or her application for employment with the law enforcement agency as a condition precedent to employment with the agency as a peace officer; or~~

~~(b) Adopting a policy that requires a peace officer to submit to a screening test as follows:~~

~~(1) A condition precedent to employment; or~~

~~(2) A condition for continued employment.~~

3. ~~As used in this section, "use of cannabis" includes the adult use of cannabis and the medical use of cannabis.~~

Sec. 6. NRS 289.450 is hereby amended to read as follows:

289.450 As used in NRS 289.450 to 289.680, inclusive, and sections 2 and 3 of this act, unless the context otherwise requires, the words and terms defined in NRS 289.460 to 289.490, inclusive, have the meanings ascribed to them in those sections.

Sec. 7. NRS 289.510 is hereby amended to read as follows:

289.510 1. The Commission:

(a) Shall meet at the call of the Chair, who must be elected by a majority vote of the members of the Commission.

(b) Shall provide for and encourage the training and education of persons whose primary duty is law enforcement to ensure the safety of the residents of and visitors to this State.

~~(c) Shall adopt regulations establishing minimum standards for the certification and decertification, recruitment, selection and training of peace officers. The regulations must establish:~~

~~— (1) Requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;~~

~~— (2) Requirements for basic training for category I, category II and category III peace officers and reserve peace officers;~~

~~(3) Standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:~~

- ~~(I) Racial profiling;~~
- ~~(II) Mental health, including, without limitation, crisis intervention;~~
- ~~(III) The well being of officers;~~
- ~~(IV) Implicit bias recognition;~~
- ~~(V) De-escalation;~~
- ~~(VI) Human trafficking; and~~
- ~~(VII) Firearms.~~

~~(4) Qualifications for instructors of peace officers;~~

~~(5) Requirements for the certification of a course of training; and~~

~~(6) Standards for an annual behavioral wellness visit for peace officers to aid in preserving the emotional and mental health of the peace officer and assessing conditions that may affect the performance of duties by the peace officer.~~

~~(d) Shall, when necessary, present courses of training and continuing education courses for category I, category II and category III peace officers and reserve peace officers.~~

~~(e) May make necessary inquiries to determine whether the agencies of this State and of the local governments are complying with standards set forth in [its] the regulations [ ] adopted pursuant to subsection 2.~~

~~(f) (d) Shall carry out the duties required of the Commission pursuant to NRS 432B.610 and 432B.620.~~

~~(g) (e) May perform any other acts that may be necessary and appropriate to the functions of the Commission as set forth in NRS 289.450 to 289.680, inclusive [ ], and sections 2 and 3 of this act.~~

~~(h) (f) May enter into an interlocal agreement with an Indian tribe to provide training to and certification of persons employed as police officers by that Indian tribe.~~

~~(i) (g) Shall develop and approve a standard curriculum of certified training programs in crisis intervention, which may be made available in an electronic format, and which address specialized responses to persons with mental illness and train peace officers to identify the signs and symptoms of mental illness, to de-escalate situations involving persons who appear to be experiencing a behavioral health crisis and, if appropriate, to connect such persons to treatment. A peace officer who completes any program developed pursuant to this paragraph must be issued a certificate of completion.~~

~~2. [Regulations] The Commission shall adopt regulations establishing minimum standards for:~~

~~(a) The certification and decertification, recruitment, selection and training of peace officers. The standards adopted pursuant to this paragraph must:~~

~~(1) Establish requirements for evaluations to be conducted during the recruitment and selection of peace officers, which must identify implicit bias~~

on the part of a peace officer on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression;

(2) Establish requirements for basic training for category I, category II and category III peace officers and reserve peace officers;

(3) Establish standards for programs for the continuing education of peace officers, including minimum courses of study and requirements concerning attendance, which must require that all peace officers annually complete not less than 12 hours of continuing education in courses that address:

(I) Racial profiling;

(II) Mental health, including, without limitation, crisis intervention;

(III) The well-being of officers;

(IV) Implicit bias recognition;

(V) De-escalation;

(VI) Human trafficking; and

(VII) Firearms;

(4) Establish qualifications for instructors of peace officers;

(5) Establish requirements for the certification of a course of training;

(6) Require all peace officers to receive training in the handling of cases involving abuse or neglect of children or missing children;

(7) Require all peace officers to receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons;

(8) Not prohibit the certification of an applicant solely on the basis that the applicant has engaged in the adult use of cannabis or the medical use of cannabis;

(9) Not require the decertification of a peace officer solely on the basis that the peace officer has engaged in the adult use of cannabis or the medical use of cannabis; and

(10) Require the decertification of a peace officer upon a determination by the Commission that the peace officer knowingly provided false or misleading information in his or her application for certification.

(b) An annual behavioral wellness visit for peace officers ~~is, which must~~  
~~be designed~~ to aid in preserving the emotional and mental health of the peace officer ~~and~~

~~allow the person conducting the behavioral wellness visit to assess~~  
~~assessing~~ any conditions that may affect the performance of duties by the peace officer.

3. The regulations adopted by the Commission ~~is~~ pursuant to subsection 2:

(a) Apply to all agencies of this State and of local governments in this State that employ persons as peace officers; and

(b) ~~Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children;~~

~~—(c) Must require that all peace officers receive training in the handling of cases involving abuse, neglect, exploitation, isolation and abandonment of older persons or vulnerable persons; and~~

~~—(d)}~~ May require that training be carried on at institutions which it approves in those regulations.

4. *Nothing in this section shall be construed to prohibit a law enforcement agency from adopting a policy that requires a peace officer to submit to a screening test as ~~set~~ :*

(a) A condition precedent to employment ~~set~~; or

(b) A condition for continued employment.

Sec. 8. NRS 289.530 is hereby amended to read as follows:

289.530 1. With the advice of the Commission, the Executive Director of the Commission may:

~~{1}~~ (a) Appoint employees, agents, consultants and other staff of the Commission and prescribe their duties;

~~{2}~~ (b) Administer and direct the daily operation of the staff and resources of the Commission;

~~{3}~~ (c) Inspect academies for training peace officers, and issue and revoke certificates of approval to such academies;

~~{4}~~ (d) Certify qualified instructors for approved courses of training for peace officers and issue appropriate certificates to instructors;

~~{5}~~ (e) Certify peace officers who have satisfactorily completed courses of training for peace officers and issue basic, intermediate, advanced and management professional certificates to peace officers;

~~{6}~~ (f) Make recommendations to the Commission concerning the issuance of executive certificates;

~~{7}~~ (g) Cause annual audits to be made relating to the operation of academies for training peace officers;

~~{8}~~ (h) Consult and cooperate with academies for training peace officers concerning the development of the basic and advanced training programs for peace officers;

~~{9}~~ (i) Consult and cooperate with academies for training peace officers concerning the development of specialized courses of study in this State for peace officers in the areas of police science, police administration, corrections, probation, the social sciences and other related areas;

~~{10}~~ (j) Consult and cooperate with other departments and agencies of this State and of local governments concerning the training of peace officers;

~~{11}~~ (k) Report to the Commission at the regular meetings of the Commission and at such other times as the Commission may require, and recommend the denial, suspension or revocation of certification of a peace officer to the Commission as deemed necessary;

~~{12}~~ (l) Execute contracts on behalf of the Commission; and

~~{13}~~ (m) Perform any other acts necessary and appropriate to the carrying out of the duties of the Executive Director of the Commission.

2. *The Executive Director of the Commission shall, as soon as reasonably practicable after revoking the certification of a peace officer, report to the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or an equivalent database maintained for the purpose of serving as a national registry of certificate or license revocation actions relating to peace officer misconduct:*

- (a) *The name of the decertified peace officer; and*
- (b) *Any other information possessed by the Commission and required by the Index or database, as applicable.*

Sec. 9. NRS 289.555 is hereby amended to read as follows:

289.555 A person ~~[who has been convicted of a felony in this State or any other state]~~ is not qualified to serve as a category I peace officer, category II peace officer or category III peace officer, regardless of whether the person has ~~been~~ had his or her civil rights restored ~~[to]~~, if the ~~[person's civil rights.]~~ person has been:

1. *Convicted of:*
  - (a) *A felony in this State or any other state, regardless of whether such a conviction was expunged or sealed;*
  - (b) *A battery which constitutes domestic violence pursuant to NRS 200.485, regardless of whether such a conviction was expunged or sealed; or*
  - (c) *A misdemeanor crime of domestic violence, as defined in 18 U.S.C. § 921(a)(33), in any other state, regardless of whether such a conviction was expunged or sealed.*
2. *Reported to the National Decertification Index of the International Association of Directors of Law Enforcement and Training or an equivalent database maintained for the purpose of serving as a national registry of certificate or license revocation actions relating to peace officer misconduct.*
3. *Decertified or has had his or her certificate or license to practice or serve as a peace officer revoked or annulled by:*

- (a) *The Commission; or*
- (b) *A certifying or licensing authority in any other state.*

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

2. Sections 1 to 9, inclusive, of this act become effective:

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

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

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 462 to Senate Bill No. 225 requires an applicant to attest that they have not been discharged for conduct that would result in the revocation of a certificate of a peace officer under regulations adopted by the Peace Officers' Standards and Training Commission; requires a law enforcement agency to notify the Commission if a peace officer resigns from employment while an investigation concerning alleged misconduct is pending; clarifies the attestation regarding the use of cannabis before and after the submission of an application for employment

and screening for the use of cannabis as a condition of employment or continued employment and revises the effective date.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 247.

Bill read second time and ordered to third reading.

Senate Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 241.

SUMMARY—Revises provisions relating to alcoholic beverages. (BDR 52-676)

AN ACT relating to alcoholic beverages; authorizing certain wineries to sell wine at one ~~other~~ additional location other than its premises; revising ~~certain limitations imposed on certain wineries concerning~~ provisions governing the amount of wine that may be sold by ~~the winery~~ certain wineries each calendar year; ~~requiring~~ authorizing the State Board of Agriculture to adopt ~~certain~~ regulations ~~relating to~~ creating a certification for certain wine; revising procedures for the imposition of certain disciplinary action against a person who holds a license to engage in certain activities related to alcohol; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the operation of wineries in this State. Under existing law, a winery that has been issued a wine-maker's license on or before September 30, 2015, is authorized to sell at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. (NRS 597.240) Section 1 of this bill ~~removes a limitation set forth in existing law restricting the amount of wine sold by such a winery at a location other than on its premises to not more than 50 percent of the total volume of wine sold by the winery. Additionally, section 1~~ authorizes a winery that has been issued a wine-maker's license on or after October 1, 2015, to also sell at retail or serve by the glass , at one other location in addition to its premises, wine produced, blended or aged by the winery. ~~at one other location in addition to its premises.~~

If a winery has been issued a wine-maker's license on or after October 1, 2015, and less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown or honey produced in this State, existing law limits the amount of wine that the winery is authorized to sell at retail or serve by the glass to 1,000 cases per calendar year. (NRS 597.240) Section 1 increases that limit to 2,000 cases and additionally authorizes such a winery to sell at retail or serve by the glass not more than 150 barrels of cider produced by the winery per calendar year.

Existing law authorizes the State Board of Agriculture to adopt regulations for the purposes of ensuring that a winery is in compliance with certain federal labeling requirements. (NRS 597.240) Section 1 ~~instead requires the Board to adopt those regulations and additionally requires~~ additionally authorizes the Board to adopt regulations creating a certification for wine produced, blended or aged from fruit grown or honey produced in this State.

Existing law provides for the licensure of importers, wholesale wine and liquor dealers, wholesale beer dealers, wine-makers, instructional wine-making facilities, breweries, brew pubs, craft distilleries and estate distilleries. (Chapter 369 of NRS) Existing law sets forth a process by which a board of county commissioners or the governing body of an incorporated city may, after an investigation, the issuance of a citation for a licensee to answer a verified complaint and a hearing, recommend to the Department of Taxation the suspension or revocation of the license of a licensee. (NRS 369.240, 369.250, 369.260) Section 2 of this bill revises that process to require a hearing to be conducted and a decision to be rendered recommending the suspension or revocation of a license, or the dismissal of a complaint, within 60 days after a citation is served upon a licensee.

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

Section 1. NRS 597.240 is hereby amended to read as follows:

597.240 1. A winery, including a winery that consists of multiple noncontiguous locations, that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury, including, without limitation, an alternating proprietorship of not more than four such wineries, and that has been issued a wine-maker's license for each noncontiguous location of the winery pursuant to NRS 369.200 may:

(a) Produce, bottle, blend and age wine.

(b) Import wine or juice from a winery that is located in another state and that is federally bonded and permitted by the Alcohol and Tobacco Tax and Trade Bureau, to be fermented into wine or, if already fermented, to be mixed with other wine or aged in a suitable cellar, or both.

2. A winery that has been issued a wine-maker's license pursuant to NRS 369.200 on or before September 30, 2015, may:

(a) Sell at retail or serve by the glass, on its premises and at one other location, wine produced, blended or aged by the winery. The amount of wine sold at a location other than on the premises of the winery may not exceed 50 percent of the total volume of the wine sold by the winery.

(b) Serve by the glass, on its premises, any alcoholic beverage.

(c) Transfer in bulk wine produced, blended or aged by the winery:

(1) To a person holding a valid wholesale wine and liquor dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the wine to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(2) If there is no wholesaler who is able or willing to accept and transfer in bulk the wine pursuant to subparagraph (1), to a person holding a valid license to operate an estate distillery pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237 and must be performed in accordance with the terms and conditions of a special permit for the transportation of the wine obtained from the Department of Taxation pursuant to subsection 4 of NRS 369.450.

3. A winery that is issued a wine-maker's license pursuant to NRS 369.200 on or after October 1, 2015:

(a) If 25 percent or more of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown or honey produced in this State, may:

(1) Sell at retail or serve by the glass, on its premises ~~and~~ *and at one other location*, wine produced, blended or aged by the winery.

(2) Transfer in bulk wine produced, blended or aged by the winery:

(I) To a person holding a valid wholesale wine and liquor dealer's license issued pursuant to chapter 369 of NRS for the purpose of transferring in bulk the wine to an estate distillery for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237; or

(II) If there is no wholesaler who is able or willing to accept and transfer in bulk the wine pursuant to sub-subparagraph (I), to a person holding a valid license to operate an estate distillery issued pursuant to chapter 369 of NRS for the purpose of distillation and blending, which transfer is taxable only as provided in NRS 597.237.

(3) Sell alcoholic beverages at retail if the winery:

(I) Has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the winery is located; and

(II) Complies with NRS 369.487.

(b) If less than 25 percent of the wine produced, blended or aged by the winery is produced, blended or aged from fruit grown or honey produced in this State, may:

(1) Sell at retail or serve by the glass, on its premises ~~and~~ *and at one other location*, not more than ~~1,000~~ 2,000 cases of wine produced, blended or aged by the winery *and not more than 150 barrels of cider produced by the winery* per calendar year.

(2) Subject to the limitation set forth in subparagraph (1), sell alcoholic beverages at retail if the winery:

(I) Has obtained any license or permit required to sell alcoholic beverages at retail in the jurisdiction in which the winery is located; and

(II) Complies with NRS 369.487.

4. The State Board of Agriculture may ~~shall~~ adopt regulations for the purposes of ensuring that a winery is in compliance with any requirements established by the Federal Government for labeling bottles of wine produced, blended or aged by the winery ~~and~~ *and to create a certification for wine produced, blended or aged from fruit grown or honey produced in this State*

~~+~~ based on a review of filings that the winery applying for the certification is required to provide to the Alcohol and Tobacco Tax and Trade Bureau of the United States Department of the Treasury.

5. For the purposes of this section, an instructional wine-making facility is not a winery.

6. As used in this section, "cider" means a wine that contains not less than one-half of 1 percent of alcohol by volume and not more than 8.5 percent of alcohol by volume that is produced from the fermentation of the juice of sound, ripe apples or pears, or both. The term includes, without limitation, sparkling or carbonated cider and cider produced from the condensed must of apples or pears, or both.

Sec. 2. NRS 369.260 is hereby amended to read as follows:

369.260 1. Upon the hearing, the board of county commissioners or the governing body of a city, as applicable, shall hear all relevant and competent evidence offered by the complainant and by the licensee.

2. After the hearing is concluded and the matter submitted, the board of county commissioners or the governing body of a city, as applicable, shall, within 10 days after such submission ~~+~~ and within 60 days after the date of service of the citation issued pursuant to NRS 369.240, render its decision in writing recommending the suspension or revocation of the license, or dismissing the complaint, with a statement of the board's or the governing body's reasons therefor.

3. The board of county commissioners or the governing body of a city, as applicable, shall give to the complainant and to the licensee, or their respective attorneys, notice of such recommendation, by mail, in the same manner as prescribed in this chapter for the giving of notice of hearing.

4. A copy of the decision of the board of county commissioners or the governing body of a city recommending the suspension or revocation of a license shall be transmitted forthwith by the board or the governing body, as applicable, to the Department. Thereupon, the Department shall cause the license to be suspended or revoked and shall give notice thereof in the same manner as provided in NRS 369.240.

Sec. 3. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective:

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

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 241 to Senate Bill No. 259 retains language limiting wine sales at a secondary location to 50 percent of the winery's total sales and authorizes the State Board of Agriculture to create a certification for wine made with locally grown fruit or honey based on the winery's federal Alcohol and Tobacco Tax and Trade Bureau filings.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 262.

Bill read second time and ordered to third reading.

Senate Bill No. 271.

Bill read second time and ordered to third reading.

Senate Bill No. 272.

Bill read second time and ordered to third reading.

Senate Bill No. 275.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 101.

SUMMARY—Revises provisions relating to manufactured home parks. (BDR 10-958)

AN ACT relating to manufactured home parks; requiring the Housing Division of the Department of Business and Industry to calculate annually and publish a maximum annual rent increase percentage in manufactured home parks; authorizing certain persons to apply for an exemption to certain requirements relating to increases in rent; revising certain requirements related to increases in rent for certain tenancies in manufactured home parks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain requirements relating to manufactured home parks. (Chapter 118B of NRS) Existing law prohibits a landlord or his or her agent or employee from increasing rent or additional charges unless the increased rent is the same rent charged for manufactured homes of the same size or lots of the same size or of a similar location within the park, except that a discount may be given to certain persons. (NRS 118B.150) Section 6 of this bill prohibits a landlord or his or her agent or employee from increasing rent for a tenancy that is from month to month and not a long-term lease unless the amount of the increase does not exceed the maximum annual rent increase percentage calculated by the Housing Division of the Department of Business and Industry, plus the amount of pass-through expenses actually incurred by the landlord of the manufactured home park.

Section 4 of this bill: (1) authorizes a landlord or his or her agent or employee to apply to the Division for an exemption from this limit on the maximum annual rent increase if the operating costs of the manufactured home park exceed the amount the park would earn with the increase in rent; ~~and~~ (2) requires an application for an exemption to include any proof necessary to justify an exemption and a report that demonstrates the need for an exemption

prepared by a certified public accountant; and (3) requires the Division to adopt regulations to establish the application process.

Section 3 of this bill requires the Division to calculate annually and publish on an Internet website maintained by the Division the maximum annual rent increase percentage. Section 3 also requires the Division to: (1) issue a press release containing the maximum annual rent increase percentage for that fiscal year; and (2) maintain on the Internet website for at least 2 years information relating to each maximum annual rent increase percentage.

Section 2 of this bill defines "maximum annual rent increase percentage" to mean the maximum annual rent increase percentage calculated by the Division pursuant to section 3. Section 5 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes.

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

Section 1. Chapter 118B of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Maximum annual rent increase percentage" means the maximum annual rent increase percentage calculated by the Division pursuant to section 3 of this act.*

Sec. 3. 1. *On or before ~~August~~ July 1 of each year, the Division shall:*  
*(a) Calculate the maximum annual rent increase percentage required pursuant to NRS 118B.150 for the following fiscal year, which must be equal to 60 percent of the ~~June~~ May annual 12-month average change in the Consumer Price Index for All Urban Consumers, West Region (All Items), as most recently published by the United States Department of Labor;*

*(b) Publish on an Internet website maintained by the Division the maximum annual rent increase percentage for that fiscal year; and*

*(c) Issue a press release containing the maximum annual rent increase percentage for that fiscal year.*

2. *The Division shall maintain the information for each maximum annual rent increase percentage calculated pursuant to subsection 1 on an Internet website maintained by the Division for at least 2 years.*

3. *As used in this section, "fiscal year" has the meaning ascribed to it in NRS 354.526.*

Sec. 4. 1. *A landlord or his or her agent or employee may apply to the Division for an exemption from the requirements of paragraph (b) of subsection 1 of NRS 118B.150 if the cost of operating the manufactured home park exceeds the amount the park would earn with the limit on the maximum annual rent increase established pursuant to paragraph (b) of subsection 1 of NRS 118B.150.*

2. *An application for an exemption submitted pursuant to subsection 1 must include:*

*(a) Any proof necessary to justify an exemption; and*

(b) A report that demonstrates the need for an exemption which must be prepared by a certified public accountant certified to practice in this State pursuant to the provisions of chapter 628 of NRS.

3. The Division shall adopt regulations to carry out the provisions of ~~subsection 1.~~ this section.

Sec. 5. NRS 118B.010 is hereby amended to read as follows:

118B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 118B.0105 to 118B.0195, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 6. NRS 118B.150 is hereby amended to read as follows:

118B.150 1. Except as otherwise provided in subsections 2 and 3, the landlord or his or her agent or employee shall not:

(a) Increase rent or additional charges unless:

(1) The rent charged after the increase is the same rent charged for manufactured homes of the same size or lots of the same size or of a similar location within the park, including, without limitation, manufactured homes and lots which are held pursuant to a long-term lease, except that a discount may be selectively given to persons who:

(I) Are handicapped;

(II) Are 55 years of age or older;

(III) Are long-term tenants of the park if the landlord has specified in the rental agreement or lease the period of tenancy required to qualify for such a discount;

(IV) Pay their rent in a timely manner; or

(V) Pay their rent by check, money order or electronic means;

(2) Any increase in additional charges for special services is the same amount for each tenant using the special service; and

(3) Written notice advising a tenant of the increase is received by the tenant 90 days before the first payment to be increased and written notice of the increase is given to prospective tenants before commencement of their tenancy. In addition to the notice provided to a tenant pursuant to this subparagraph, if the landlord or his or her agent or employee knows or reasonably should know that the tenant receives assistance from the Account, the landlord or his or her agent or employee shall provide to the Administrator written notice of the increase 90 days before the first payment to be increased.

(b) *Except as otherwise provided in section 4 of this act and in addition to the requirements of paragraph (a), increase rent for a tenancy that is from month to month and not a long-term lease unless the amount of the increase does not exceed the maximum annual rent increase percentage calculated by the Division pursuant to section 3 of this act ~~+~~ that is in effect at the time the landlord or his or her agent or employee is required to provide notice of an increase pursuant to subparagraph (3) of paragraph (a), plus the amount of pass-through expenses actually incurred by the landlord of the manufactured home park.*

(c) Require a tenant to pay for an improvement to the common area of a manufactured home park unless the landlord is required to make the improvement pursuant to an ordinance of a local government.

~~{(e)}~~ (d) Require a tenant to pay for a capital improvement to the manufactured home park unless the tenant has notice of the requirement at the time the tenant enters into the rental agreement. A tenant may not be required to pay for a capital improvement after the tenant enters into the rental agreement unless the tenant consents to it in writing or is given 60 days' notice of the requirement in writing. The landlord may not establish such a requirement unless a meeting of the tenants is held to discuss the proposal and the landlord provides each tenant with notice of the proposal and the date, time and place of the meeting not less than 60 days before the meeting. The notice must include a copy of the proposal. A notice in a periodic publication of the park does not constitute notice for the purposes of this paragraph.

~~{(d)}~~ (e) Require a tenant to pay the rent by check or money order.

~~{(e)}~~ (f) Require a tenant who pays the rent in cash to apply any change to which the tenant is entitled to the next periodic payment that is due. The landlord or his or her agent or employee shall have an adequate amount of money available to provide change to such a tenant.

~~{(f)}~~ (g) Prohibit or require fees or deposits for any meetings held in the park's community or recreational facility by the tenants or occupants of any manufactured home or recreational vehicle in the park to discuss the park's affairs, or any political meeting sponsored by a tenant, if the meetings are held at reasonable hours and when the facility is not otherwise in use, or prohibit the distribution of notices of those meetings.

~~{(g)}~~ (h) Interrupt, with the intent to terminate occupancy, any utility service furnished the tenant except for nonpayment of utility charges when due. Any landlord who violates this paragraph is liable to the tenant for actual damages.

~~{(h)}~~ (i) Prohibit a tenant from having guests, but the landlord may require the tenant to register the guest within 48 hours after his or her arrival, Sundays and legal holidays excluded, and if the park is a secured park, a guest may be required to register upon entering and leaving.

~~{(i)}~~ (j) Charge a fee for a guest who does not stay with the tenant for more than a total of 60 days in a calendar year. The tenant of a manufactured home lot who is living alone may allow one other person to live in his or her home without paying an additional charge or fee, unless such a living arrangement constitutes a violation of chapter 315 of NRS. No agreement between a tenant and his or her guest alters or varies the terms of the rental contract between the tenant and the landlord, and the guest is subject to the rules and regulations of the landlord.

~~{(j)}~~ (k) Prohibit a tenant from erecting a fence on the tenant's lot if the fence complies with any standards for fences established by the landlord, including limitations established for the location and height of fences, the materials used for fences and the manner in which fences are to be constructed.

~~[(k)]~~ (l) Prohibit any tenant from soliciting membership in any association which is formed by the tenants who live in the park. As used in this paragraph, "solicit" means to make an oral or written request for membership or the payment of dues or to distribute, circulate or post a notice for payment of those dues.

~~[(l)]~~ (m) Prohibit a public officer, candidate for public office or the representative of a public officer or candidate for public office from walking through the park to talk with the tenants or distribute political material.

~~[(m)]~~ (n) If a tenant has voluntarily assumed responsibility to trim the trees on his or her lot, require the tenant to trim any particular tree located on the lot or dispose of the trimmings unless a danger or hazard exists.

~~[(n)]~~ (o) Charge a fee for a late monthly rental payment by a federal worker, tribal worker, state worker or household member of such a worker during a shutdown.

2. The landlord is entitled to require a security deposit from a tenant who wants to use the manufactured home park's clubhouse, swimming pool or other park facilities for the tenant's exclusive use. The landlord may require the deposit at least 1 week before the use. The landlord shall apply the deposit to costs which occur due to damage or cleanup from the tenant's use within 1 week after the use, if any, and shall, on or before the eighth day after the use, refund any unused portion of the deposit to the tenant making the deposit. The landlord is not required to place such a deposit into a financial institution or to pay interest on the deposit.

3. The provisions of paragraphs (a), ~~[(b)]~~ (c), ~~[(j)]~~ (d), (k) and ~~[(m)]~~ (n) of subsection 1 do not apply to a corporate cooperative park.

4. As used in this section ~~["long-term"]~~ :

(a) "Long-term lease" means a rental agreement or lease the duration of which exceeds 12 months.

(b) "Pass-through expense" means the actual costs and expenses incurred by a landlord that are passed on to a tenant without markup. The term does not include overhead, administrative expenses or profits.

Sec. 6.5. On or before July 1, 2023, the Housing Division of the Department of Business and Industry shall, in accordance with section 3 of this act, determine the maximum annual rent increase percentage for Fiscal Year 2023-2024.

Sec. 7. 1. This section ~~becomes~~ and section 6.5 of this act become effective upon passage and approval.

2. Sections 1 to 6, inclusive, of this act become effective:

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

(b) On ~~January~~ July 1, ~~2024~~ 2023, for all other purposes.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 101 to Senate Bill No. 275 requires an application for an exemption to include any proof necessary to justify an exemption and a report that demonstrates the need for an exemption prepared by a certified public accountant and amends the effective date of this bill to July 1, 2023, for all other purposes.

Amendment adopted.

Bill ordered reprinted, engrossed and 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. 155.

SUMMARY—Revises provisions related to collection agencies. (BDR 54-158)

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; ~~requiring a collection agency to provide certain documentation to a debtor upon receiving or accepting a payment;~~ 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; ~~for collection agent;~~ 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 ~~each~~ a branch office; revising provisions relating to the application and issuance of a ~~chief~~ compliance ~~officer's~~ manager's certificate; prohibiting the ~~chief~~ compliance ~~officer~~ manager of a collection agency from being simultaneously employed by another collection agency or exempt entity ~~as~~ 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, ~~chief~~ compliance ~~officer~~ manager or collection agent; ~~revising procedures governing certain civil actions to collect a claim;~~ repealing certain provisions governing foreign collection agencies ~~and examinations~~ 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 ~~(because) when debt buyers do not also collect claims (on their own behalf rather than)~~ on behalf of ~~(customers.)~~ 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 the collection agency for at least 7 days. 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. ~~[Section 11 of this bill requires a collection agency to provide certain documentation after receiving a payment in partial or full satisfaction of a claim.]~~ 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 and persons collecting claims that they originated on their own behalf, thereby exempting such 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 ~~(the requirement to be licensed as a)~~ requirements governing collection (agent.) 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. ~~for collection agent.~~ 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, ~~1, 20,~~ 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) 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 ~~["chief compliance officer."]~~ "compliance manager." Section 26 of this bill revises the requirements to apply for a ~~chief~~ compliance ~~officer's~~ manager's certificate. Section 30 of this bill prohibits a ~~chief~~ compliance ~~officer~~ 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, ~~26,~~ ~~27,~~ 29 and 52 of this bill remove a requirement that an applicant for a license to operate a collection agency ~~for a chief compliance officer's certificate~~ 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 ~~chief~~ compliance ~~officer~~ 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 ~~chief~~ compliance ~~officer~~ manager, agents or employees from: (1) filing a civil action to collect a debt when the collection agency, ~~chief~~ compliance ~~officer~~ 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. ~~[Section 46 of this bill prescribes requirements governing a complaint filed by a collection agency to collect an unsecured claim and an agreement to settle an action to collect such a claim. Section 47 of this bill requires a plaintiff in such an action who is a collection agency to serve certain notice on a defendant at least 14 days before submitting a motion for default judgment. For the purposes of sections 46 and 47, sections 44 and 45 of this bill define the terms "claim" and "collection agency," respectively, to have the same meanings as in other provisions governing collection agencies.]~~

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 ~~chief compliance officer~~ 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 the collection agency with 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 agent 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 and maintain such recordings for at least 4 years; and

(b) Monitor calls performed by a collection agent conducting collection activities 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. [1. Not later than 30 days after receiving a payment on a claim, a collection agency shall provide a receipt to the debtor if the address of the debtor is known or document in open court receipt of the payment if a civil action concerning the claim is ongoing. Such a receipt must clearly show:~~

~~(a) The amount paid and date of payment;~~

~~(b) The name of the entity that received the payment;~~

~~(c) The current account number;~~

~~(d) The name of the original creditor;~~

~~(e) The account number issued by the original creditor; and~~

~~(f) The remaining balance, if any.~~

~~2. Not later than 30 days after accepting a payment as payment in full, or as a full and final compromise of a claim, a collection agency shall provide a final statement to the debtor if the address of the debtor is known or document in open court receipt of the payment if a civil action concerning the claim is ongoing. The final statement must include the information described in paragraphs (a) to (e), inclusive, of subsection 1.~~

~~3. As used in this section, "original creditor" means the person or entity to which a debt was owed at the time of the charge off or default.] (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. ~~[providing legal services.]~~

(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 described in 15 U.S.C. § 1692a(6)(B).*

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" "Chief compliance officer"~~ "Compliance manager" means a person who:

1. Holds a compliance manager's ~~chief compliance officer's~~ certificate;

2. Is designated as the compliance manager ~~chief compliance officer~~ of a collection agency;

3. Shares equally with the holder of a license to conduct a collection agency the responsibility for the 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.

~~[(c) Any person the Commissioner determines should receive the information, if the Commissioner concludes that the protection of the public by disclosure of such confidential information outweighs the interest of the person whose confidential information is to be disclosed. The Commissioner shall provide a person whose confidential information will be disclosed pursuant to this paragraph notice of the intended disclosure and an opportunity to object to the disclosure.]~~

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~~

~~—(a) 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. ~~;~~ ~~or~~~~

~~—(b) Act as a collection agent within this State without having first applied for and obtained a license as a collection agent 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 ~~for acts as a collection agent~~ 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 ~~each~~ 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. ~~chief compliance officer.~~
- (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. ~~chief compliance officer.~~

(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 ~~chief compliance officer~~ 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.

~~7. Any residential address provided to the Commissioner pursuant to this section is confidential and is not a public record for the purposes of chapter 239 of NRS.~~

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. ~~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:

AVERAGE MONTHLY BALANCE	AMOUNT OF 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, ~~for 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 ~~chief compliance officer'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 ~~chief compliance officer'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 [chief] compliance [officer.] 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) ~~(b)~~ (c) Submit such ~~other~~ information reasonably related to his or her qualifications for the compliance manager's ~~chief compliance officer's~~ certificate as the Commissioner determines to be necessary.~~

3. The Commissioner may refuse to issue a compliance manager's ~~chief compliance officer'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 ~~chief compliance officer'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 ~~issue a chief compliance officer's~~ certificate to take the examination, or, after a hearing, may suspend or revoke a compliance manager's ~~chief compliance officer's~~ certificate if the applicant or compliance manager ~~chief compliance officer~~ 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 ~~chief compliance officer'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 ~~chief compliance officer~~ holding a compliance manager's ~~chief compliance officer'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 ~~chief compliance officer's~~ certificate.

5. A fee of not more than \$40 must be charged for each compliance manager's ~~chief compliance officer'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 ~~chief compliance officer'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 ~~chief compliance officer~~ who holds a valid compliance manager's ~~chief compliance officer's~~ certificate issued under the provisions of this chapter.

2. *Except as otherwise provided in this subsection, a ~~chief~~ compliance ~~officer~~ 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 ~~chief~~ compliance ~~officer~~ 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 ~~chief compliance officer~~ 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; ~~chief compliance officer;~~ 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~~ 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 ~~otherwise acting as a collection agency.~~ 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 ~~otherwise acting as a collection agency.~~ 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, ~~chief compliance officer,~~ 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 ~~chief compliance officer'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 ~~chief compliance officer~~ 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 ~~otherwise acting as a collection agency,~~ 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, ~~chief compliance officer,~~ 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, ~~chief~~ compliance ~~officer,~~ 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. ~~[Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 43 to 47, inclusive of this act.] (Deleted by amendment.)~~

Sec. 43. ~~[As used in sections 43 to 47, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 44 and~~

~~45 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

~~Sec. 44. ["Claim" has the meaning ascribed to it in NRS 649.010.] (Deleted by amendment.)~~

~~Sec. 45. ["Collection agency" has the meaning ascribed to it in NRS 649.020.] (Deleted by amendment.)~~

~~Sec. 46. [1. A complaint filed by a collection agency to collect an unsecured claim must include the following information:~~

~~(a) The name and address of the debtor, including, without limitation, any different name and address of the debtor found in the records of the original creditor at the time of charge off or default;~~

~~(b) The nature of the claim and the transaction from which the claim arose;~~

~~(c) At least the last four digits of the account number or other account identifier used before the claim was charged off or defaulted;~~

~~(d) The date and amount of the last payment, if any, made to partially satisfy the claim;~~

~~(e) The date of the charge off or default and the underlying facts leading to the charge off or default;~~

~~(f) The grounds on which the collection agency is authorized to bring the claim;~~

~~(g) Facts sufficient to establish that the complaint is being filed in the proper venue;~~

~~(h) Facts sufficient to establish that the complaint is being filed within the applicable period of limitation set forth in NRS 11.190;~~

~~(i) The name and address of the original creditor, including, without limitation, any industry name or the name used when the original creditor issued the original debt on which the claim is based to the debtor;~~

~~(j) The total amount of the claim for which the collection agency is requesting a judgment, including, without limitation:~~

~~(1) The amounts of the principal of the claim, finance charges associated with the claim and any additional costs and fees, including, without limitation, attorney's fees; or~~

~~(2) If the claim relates to a line of credit or similar debt with an open limit amount, the amount of the claim at charge off or default and any additional finance charges and any additional costs and fees, including, without limitation, attorney's fees;~~

~~(k) The name of each person who possessed the claim, including, without limitation, any industry name or the name used when the person possessed the claim;~~

~~(l) The date of each transfer of the claim; and~~

~~(m) Proof that the collection agency possesses an active license issued pursuant to chapter 649 of NRS and the license number issued to the collection agency by the Commissioner pursuant to NRS 649.135.~~

~~2. A complaint described in subsection 1 must be accompanied by authenticated records to establish the facts described in subsection 1, including, without limitation:~~

~~(a) An authenticated record of:~~

~~(1) An agreement signed by the debtor evidencing the creation of the debt that is the basis for the claim;~~

~~(2) Documentation of a purchase or payment or the use of an account that resulted in the debt that is the basis for the claim; or~~

~~(3) Other documentation establishing the debt that is the basis for the claim; and~~

~~(b) An authenticated record documenting the authority of the collection agency to collect the claim if the collection agency is not the original creditor.~~

~~3. A document submitted to a court as part of an action that began with a complaint filed pursuant to this section that contains personal identifying information relating to the debtor must be filed in accordance with the Nevada Rules for Sealing and Redacting Court Records.~~

~~4. An agreement between a plaintiff that is a collection agency and a defendant to settle an action to collect an unsecured claim must be documented in open court or otherwise reduced to writing. The plaintiff shall ensure that a copy of the court minutes and any opinion or order of the court or the written agreement is provided to the defendant by mail or electronic communication.~~

~~5. As used in this section:~~

~~(a) "Original creditor" means the person or entity to which a debt was owed at the time of the charge off or default.~~

~~(b) "Personal identifying information" has the meaning ascribed to it in NRS 205.4617.] (Deleted by amendment.)~~

Sec. 47. ~~[1. A plaintiff that is a collection agency in an action to collect an unsecured claim shall serve the defendant a notice of intent to file a motion for default judgment at least 14 days before filing the motion.~~

~~2. The notice required by subsection 1 must be in a form of standard notice adopted by the court or include, without limitation:~~

~~(a) A statement explaining to the defendant that:~~

~~(1) If a written response to the motion for default judgment is not received by the date required pursuant to applicable law or court rules, a default judgment may be entered against the defendant;~~

~~(2) If a judgment is entered against the defendant, the judgment remains in effect for at least 6 years pursuant to NRS 70.010;~~

~~(3) The judgment will be in the amount of the unsecured claim plus interest on the judgment pursuant to NRS 17.130;~~

~~(4) The defendant may seek legal representation from a private attorney or, if the defendant is unable to afford a private attorney, a legal services agency; and~~

~~(5) The defendant or a representative of the defendant may contact counsel for the plaintiff to discuss settlement options that may be more favorable to the consumer than a default judgment; and~~

~~(b) A telephone number and address of a legal services agency that assists people in resolving legal disputes concerning the collection of debts in the area where the defendant resides.] (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 {chief} compliance {officer} 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 sections 41, 46 and 47] of this act do not apply to an action or arbitration commenced or a judgment entered [on or after] 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 ["chief"] compliance [officer"] 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 ["chief"] compliance [officer"] manager for the term "manager" as previously used in reference to the person responsible for a collection agency.

Sec. 52. NRS 649.054, ~~649.061,~~ 649.145, 649.171 ~~[, 649.205]~~ 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.

~~649.061 Notification of results of examination; retention and destruction of examination papers.~~

649.145 Conditions for issuance of license; contents of license.

649.171 Certificate of registration; limitations on business practices; fees; disciplinary action; regulations.

~~649.205 Examination; reexamination; regulations.~~

649.315 Display of license or certificate.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 155 to Senate Bill No. 276 makes various changes including replacing "chief compliance officer" with "compliance manager"; adjusting definitions and requirements for remote workers; deleting section 11 to remove certain obligations for collection agencies; modifying the compliance manager certification process; exempting specific debt buyers from certain provisions; correcting a conflict concerning confidentiality of certain application information; deleting sections 42 through 47 concerning the collection of an unsecured claim; and clarifying that the act would not impact civil actions or arbitrations filed or judgments entered before October 1, 2023.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 464.

SUMMARY—Revises provisions governing public works. (BDR 28-967)

AN ACT relating to public works; revising provisions governing the circumstances under which a worker is deemed to be employed on a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that mechanics and workers employed on certain public works be paid, at minimum, the prevailing wage for the type of work that the mechanic or worker performs in the region in which the public work is located. (NRS 338.020) With certain exceptions, existing law deems a worker to be employed on a public work if the worker is: (1) employed at the site of a public work; and (2) necessary in the execution of the contract for the public work. (NRS 338.040) Section 1 of this bill provides that ~~["employed at the site of a public work" also includes the delivery or removal of]~~ a worker who is: (1) employed by delivering or removing construction material or structures to or from the site of a public work [;]; and (2) necessary in the execution of the contract for the public work is also deemed to be employed on the public work for purposes of the payment of prevailing wages. Section 1 further defines "construction material or structures" to mean aggregate, asphalt and concrete.

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

Section 1. NRS 338.040 is hereby amended to read as follows:

338.040 1. Except as otherwise provided by specific statute, workers who are:

(a) Employed at the site of a public work ~~["; including, without limitation,]~~ or employed by delivering or removing construction material or structures to or from the site of a public work; and

(b) Necessary in the execution of the contract for the public work,  
 ↪ are deemed to be employed on public works.

2. The Labor Commissioner shall adopt regulations to define the circumstances under which a worker is:

(a) Employed at the site of a public work ~~[, including, without limitation,]~~  
~~or employed by delivering or removing construction material or structures to~~  
~~or from the site of a public work;~~ and

(b) Necessary in the execution of the contract for the public work.

3. For the purposes of this section, "construction material or structures" means aggregate, asphalt and concrete.

Sec. 2. Any regulations adopted by the Labor Commissioner that conflict with NRS 338.040, as amended by section 1 of this act, are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the date on which this section becomes effective.

Sec. 3. 1. This section and section 2 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective:

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

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

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 464 to Senate Bill No. 301 defines "construction material or structures" to mean aggregate, asphalt and concrete.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 305.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 465.

SUMMARY—Provides for the establishment of a retirement savings program for private sector employees. (BDR 31-933)

AN ACT relating to employment; creating the Board of Trustees of the Nevada Employee Savings Trust; prescribing the membership, powers, duties and limitations of the Board; authorizing the Board to create the Nevada Employee Savings Trust Program; prescribing certain required attributes of the Program; creating the Nevada Employee Savings Trust Administrative Fund and specifying the sources and uses of money deposited therein; creating the Nevada Employee Savings Trust and prescribing the manner of its administration; providing for the confidentiality of certain information; providing civil immunity to certain persons and entities in connection with the

Program; making certain persons fiduciaries with respect to participants in the Program; prohibiting certain persons from engaging in certain financial transactions in connection with the Program; requiring the preparation and submission of certain annual reports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law provides for individual retirement accounts and individual retirement annuities by which persons may save money for retirement under favorable income tax treatment. (26 U.S.C. §§ 408, 408A) This bill establishes the Nevada Employee Savings Trust under the direction of a board of trustees with the power to establish a similar program and to encourage private employees to establish such accounts.

Section 19 of this bill creates the Board of Trustees of the Nevada Employee Savings Trust and establishes its membership. Section 20 of this bill establishes certain powers and duties of the Board. In particular, section 20 authorizes and empowers the Board to: (1) design, establish and operate the Nevada Employee Savings Trust Program; and (2) adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.

Section 21 of this bill requires the State Treasurer to provide staff support to the Board within the limits of appropriations and authorizes the State Treasurer to provide administrative support to the Board.

Section 22 of this bill provides that an act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the assets controlled by the Board. Section 22 also prohibits the Board from imposing any obligations on the State or pledging the credit of the State.

Section 23 of this bill establishes certain attributes that the Board must include in the Program, including: (1) that covered employers must automatically enroll all covered employees in the Program or in a similar program offered by a trade association or chamber of commerce, unless a covered employee opts out of the Program ~~or~~ or, if applicable, the similar program offered by a trade association or chamber of commerce; (2) that contributions to a covered employee's Individual Retirement Account must be withheld from the employee's compensation at the rate set by the Board unless the employee elects not to contribute or to contribute at a different rate; (3) that a covered employee may withdraw ~~up to \$1,000 of~~ contributions to meet a financial or other emergency; and (4) that the Board must prepare informational materials, disclosure statements, forms and instructions concerning the Program for distribution by covered employers to covered employees.

Section 24 of this bill creates the Nevada Employee Savings Trust Administrative Fund in the State Treasury, specifies the sources of money that must be deposited in the Fund and requires the Board to use money in the Fund

solely to pay the administrative costs and expenses of the Board and the Program.

Section 25 of this bill authorizes the Board to borrow money or enter into certain long-term procurement contracts with financial providers until the Board determines that the Program is financially self-sustaining.

Section 26 of this bill creates the Nevada Employee Savings Trust as an instrumentality of the State and requires the Board to appoint a Trustee of the Trust. Section 26 requires that the assets of all Individual Retirement Accounts established by covered employees through the Program be allocated to the Trust and invested, managed and administered for the exclusive purposes of providing benefits to the covered employees and defraying the reasonable expenses of the Board, Program and Trust. Section 26 also establishes certain investment guidelines and practices.

Section 27 of this bill provides that, except to the extent necessary to administer the Program, personal information relating to individual participants in the Program and information relating to individual accounts established or maintained through the Program is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.

Section 28 of this bill provides a grant of immunity from civil liability to covered employers for the consequences of various decisions made by employees or the Board in connection with the Program, including, for example, an employee's decision to participate in or opt out of the Program, an investment decision made by the participant or the Board or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. Section 28 also provides that a covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.

Section 29 of this bill absolves the State and any employee or officer thereof, the Board and any member of the Board or employee thereof and the Program from any responsibility or civil liability for the actions of certain other persons in connection with the Program, including, for example, a person's failure to comply with provisions of the Internal Revenue Code, the payment of benefits or a loss, failure to realize a gain or other adverse consequence incurred by a person as a result of participating in the Program. Section 29 also provides that the debts, contracts and obligations of the Board, Program or Trust are not the debts, contracts and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts and obligations of the Board, Program or Trust.

Section 30 of this bill provides that members of the Board, the Trustee and certain other persons involved in the administration of the Trust are fiduciaries with respect to the participants in the Program.

Section 31 of this bill prohibits members of the Board, its staff and persons who serve as administrators of the Program from engaging in certain financial transactions in connection with the Program.

Section 32 of this bill requires the Board to obtain an annual independent audit of the Board, Program and Trust and to annually submit audited financial reports to the Governor, State Controller and Legislature.

Section 35 of this bill requires, with certain exceptions, the Board to establish the Program and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program beginning on July 1, 2025. Section 35 further authorizes the Board to implement the Program in phases but if the Board does so, the first phase must not begin before July 1, 2025.

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

Section 1. Title 31 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 18, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Administrative Fund" means the Nevada Employee Savings Trust Administrative Fund created by section 24 of this act.*

Sec. 4. *"Board" means the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act.*

Sec. 5. *"Compensation" means compensation within the meaning of section 219(f)(1) of the Internal Revenue Code, 26 U.S.C. § 219 (f)(1), that is received by a covered employee from a covered employer.*

Sec. 6. *"Contribution rate" means the percentage of a covered employee's compensation that is withheld from ~~his or her~~ the covered employee's compensation and paid to the Individual Retirement Account established or maintained for the covered employee through the Program.*

Sec. 7. 1. *"Covered employee" means a person who:*

- (a) Is employed by a covered employer for not less than 120 days;*
- (b) Has wages or other compensation that is allocable to the State; and*
- (c) Is at least 18 years of age.*

2. *For purposes of the investment, withdrawal, transfer, rollover or other distribution of an Individual Retirement Account, the term also includes the beneficiary of a deceased covered employee.*

3. *The term does not include:*

*(a) Any employee covered under the federal Railway Labor Act, 45 U.S.C. §§ 151 et seq.;*

*(b) Any employee on whose behalf an employer makes contributions to a Taft-Hartley multiemployer pension trust fund; or*

(c) Any person who is an employee of the Federal Government, the State or any other state, county or municipal corporation, or any of this State's or any other state's units or instrumentalities.

Sec. 8. "Covered employer" means an employer that:

1. Employs more than five persons in this State;

2. Has been in business for at least ~~24~~ 36 months;

~~2. Pays its employees through an electronic payroll system or service;~~  
and

3. Has not maintained a tax-favored retirement plan for its employees or has not done so in an effective form and operation at any time within the current calendar year or ~~2~~ 3 immediately preceding calendar years.

Sec. 9. 1. Except as otherwise provided in subsection 2, "employer" means a person or entity engaged in a business, profession, trade or other enterprise in this State, whether for profit or not for profit, that employs one or more persons in this State.

2. The term does not include an agency or entity of the Federal Government, the government of this State or a political subdivision of this State.

Sec. 10. "Individual Retirement Account" means an individual retirement account and an individual retirement annuity established under section 408 or 408A of the Internal Revenue Code, 26 U.S.C. § 408 or 408A.

Sec. 11. "Internal Revenue Code" means the federal Internal Revenue Code of 1986, as amended.

Sec. 12. "Investment fund" means an investment portfolio established by the Board within the Trust for investment purposes.

Sec. 13. "Participant" means a person who contributes to an Individual Retirement Account established or maintained through the Program or has an account balance in an Individual Retirement Account established or maintained through the Program.

Sec. 14. "Program" means the Nevada Employee Savings Trust Program established by the Board pursuant to section 20 of this act.

Sec. 15. "State" means the State of Nevada.

Sec. 16. "Tax-favored retirement plan" means a retirement plan that is tax-qualified under or is described in and satisfies the requirements of section 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p) of the Internal Revenue Code, 26 U.S.C. §§ 401(a), 401(k), 403(a), 403(b), 408(k) or 408(p).

Sec. 17. "Trust" means the Nevada Employee Savings Trust created pursuant to section 26 of this act and each Individual Retirement Account trust or annuity contract allocated to the Nevada Employee Savings Trust pursuant to section 26 of this act.

Sec. 18. "Trustee" means the Trustee of the Trust appointed by the Board pursuant to subsection 2 of section 26 of this act.

Sec. 19. 1. There is hereby created the Board of Trustees of the Nevada Employee Savings Trust.

2. The Board consists of:

(a) The State Treasurer or ~~his or her~~ the designee ~~(+)~~ of the State Treasurer;

(b) The Lieutenant Governor or ~~his or her~~ the designee ~~(+)~~ of the Lieutenant Governor;

(c) One member, appointed by the Governor, who represents employers;

(d) One member, appointed by the Governor, who is a representative of an association that represents employees;

(e) One member, appointed by the Governor, who has experience in the field of investments;

(f) One member, appointed by the Majority Leader of the Senate, who represents retirees; and

(g) One member, appointed by the Speaker of the Assembly, who has experience in small business.

3. Each appointed member serves a term of 4 years unless dismissed for cause. Members may be reappointed for additional terms of 4 years in the same manner as the original appointments.

4. Any vacancy occurring in the appointed membership of the Board must be filled in the same manner as the original appointment for the remainder of the unexpired term.

5. ~~The Lieutenant Governor~~ State Treasurer or ~~his or her~~ the designee of the State Treasurer shall serve as the Chair of the Board.

6. The Board shall meet at the call of the Chair as frequently as required to perform its duties.

7. A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of a quorum present at any meeting is sufficient for any official action taken by the Board.

8. Each member of the Board serves without compensation, except that each member is entitled to receive:

(a) The per diem allowance and travel expenses provided for state officers and employees generally; and

(b) Reimbursement for any other actual and reasonable expense incurred while performing ~~his or her~~ the member's duties.

Sec. 20. The Board is authorized and empowered to:

1. Design, establish, and operate the Nevada Employee Savings Trust Program;

2. Enter into contracts necessary or desirable for the administration of the Program, including, without limitation, contracts with one or more other states to:

(a) Provide for the administration of all or part of the Program by another state;

(b) Administer all or part of the qualified employee savings trust program of another state; or

(c) Jointly administer the Program with the qualified employee savings trust program of one or more other states;

3. Hire, retain and terminate third party service providers as the Board deems necessary or desirable for the Program, including, without limitation, nonprofit organizations, consultants, investment managers or advisers, trustees, custodians, insurance companies, record keepers, administrators, actuaries, counsel, auditors and other professionals;

4. Determine, without limitation, the:

(a) Types of Individual Retirement Accounts to be offered;

(b) Default contribution rate; and

(c) Process for automatic escalation of participant contributions;

5. Develop an option for participants to convert contributions into fixed lifetime income streams;

6. Develop and implement an outreach plan to gain input and disseminate information regarding the Program and retirement and financial education in general to employees, employers and other constituents in this State;

7. Determine the number of days during which ~~an eligible~~ a covered employer must make the Program available to a covered employee upon first becoming ~~an eligible~~ a covered employer or covered employee;

8. Determine the number of days, which must not be less than ~~60,~~ 90, after the Program is first made available to a covered employee during which the covered employee may exercise ~~his or her~~ the employee's right to opt out of the Program ~~+~~ without penalty; and

9. Adopt regulations, rules and procedures for the establishment and operation of the Program and to take such other actions necessary or desirable to establish and operate the Program.

Sec. 21. 1. The State Treasurer shall, within the limits of legislative appropriations, provide staff support to the Board and may otherwise provide administrative support to the Board.

2. The Board may enter into an intergovernmental agreement or contract to obtain outreach, technical assistance or compliance services with any officer, agency, division or department of the State, including, without limitation, the Lieutenant Governor, Secretary of State, Department of Taxation, Department of Employment, Training and Rehabilitation, Department of Business and Industry and Office of the Labor Commissioner. An officer, agency, division or department that enters into such an intergovernmental agreement with the Board shall collaborate with any other officer, agency, division or department of the State as necessary to provide such outreach, technical assistance or compliance services to the Board.

3. Each officer, agency, division or department of the State must provide any information necessary for the Board to implement the Program regardless of whether the Board has entered into an intergovernmental agreement or contract with the officer, agency, division or department pursuant to subsection 2.

Sec. 22. 1. An act or undertaking of the Board does not constitute a debt of the State of Nevada, or any political subdivision thereof, or a pledge of the

full faith and credit of the State of Nevada, or of any political subdivision thereof, and is payable solely from the Trust.

2. The Board may not impose any obligations on the State or pledge the credit of the State.

Sec. 23. The Program designed, established and operated by the Board pursuant to section 20 of this act must provide, without limitation, that:

1. Each covered employer shall automatically enroll ~~each~~ the covered employee in the Program or in a similar program offered by a trade association or chamber of commerce, unless the employee elects to opt out of the Program ~~and~~, or if applicable, the similar program offered by a trade association or chamber of commerce.

~~2. An employer shall not contribute to the Program or endorse or otherwise promote the Program.~~

~~3.~~ Contributions must be withheld from the compensation of each covered employee at the contribution rate set by the Board unless the covered employee elects not to contribute or to contribute at a different rate.

~~4.~~ 3. An Individual Retirement Account established and maintained through the Program must qualify for favorable federal income tax treatment pursuant to section 408 or 408A of the Internal Revenue Code, 26 U.S.C. § 408 or 408A.

~~5.~~ 4. To the extent consistent with federal law, a covered employee may withdraw ~~not more than \$1,000~~ from ~~this or her~~ the employee's Individual Retirement Account at any time if necessary to meet a financial or other emergency, ~~in accordance with regulations adopted by the Board.~~

~~6.~~ 5. The Board may establish intervals after which a covered employee ~~must reaffirm his or her intent to opt~~ who opted out of the Program ~~and~~ may later elect to participate in the Program.

~~7.~~ 6. A covered employer must deposit a covered employee's withheld contributions under the Program with the Trustee in such manner as is determined by the Board, but in no case later than 10 business days after the date such amounts otherwise would have been paid to the covered employee.

~~8.~~ 7. The Board shall determine the rules and procedures for withdrawals, distributions, transfers and rollovers of Individual Retirement Accounts and for the designation of Individual Retirement Account beneficiaries.

~~9.~~ 8. The Board shall determine a method for employers other than covered employers and employees other than covered employees to participate in the Program, if allowed under federal law.

~~10.~~ 9. The Board shall prepare or cause to be prepared informational materials and required disclosures regarding the Program for distribution by covered employers to covered employees. Such materials must include, without limitation:

(a) A description of the benefits and risks associated with making contributions through the Program;

(b) Instructions about how to obtain additional information about the Program;

(c) A description of the federal and state income tax consequences of an Individual Retirement Account, which may consist of or include the disclosure statement required to be distributed by the Trustee by the Internal Revenue Code and the Treasury Regulations adopted thereunder;

(d) A statement that covered employees seeking financial advice should contact their own financial advisers and that covered employers are not in a position to provide financial advice and that covered employers are not liable for decisions covered employees make concerning the Program;

(e) A statement that the Program is not an employer-sponsored retirement plan;

(f) A statement that neither the Program nor the covered employee's Individual Retirement Account established or maintained through the Program is guaranteed by the State; and

(g) A statement that:

(1) Neither a covered employer nor the State will monitor or has an obligation to monitor the covered employee's eligibility under the Internal Revenue Code to make contributions to an Individual Retirement Account or to monitor whether the covered employee's contributions to the Individual Retirement Account established or maintained for the covered employee through the Program exceed the maximum permissible Individual Retirement Account contribution;

(2) It is the covered employee's responsibility to monitor such matters; and

(3) Neither the State nor the covered employer will have any liability with respect to any failure of the covered employee to be eligible to make Individual Retirement Account contributions or for making any contribution in excess of the maximum Individual Retirement Account contribution.

~~111~~ 10. The Board shall prepare or cause to be prepared information, forms or instructions to be furnished to covered employees at such times as the Board determines that provide the covered employee with the procedures for, without limitation:

(a) Making contributions to the covered employee's Individual Retirement Account established or maintained through the Program, including, without limitation, a description of the default contribution rate, any automatic escalation rate or frequency and the covered employee's right to elect to make no contribution or to change the contribution rate;

(b) Making an investment election with respect to the covered employee's Individual Retirement Account established or maintained through the Program, including a description of the default investment fund;

(c) Making transfers, rollovers, withdrawals and other distributions from the covered employee's Individual Retirement Account; and

(d) Exercising the covered employee's right to opt out of the Program.

~~12.~~ 11. Each covered employer shall deliver or facilitate the delivery of the items set forth in subsections ~~10.~~ 9 and ~~11.~~ 10, and any other information required by the Board, to each covered employee at such time and in such manner as determined by the Board.

~~13.~~ 12. The Program shall be designed and operated in a manner that will cause it not to be an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).

Sec. 24. 1. The Nevada Employee Savings Trust Administrative Fund is hereby created in the State Treasury.

2. The Board shall administer the Administrative Fund.

3. The Board shall deposit in the Administrative Fund all money received for the Program, including, without limitation:

(a) Money appropriated to the Administrative Fund by the Legislature;

(b) Money transferred to the Administrative Fund from the Federal Government, other state agencies or local governments;

(c) Any gifts, donations, grants or other money designated for the Administrative Fund from the State, or any unit of federal or local government, or any other person, firm, partnership, corporation or other entity solely for deposit into the Administrative Fund, whether for investment or administrative expenses; and

(d) Earnings on money in the Administrative Fund.

4. The Board shall use the money in the Administrative Fund solely to pay the administrative costs and expenses of the Program and the administrative costs and expenses the Board incurs in the performance of its duties.

Sec. 25. 1. The Board may, to enable or facilitate the start up and continuing operation, maintenance, administration and management of the Program until the Board determines that the Program has accumulated sufficient balances and is able to generate sufficient funding for the Program to be financially self-sustaining:

(a) Borrow money from the State, any unit of federal, state or local government or any other person, firm, partnership, corporation or entity; or

(b) Enter into long-term procurement contracts with one or more financial providers if the Board determines that the fee structure of a contract allows or assists the Program to minimize or avoid the need to borrow money pursuant to paragraph (a) or to rely upon general assets of the State.

2. Money borrowed pursuant to subsection 1 must:

(a) Be borrowed in the name of the Program and Board only;

(b) Be repaid solely from the revenues of the Program; and

(c) Not be repaid unless the money was offered contingent upon the promise of such repayment.

3. Within the limits of legislative appropriations, the State may pay on behalf of the Board administrative costs associated with the creation, maintenance, operation and management of the Program and Trust until the Board determines that sufficient assets are available in the Administrative

*Fund for that purpose. Thereafter, all administrative costs of the Program and Trust, including any repayment of start-up money provided by the State, must be repaid only out of money on deposit in the Administrative Fund.*

Sec. 26. 1. *The Nevada Employee Savings Trust is hereby created as an instrumentality of the State.*

2. *The Board shall appoint an institution qualified to act as a trustee of Individual Retirement Account trusts or an insurance company that issues annuity contracts pursuant to section 408 of the Internal Revenue Code, 26 U.S.C. § 408, and licensed to do business in the State of Nevada to act as Trustee of the Trust.*

3. *The assets of Individual Retirement Accounts established or maintained for covered employees must be allocated to the Trust and may be combined for investment purposes. Trust assets must be managed and administered for the exclusive purposes of providing benefits to covered employees and defraying reasonable expenses of administering and managing the investments, Individual Retirement Accounts, Board, Program and Trust.*

4. *The Board shall establish within the Trust one or more investment funds, each pursuing an investment strategy and policy established by the Board. The underlying investments of each investment fund must be diversified so as to minimize the risk of large losses under any circumstances. The Board may, at any time or from time to time, add, replace or remove any investment fund.*

5. *The Board may allow covered employees to allocate assets of their Individual Retirement Accounts among such investment funds and, in such case, the Board also may designate an investment fund as a default investment for the Individual Retirement Accounts of covered employees who do not make an investment choice.*

6. *The Board, in consultation with such third-party professional investment advisers, managers or consultants as it may retain, shall select the underlying investments of each investment fund. Such underlying investments may include, without limitation, shares of mutual funds and exchange-traded funds, publicly traded equity and fixed-income securities and other investments available for investment by the Trust. An investment fund may not invest in any bond, debt instrument or other security issued by the State.*

7. *The Board may, in its discretion, retain an investment adviser to select and manage the investments of an investment fund on a discretionary basis, subject to the Board's ongoing review and oversight. An investment adviser retained pursuant to this subsection must be:*

*(a) An investment adviser registered as such under the Investment Advisers Act of 1940, 15 U.S.C. §§ 80b-1 et seq.; or*

*(b) A bank or other institution exempt from registration under the Investment Advisers Act.*

8. *The Trustee shall be subject to directions of the Board or of an investment adviser pursuant to this section and shall otherwise have no*

*responsibility for the selection, retention or disposition of the investments or assets of the Trust.*

9. *The assets of the Trust must at all times be preserved, invested and expended solely for the purposes of the Trust and no property rights therein shall exist in favor of the State or any covered employer. Trust assets must not be transferred or used by the State for any purposes other than the purposes of the Trust or paying the expenses of operating the Program. Amounts deposited with the Trustee do not constitute property of the State and must not be commingled with state money and the State has no claim to or against, or interest in, the assets of the Trust.*

10. *The assets of the Trust must at all times be held separate and apart from the assets of the State. The State, Program, Board, any member of the Board or any covered employer shall not guaranty any investment, rate of return, or interest on amounts held in the Trust, an investment fund or any Individual Retirement Account. The State, Program, Board, any member of the Board or any covered employer is not liable for any losses incurred by Trust investments or otherwise by any covered employee or other person as a result of participating in the Program.*

11. *The provisions of chapter 90 of NRS, the Uniform Securities Act, do not apply to the Trust, any investment fund or any interest held by an Individual Retirement Account in the Trust or such investment fund.*

12. *The Trust and each investment fund are exempt from all taxation by this State and any political subdivision thereof.*

Sec. 27. *Except to the extent necessary to administer the Program, personally identifiable information relating to individual participants in the Program, including, without limitation, the name, physical and electronic mail address, telephone number and other personally identifiable information of the participant, and information relating to individual accounts established or maintained through the Program, including, without limitation, the identity or amount of any investment, contribution or earnings attributable to an account, is confidential and must be maintained as confidential, unless the person who provides the information or is the subject of the information expressly agrees in writing to the disclosure of the information.*

Sec. 28. 1. *A covered employer or other employer may not be held liable for:*

- (a) An employee's decision to participate in or opt out of the Program;*
- (b) A participant's or the Board's investment decisions;*
- (c) The administration, investment, investment returns or investment performance of the Program, including, without limitation, any interest rate or other rate of return on any contribution or account balance, provided the covered employer or other employer played no role;*
- (d) The design of the Program or the benefits paid to participants;*
- (e) A person's awareness of or compliance with the conditions and other provisions of the Internal Revenue Code that determine which persons are*

*eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner; or*

*(f) Any loss, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.*

*2. A covered employer or other employer must not be deemed to be a fiduciary in relation to the Program.*

*Sec. 29. 1. The State and any employee or officer thereof, the Board and any member of the Board or employee thereof and the Program:*

*(a) Have no responsibility for compliance by persons with the conditions and other provisions of the Internal Revenue Code that determine which persons are eligible to make tax-favored contributions to Individual Retirement Accounts, in what amount and in what time frame and manner;*

*(b) Have no duty, responsibility or liability to any party for the payment of any benefits through the Program, regardless of whether sufficient money is available through the Program to pay such benefits;*

*(c) Do not and shall not guarantee any interest rate or other rate of return on or investment performance of any contribution or account balance; and*

*(d) Are not and shall not be liable or responsible for any loss, deficiency, failure to realize any gain or any other adverse consequences, including, without limitation, any adverse tax consequences or loss of favorable tax treatment, public assistance or other benefits, incurred by any person as a result of participating in the Program.*

*2. The debts, contracts and obligations of the Board, Program or Trust are not the debts, contracts and obligations of the State, and neither the faith and credit nor the taxing power of the State is pledged directly or indirectly to the payment of the debts, contracts and obligations of the Board, Program or Trust.*

*Sec. 30. 1. Each member of the Board, the Trustee and each investment adviser or other person who has control of the assets of the Trust is a fiduciary with respect to the Trust and each Individual Retirement Account established and maintained through the Program.*

*2. Each fiduciary shall discharge its duties with respect to the Program solely in the interests of covered employees and with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with those matters would use in the conduct of an enterprise of like character and aims.*

*Sec. 31. A member of the Board and a person who serves on the staff of the Board or as an administrator of the Program shall not:*

*1. Directly or indirectly have any interest in the making of any investment under the Program or in any gains or profits accruing from such an investment;*

2. Borrow any Program-related money or deposits, or use any such money or deposits in any manner, for himself or herself or as an agent or partner of others; or

3. Become an endorser, surety or obligor on any investment made through the Program.

Sec. 32. 1. The Board shall cause an accurate account of all the activities, operations and receipts and expenditures of the Board, Program and Trust to be maintained. Each year, a full audit of the books and accounts of the Board, Program and Trust pertaining to those activities, operations, receipts and expenditures, personnel, services and facilities must be conducted by a certified public accountant and must include, without limitation, direct and indirect costs attributable to the use of outside consultants, independent contractors and any other persons who are not state employees for the administration of the Program. For the purposes of the audit, the auditors shall have access to the properties and records of the Board, Program and Trust and may prescribe methods of accounting and the rendering of periodic reports in relation to projects undertaken by the Board, Program and Trust.

2. Not later than August 1 of each year, the Board shall submit to the Governor, the State Controller and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, an audited financial report, prepared in accordance with generally accepted accounting principles, detailing the activities, operations and receipts and expenditures of the Board, Program and Trust during the immediately preceding calendar year. The report must also include projected activities of the Program for the current calendar year.

3. The Board shall prepare an annual report on the operation of the Program to be available to all citizens and provided to appropriate state officers.

Sec. 33. This chapter, being necessary to secure the public health, safety, convenience and welfare, must be liberally construed to effect its purposes.

Sec. 34. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.0397, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.640, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010,

213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 224.240, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 232.1369, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.026, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 284.4086, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460, 394.465, 396.1415, 396.1425, 396.143, 396.159, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175, 432B.280, 432B.290, 432B.4018, 432B.407, 432B.430, 432B.560, 432B.5902, 432C.140, 432C.150, 433.534, 433A.360, 439.4941, 439.4988, 439.840, 439.914, 439A.116, 439A.124, 439B.420, 439B.754, 439B.760, 439B.845, 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 450B.805, 453.164, 453.720, 458.055, 458.280, 459.050, 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.368, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484B.830, 484B.833, 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160, 584.655, 587.877, 598.0964, 598.098, 598A.110, 598A.420, 599B.090, 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069, 630.133, 630.2671, 630.2672, 630.2673, 630.30665, 630.336, 630A.327, 630A.555, 631.332, 631.368, 632.121, 632.125, 632.3415, 632.3423, 632.405, 633.283, 633.301, 633.4715, 633.4716, 633.4717, 633.524, 634.055, 634.1303, 634.214, 634A.169, 634A.185, 635.111, 635.158, 636.262, 636.342, 637.085, 637.145, 637B.192, 637B.288, 638.087, 638.089, 639.183,

639.2485, 639.570, 640.075, 640.152, 640A.185, 640A.220, 640B.405, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745, 640C.760, 640D.135, 640D.190, 640E.225, 640E.340, 641.090, 641.221, 641.2215, 641.325, 641A.191, 641A.217, 641A.262, 641B.170, 641B.281, 641B.282, 641C.455, 641C.760, 641D.260, 641D.320, 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.126, 652.228, 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.060, 687A.115, 687B.404, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696, 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *section 27 of this act*, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

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

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

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

(a) The public record:

- (1) Was not created or prepared in an electronic format; and
- (2) Is not available in an electronic format; or

(b) Providing the public record in an electronic format or by means of an electronic medium would:

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

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

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

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

Sec. 35. 1. Except as otherwise provided in this section, the Board of Trustees of the Nevada Employee Savings Trust created by section 19 of this act shall establish the Nevada Employee Savings Trust Program pursuant to section 20 of this act and implement its provisions so that covered employees are able to make contributions to an Individual Retirement Account through the Program ~~[not later than]~~ beginning on July 1, 2025.

2. The Board may implement the Program in ~~[the following]~~ phases so that the ability of covered employees to contribute to an Individual Retirement Account through the Program first applies on different dates for different employees based on the number of employees employed by the covered employer ~~as~~

<del>Number of Employees</del>	<del>Implementation Date</del>
<del>1,000 or more</del>	<del>July 1, 2025</del>
<del>500-999</del>	<del>January 1, 2026</del>
<del>100-499</del>	<del>July 1, 2026</del>
<del>Fewer than 100</del>	<del>January 1, 2027</del>

If the Board implements the Program in phases pursuant to this subsection, the first phase must not begin before July 1, 2025.

3. The Board shall not implement the Program if, and to the extent that, it determines that the Program is preempted by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq. If the Board determines that one or more provisions of the Program are preempted by Employee Retirement Income Security Act of 1974, the Board shall implement the remaining provisions of the Program to the extent practicable.

4. The Board shall not implement a provision of the Program that authorizes an arrangement by which an employer facilitates access for an employee to contribute to an Individual Retirement Account by means of payroll deduction if the Board determines that the arrangement is an employee pension benefit plan within the meaning of section 3(2) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(2).

Sec. 36. As soon as practicable on or after the effective date of this ~~act,~~ section, the Governor, Majority Leader of the Senate and Speaker of the Assembly shall appoint the members of the Board of Trustees of the Nevada Employee Savings Trust pursuant to section 19 of this act.

Sec. 37. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 38. 1. This ~~act becomes~~ section and section 36 of this act become effective upon passage and approval.

2. Sections 1 to 35, inclusive, and 37 of this act, become effective:

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

(b) On July 1, 2025, for all other purposes.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 465 to Senate Bill No. 305 revises the definition of "covered employer" in section 8; replaces the Lieutenant Governor with the State Treasurer as the chair of the board; requires each officer, agency, division or department of the State to provide information as necessary for the board to implement the program; allows a covered employer to enroll a covered employee in a similar program offered by a trade association or chamber of commerce; authorizes, with certain exceptions, covered employees to begin making contributions to an Individual Retirement Account on July 1, 2025; and revises the effective date.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 318.

Bill read second time and ordered to third reading.

Senate Bill No. 320.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 466.

SUMMARY—Revises provisions related to the Legislature. (BDR 23-194)

AN ACT relating to the Legislature; requiring the Legislative Counsel Bureau to pay a certain amount to the Public Employees' Benefits Program if ~~a member~~ certain members of the Senate or Assembly ~~elects~~ elect to participate in the Program; requiring any such member to arrange to pay the Program the cost of premiums and contributions to the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a member of the Senate or Assembly who elects to participate in the Public Employees' Benefits Program shall pay the entire premium or contribution for the member's insurance. (NRS 287.044) Section 2 of this bill provides instead that if a member of the Senate or Assembly who is

elects or appointed to a term beginning after November 5, 2024, elects to participate in the Program: (1) the Legislative Counsel Bureau is required to pay to the Program the amount specified by law as if the member were employed by the Legislative Counsel Bureau on a permanent and full-time basis; and (2) the member must arrange with the Program for the payment of premiums or contributions. Any such arrangement must require the member to pay such a premium or contribution based on the actual amount of the premium or contribution after deducting certain amounts.

Section 1 of this bill makes a conforming change to update an internal reference to a subsection that is renumbered in section 2.

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

Section 1. NRS 287.0435 is hereby amended to read as follows:

287.0435 1. Except as otherwise provided in subsection 4 of NRS 287.04362 and subsection ~~{7}~~ 8 of NRS 287.044, all money received for the Program, including, without limitation, money transferred from the Active Employee Group Insurance Subsidy Account established in NRS 287.044, must be deposited in the State Treasury for credit to the Fund for the Public Employees' Benefits Program which is hereby created as a trust fund. The Program Fund must be accounted for as an internal service fund. Payments into and disbursements from the Program Fund must be so arranged as to keep the Program Fund solvent at all times.

2. The money in the Program Fund must be invested as other money of the State is invested and any income from investments paid into the Program Fund for the benefit of the Program Fund.

3. Disbursements from the Program Fund must be made as any other claims against the State are paid and may only be made for the benefit of the participants in the Program.

4. The State Treasurer may charge a reasonable fee for the State Treasurer's services in administering the Program Fund, but the State, the State General Fund and the State Treasurer are not liable to the Program Fund for any loss sustained by the Program Fund as a result of any investment made on behalf of the Program Fund or any loss sustained in the operation of the Program.

5. The Board shall deposit any disbursement received from the Program Fund into an interest-bearing checking account in a bank or credit union qualified to receive deposits of public money. Claims that have been submitted to the Program and approved must be paid from the account, and any refund of such a claim must be deposited into the account.

Sec. 2. NRS 287.044 is hereby amended to read as follows:

287.044 1. ~~{Except as otherwise provided in subsection 2, each}~~ *Each* participating state agency shall pay to the Program an amount specified by law for every state officer or employee who is employed by a participating public agency on a permanent and full-time basis and elects to participate in the Program.

2. ~~{A}~~ If a member of the Senate or Assembly who is elected or appointed to a term beginning after November 5, 2024, elects to participate in the Program, the Legislative Counsel Bureau shall pay to the ~~entire premium or contribution~~ Program for the member's insurance ~~{}~~ the amount specified by law as if the member of the Senate or Assembly were employed by the Legislative Counsel Bureau on a permanent and full-time basis.

3. State officers and employees who elect to participate in the Program must authorize deductions from their compensation for the payment of premiums or contributions for the Program. Any deduction from the compensation of a state officer or employee for the payment of such a premium or contribution must be based on the actual amount of the premium or contribution after deducting any amount allocated by the Board pursuant to subsection ~~{6}~~ 7.

4. If a member of the Senate or Assembly elects to participate in the Program, the member must arrange with the Program for the payment of premiums or contributions for the Program. Any such arrangement must require the member to pay such a premium or contribution based on the actual amount of the premium or contribution after deducting any amount allocated by the Board pursuant to subsection 7.

5. If a state officer or employee or a member of the Senate or Assembly chooses to cover any dependents, whenever this option is made available by the Board, except as otherwise provided in NRS 287.021 and 287.0477, the state officer or employee or member of the Senate or Assembly must pay the difference between the amount of the premium or contribution for the coverage for the state officer or employee or member of the Senate or Assembly and such dependents and any amount allocated by the Board pursuant to subsection ~~{6}~~ 7.

~~{5}~~ 6. A participating state agency shall not pay any part of those premiums or contributions if the group life insurance or group accident or health insurance is not approved by the Board.

~~{6}~~ 7. The Board may allocate the money paid to the Program pursuant to ~~subsection~~ subsections 1 and 2 between the cost of premiums and contributions for group insurance for each state officer or employee ~~{, except a}~~ or member of the Senate or Assembly, and the dependents of each state officer or employee ~~{}~~ or member of the Senate or Assembly.

~~{7}~~ 8. Any amounts paid to the Program pursuant to ~~subsection~~ subsections 1 and 2 must be deposited in the Active Employee Group Insurance Subsidy Account, which is hereby established within the Agency Fund for the Payroll of the State created by NRS 227.130. Money in the Account must be used solely for the purposes of subsections 1, 2 and ~~{6}~~ 7. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

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

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 466 to Senate Bill No. 320 clarifies that only members elected or appointed on or after November 5, 2024, may elect to participate in the Public Employees' Benefits Program on a full-time basis.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 323.

Bill read second time and ordered to third reading.

Senate Bill No. 363.

Bill read second time and ordered to third reading.

Senate Bill No. 371.

Bill read second time and ordered to third reading.

Senate Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 186.

SUMMARY—Revises provisions related to barbering. (BDR 54-874)

AN ACT relating to barbering; authorizing an applicant for a license as a barber or apprentice who fails to pass the examination required for licensure to retake the examination without fulfilling any additional requirements under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person who wishes to be licensed as a barber or an apprentice, in addition to fulfilling certain other requirements, to pass an examination conducted by the State Barbers' Health and Sanitation Board. (NRS 643.070, 643.080, 643.085) Existing law sets forth certain requirements for an applicant for a license as a barber who fails to pass the examination for licensure to be eligible to retake the examination. If the applicant is not a licensed cosmetologist, the applicant is required to practice as a licensed apprentice for an additional 3 months. If the applicant is a licensed cosmetologist, the applicant is required to complete further study in a barber school, as prescribed by the Board. Similarly, if an applicant for a license as an apprentice fails to pass the examination for licensure, existing law requires the applicant to complete further study in a barber school, as prescribed by the Board, before the applicant is eligible to retake the examination. (NRS 643.110) This bill authorizes an applicant for ~~for~~ licensure as a barber ~~for apprentice~~ who fails to pass the examination required for licensure to retake the examination without fulfilling any additional requirements, so long as the applicant retakes the examination not later than 1 year after the initial examination. If an applicant does not retake the examination within that period, the applicant is required to fulfill the additional requirements set forth under existing law each time before the applicant is eligible to retake the

examination. Additionally, this bill authorizes an applicant for licensure as an apprentice who fails to pass the examination required for licensure to retake the examination not more than three times within 6 months after taking the initial examination without fulfilling any additional requirements. If an applicant does not retake the examination within that period, the applicant is required to complete 250 hours of further study in a barber school before the applicant is eligible to retake the examination.

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

Section 1. NRS 643.110 is hereby amended to read as follows:

643.110 1. Except as otherwise provided in subsection 2, an applicant for a license as a barber who fails to pass the examination conducted by the Board *may retake the examination for a license as a barber. If the applicant retakes the examination:*

(a) *Not later than 1 year after taking the initial examination, the applicant is not required to complete any additional period of practice as a licensed apprentice before he or she may retake the examination; and*

(b) *Later than 1 year after taking the initial examination, the applicant must continue to practice as a licensed apprentice for an additional 3 months each time before he or she may retake the examination for a license as a barber.*

2. An applicant for a license as a barber who is a cosmetologist licensed pursuant to the provisions of chapter 644A of NRS and who fails to pass the examination conducted by the Board *may retake the examination for a license as a barber. If the applicant retakes the examination:*

(a) *Not later than 1 year after taking the initial examination, the applicant is not required to complete further study in a barber school before he or she may retake the examination; and*

(b) *Later than 1 year after taking the initial examination, the applicant must complete further study as prescribed by the Board, not exceeding 250 hours, in a barber school approved by the Board each time before he or she may retake the examination for a license as a barber.*

3. An applicant for a license as an apprentice who fails to pass the examination provided for in NRS 643.080 ~~must complete further study as prescribed by the Board in a barber school approved by the Board before he or she~~ may retake the examination for a license as an apprentice. ~~If the applicant retakes the examination:~~

~~(a) Not later than 1 year after taking the initial examination, the applicant is not required to complete further study in a barber school, before he or she may retake the examination; and~~

~~(b) Later than 1 year after taking the initial examination, the applicant must complete 250 hours of further study as prescribed by the Board in a barber school approved by the Board each time before he or she may retake the examination for a license as an apprentice.~~

4. An applicant for a license as an instructor who fails to pass the examination provided for in NRS 643.1775 may retake the examination for a license as an instructor. If the applicant retakes the examination:

(a) Not later than 1 year after taking the initial examination, the applicant is not required to complete further study in a barber school before he or she may retake the examination; and

(b) Later than 1 year after taking the initial examination, the applicant must complete 250 hours of further study in a barber school approved by the Board each time before he or she may retake the examination for a license as an instructor.

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 186 to Senate Bill No. 386 amends the apprentice licensure process allowing applicants to retake the exam up to three times within six months without additional requirements. If an applicant does not retake the exam within this period, they must complete 250 additional school hours before retaking the exam.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 24, 94, 225, 271, 275, 276, 301, 305 and 320 be taken from the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

#### GENERAL FILE AND THIRD READING

Senate Bill No. 11.

Bill read third time.

Remarks by Senator Hansen.

Senate Bill No. 11 requires the Department of Public Safety to adopt certain regulations relating to the operation of unmanned aerial vehicles by a public agency, including authorizing a public agency to operate such a vehicle to conduct scheduled inspections to ensure compliance with building and fire codes. The Department must adopt regulations prohibiting a public agency from collecting any photographic or recorded evidence during such inspections, which, if collected in violation of such regulations, may not be used to establish reasonable suspicion or probable cause as the basis for the investigation or prosecution of a crime. Further, the regulations adopted by the Department must establish a list of unmanned aerial vehicles and related equipment and services that a public agency may not purchase and a list of businesses, countries and entities that a public agency may not purchase such equipment from.

Roll call on Senate Bill No. 11:

YEAS—19.

NAYS—Krasner, Titus—2.

Senate Bill No. 11 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 27.**

Bill read third time.

**Remarks by Senator Harris.**

Senate Bill No. 27 expands the definition of "excavation" to include the use of nonmechanical equipment operated by a contractor or any person if the movement or removal of earth, rock or any other material in or on the ground occurs more than 12 inches below the surface of the original groundline. Additionally, the bill clarifies the definition of "emergency" to include requiring immediate action through the use of nonmechanical equipment to determine the severity of an underground leak or in situations where an excavation is imminent, and the subsurface insulation is unable to be located to locate the subsurface installation.

**Roll call on Senate Bill No. 27:**

YEAS—21.

NAYS—None.

Senate Bill No. 27 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 50.**

Bill read third time.

**Remarks by Senator Spearman.**

Senate Bill No. 50 revises provisions governing the sales tax for certain members of the Nevada National Guard. To ensure compliance with the Streamlined Sales and Use Tax Agreement, of which the State of Nevada is a member, Senate Bill No. 50 revises the process through which members of the Nevada National Guard who are on active duty status and who are residents of this State, and certain relatives of such members of the Nevada National Guard, can claim an exemption from the Sales and Use Tax on purchases that occur on the date on which Nevada Day is observed or the immediately following Saturday or Sunday.

Senate Bill No. 50 requires the respective eligible member of the Nevada National Guard and his or her relatives to pay the full amount of sales tax to the retailer and submit a request for refund to the Department of Taxation after the purchase.

**Roll call on Senate Bill No. 50:**

YEAS—21.

NAYS—None.

Senate Bill No. 50 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 85.**

Bill read third time.

**Remarks by Senator Hansen.**

Senate Bill No. 85 changes the amount of money that the Director of Nevada's Department of Transportation is required to retain for certain highway contracts to an amount of 5 percent of the contract price but not more than \$50,000. The bill also removes the requirement for the Department to perform a final inspection and instead provides that the amount retained can be retained until satisfactory completion of the entire project and final acceptance by the Director. Lastly, the bill authorizes a subcontractor or supplier who performs work on a project for highway improvement or construction to contact the Director to resolve payment disputes if a contractor withholds more than 5 percent of a required payment.

Roll call on Senate Bill No. 85:

YEAS—21.

NAYS—None.

Senate Bill No. 85 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 90.

Bill read third time.

Remarks by Senators Pazina, Hansen and Goicoechea.

SENATOR PAZINA:

Senate Bill No. 90 designates the wild mustang as the official state horse of the State of Nevada. I want to thank my colleagues for the warm welcome they gave to the students who were here at their first foray into the legislative process.

SENATOR HANSEN:

I, too, am a horse lover, but I oppose Senate Bill No. 90. For those of us who represent the rural areas of the State, the wild horse population right now is a huge disaster. For those of you who do not know, in 1971, the federal government took over the management of virtually all the wild horses in the State. They are actually feral horses. By their own law, they are supposed to have a maximum of 14,000 animals in Nevada. Currently, there are almost 60,000 animals in the State. In other words, to get it back to their own requirements, they would have to remove, today, 50,000 wild horses.

In the absence of them doing that, there has been an absolute ecological disaster in the State of Nevada. The areas of our State that I represent, Lander County, for example, the Lander County Commission just filed a formal declaration of emergency because the horse population in the boundaries of that county are so significant, at least five to ten times over appropriate management levels, that they are harming the indigenous populations of mule deer and bighorn sheep, and they are devastating riparian zones and other areas of the State. Another county I represent, Elko County, is seriously considering doing a declaration of emergency as well.

All this boils down to is the fact the federal government has failed to do what they are required to do by law. I do not know how you define it, but if you do not obey a law, that is a crime. However, when the federal government is committing the crime and harming the State of Nevada, what recourse do we have? Right now, our own federal delegation, one of our United States Senators and Congressman Amodei, are working aggressively to try to raise the funds necessary to get the horse management levels back to appropriate management levels. In other words, they are going to try to remove 50,000 horses.

In the meantime, though, we as a legislative body are sending the wrong message nationally. We need to support our federal delegation and their efforts to try to get funding for the Bureau of Land Management (BLM) and forest service to be able to do their job. By us sending this message, where we make the wild horse the official animal of the State of Nevada, that is the worst possible message we can send at this time. I realize this is not an issue for most of you. What do you care about whether we designate an animal something in the State? But that sends a signal nationally that the State of Nevada and the official representatives of the State are happy with the situation we have. We are happy enough that we are going to designate a feral animal—remember, these are not a native indigenous species—and we are going to send a message that the current management practices by the federal government pass muster, at least according to the Nevada Legislature. That is absolutely the wrong message to send.

I also represent the Pyramid Lake Paiute Tribe, the Fort McDermott Indian Reservation and the Duck Valley Indian Reservation. I have at least four Indian colonies in my district. The Indians are very upset about the idea that we are going to designate a nonindigenous species as an indigenous animal that we want to say is a good thing.

Those horses are harming especially one population for Nevada right now. The bighorn sheep is our official mammal. Bighorn sheep populations are dropping rapidly in Nevada. Mule deer populations are down to 75,000 animals. Those populations are being dramatically impacted by the excessive level of horses we have in the State. If we were able to get the federal government to obey its own law and get those numbers down, we could probably see a recovery quickly.

Sometimes, there are unintended consequences. For example, for those who have been here a while will remember when sage grouse was a huge issue. What we found out—because of man-created food sources, including garbage dumps, roadkill and domestic animal carcasses—is we had an enormous spike in raven populations, 1,500 percent over what they were historically. They absolutely, and continue to, dramatically impact sage grouse reproduction. As we speak, the federal government is spreading over 10,000 poisoned eggs across the State of Nevada in key sage grouse breeding areas to reduce raven populations.

We have a similar circumstance with the horses. Right now the Department of Wildlife has estimated that we have 3,000 mountain lions in Nevada. That is substantially higher than what it would normally be in the absence of these horse populations, which they are eating. The real problem is, just like with the ravens, because we have created a nonnative food source, those mountain lions are harming our native populations of bighorn sheep and mule deer. Those populations are going down, as we speak, while horse populations continue to escalate. Like the ravens, at some point, we will have a real catastrophe in Nevada when you have artificially high predator populations and rapidly declining prey species, like the native populations of mule deer and bighorn sheep. By the way, after a winter like we are having right now, our prey species—that is mule deer, bighorns and so forth—will be going down anyway, and then to artificially prop up the predator population is a formula for disaster in the State of Nevada for those animals.

As a horse lover, I want everybody to know, I really do like seeing mustangs. For those of you who do not know, I have spent a good portion of my adult life in the backcountry of Nevada. I love that. I still do. It is one of the great treats. Watching a band of mustangs run across the sagebrush plains in Nevada is a great thrill to this day, but I also recognize that because they are not an indigenous species, we have to manage those populations. The failure of doing that is harming—significantly harming—the native populations.

That is also why I think the Indians in Nevada are especially upset about this. They have done an excellent job managing. If you do not know, the Fort McDermott Indian Tribe and the Pyramid Lake Indian Tribe have had several significant roundups of mustangs off of their reservations because they are clearly impacting the populations there. They did what needed to be done. Because they are a sovereign nation, they are allowed to do that. We as a sovereign state, frankly, cannot. While my counties are declaring emergencies over this situation, we should be supporting them. We should be working hard with our federal delegation to get this problem resolved. Ultimately, it is incumbent on us—before we put feral horses on a pedestal and turn them into a somewhat deified, glorified thing in the State of Nevada—to recognize the impact that those animals are having on our native wildlife and our native plant communities.

If you want to get into the details on this, in the hearing, every range management person in the State of Nevada, every wildlife person in the State of Nevada, everybody that has any real knowledge about what is going on on the range, testified against this bill.

Ironically enough, you are siding, if you vote for this, with Elon Musk, who by the way I love. But only Elon, he and Storey County, love these horses. They think this is great. Elon, my friend, I love you, I think you are a brilliant man, but regarding wild horses, you have got it way wrong. We need to sit back and think about this. We should vote "no." We should support our federal delegation and send a message to the federal government that we need more money for the BLM and the Forest Service to get these herd management levels back to what their own law requires.

SENATOR GOICOECHEA:

I will not be as long, nor as eloquent, as my colleague from Northern Nevada. I support Senate Bill No. 90. The bottom line is, there is no other—and that is what this is about—horse that is more iconic to the State of Nevada than the wild mustang. What horse are we going to call? An appaloosa? A quarter horse? A thoroughbred?

I do agree with my colleague. It is not in the bill, and I hope we can get some language included when it does go to the other side. We need to talk about management. Clearly, the wild horse

populations in the State are out of control. I have lived with them a little bit longer than my colleague from Sparks. I have grown up and lived with wild horses my whole life.

I believe that if we do not get some language in this bill, the State of Nevada will have to bring a lawsuit against the federal government to bring these horses back into compliance with the Wild and Free-Roaming Horses and Burros Act of 1971, as amended. There is a set number. The federal government is in violation of their own law, and we need to capture that. Yes, they are damaging the State, but what horse would we make Nevada's horse? Clearly, the mustang. I ask you to support this bill because that is what it does.

Roll call on Senate Bill No. 90:

YEAS—18.

NAYS—Daly, Hansen, Titus—3.

Senate Bill No. 90 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 113.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 113 revises provisions relating to groundwater management plans by providing that a petition for the approval of a groundwater management plan must be signed by the holders of permits or certificates to appropriate water in the basin who represent a majority of the total groundwater permitted or certificated for use in the basin. The bill also requires the State Engineer to affirm or modify the perennial yield of a basin at the same time he or she designates a basin as a critical management area and authorizes the State Engineer to modify the perennial yield for a critical management area based on the best available science. Senate Bill No. 113 also requires the State Engineer to review the perennial yield before reviewing the results of a groundwater management plan and modify the perennial yield if there has been a change.

Additionally, the bill provides for circumstances in which certain holders of a permit or certificate to appropriate water in the basin are not required to comply with an approved groundwater management plan. Finally, Senate Bill No. 113 requires the State Engineer to review an approved groundwater management plan that has been in effect for ten consecutive years to determine whether there has been significant progress towards stabilizing the water level of the basin and, if not, with certain exceptions, to order the groundwater management plan dissolved and restrict withdrawals of groundwater to conform to priority rights until the water level of the basin is stabilized.

The long and short of it is, we missed this 10 to 12 years ago when we brought the critical management statute through the Supreme Court. We are cleaning it up and getting it defined to where we can have groundwater management plans and we can effectuate curtailment by priority.

Roll call on Senate Bill No. 113:

YEAS—21.

NAYS—None.

Senate Bill No. 113 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 131.

Bill read third time.

Remarks by Senators Cannizzaro and SeEVERS Gansert.

SENATOR CANNIZZARO:

I support Senate Bill No. 131, which seeks to codify Governor Sisolak's Executive Order 2022-08. That Executive Order came to be something in this State after last summer. For nearly 50 years, the right to privacy and control over one's own body, the ability to seek reproductive care—including abortion care—was widely understood and accepted across the nation. It was a protected right under the United States Constitution and the *Roe v. Wade* precedent. When that over 50-year precedent was overturned, it left everyone in a quandary as to what was going to happen. What did that mean for states? What were states going to do?

One of the things we know in Nevada is that we have a statutory right to that, something that was enacted by the voters, a statutory right. One of the things that happened immediately in the wake of the Dobbs decision, which overruled *Roe v. Wade*, was that Governor Sisolak signed an executive order that said if you come to Nevada and you seek reproductive care, to include abortion care—which is legal in Nevada—that we are not going to participate in another state's attempt to prosecute you for what you did while you were in Nevada.

Similarly, if you are a health care provider who is providing services within the scope of your practice—that are within the appropriate and proper standards of that practice—then we will not assist other states in prosecuting you. If you are a provider who comes to Nevada and provides reproductive care, including abortion care, and in another state you had an issue because you were providing that reproductive care, not because you were providing it outside of your scope of practice that you were licensed to do—not that you were not performing it in an improper manner, but that the only issue is you are providing something that now that state is seeking, or has sought or did, make illegal, that we will still consider you in our licensing boards.

That executive order stands today. It is something that has not yet been removed, expired or sunsetted by the current administration, which I think we should be grateful for. One of the things to keep in mind is that it is an executive order. It is not statutory; it is not a protection that can be relied on in a substantive way. So Senate Bill No. 131 seeks to codify that into law and align our practices in Nevada with what our current law is and what is legal here in Nevada. One thing that I think we can all agree has happened since the Dobbs decision last summer is that many states are taking action not only to limit their own citizens from seeking reproductive care but to seek, to prosecute and go after providers who are operating outside of that state's borders and to prosecute patients who are seeking care outside of that state's borders. This is an attempt to restrict the actions of states like Nevada, where that sort of care is legal, and to restrict the actions and ability of providers to provide care and for patients to seek that care.

There are many states that are doing this. Many stories have come out since this decision. Ohio put in one of the most restrictive bans on abortion in the country. Immediately, there was a case of a ten-year-old rape victim—a ten-year-old—who had to travel to another state to try to seek care, so she did not have to carry her rapist's baby. That, to me, is something that it is unfathomable for a whole host of reasons, but it does happen. I served a long time in a former career—over a decade—as a prosecutor. These kinds of cases happen. For a young girl to have to do that and then come back to Ohio for them to say, "Well, now that you have done something that was legal somewhere else, we do not like it, so we are still going to come after you" is something the State of Nevada should not be in a position of assisting with, especially when it is legal here. Anything that is happening in Nevada with respect to reproductive care, including abortion care, is currently legal in Nevada.

There are similar stories out of Mississippi, again with a teenage rape victim who had to travel and is in fear of having to face criminal charges. In other states, there are women being denied timely care for ectopic pregnancies and for miscarriage management. When and if you are in Nevada or if you are a Nevadan who is seeking that kind of care, you should not fear that if you were to go to another state, they would prosecute you or that we are going to participate, because what you did here was legal.

I will give you a great example. There are a whole lot of things in Nevada that are legal that might not be legal in other states. Imagine if someone came here, went down to the Strip, gambled in the casinos, spent a bunch of money and won a little bit of money, and then went back to their home state and the state said, "You know what? Gambling is illegal here. You did that while you were in Nevada. Now we are going to prosecute you." That is the exact situation that is happening here, and they want the State of Nevada to support that prosecution. If you are a gaming operator

and are operating the casino, now you could also be subject to criminal prosecution for doing stuff that is legal here in Nevada. The same concept applies to this situation.

This bill will ensure that the statutory protections we have put in place since 1990—with a voter's initiative and this body has also strengthened with other pieces of legislation like the Trust Nevada Women's Act from 2019, where we removed our criminal penalties from state law because they were inconsistent with what the current law was—remains a solid and firm understanding of not only Nevada law but of what patients and providers can expect.

We rank something like 48th in providers for health care. If we do not act, providers of reproductive care will fear when they provide that care and say, "Am I going to be prosecuted somehow for this? Is someone going to come from another state and ask for my extradition so they can prosecute me criminally for something I am doing that is legal?" I think the answer from this body and from the State of Nevada should resoundingly be "no."

Frankly, if you are in a situation where a provider has to help make a decision about a miscarriage, the last thing you want is to be sent home and hope it gets bad enough that a provider does not feel like they might not be subject to criminal prosecution in order to provide you care. It is not the law in Nevada.

I have a couple things I want to highlight. I know they have come up as concerns on this bill. This does not mean that doctors or providers can provide incompetent care; that they can practice without a license; operate outside their scope of practice; do something tantamount to fraudulent, medical malpractice; or violate any of the tenants of their profession. This does not allow that. This does not allow the State to look the other way. This does not allow them to avoid repercussions. All of that still stays in place. This does not change anything about Nevada's current law with respect to reproductive care or abortion. It just says that if you are doing something here that is currently legal, we are not going to extradite you to another state. We are not going to participate in that. If you are a provider, you do not have to worry about—as long as you are providing accurate, competent care for your patients—you do not have to worry about us extraditing you or subjecting you to criminal penalties. That is consistent with Nevada law.

Frankly, it is the assurance that our patients and health care providers need. This is important and is the right step to ensure the executive order that has been in place, has been working and has not resulted in any of the absurd situations brought up as opposition to this bill. That is not what is happening in Nevada since June. I hope we will not entertain the conspiracy theories about what Nevada is going to turn into. It has been almost a year of this being in place, and we have not seen that happen. I urge my colleagues to vote "yes," for patients and for providers. This is working in Nevada. It is consistent with Nevada law, and it is, frankly, the reassurance that I think we all need in Nevada. I urge your support.

SENATOR SEEVERS GANSERT:

I appreciate the comments from the Majority Leader. I want to put some of my own comments on the record, succinctly. We had a discussion the other day about a resolution that I was in opposition to, as were many of my colleagues. Part of what we discussed and what is relevant today is the Dobbs decision allows for states to decide what they are going to do around reproductive health. We recognize that states vary from one to another.

What we heard the other day was very personal testimony from our colleagues, a couple of our colleagues, about challenges that they faced and how personal those decisions are and how difficult it is sometimes to think about things in your life. I know those statements affected me. When I look at this legislation and the current executive order, and given the hodgepodge of laws across the United States, the one thing that jumps off the page to me is women who face these difficult choices need our support and our prayers, but we do not need to give them jail time. That is why I will be supporting this bill.

Roll call on Senate Bill No. 131:

YEAS—15.

NAYS—Goicoechea, Hammond, Hansen, Krasner, Stone, Titus—6.

Senate Bill No. 131 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 134.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 134 expands existing prohibitions on an insurer from entering into a contract with a provider of vision care that imposes certain conditions. The prohibitions also apply to contracts that authorize the insurer to set or limit the amount that the provider of vision care may charge for vision care that is not reimbursed under the contract or require the provider to use a specific laboratory as the manufacturer of ophthalmic devices or materials provided to covered persons.

In addition, the amendatory provisions of this bill are not applicable to any current contracts between an insurer and a provider of vision care unless and until those contracts are renewed after October 1, 2023.

Roll call on Senate Bill No. 134:

YEAS—21.

NAYS—None.

Senate Bill No. 134 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 169.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 169 requires the master plan in a county whose population is 100,000 or more, currently Clark and Washoe Counties, to include a heat mitigation element. The legislation also sets forth the requirements for this heat mitigation element, including a plan to develop strategies such as cooling spaces, public drinking water, cool building practices, shade over paved surfaces and urban tree canopies.

Roll call on Senate Bill No. 169:

YEAS—18.

NAYS—Hammond, Hansen, Titus—3.

Senate Bill No. 169 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 172.

Bill read third time.

Remarks by Senators Harris, Seevers Gansert, Hansen and Stone.

SENATOR HARRIS:

Senate Bill No. 172 provides that a minor may give express consent to a physician, physician assistant, registered nurse or pharmacist for the provision of health care services to prevent sexually transmitted diseases including prescribing, dispensing or administering a contraceptive drug or device without the consent or notification of the minor's parent or legal guardian. The bill also provides that a physician, physician assistant, registered nurse or pharmacist who is an employee or volunteer at a family resource center that has received grant funding is authorized to examine and treat a minor who is suspected to having been infected with a sexually transmitted disease without consent of a parent or legal guardian.

SENATOR SEEVERS GANSERT:

I have some comments about what I think is relevant to this bill. This bill is about a minor being able to give consent to get medications that will prevent them from getting a sexually transmitted disease (STD) or sexually transmitted infection (STI). It is also about birth control. I was looking up some information on the National Institute of Health website, and there is an article: "The Growing Epidemic of Sexually Transmitted Infections in Adolescents: A Neglected Population" by C.L. Shannon and J.D. Klausner from 2018. It essentially says while 15 to 24 year olds only make up about 25 percent of our population, they are almost 50 percent of those infected by STDs. The rate of infection is significantly high.

When you look at STDs, there are eight that are the most common. Four of those are treatable but not curable. The one, by far, that is most infectious and has the fastest rate is Human Papillomavirus (HPV). It is estimated that 80 percent of sexually active people in the United States have been infected with HPV. There are 14 million new cases every year.

Those are critical numbers. When we look at adolescents, they do not always go to their parents to ask for birth control if they are underage, or they do not ask for treatment for STDs. That is an embarrassing thing for many children to talk to their parents about. I am the mother of four, and I can tell you none of my children ever came to me. Right now, they are 24 to 30 years old and so they are outside of this range. So when I looked at this bill, I thought it was more important to be able to prevent an infection and have an adolescent be able to go to these types of providers—physicians, physician assistants, nurses and pharmacists—to get that kind of medication in advance, also recognizing that if they are infected, they can get that without parental consent. Adolescents can get treatment once they have an STD, but this allows them to get something to prevent it. That is critically important.

On the birth control front, I am prolife. I have always been prolife. If you can get someone birth control, they are not going to get pregnant. They are not going to face that choice, that tough decision—abortions—we just discussed a little bit ago.

As a parent with the experience I have had, given the rate of infection for STDs or STIs and given the difficult decision women may face if they do become pregnant at an early age, I will be supporting this legislation.

SENATOR HANSEN:

I oppose Senate Bill No. 172 as a parent. Minors getting significant medical issues like getting these types of medications—there are reactions to medications. No doctor in their right mind is going to have a 12 or 14 year old come to them and give them stuff behind their parents' backs and then face the consequences if there is a reaction to the medications that they are given. People in our public schools cannot give a pupil an aspirin here, but we are going to have people going behind their parents' backs and getting medications that could have substantial health risks to that child. There are all sorts of reactions that occur to all sorts of medication.

The biggest issue is, do we really want to remove parents from this decision-making process? That is really what we are doing here. We are going behind the backs of the parents and encouraging minors. By the way, in the definition of "minor," the bottom end of it is unlimited. You could be nine years old, go to a medical doctor and get these sorts of services. So for the good of the parents of the State of Nevada, we should be doing all we can to support parental involvement in these kinds of medical decisions.

I cannot imagine any doctor in their right mind giving any kind of medicine, birth control or STD-type of medication, without consenting with a parent. It is crazy, especially if there was a reaction to it. People die from this sort of stuff. We absolutely want to make sure that parents are included in the process. This bill removes that. I think that is a huge mistake. I encourage my colleagues to vote "no" on Senate Bill No. 172.

SENATOR HARRIS:

I want to acknowledge something my colleague from District 14 just mentioned. Currently, there are providers who are prescribing medication to treat minors for STDs. They are already getting medication, potentially without their parental consent. I will say what I said when we had the bill hearing. Minors, please talk to your parents if you feel comfortable. Involve your parents in all important decisions of your life. That is not what this is about. Our medical community is

already willing to prescribe medication to treat STDs and take on any potential liability that will come with that.

This will ensure that minors do not result in having permanent conditions with STDs that are not treatable. Pregnancy is also a permanent condition; being a parent is a permanent condition. This does not necessarily remove parents from the discussion. I would always encourage minors to talk to their parents about things like this. However, it makes zero sense to allow a minor to get treated for something but not allow them to try and get prevention on the front end.

SENATOR STONE:

I rise in opposition for a few reasons. One of parental consent and also a child may not be aware of allergies they have or contraindications that may conflict with a medication that they are using. I also believe there is litigation that challenged immunizations being given to youngsters without parental consent. I believe there is a court decision on that. So that might be an issue with the constitutionality of this bill. For those reasons, I am going to vote "no" today.

Roll call on Senate Bill No. 172:

YEAS—14.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Stone, Titus—7.

Senate Bill No. 172 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 203.

Bill read third time.

Remarks by Senators Doñate and Titus.

SENATOR DOÑATE:

Senate Bill No. 203 prohibits a wholesaler or manufacturer of certain drugs, medicines, chemicals, devices or appliances or any agent thereof, from offering or giving a gift to a practitioner or otherwise directly or indirectly arranging, facilitating or serving as a conduit for such a gift. The bill sets forth certain items and expenditures that do not constitute as gifts. In addition, the bill requires the State Board of Pharmacy to post on its internet website a link to publicly available information concerning any gift provided to a practitioner by a manufacturer that is required to be reported pursuant to federal law.

SENATOR TITUS:

I oppose Senate Bill No. 203. I know the bill is well-intended, and I know many folks in this body paint big pharma as horrible monsters. However, I will tell you that the pharmaceutical industry has done wonderful things to the overall global health.

In my office, as a rural family practice doctor that did not have a lot of equipment and being 30 miles away from the nearest pharmacy, I had the gift of a pediatric resuscitation kit that would now fall prohibited in this bill from a pharmaceutical representative. I used that kit to save a life, and I will be forever grateful to that pharmaceutical representative who gave me that resuscitation kit for pediatrics. I feel strongly that although, again, this bill is well-intended, I feel there will be unintended consequences. I will be a "no" on Senate Bill No. 203.

SENATOR DOÑATE:

I want to make a clarification as to the intent of the bill. Many folks know that I serve as a health care administrator as part of my day job outside of the Legislature. I have interacted with multiple clinics, and this is not in relation to how pharmaceutical representatives come into the clinic.

I had a question a few months after I had taken over as an administrator of one of my clinics. I noticed that every day we were scheduling lunches. It begged a question. When I went up to my staff, I asked them, "How long has this practice been going on?" They responded, "Well, it has been happening since I started working here." My staff had worked in that office for five, seven years. I think it begs a philosophical question, which is, "how do gifts from certain individuals or

institutions influence the decision making that we have as practitioners or as health care providers?"

It was a question I asked myself where, if my patients—I work in geriatrics—if the patients that come up to me, tell me they have to ration their medications; meanwhile, my physician could be subject to personal gifts, that is something that should be addressed. I did work with the pharmaceutical industry on this bill; that was reflected on the amendment. We wanted to make sure they were encompassing, and that we heard their thoughts. And to add clarification to the point made by my colleague from the north, I envisioned that question coming up regarding medical samples and devices and to the references mentioned. Luckily, in section 1, subsection 2 of the bill, that is covered. I encourage my colleagues to vote "yes" on this bill.

**Roll call on Senate Bill No. 203:**

YEAS—16.

NAYS—Goicoechea, Hansen, Krasner, Stone, Titus—5.

Senate Bill No. 203 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 208.**

Bill read third time.

Remarks by Senator Flores.

Senate Bill No. 208 requires the governing body of a county or city to enact an ordinance that regulates battery-charged fences. The bill prohibits the ordinance from requiring a permit for the installation or use of a battery-charged fence that is in addition to an alarm system permit issued by the county or city, imposing installation or operational requirements for a battery-charged fence that are inconsistent with the standards set forth by the International Electrotechnical Commission or prohibiting the installation or use of a battery-charged fence.

**Roll call on Senate Bill No. 208:**

YEAS—20.

NAYS—Titus.

Senate Bill No. 208 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 215.**

Bill read third time.

Remarks by Senators Ohrenschall and Seevers Gansert.

SENATOR OHRENSCHALL:

Senate Bill No. 215 requires the governing body of a county or city to return any money appropriated by the Nevada Legislature or a grant of funds given to that county or city by the Nevada Secretary of State for the purchase of a mechanical voting system or mechanical recording device if the county or city discontinues the use of the system or device and requires voting in person at the polls be conducted only by paper ballot. We had discussion during committee. This bill is prospective; it is not retroactive. So it would not affect anything that happened prior to the effective date of July 1, 2023.

SENATOR SEEVERS GANSERT:

I am a member of the Legislative Operations and Elections Committee. We did go through this bill and the chair of that committee is correct. It is prospective, but recognizing that we have a distributed election system—meaning each county makes their own decisions—I am going to vote in opposition to this.

I believe our last election was safe, secure and fair. It is not about the last election, but I also recognize our counties are fiercely independent. If they have a voting machine and if at some point in time they decide they are not going to use that machine, they need to be able to have that without having a fiscal penalty. Therefore, I will be opposing Senate Bill No. 215.

SENATOR OHRENSCHALL:

Senate Bill No. 215 protects our taxpayers. It puts every city clerk or county registrar on an equal footing because after the effective date, if a county or city does not want to use these devices for elections, they do not have to accept any funding from the Legislature or the Secretary of State. I believe everybody would have their eyes opened to what they want to do and be able to make that decision.

Roll call on Senate Bill No. 215:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Senate Bill No. 215 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 239.

Bill read third time.

Remarks by Senators Flores and Stone.

SENATOR FLORES:

Senate Bill No. 239 authorizes a patient who suffers from an incurable and irreversible condition that according to reasonable medical judgment will result in death within six months to self-administer a medication that is designed to end the life of the patient.

The bill outlines certain requirements concerning the manner in which a patient may request and a physician or an advanced practice registered nurse may prescribe and dispense a medication designed to end the life of the patient. Among other things, the bill requires an attending physician who prescribes such a controlled substance to include certain information in the patient's medical record and provide certain information to the Division of Public and Behavioral Health of the Department of Health and Human Services.

Senate Bill No. 239 also exempts certain health care providers from professional discipline; provides immunity from civil and criminal liability; and clarifies that a health care provider does not violate any applicable standard of care for taking certain actions associated with assisting a patient to end the patient's life. Under the bill, a physician is not required to prescribe and a pharmacist is not required to fill a prescription for such medication. Also, the owner or operator of a health care facility may prohibit a person from providing end-of-life-related services while on the premises of the facility.

Furthermore, a death resulting from the self-administration of a medication designed to end the life of a patient does not constitute suicide or homicide, and a patient's death certificate must list the terminal condition as the cause of death. Additionally, this bill provides immunity to local governments, coroners and law enforcement agencies from civil and criminal penalties related to self-administration of such a medication.

Finally, the bill prohibits insurers from engaging in certain practices, including charging a higher rate because a person makes certain decisions to end the life of the person.

SENATOR STONE:

I commend the author from District 2 for his leadership with this bill to seek to minimize the suffering of those who have a terminal illness. Minimizing the suffering of terminally ill patients is something we all can agree on. Unfortunately, I oppose this approach for a number of reasons that I'll describe.

This dangerous public policy threatens our most vulnerable populations despite the so-called safeguards in this bill: the elderly, people with disabilities and the terminally ill. I also will note

that the United States Supreme Court, before President Trump was President, also recognized "the real risk of subtle coercion and undue influence" that assisted suicide poses, see the case of *Washington v. Glucksberg*. Elder abuse is considered a major health care problem in the United States with federal estimates that one in ten people are abused. Placing lethal drugs in the hands of potential abusers, including potentially some greedy loved ones, generates a major risk for elderly persons.

Assisted suicide cannot be appropriately regulated and it is ripe for coercion and abuse. There is no way to ensure that coercion, abuse and harm will not befall vulnerable populations if this legislation is enacted. One only needs to look at the state of Oregon that has had physician assisted suicide on the books longer than any other state for such abuses, which have been well-documented and I brought forward during our committee meeting. This may also incentivize insurances from not allowing new cutting-edge pharmaceuticals, albeit expensive, that have been proven to extend life, in some cases by many years, through clinical studies. Oregon Medicaid and California Medi-Cal is on the record for providing letters informing terminally ill patients that it will not cover such lifesaving drugs. But the same letter, it advises patients who are grasping at any attempt to prolong their lives to instead subscribe to assisted suicide drug cocktails. This can especially affect poorer communities that do not have the financial resources to pay for such new treatments—in many cases, Medicaid will not cover such life-prolonging medications because of their high costs—in contrast to more affluent populations that can get these drugs through their private insurers or just pay for them directly. The financial wherewithal of the patient should never play into the equation as to whether life-prolonging drugs should or should not be employed. Is this equal justice for all? Will Nevada Medicaid follow the same draconian rules that Oregon and California have today? There are no protections in this bill to stop this discrimination.

Here is a Nevada example: Nevada physician Dr. Brian Callister once testified when he tried to transfer patients from their home states to Oregon and California for disease treatments that were not available in Nevada because we did not have health care professionals with those specialties, insurers in both states rejected his transfers. Instead, they volunteered, "Would you consider assisted suicide for both these patients?" Doctor Callister said both patients had good chances for a cure with treatment but will be terminal without them. This was written in the *Washington Times* article on May 31, 2017.

This bill also may be a violation of the Americans with Disabilities Act by requiring administration of the drug. What about advanced cases of Lou Gehrig's disease or other diseases where the patient is completely paralyzed and cannot self-administer these drugs? Present day pharmaceutical armamentariums, I can tell you from my profession, are incredible. We have wonderful drugs that ease the suffering pharmacologically of people that are suffering from pain. And hospices must be commended for their compassionate care of the terminally ill, administering these palliative drugs to effectively reduce, and in many cases, eliminate pain and suffering. I know this to be true because my specialty as a compounding pharmacist over the past 25 years has been in pain control, consulting to numerous pain control clinics throughout the state of California and, yes, even in Nevada.

You may ask, what is the definition of a "natural death"? Death caused solely by disease or natural processes. It is my belief that the body, designed by our Creator, has natural protective mechanisms that allow at a certain point in our natural life when our bodies succumb to a natural death. Like a computer shuts down so does the human body. While no one has ever come back to tell us whether the experience was pleasant or unpleasant, I believe it to be an immediate suffering elimination process. Interrupting this natural process may even be more what I would call "unnatural suffering."

What do I mean? The drug cocktails that are used in assisted suicide vary but usually contain a fast-acting barbiturate, which works by putting the part of your brain that makes you breathe automatically without thinking to sleep. How do these physician-assisted suicide drugs actually work? The patients are suffocated to death. Can you imagine being suffocated but cannot move or fight to breathe? Is this compassionate? I do not believe that it is. Hence, I believe in a natural death that can be hastened but not caused by advanced medicines and may cause less suffering.

There are a couple religious aspects. I, like many of you, received a letter from the National Catholic Conference. Many of you know that I am Jewish, but I am also married to a devout Catholic, and we respect all religions. I received a letter dated April 6, 2023, from the Bishops of

Las Vegas, Most Reverend George Leo Thomas and Gregory Gordon, and the Bishop of Reno, the Most Reverend Daniel Mecklenburg, who are all members of the Nevada Catholic Conference, regarding this bill. The letter outlines their concerns as follows: "The church believes in the dignity of all human life" from conception to death and that "God alone is the Author of life, and the sole arbiter of death." Palliative care works and "provides comfort, dignity and respect for human life." Concerns about economic conditions, not ethical decisions, often determine the care that terminally ill patients may receive. Concerns of insurance companies preferring low-cost, physician-assisted suicide as opposed to the expensive and promising lifesaving drugs that are approved. They also mentioned concerns about the elderly, people with disabilities and those that are battling depression being the most vulnerable and pressured into assisted suicide. To conclude, the Catholic Church is officially opposed to Senate Bill No. 239 for the reasons I just outlined.

I also spoke to my personal rabbi, Rabbi Fuss, and he referred me to writings about this subject by Rabbi Yitzchak Breitowitz who wrote, "Judaism does not endorse 'mercy killing,' whether it is in a form of euthanasia or suicide." He then writes, "when assisted suicide becomes legalized and socially acceptable, one could easily visualize scenarios where persons who truly ... want to live given the chance and the encouragement will instead opt for death, viewing their lives as worthless, nonproductive and a drain on their families." He concludes by stating, "What starts off as a 'right to die' turns into an obligation."

Lastly, my colleagues, the American Medical Association says this, "Physician-assisted suicide is fundamentally inconsistent with the physician's professional role." It is for these reasons, and many more, that I respectfully oppose Senate Bill No. 239. I urge my colleagues to vote the same.

Roll call on Senate Bill No. 239:

YEAS—11.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Neal, Ohrenschall, Seevers Gansert, Stone, Titus—10.

Senate Bill No. 239 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 249.

Bill read third time.

Remarks by Senators Lange and Buck.

SENATOR LANGE:

Senate Bill No. 249 makes various changes to provisions governing the practice and licensure of cosmetology, hair design, esthetics, nail technology, shampoo technology and electrologists and the State Board of Cosmetology, including, but not limited to, authorizing the Board to take appropriate legal action in any court of competent jurisdiction to recover the amount of a fine imposed by the Board; revising definitions of cosmetology and esthetics including prohibiting a cosmetologist or esthetician from using certain esthetic medical devices and authorizing such professionals to perform procedures for esthetic purposes; requiring the Board to adopt reasonable regulations identifying each nonablative esthetic medical procedure that an advanced esthetician is authorized to perform.

The bill also revises charges and fees that we imposed last year in the 81st Session and revises training requirements. I urge you to vote in favor of this bill. It basically makes clarifying changes from the 81st Session's major changes.

SENATOR BUCK:

I support Senate Bill No. 249. I believe it is a good bill. It fixes a lot that happened in the last session. It is good for women-owned businesses out there especially all our aestheticians. It clarifies language.

Roll call on Senate Bill No. 249:

YEAS—20.

NAYS—Titus.

Senate Bill No. 249 having received a two-thirds majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 252.

Bill read third time.

Remarks by Senators Flores, Hansen and Scheible.

SENATOR FLORES:

Senate Bill No. 252 expands the list of costs that a court is authorized or required to award to a prevailing party in a civil action, depending on certain factors, to include fees for the provision of a focus group assembled to provide feedback on strategies or techniques regarding the action.

SENATOR HANSEN:

I oppose Senate Bill No. 252. I had an interesting conversation with the attorney—I cannot think of his name—that presented the bill. What it boiled down to was in the types of cases this gentleman was involved in, which are million-dollar cases, it made sense to do this. The problem is by making it mandatory, it would also apply for the cases well below the type of case this gentleman practiced.

Right now, under current law, a judge does have the discretion to, when they do these sorts of practices, agree to make it part of the cost of the trial. I would prefer that we leave it like it currently is and allow some discretion to the judge rather than making it mandatory, which a great deal of people are concerned will raise the cost of all litigation.

SENATOR SCHEIBLE:

I was hoping to get some clarification from the sponsor of the bill. Is it mandatory for the court to award these costs, or is it mandatory for the court to consider awarding them but still leaves it in the discretion of the court to determine whether they are reasonable in the particular case?

SENATOR FLORES:

The court will consider, but it is not obligated to award. There is now the possibility, and it is true as my colleague from the north indicated, that they could be awarded. The issue we have is that we do not have equity. What I mean by that is it is not always happening. When we do not have a set rule, it creates scenarios where in one instance they are awarded while in others they are not even being considered. What we are doing with the enactment of this bill is to ensure that they are always considered, and it is always ultimately going to be at the discretion of the judge whether to award reasonable cost.

Roll call on Senate Bill No. 252:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Senate Bill No. 252 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 264.

Bill read third time.

**Remarks by Senator Doñate.**

Senate Bill No. 264 provides that a civilian employee of a metropolitan police department may be a member of an employee organization only if the employee organization is composed exclusively of such civilian employees.

If the amendatory provisions of the bill conflict with a collective bargaining agreement that was entered into before October 1, 2023, they do not apply. However, the provisions do apply to any extension or renewal of such an agreement and to any agreement entered into on or after that date.

**Roll call on Senate Bill No. 264:**

YEAS—20.

NAYS—Titus.

Senate Bill No. 264 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 270.**

Bill read third time.

**Remarks by Senator Scheible.**

Senate Bill No. 270 enacts the Interstate Massage Compact. The Interstate Massage Compact creates a multistate state licensing pathway with uniform licensing requirements to allow a person who is licensed as a massage therapist in a state that is a member of the Compact to provide services in other states that are also members of the Compact. Before providing such services, the Compact requires a member state, as well as a massage therapist, to meet certain requirements.

In addition, the bill increases from four to five the number of Board of Massage Therapy members needed to constitute a quorum for the purposes of transacting the business of the Board.

**Roll call on Senate Bill No. 270:**

YEAS—21.

NAYS—None.

Senate Bill No. 270 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 283.**

Bill read third time.

**Remarks by Senator Pazina.**

Senate Bill No. 283 requires a custodian of health care records to transmit a copy of health care records in an electronic format using a secure electronic transmission method if the authorized person requests the health care records to be furnished electronically. The bill similarly requires an insurer, employer or third-party administrator to electronically transmit any health care records concerning an occupational injury or disease to an injured employee or other authorized person in an electronic format upon request. The bill authorizes a fee of up to \$15 for providing a copy of health care records in an electronic format.

**Roll call on Senate Bill No. 283:**

YEAS—21.

NAYS—None.

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

Bill ordered transmitted to the Assembly.

Senate Bill No. 309.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 309 creates the crime of fertility fraud and provides associated criminal penalties for committing such an offense. A health care provider who commits fertility fraud by implanting his or her human reproductive material in a patient without their consent or who implants human reproductive material in a patient other than that expressly agreed to by a patient is guilty of a category B felony. Additionally, any person who knowingly conveys to a patient false information or information the person reasonably should have known was false which relates to assisted reproduction is guilty of a category C felony.

The bill also provides for a civil cause of action by a victim of fertility fraud and adds fertility fraud to the list of sexual offenses for which a perpetrator must register as a sex offender. The bill makes other statutory provisions governing sex offenders applicable to a person who commits the crime of fertility fraud. Finally, the bill provides that a health care facility shall not provide a patient with human reproductive material except in accordance with a written agreement between all concerned parties and provides penalties for violating these provisions including civil penalties and suspension or revocation of a facility's license.

What we are trying to do with this bill is to ensure that if you are seeking fertility treatments, which can be expensive, time-consuming and emotional for many families and patients, what you consent to is the treatment you actually receive. Anyone who takes advantage of that situation should be held accountable, and there should be repercussions. I urge my colleagues' support for this bill.

Roll call on Senate Bill No. 309:

YEAS—21.

NAYS—None.

Senate Bill No. 309 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 316.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 316 adds the name of a defendant and the associated case number to the annual report that the district attorney in each county must submit to the Attorney General concerning cases that included a charge of murder or voluntary manslaughter and transfers the responsibilities of the Attorney General concerning the report to the Department of Sentencing Policy.

Roll call on Senate Bill No. 316:

YEAS—21.

NAYS—None.

Senate Bill No. 316 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 317.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 317 authorizes a provider of homeless services to allow a person experiencing homelessness to use the provider's address as a temporary mailing address for up to 180 days if the person is a Nevada resident receiving services from the provider. The address may be used for various purposes, including applying for public assistance, enrolling in the Nevada System of

Higher Education, enrolling a family member in school, obtaining housing or seeking or retaining employment.

Roll call on Senate Bill No. 317:

YEAS—21.

NAYS—None.

Senate Bill No. 317 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 340.

Bill read third time.

Remarks by Senators Dondero Loop, Buck and Seevers Gansert.

SENATOR DONDERO LOOP:

Senate Bill No. 340 authorizes the board of trustees of each school district and the State Public Charter School Authority to use available resources to provide summer school and requires these entities to submit a plan to provide in-person or virtual summer school to pupils in prekindergarten through grade 12 during the 2023 and 2024 calendar years. The board of trustees of a school district and the governing body of a charter school must also provide transportation and meal services for these pupils. The bill outlines requirements relating to the hiring and payment of summer school personnel.

Additionally, Senate Bill No. 340 requires school districts and the State Public Charter School Authority to submit a report relating to the plan to provide summer school to the Superintendent of Public Instruction. The Superintendent must submit a compilation of these reports to various governmental entities, including the Legislature.

This bill is effective upon passage and approval and expires by limitation on December 31, 2024.

SENATOR BUCK:

This bill requires districts and public charter schools to implement summer school. The Clark County School District is already implementing summer school. In the event this bill is enacted into law sometime in May or June, it would mean that school districts and public charter schools would submit a plan for summer school for the 2023 summer during or after most summer school programming has already started or even ended. In the event this bill is not signed into law until after the legislative session—like most bills—generally, all summer school programming for the 2023 summer will have already been completed. Not very well thought out.

Also, requiring transportation and breakfast or lunch, which public charter schools get zero funding for—this bill would require charter schools to provide transportation and free breakfast attending summer school. While almost all charter schools provide free breakfast and lunch during the school year, a few do not. The reason for this is that these charter schools are small and typically do not have kitchen facilities because they essentially get zero facility funding.

Regarding transportation, even if charter schools were to be provided with transportation funding, which currently they are not, there was no fiscal note attached to this to request transportation funding or help with facility funding. It would be impossible for charter schools to stand up transportation for the 2023 summer.

There is also a limitation on staffing. This bill would require all school districts and charter schools to employ only staff for summer school programming that are already contracted with and work at the school district or charter school. School districts and charter schools frequently employ staff for summer school programs that do not work at the school district or charter school during the year. We are in an epidemic of teacher shortage and burnout. We already have 1,283 teacher shortages for Clark County School District. Again, not very well thought out to mandate summer school with current employees and not being flexible with having staff, parents and various other ways to staff these programs.

It was mentioned in the hearing there is \$15 million from last session that is currently being dispersed to disadvantaged charter school students for the regular school year. Again, this is an unfunded mandate. It is already going to be happening in a lot of our larger school districts with the necessary food, but to mandate that with no funding for public charter schools is something that should not happen.

The last two summers that my colleague introduced this bill, student achievement results actually showed that they declined. So, again, leave it optional so that districts and public charter schools can decide to do this and can buy into this, as opposed to mandating things that do not necessarily lead to student achievement results. I oppose Senate Bill No. 340, and I hope that my colleagues do also.

SENATOR DONDERO LOOP:

I will point out to this body that my colleague is correct; there is \$15 million for learning loss in the charter school account. Also, the last time we had this bill, we were in the middle of a pandemic and somehow many schools were successful in this. I use my own grandchildren as an example who begged me to have summer school because of how much they enjoyed it.

We are absolutely in an epidemic of children with learning loss. I think it is incumbent upon all of us to do what we can to help our children be in school. I would also put out a reminder that we have a funding formula where the money follows the schools and the children. We need to remember that that money is for educating kids and doing everything we can to help these kids.

The other thing that I would leave you with is asking for your support because all our kids deserve what we can do best.

SENATOR SEEVERS GANSERT:

I want to add a little bit to the conversation. There was \$15 million set aside during the last session. We have all kinds of buckets of funds, and this bucket of funds was specifically for charter schools for facilities. It was not for learning loss. I think we all agree, we need to make sure that our students have the education that they need. We have all these federal dollars to help us with that. It is important to be able to use those funds. I do know that the \$15 million was specific to facilities. When we talk about transportation, charter schools have never gotten any money for transportation.

If you just look at the amount of money that is funded per student for public charter schools, public charter schools are significantly lower than regular public schools. They are truly at a disadvantage when you add the requirement of transportation. I agree with my colleague who talked about making it optional especially with a short timeline. I think we need to sort out the money. Something that may help this situation is if we were to allocate some money for transportation specifically for summer, if nothing else, if this bill passes.

I want to make sure the record was set. We have all sorts of different buckets of money, and it is hard to keep track of them sometimes. We did have some facilities that have never been distributed. It was approved back in 2021, and we have never been able to distribute those funds as was passed during the 2021 session.

SENATOR DONDERO LOOP:

I will remind my colleagues that the \$15 million was earmarked for learning loss, and that is on a public document.

Roll call on Senate Bill No. 340:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Senate Bill No. 340 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 368.

Bill read third time.

**Remarks by Senator Harris.**

Senate Bill No. 368 revises provisions governing how a property owner may record a Restrictive Covenant Modification form concerning void and unenforceable language in any written instrument related to real property which includes restrictions or prohibitions based on discriminatory factors including, but not limited to, race, gender, color, disability and religion. The bill removes provisions relating to the filing of a declaration of removal and instead provides that upon determining that a restriction or prohibition is void and unenforceable, a district court must issue an order directing the county recorder to record a Restrictive Covenant Modification form. The Real Estate Division and county recorders are required to develop the form in consultation and make it available free of charge.

The original written instrument—this is an important part—the original written agreement will be maintained for historical purposes. The filing of a petition for a Restrictive Covenant Modification form does not constitute grounds to delay any probate proceeding, divorce proceeding or bankruptcy proceeding to which the property owner is a party.

For my colleagues that are unfamiliar, this bill is aimed at removing some of these restrictions that you find in your Covenants, Conditions & Regulations (CC&Rs) that limit the type of person who can live in a particular community or who you can sell your home to based upon race, gender, religion or other factors. While they are currently unenforceable and are unconstitutional, we have homeowners today in 2023 buying homes and signing that they agree to the CC&Rs. This bill is aimed at getting that language out while also ensuring the history remains alive.

**Roll call on Senate Bill No. 368:**

YEAS—21.

NAYS—None.

Senate Bill No. 368 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 378.**

Bill read third time.

**Remarks by Senator Cannizzaro.**

Senate Bill No. 378 revises provisions concerning which documents a common-interest community association with 150 or more units must make available on its website and removes the requirement that such an association must make it possible for a unit owner to pay assessments electronically. It provides instead that an association may allow payments to be made electronically if certain conditions are met. The bill also eliminates provisions requiring that certain notices be delivered by mail, providing instead that these notices be sent by email in most circumstances and prescribing how notices must be delivered when email is not to be used. Finally, the bill authorizes an association to purchase a unit at a foreclosure sale by a credit bid up to the amount of any unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of the association's lien.

**Roll call on Senate Bill No. 378:**

YEAS—21.

NAYS—None.

Senate Bill No. 378 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 381.**

Bill read third time.

Remarks by Senators Harris and Stone.

SENATOR HARRIS:

Senate Bill No. 381 prohibits landlords from charging tenants for insurance or service contract deductibles or copayments related to repairs, maintenance or other work required to maintain the dwelling unit in a habitable condition. The bill does not allow landlords to charge for damages caused by a tenant's deliberate or negligent acts or those of a member of the tenant's household or of people on the premises with the tenant's consent.

SENATOR STONE:

I support this bill, and I want to applaud the authors for bringing it forward. As a landlord, we have a duty to make sure our units remain habitable for our tenants, and it would be inappropriate for us to charge them for regular management such as heating, ventilation and air conditioning, back-up of plumbing, et cetera. I believe that 98 percent of the landlords in the State are probably good people that maintain their units appropriately, but for those 2 or 3 percent that do not, we need this law on the books to make sure that our tenants can live in a habitable structure and not be charged for that habitability. I applaud the authors and thank them for bringing it forward. I am proud to support it today and encourage everyone to vote "yes."

Roll call on Senate Bill No. 381:

YEAS—21.

NAYS—None.

Senate Bill No. 381 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 382.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 382 eliminates the requirement for a district court to appoint counsel for a child who is the adverse party in an action against whom an order for protection is sought. It also provides that an admission, representation or statement made during such a proceeding is not admissible in any criminal or delinquency proceeding.

I would like to provide some background on this bill to make sure that all my colleagues understand the purpose and the effect of it. The purpose of this bill is to ensure that when two juveniles are involved in a dispute and one of them is seeking a temporary protective order against the other, there is an even playing field. Both sides are welcome to bring attorneys to a hearing for a protective order, but neither party is going to be provided with a free attorney for a hearing on a protective order.

By the same token, anything they say in that proceeding regarding the protective order cannot later be used in a criminal proceeding. Whether it is the victim who makes a statement or the alleged perpetrator who makes a statement, anything they say in that proceeding will not be able to be introduced at a criminal trial to discredit either of them or to prove that either of them is more trustworthy than the other.

I encourage my colleagues to vote in support of Senate Bill No. 382 to ensure that people, especially young people, especially victims and survivors of sexual assault and related crimes have an even playing field when they go to court, and that we can provide trauma-informed care to them and trauma-informed judges who oversee these proceedings in a fair and impartial manner.

Roll call on Senate Bill No. 382:

YEAS—21.

NAYS—None.

Senate Bill No. 382 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 397.

Bill read third time.

Remarks by Senator Cannizzaro.

Senate Bill No. 397 revises the definition of "operator" to exclude an interstate railroad company that operates more than 1,000 miles of railroad track if the subsurface installations owned, operated or maintained by the company are located within the right-of-way of the company and are not subject to certain federal regulations governing pipeline safety.

Roll call on Senate Bill No. 397:

YEAS—21.

NAYS—None.

Senate Bill No. 397 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 401.

Bill read third time.

Remarks by Senator Flores.

Senate Bill No. 401 removes a requirement that for punitive damages to be awarded in certain civil actions involving operating a motor vehicle under the influence of alcohol or another substance, the operator of the motor vehicle had to know prior to driving that he or she would thereafter operate the motor vehicle.

Roll call on Senate Bill No. 401:

YEAS—21.

NAYS—None.

Senate Bill No. 401 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 442.

Bill read third time.

Remarks by Senators Dondero Loop and Spearman.

SENATOR DONDERO LOOP:

Senate Bill No. 442 enacts the Interstate Teacher Mobility Compact which establishes requirements for the issuance of a teacher license to an applicant who holds an equivalent license from another state that is also a member of the Compact and the sharing of files and information regarding the investigation and discipline of a teacher between member states.

The bill requires the Commission on Professional Standards in Education to adopt regulations to carry out the provisions contained in the Compact and provide for the licensure pursuant to the Compact. Additionally, Senate Bill No. 442 exempts a person who obtains a license pursuant to the Compact from the examination required for the initial licensing of teachers and other educational personnel. The bill also exempts a person who applies for a license under this Compact from submitting proof with the application that he or she has completed an approved course of study or training.

The Interstate Mobility Compact becomes effective upon ratification from ten states. As of April 16, 2023, Colorado, Kentucky and Utah have enacted legislation and another 16 states, including Nevada, have pending legislation.

SENATOR SPEARMAN:

I urge my colleagues to support this. This effectively helps many members on active duty, and not just active duty, but we have several members in our National Guard, and it is almost impossible to live when you are transferred from state to state. It is almost impossible for military families to live on one salary alone. I urge passage.

Roll call on Senate Bill No. 442:

YEAS—21.

NAYS—None.

Senate Bill No. 442 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

#### REMARKS FROM THE FLOOR

Senator Seevers Gansert requested that her remarks be entered in the Journal.

I wanted to make a correction about some of the money we just talked about. I was able to figure out more information. I appreciate the Chair of Finance pointing out that the \$15 million was in a bucket for learning loss. That is completely accurate.

There is a separate \$15 million bucket. I talked about we have all these different buckets. That bucket is in the infrastructure bank, and that \$15 million is supposed to be matched by \$100 million through a partnership with Opportunity 180.

I apologize for the confusion, and I appreciate the Chair of Finance pointing out that the \$15 million that was mentioned is for learning loss for charter schools. There is also another \$15 million sitting in the infrastructure bank that is for facilities for charter schools.

Mr. President announced that if there were no objections, the Senate would recess subject to the call of the Chair.

Senate in recess at 2:38 p.m.

#### SENATE IN SESSION

At 5:51 p.m.

President Anthony presiding.

Quorum present.

#### REPORTS OF COMMITTEE

*Mr. President:*

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 302, 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

*Mr. President:*

Your Committee on Education, to which was referred Senate Bill No. 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

ROBERTA LANGE, *Chair*

*Mr. President:*

Your Committee on Government Affairs, to which was referred Senate Bill No. 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

EDGAR FLORES, *Chair*

*Mr. President:*

Your Committee on Health and Human Services, to which was referred Senate Bill No. 315, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

FABIAN DONATE, *Chair*

*Mr. President:*

Your Committee on Judiciary, to which were referred Senate Bills Nos. 61, 211, 322, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

#### SECOND READING AND AMENDMENT

Senate Bill No. 54.

Bill read second time.

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

Amendment No. 228.

SUMMARY—Revises provisions relating to elections. (BDR 24-409)

AN ACT relating to elections; requiring the Secretary of State to prepare, maintain and publish an elections procedures manual; requiring county and city clerks to comply with the most recent version of such a manual; requiring the Secretary of State to provide training to certain elections officials related to election procedures; providing for the attendance of certain election officials at such training; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Secretary of State is the Chief Officer of Elections for this State and is responsible for the execution and enforcement of the provisions of state and federal law relating to elections in this State. (NRS 293.124)

Section 2 of this bill requires: (1) the Secretary of State to ~~biennially~~, at least once every 2 years, prepare, maintain and publish an elections procedures manual to ensure correctness, impartiality, uniformity and efficiency in elections procedures; and (2) county and city clerks to comply with the procedures set forth in the most current version of the elections procedures manual. Section 2 further requires the Secretary of State to submit ~~the new~~ the most recent version of the elections procedures manual to the ~~Office of the Attorney General~~ Legislative Commission for approval not less frequently than every 4 years and prohibits the inclusion in the election procedures manual of any provision that conflicts with any provision of state or federal law or regulation.

~~Section 4 of this bill exempts the election procedures manual from the requirements of the Administrative Procedures Act relating to the adoption of regulations and the adjudication by an agency of a contested case. (Chapter 233B of NRS; NRS 233B.039)~~

Section 3 of this bill requires the Secretary of State to develop and provide a training course related to elections procedures to each county and city clerk. Section 3: (1) requires each county and city clerk to attend the training course

~~[during the second week of January of each odd-numbered year, or if a county or city does not attend the training course at that time, during the second week of January of the following even-numbered year.]; and (2) authorizes a county or city clerk to require any deputy or employee of the clerk's office whose duties relate to elections to attend the training course. Under section 3, the Secretary of State: (1) is required to reimburse each county and city for the per diem allowance and travel expenses of a county or city clerk who attends the training course and any such reimbursement must be paid from the Reserve for Statutory Contingency Account upon the recommendation of the Secretary of State and the approval of the State Board of Examiners; and (2) is prohibited from reimbursing.]~~ authorized to reimburse a county or city for the per diem allowance and travel expenses of a deputy or employee of the clerk's office who attends the training course, and [thus, the applicable county or city would be responsible for such expenses.] any such reimbursement must be paid from the Reserve for Statutory Contingency Account upon the recommendation of the Secretary of State and the approval of the State Board of Examiners. Section 4.5 of this bill makes a conforming change to provide for these reimbursements from the Reserve for Statutory Contingency Account.

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

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. ~~[The]~~ At least once every 2 years, the Secretary of State shall [biennially] prepare, maintain and publish an elections procedures manual to ensure correctness, impartiality, uniformity and efficiency in the elections procedures of this State. Each county clerk and city clerk is required to comply with the procedures set forth in the most current version of the elections procedures manual.

2. The elections procedures manual required pursuant to subsection 1 must include, without limitation, guidance and standards for administering an election that are consistent with the provisions of this title and any regulations adopted by the Secretary of State pursuant thereto.

3. ~~[Before publishing a new]~~ The most recent version of the elections procedures manual prepared pursuant to subsection 1 ~~++~~ must be submitted by the Secretary of State [shall submit the new version of the elections procedures manual to the Office of the Attorney General] to the Legislative Commission for approval ~~++~~ not less frequently than every 4 years. The Secretary of State may make any change to the elections procedures manual that is not substantively related to administering an election without the approval of the Legislative Commission.

4. Nothing in this section authorizes the Secretary of State to include any provision in the elections procedures manual that amends or conflicts with any provision of state or federal law or regulations.

Sec. 3. 1. The Secretary of State shall develop and provide a training

course to each county clerk and city clerk related to elections procedures, including, without limitation, the procedures set forth in the elections procedures manual required pursuant to section 2 of this act.

~~2. The Secretary of State shall provide the training course required pursuant to subsection 1 during the second week of January of each year.~~

~~3. Except as otherwise provided in this subsection, each~~ Each county clerk and city clerk ~~is required to~~ shall attend the training course ~~during the second week of January of each odd-numbered year. If a county clerk or city clerk does not attend the training course during the second week of January of an odd-numbered year, such clerk must attend the next training course~~ provided by the Secretary of State, ~~in the following even-numbered year.~~

~~4.]~~ 3. A county clerk or city clerk may require any deputy or employee of the office of the county or city clerk whose duties relate to elections to attend a training course provided by the Secretary of State pursuant to this section.

~~5.]~~ 4. The Secretary of State:

(a) Shall provide to or reimburse the county or city, as applicable, for the cost of the per diem allowance and travel expenses of the county clerk or city clerk for attending the training course required pursuant to this section. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

(b) ~~Shall not~~ May provide to or reimburse the county or city, as applicable, for the cost of the per diem allowance and travel expenses of any deputy or employee of the office of the county or city clerk for attending the training course required pursuant to this section. Any reimbursement must be paid from the Reserve for Statutory Contingency Account upon recommendation by the Secretary of State and approval by the State Board of Examiners.

Sec. 4. ~~NRS 233B.039 is hereby amended to read as follows:~~

~~233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:~~

~~(a) The Governor.~~

~~(b) Except as otherwise provided in NRS 209.221 and 209.2473, the Department of Corrections.~~

~~(c) The Nevada System of Higher Education.~~

~~(d) The Office of the Military.~~

~~(e) The Nevada Gaming Control Board.~~

~~(f) Except as otherwise provided in NRS 368A.140 and 463.765, the Nevada Gaming Commission.~~

~~(g) Except as otherwise provided in NRS 425.620, the Division of Welfare and Supportive Services of the Department of Health and Human Services.~~

~~(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.~~

~~(i) Except as otherwise provided in NRS 533.365, the Office of the State~~

**Engineer.**

~~—(j) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.~~

~~—(k) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.~~

~~—(l) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 445C.310.~~

~~—(m) The Silver State Health Insurance Exchange.~~

~~—(n) The Cannabis Compliance Board.~~

~~2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.~~

~~3. The special provisions of:~~

~~—(a) Chapter 612 of NRS for the adoption of an emergency regulation or the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;~~

~~—(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;~~

~~—(c) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and~~

~~—(d) NRS 90.800 for the use of summary orders in contested cases,~~

~~but prevail over the general provisions of this chapter.~~

~~4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.~~

~~5. The provisions of this chapter do not apply to:~~

~~—(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;~~

~~—(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184;~~

~~—(c) A regulation adopted by the State Board of Education pursuant to NRS 388.255 or 394.1694;~~

~~—(d) The judicial review of decisions of the Public Utilities Commission of Nevada;~~

~~—(e) The adoption, amendment or repeal of policies by the Rehabilitation Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 426.561 or 615.178;~~

~~—(f) The adoption or amendment of a rule or regulation to be included in the State Plan for Services for Victims of Crime by the Department of Health and Human Services pursuant to NRS 217.130;~~

~~—(g) The adoption, amendment or repeal of rules governing the conduct of contests and exhibitions of unarmed combat by the Nevada Athletic Commission pursuant to NRS 467.075;~~

~~—(h) The adoption, amendment or repeal of regulations by the Director of the Department of Health and Human Services pursuant to NRS 447.335 to 447.350, inclusive;~~

~~—(i) The adoption, amendment or repeal of standards of content and performance for courses of study in public schools by the Council to Establish Academic Standards for Public Schools and the State Board of Education pursuant to NRS 389.520;~~

~~—(j) The adoption, amendment or repeal of the statewide plan to allocate money from the Fund for a Resilient Nevada created by NRS 433.732 established by the Department of Health and Human Services pursuant to paragraph (b) of subsection 1 of NRS 433.734; [or]~~

~~—(k) The adoption or amendment of a data request by the Commissioner of Insurance pursuant to NRS 687B.404 [.] ; or~~

~~—(l) The preparation, maintenance and publication of the elections procedures manual by the Secretary of State pursuant to section 2 of this act.~~

~~—6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.] (Deleted by amendment.)~~

*Sec. 4.5. NRS 353.264 is hereby amended to read as follows:*

353.264 1. The Reserve for Statutory Contingency Account is hereby created in the State General Fund.

2. The State Board of Examiners shall administer the Reserve for Statutory Contingency Account. The money in the Account must be expended only for:

(a) The payment of claims which are obligations of the State pursuant to NRS 41.03435, 41.0347, 62I.025, 176.485, 179.310, 212.040, 212.050, 212.070, 281.174, 282.290, 282.315, 293.253, 293.405, 298.710, 304.230, 353.120, 353.262, 412.154 and 475.235 ~~and~~ *and section 3 of this act;*

(b) The payment of claims which are obligations of the State pursuant to:

(1) Chapter 472 of NRS arising from operations of the Division of Forestry of the State Department of Conservation and Natural Resources directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176A.640, 179.225 and 213.153,

↪ except that claims may be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted;

(c) The payment of claims which are obligations of the State pursuant to

NRS 41.0349 and 41.037, but only to the extent that the money in the Fund for Insurance Premiums is insufficient to pay the claims;

(d) The payment of claims which are obligations of the State pursuant to NRS 41.950; and

(e) The payment of claims which are obligations of the State pursuant to NRS 535.030 arising from remedial actions taken by the State Engineer when the condition of a dam becomes dangerous to the safety of life or property.

3. The State Board of Examiners may authorize its Clerk or a person designated by the Clerk, under such circumstances as it deems appropriate, to approve, on behalf of the Board, the payment of claims from the Reserve for Statutory Contingency Account. For the purpose of exercising any authority granted to the Clerk of the State Board of Examiners or to the person designated by the Clerk pursuant to this subsection, any statutory reference to the State Board of Examiners relating to such a claim shall be deemed to refer to the Clerk of the Board or the person designated by the Clerk.

Sec. 5. This act becomes effective upon passage and approval.

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschall.

Amendment No. 228 to Senate Bill No. 54 requires the Secretary of State to prepare, maintain and publish an elections procedure manual at least once every two years and submit the most recent version of the manual to the Legislative Commission for review at least every four years. It authorizes the Secretary of State to make nonsubstantive changes to the manual without approval of the Legislative Commission, and it removes the provisions of the bill exempting the elections procedures manual from the Administrative Procedures Act.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 133.

Bill read second time.

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

Amendment No. 483.

SUMMARY—Revises provisions relating to presidential electors. (BDR 24-539)

AN ACT relating to elections; prohibiting a person from creating or serving in a false slate of presidential electors or conspiring to create or serve in a false slate of presidential electors; prohibiting the State or a local government from appointing to public office or employing a person convicted of such an offense; providing ~~for a penalty~~ penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Uniform Faithful Presidential Electors Act, which: (1) provides a system for the selection of presidential electors; and (2) sets forth the duties of presidential electors. (NRS 298.005-298.089) Section 1 of this bill prohibits a person from creating a false slate of presidential electors, serving in a false slate of presidential electors or conspiring to create or serve

in a false slate of presidential electors. Section 1 further: (1) provides that a person is guilty of a category B felony for committing such an offense; (2) provides that such a person shall be punished by imprisonment in the state prison for a minimum term of not less than 4 years and a maximum term of not more than 10 years; (3) authorizes a court to order a person convicted of such an offense to pay a fine of not more than \$5,000 and repay the costs of investigation and prosecution incurred by the Secretary of State or the Attorney General, as applicable; and (4) prohibits a court from granting probation to a person convicted of such an offense. ~~+(4)~~

Section 1 authorizes a person who believes that such an alleged violation has occurred to notify the Secretary of State in writing. Section 1 requires the Secretary of State to investigate an alleged violation or refer the alleged violation to the Attorney General to investigate and refer a violation for prosecution or institute and prosecute the appropriate proceedings. ~~+(5)~~, as applicable.

Section 1 further prohibits ~~the State or a local government from appointing to public office or employing~~ a person convicted of ~~such an offense,~~ creating or serving in a false slate of presidential electors or conspiring to commit such an offense from being: (1) elected to public office in this State; (2) appointed to a public office by the State or a local government; or (3) employed by the State or a local government.

Existing law provides for the restoration of certain civil rights, including the right to hold office, to certain persons who are placed on probation, are granted parole or ~~are granted a~~ pardon ~~+~~ or have served the respective sentence and been released from prison. (NRS 213.155, 213.157) Sections 2 and 3 of this bill preclude a person convicted pursuant to section 1 from obtaining the restoration of the civil right to hold office.

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

Section 1. Chapter 298 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not: ~~conspire to:~~
  - (a) Create a false slate of presidential electors; ~~or~~
  - (b) Serve in a false slate of presidential electors ~~+~~; or
  - (c) Conspire to create or serve in a false slate of presidential electors.
2. A person who violates subsection 1 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 4 years and a maximum term of not more than 10 years. In addition to any other penalty, a court may order the person to:
  - (a) Pay a fine of not more than \$5,000; and
  - (b) Repay the costs of investigation and prosecution incurred by the Secretary of State or Attorney General, as applicable. Money recovered for the reimbursement of costs of investigation and prosecution pursuant to this paragraph must be deposited with the State Treasurer for credit to the State General Fund.

3. A court shall not grant probation to or suspend the sentence of a person convicted of ~~conspiring to create or serve in a false slate of presidential electors pursuant to~~ a crime set forth in subsection 1.

4. A person who believes that the provisions of subsection 1 have been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include:

- (a) The full name and address of the person alleging the violation;
- (b) The full name and address of the person or persons alleged to have committed the violation, if known;
- (c) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;
- (d) Any evidence substantiating the alleged violation;
- (e) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and
- (f) Any other information in support of the alleged violation.

5. If it appears that the provisions of subsection 1 have been violated or a notice of an alleged violation is received pursuant to subsection 4, the Secretary of State shall:

- (a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted; or
- (b) Refer the alleged violation to the Attorney General. The Attorney General ~~may~~ shall, without delay, investigate the alleged violation and institute and prosecute the appropriate proceedings to enforce the provisions of subsection 1.

~~5. The State or a local government may not appoint to public office or employ a~~

6. The Secretary of State, when conducting an investigation of an alleged violation of subsection 1, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation and are in the possession of:

- (a) Any person alleged to have committed a violation of subsection 1; or
- (b) Any person the Secretary of State or a designated officer or employee of the Secretary of State has reason to believe possesses the materials that are under subpoena.

7. A person convicted pursuant to subsection 1 ~~+~~  
~~6.7~~ may not be:

- (a) Elected to a public office in this State;
- (b) Appointed to a public office by the State or a local government; or
- (c) Employed by the State or a local government.

8. As used in this section ~~+~~ "false" :

- (a) "Conspire to create or serve in a false slate of presidential electors" means to knowingly enter into any agreement, including, without limitation, a written agreement, oral agreement or agreement using electronic

communications, with one or more persons to create a false slate of presidential electors or serve in a false slate of presidential electors.

(b) "Create a false slate of presidential electors" means ~~to knowingly sign, file, transmit or record with the [position]~~ ~~Secretary of State, the Archivist of the United States, the Vice President of the United States or the Congress of the United States a list of presidential [elector who are]~~ electors whose candidates for President and Vice President of the United States did not receive the ~~[presidential electors described]~~ highest number of votes in this State at the general election pursuant to 3 U.S.C. §§ 1 et seq., or chapter 298 of NRS ~~[298.065 or 298.075.]~~, as applicable.

(c) "Serve in a false slate of presidential electors" means to knowingly agree to be included on a list of presidential electors whose candidates for President and Vice President of the United States did not receive the highest number of votes in this State at the general election pursuant to 3 U.S.C. §§ 1 et seq., or chapter 298 of NRS, as applicable.

Sec. 2. NRS 213.155 is hereby amended to read as follows:

213.155 1. A person who receives a discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the right to serve as a juror in a civil action.

(b) Four years after the date of his or her discharge from parole, is restored to the right to hold office ~~[ ]~~, unless the person was convicted pursuant to section 1 of this act.

(c) Six years after the date of his or her discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Upon his or her discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge or dishonorable discharge, as applicable, from parole;

(b) That the person is restored to his or her civil right to serve as a juror in a civil action as of the date of his or her discharge from parole;

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.

3. A person who has been discharged from parole in this State or elsewhere and whose official documentation of his or her discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

4. A person who has been discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her discharge from parole, if it contains

the provisions set forth in subsection 2; or

(b) A court order restoring his or her civil rights,  
 ↪ as proof that the person has been restored to the civil rights set forth in subsection 1.

5. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 3. NRS 213.157 is hereby amended to read as follows:

213.157 1. A person convicted of a felony:

(a) Who is placed on probation, granted parole or granted a pardon is immediately restored to the right to vote;

(b) Who has served his or her sentence and has been released from prison:

(1) Is immediately restored to the right to serve as a juror in a civil action.

(2) Is immediately restored to the right to vote.

(3) Four years after the date of his or her release from prison, is restored to the right to hold office ~~to~~, *unless the person was convicted pursuant to section 1 of this act.*

(4) Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.

2. Upon his or her release from prison, a person so released must be given an official document which provides:

(a) That the person has been released from prison;

(b) That the person is restored to his or her civil right to serve as a juror in a civil action as of the date of his or her release from prison;

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to subparagraph (3) of paragraph (b) of subsection 1; and

(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to subparagraph (4) of paragraph (b) of subsection 1.

3. A person who has been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

4. A person who has been released from prison in this State or elsewhere may present:

(a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection 2; or

(b) A court order restoring his or her civil rights,  
 ↪ as proof that the person has been restored to the civil rights set forth in subsection 1.

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

Senator Ohrenschall moved the adoption of the amendment.

Remarks by Senator Ohrenschaal.

Amendment No. 483 to Senate Bill No. 133 prohibits a person from "creating or serving in a false slate of electors" in addition to conspiring to create or serve in a false slate of electors. The amendment authorizes a court to order a fine of \$50,000 and require a person convicted of such an offense to repay the costs of investigation and prosecution. It additionally authorizes a person who believes that such an offense has occurred to notify the Secretary of State who then must investigate or refer the alleged violation to the Attorney General for investigation and prosecution. The amendment provides certain definitions related to the offense of false electors and prohibits a person convicted of such an offense from being elected or appointed to public office or being employed by the State or a local government.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 159.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources:

Amendment No. 343.

SUMMARY—Revises provisions relating to pest control. (BDR 49-608)

AN ACT relating to pest control; ~~establishing provisions governing the issuance of a provisional license as an applicator to engage in pest control;~~ requiring the Director of the State Department of Agriculture to ~~establish a fee for the issuance of such a provisional license;~~ adopt regulations to authorize a person to train as an applicator to engage in pest control activities under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a natural person from engaging in, offering to engage in, advertising or soliciting to perform certain pest control activities without first obtaining a license from the Director of the State Department of Agriculture. (NRS 555.280, 555.285) Section 1 of this bill ~~authorizes~~ requires the Director to issue to a natural person a provisional license adopt regulations to authorize a person to train as an applicator to engage in certain pest control activities for a period of not less than 90 days without holding a license as an applicator. Section 1 requires such regulations to allow an applicator trainee to apply: (1) general-use pesticides under the direct supervision of a person who is licensed as an applicator ~~[- A provisional license issued under section 1 expires 90 days after the date of issuance.]~~ ; and (2) restricted-use pesticides under the immediate supervision of certain persons who are licensed as an applicator. Sections 2-4 ~~and 9~~ of this bill make conforming changes to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Sections 5 and 6 of this bill ~~additionally prohibits a natural person from training;~~ make conforming changes to provide that section 1 is an exception to the requirement to obtain a license to engage in ~~and engaging in~~ certain pest control activities ~~without first obtaining a provisional license as an~~

~~applicator.~~

~~Existing law requires the Director to develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a business license or a license as an applicator. (NRS 555.305) Section 7 of this bill requires the Director to develop and implement such a process for persons obtaining a provisional license as an applicator pursuant to section 1.~~

~~Existing law requires the Director to collect a fee from each applicant for a business license or license as an applicator, which is established by regulation of the Director. (NRS 555.310) Section 8 of this bill requires the Director to collect a fee for the issuance of a provisional license.~~

~~Existing law authorizes the Director to investigate, refuse to issue, suspend, revoke or modify a business license or license issued to an applicator under certain circumstances. (NRS 555.330-555.3505) Sections 10-13 of this bill also authorize the Director to suspend, revoke or modify a provisional license under certain circumstances.~~

Existing law provides that any person violating the provisions of law relating to the application of pesticides is guilty of a misdemeanor, must pay an administrative fine of not more than \$5,000 per violation and may be subject to an administrative fine for each violation, which may not exceed \$5,000 per day. (NRS 555.460, 555.470) Sections 14 and 15 of this bill provide that a person violating the provisions of section 1 governing ~~an applicator~~ an applicator trainee is also subject to criminal penalties and administrative fines.

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

Section 1. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~In accordance with the requirements provisions of this section, the Director may grant shall adopt regulations to authorize a natural person to obtain a provisional license to train as an applicator to engage in pest control for a period of not less than 90 days without holding a license as an applicator. Such regulations must provide:~~

~~(a) That an applicator trainee may only apply:~~

~~(1) A general-use pesticide under the direct supervision of a person licensed as an applicator in this State ~~+~~; and~~

~~(2) A restricted-use pesticide under the immediate supervision of an authorized commercial applicator, certified non-private applicator or private applicator in accordance with the provisions of NRS 555.351; and~~

~~(b) That the supervising applicator or pest control business that employs an applicator trainee is responsible and liable for all actions of the applicator trainee.~~

2. ~~An applicant for a provisional license as an applicator shall submit to the Director an application and the fee established by regulation pursuant to~~

~~NRS 555.310. The application must set forth any information requested by the Director, including, without limitation, the qualifications of the applicant and the person who will supervise the applicant. The application must include the social security number of the applicant.~~

~~3. The] In adopting regulations pursuant to subsection 1, the Director [may:~~

~~(a) Require an applicant for a provisional license as an applicator to establish to the satisfaction of the Director that the applicant will be under the direct supervision of a person who is licensed as an applicator; and~~

~~(b) Restrict the holder of the provisional license as an applicator to the use of a certain type or types of equipment or materials if the Director finds that the person who is supervising the applicant is qualified to use only a certain type or types of equipment or materials.~~

~~4. If the Director finds that an applicant for a provisional license as an applicator is qualified and satisfies the requirements of this section, the Director shall issue the provisional license.~~

~~5. A provisional license issued pursuant to this section expires 90 days after the date of issuance.~~

~~6. If the Director denies an application for a provisional license as an applicator, the Director shall inform the applicant in writing of the reasons for the denial.] shall ensure such regulations:~~

(a) Comply with all applicable provisions of federal law governing applicators and the application of pesticides and federal and state law relating to public safety; and

(b) Are consistent with industry best practices relating to safety and the training of employees.

3. As used in this section:

(a) "Direct supervision" means that an applicator trainee has direct access physically, telephonically or by some other means to an applicator licensed pursuant to NRS 555.2605 to 555.460, inclusive; and

(b) "Immediate supervision" means that a supervisor who is licensed pursuant to NRS 555.2605 to 555.460, inclusive, is physically present as all times while an applicator trainee is working.

Sec. 2. NRS 555.2605 is hereby amended to read as follows:

555.2605 As used in NRS 555.2605 to 555.460, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 555.261 to 555.2695, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 555.273 is hereby amended to read as follows:

555.273 All state agencies, municipal corporations and public utilities or any other governmental agency are subject to the provisions of NRS 555.2605 to 555.460, inclusive, and section 1 of this act and rules adopted thereunder concerning the application of restricted-use pesticides by any person.

Sec. 4. NRS 555.277 is hereby amended to read as follows:

555.277 1. The provisions of NRS 555.2605 to 555.460, inclusive, and

*section 1 of this act* relating to licenses and requirements for their issuance, except those provisions relating to a certificate or permit to use a restricted-use pesticide, do not apply to any farmer-owner of ground equipment applying pesticides for himself, herself or his or her neighbors, if:

(a) The farmer-owner operates farm property and operates and maintains equipment for applying pesticides primarily for his or her own use;

(b) The farmer-owner is not regularly engaged in the business of applying pesticides or performing pest control as an operator, primary principal or principal or as a regular occupation, and the farmer-owner does not advertise or solicit pest control or publicly hold himself or herself out as being in the business of pest control or as an applicator; and

(c) The farmer-owner operates his or her equipment for applying pesticides only in the vicinity of the farmer-owner's own property and for the accommodation of the farmer-owner's neighbors for agricultural purposes only.

2. The provisions of NRS 555.2605 to 555.460, inclusive, *and section 1 of this act*, except those provisions relating to a certificate or permit to use a restricted-use pesticide, do not apply to a gardener using hand-powered equipment, devices or contrivances to apply any pesticides of toxicity class III or IV, as classified by the United States Environmental Protection Agency, to any lawn or garden as an incidental part of his or her business of taking care of a lawn or garden for remuneration, if he or she does not advertise or solicit pest control or publicly hold himself or herself out as being in the business of pest control or applying pesticides. As used in this subsection, "gardener" means a person who owns, operates or is employed by a business that provides routine care of a lawn or garden for a homeowner.

Sec. 5. NRS 555.280 is hereby amended to read as follows:

555.280 1. ~~Except as otherwise provided in the regulations adopted pursuant to section 1 of this act,~~ a natural person, including, without limitation, any consultant, demonstrator, researcher or specialist, shall not engage, for hire or for profit, in pest control or serve as an agent, operator, pilot, primary principal, location principal or principal for that purpose within this State at any time without a license as an applicator issued by the Director ~~pursuant to NRS 555.320.~~

2. A natural person or business entity shall not operate, for hire or for profit, as a pest control business within this State at any time without a business license issued by the Director ~~pursuant to NRS 555.320.~~

~~3. A natural person shall not train to engage, for hire or for profit, in pest control within this State at any time without a provisional license as an applicator issued by the Director pursuant to section 1 of this act.~~

Sec. 6. NRS 555.285 is hereby amended to read as follows:

555.285 ~~Except as otherwise provided in the regulations adopted pursuant to section 1 of this act,~~ a natural person shall not engage in, offer to engage in, advertise or solicit to perform any of the following pest control activities concerning wood-destroying pests or organisms without a license as

an applicator *issued pursuant to NRS 555.320* ~~for a provisional license as an applicator issued~~ by the Director: ~~pursuant to section 1 of this act.~~

1. Making an inspection to identify or to attempt to identify infestations or infections of households or other structures by those pests or organisms.

2. Making or altering inspection reports concerning the infestations or infections.

3. Making estimates or bids, whether written or oral, concerning the infestations or infections.

4. Submitting bids to perform any work involving the application of pesticides for the elimination, extermination, control or prevention of infestations or infections of those pests.

Sec. 7. ~~NRS 555.305 is hereby amended to read as follows:~~

~~555.305~~ 1. The Director shall develop and implement a process by which a person with a criminal history may petition the Director to review the criminal history of the person to determine if the person's criminal history will disqualify the person from obtaining a business license or license as an applicator pursuant to NRS 555.290 [.] or a provisional license as an applicator issued pursuant to section 1 of this act.

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

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

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

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

~~6.~~ The Director may impose a fee of up to \$50 upon the person to fund the administrative costs in complying with the provisions of this section. The Director may waive such fees or allow such fees to be covered by funds from a scholarship or grant.

~~7.~~ The Director may post on the Internet website of the Department:

~~(a) The requirements to obtain a license from the Director; and~~

~~(b) A list of crimes, if any, that would disqualify a person from obtaining a license from the Director.~~

~~8.~~ The Director may request the criminal history record of a person who petitions the Director for a determination pursuant to subsection 1. To the

~~extent consistent with federal law, if the Director makes such a request of a person, the Director shall require the person to submit his or her criminal history record which includes a report from:~~

- ~~—(a) The Central Repository for Nevada Records of Criminal History; and~~
- ~~—(b) The Federal Bureau of Investigation.~~

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

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

- ~~—(a) The number of petitions submitted to the Director of the State Department of Agriculture pursuant to subsection 1;~~
- ~~—(b) The number of determinations of disqualification made by the Director of the State Department of Agriculture pursuant to subsection 1;~~
- ~~—(c) The reasons for such determinations; and~~
- ~~—(d) Any other information that is requested by the Director of the Legislative Counsel Bureau or which the Director of the State Department of Agriculture determines would be helpful.~~

~~11. The Director of the Legislative Counsel Bureau shall transmit a compilation of the information received pursuant to subsection 10 to the Legislative Commission quarterly, unless otherwise directed by the Commission. (Deleted by amendment.)~~

Sec. 8. ~~{NRS 555.310 is hereby amended to read as follows:~~

~~555.310 1. The Director shall collect from each person applying for examination or reexamination a testing fee established by regulation of the Director.~~

~~2. The Director shall, before the license or certificate is issued, collect from each person applying for a business license, [or] license as an applicator or provisional license as an applicator a fee established by regulation of the Director. Any person employing primary principals, location principals, principals, operators or agents shall pay to the Director a fee established by regulation of the Director for each primary principal, location principal, principal, operator or agent licensed. (Deleted by amendment.)~~

Sec. 9. ~~{NRS 555.325 is hereby amended to read as follows:~~

~~555.325 1. A natural person who applies for the issuance or renewal of a license pursuant to NRS 555.2605 to 555.460, inclusive, and section 1 of this act shall submit to the Director the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.~~

~~2. The Director shall include the statement required pursuant to subsection 1 in:~~

- ~~—(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or~~

~~—(b) A separate form prescribed by the Director.~~

~~—3. A license may not be issued or renewed by the Director if the applicant is a natural person who:~~

~~—(a) Fails to submit the statement required pursuant to subsection 1; or~~

~~—(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.~~

~~—4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Director shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 555.330 is hereby amended to read as follows:~~

~~—555.330 1. The Director shall require from each applicant for a business license proof of public liability and property damage insurance in an amount of:~~

~~—(a) Except as otherwise provided in paragraph (b), not less than \$50,000.~~

~~—(b) If the business license would authorize the application of pesticides by aircraft:~~

~~—(1) Not less than \$100,000 for bodily injury to or death of one person in any one accident;~~

~~—(2) Subject to the limit for one person, not less than \$300,000 for bodily injury to or death of two or more persons in any one accident; and~~

~~—(3) Not less than \$100,000 for each occurrence of damage to property in any one accident.~~

~~→ The Director may accept a liability insurance policy or surety bond in the proper amount.~~

~~—2. The Director may require drift insurance for the use of pesticides or other materials declared hazardous or dangerous to humans, livestock, wildlife, crops or plantlife.~~

~~—3. Any person injured by the breach of any such obligation is entitled to sue in his or her own name in any court of competent jurisdiction to recover the damages the person sustained by that breach, if each claim is made within 6 months after the alleged injury.~~

~~—4. The Director on his or her own motion may, or upon receipt of a verified complaint of an interested person shall, investigate, as he or she deems necessary, any loss or damage resulting from the application of any pesticide by [a licensed] any applicator [,] licensed pursuant to NRS 555.2605 to 555.460, inclusive, and section 1 of this act, including, without limitation, a commercial applicator, authorized commercial applicator, licensed pest~~

~~control operator, primary principal, location principal, [or] principal [,] or provisionally licensed applicator. A verified complaint of loss or damage must be filed within 60 days after the time that the occurrence of the loss or damage becomes known except that, if a growing crop is alleged to have been damaged, the verified complaint must be filed before 50 percent of the crop has been harvested. A report of investigations resulting from a verified complaint must be furnished to the person who filed the complaint.~~ (Deleted by amendment.)

Sec. 11. ~~{NRS 555.345 is hereby amended to read as follows:~~  
~~555.345~~ 1. ~~The Director may refuse to issue a license as an applicator or a provisional license as an applicator to any person who:~~  
~~(a) Is a primary principal, location principal or principal or intends to act as a primary principal, location principal or principal for a pest control business; and~~  
~~(b) Has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, a category A or B felony or a category C, D or E felony if the conviction occurred or the plea was entered for the category C, D or E felony during the immediately preceding 10 years in any court of competent jurisdiction in the United States or any other country.~~  
~~2. In addition to any other requirements set forth in this chapter and except as otherwise provided in subsection 3, each applicant for a license as an applicator specified in paragraph (a) of subsection 1 shall submit with his or her application a complete set of the applicant's fingerprints and written permission authorizing the Director 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. The application must be accompanied by a fee in an amount that is equal to any fee charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints of the applicant.~~  
~~3. In lieu of submitting a complete set of his or her fingerprints and written permission pursuant to subsection 2, an applicant may, in accordance with regulations adopted by the Department and upon the payment of any fee required by the Department pursuant to those regulations, submit any document or other information required by the Department to perform a background check of the applicant.~~  
~~4. A suspension or revocation of a license as an applicator or a provisional license as an applicator pursuant to NRS 555.350 or any previous revocation or current suspension of such a license or an equivalent license in this or any other state, district or territory of the United States or any foreign country is grounds for refusal to issue a license as an applicator.~~ (Deleted by amendment.)

Sec. 12. ~~{NRS 555.350 is hereby amended to read as follows:~~  
~~555.350~~ 1. ~~The Director may suspend, pending inquiry, for not longer than 10 days, and, after opportunity for a hearing, may revoke, suspend or modify any business license, [or] license issued to an applicator or provisional~~

~~license as an applicator under NRS 555.2605 to 555.460, inclusive, and section 1 of this act, if the Director finds that [:] the licensee:~~

- ~~— (a) [The licensee is] Is no longer qualified;~~
- ~~— (b) [The licensee has] Has engaged in fraudulent business practices in pest control;~~
- ~~— (c) [The licensee has] Has made false or fraudulent claims through any media by misrepresenting the effect of materials or methods to be used;~~
- ~~— (d) [The licensee has] Has applied known ineffective or improper materials;~~
- ~~— (e) [The licensee has] Has operated faulty or unsafe equipment;~~
- ~~— (f) [The licensee has] Has made any application of materials in a manner inconsistent with labeling or any restriction imposed by regulation of the Director, or otherwise in a faulty, careless or negligent manner;~~
- ~~— (g) [The licensee has] Has violated any of the provisions of NRS 555.2605 to 555.460, inclusive, and section 1 of this act or regulations adopted pursuant thereto;~~
- ~~— (h) [The licensee has] Has engaged in the business of pest control without having a licensed agent, operator, primary principal or principal in direct on-the-job supervision;~~
- ~~— (i) [The licensee has] Has aided or abetted a licensed or an unlicensed person to evade the provisions of NRS 555.2605 to 555.460, inclusive, and section 1 of this act combined or conspired with such a licensee or an unlicensed person to evade the provisions, or allowed the license to be used by an unlicensed person;~~
- ~~— (j) [The licensee was] Was intentionally guilty of fraud or deception in the procurement of the license;~~
- ~~— (k) [The licensee was] Was intentionally guilty of fraud, falsification or deception in the issuance of an inspection report on wood-destroying pests or other report or record required by regulation;~~
- ~~— (l) [The licensee has] Has been convicted of, or entered a plea of nolo contendere to, a category A or B felony or a category C, D or E felony if the conviction occurred or the plea was entered for the category C, D or E felony during the immediately preceding 10 years in any court of competent jurisdiction in the United States or any other country; or~~
- ~~— (m) [The licensee has] Has failed to provide adequate instruction or supervision to any holder of a provisional license or unlicensed applicator working under the supervision of the licensee.~~

~~2. A business license and any license issued to a principal of the business as an applicator is suspended automatically, without action of the Director, if the proof of public liability and property damage or drift insurance filed pursuant to NRS 555.330 is cancelled, and the licenses remain suspended until the insurance is re-established.~~

~~3. If the licensee is a natural person, any licensee against whom the Director initiates disciplinary action pursuant to this section shall, within 30 days after receiving written notice of the disciplinary action from the Director and in accordance with any regulations adopted by the Department,~~

~~submit to the Director any document or other information required by the Department to perform a background check of the licensee. Any document or other information submitted pursuant to this subsection must be accompanied by the appropriate fees, if any, specified in regulations adopted by the Department for performing the background check. A willful failure of a licensee to comply with the requirements of this subsection constitutes an additional ground for the revocation, suspension or modification of the license pursuant to this section.~~ (Deleted by amendment.)

Sec. 13. ~~[NRS 555.3505 is hereby amended to read as follows:~~

~~555.3505 1. If the Director receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a natural person who is the holder of a license issued pursuant to NRS 555.2605 to 555.460, inclusive, and section 1 of this act, the Director shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Director receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.~~

~~2. The Director shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Director receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.] (Deleted by amendment.)~~

Sec. 14. NRS 555.460 is hereby amended to read as follows:

555.460 Any person violating the provisions of NRS 555.2605 to 555.420, inclusive, and section 1 of this act or the regulations adopted pursuant thereto, is guilty of a misdemeanor and, in addition to any criminal penalty, shall pay to the Department an administrative fine of not more than \$5,000 per violation. If an administrative fine is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the Department.

Sec. 15. NRS 555.470 is hereby amended to read as follows:

555.470 1. The Director shall adopt regulations specifying a schedule of fines which may be imposed, upon notice and a hearing, for each violation of the provisions of NRS 555.2605 to 555.460, inclusive ~~[-]~~, and section 1 of this act. The maximum fine that may be imposed by the Director for each violation must not exceed \$5,000 per day. All fines collected by the Director pursuant to this subsection must be remitted to the county treasurer of the county in which the violation occurred for credit to the county school district fund.

2. The Director may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation; or

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the State Board of Agriculture suspects may have violated any provision of NRS 555.2605 to 555.460, inclusive ~~[,]~~, and section 1 of this act.

Sec. 16. ~~[Section 1 of this act is hereby amended as follows:~~

~~— Section 1. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~— 1. In accordance with the requirements of this section, the Director may grant a natural person a provisional license as an applicator to engage in pest control under the direct supervision of a person licensed as an applicator in this State.~~

~~— 2. An applicant for a provisional license as an applicator shall submit to the Director an application and the fee established by regulation pursuant to NRS 555.310. The application must set forth any information requested by the Director, including, without limitation, the qualifications of the applicant and the person who will supervise the applicant. [The application must include the social security number of the applicant.]~~

~~— 3. The Director may:~~

~~— (a) Require an applicant for a provisional license as an applicator to establish to the satisfaction of the Director that the applicant will be under the direct supervision of a person who is licensed as an applicator; and~~

~~— (b) Restrict the holder of the provisional license as an applicator to the use of a certain type or types of equipment or materials if the Director finds that the person who is supervising the applicant is qualified to use only a certain type or types of equipment or materials.~~

~~— 4. If the Director finds that an applicant for a provisional license as an applicator is qualified and satisfies the requirements of this section, the Director shall issue the provisional license.~~

~~— 5. A provisional license issued pursuant to this section expires 90 days after the date of issuance.~~

~~— 6. If the Director denies an application for a provisional license as an applicator, the Director shall inform the applicant in writing of the reasons for the denial.] (Deleted by amendment.)~~

Sec. 17. 1. This section ~~[and sections]~~ becomes effective upon passage and approval.

2. Sections 1 to 15, inclusive, of this act become effective ~~[on October 1, 2023,~~

~~— 2.]:~~

(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 16 of this act becomes effective on the date on which the

provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,  
→ are repealed by the Congress of the United States.

Senator Pazina moved the adoption of the amendment.

Remarks by Senator Pazina.

Amendment No. 343 to Senate Bill No. 159 deletes the majority of the original bill; requires the Director of the State Department of Agriculture to adopt regulations to authorize a person to train as an applicator to engage in pest control activities for a period of not less than 90 days without holding a license as an applicator; and requires such regulations to allow an applicator trainee to apply general-use pesticides under the direct supervision of a licensed applicator and to apply restricted-use pesticides under the immediate supervision of a licensed applicator.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 222.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 275.

SUMMARY—Revises provisions relating to juries. (BDR 1-192)

AN ACT relating to juries; revising provisions governing the selection of jurors; increasing the fee to which a person summoned to attend as a juror or serve as a juror is entitled; revising provisions governing the right to serve as a juror; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes a court to assign a jury commissioner to select trial jurors; and (2) requires a jury commissioner to select jurors from among the qualified electors of the county or city, as applicable, who are not exempt from jury duty. As part of the process for the selection of trial jurors, existing law requires a jury commissioner to compile and maintain a list of qualified electors from information provided by: (1) a list of persons who are registered to vote in the county; (2) the Department of Motor Vehicles; (3) the Employment Security Division of the Department of Employment, Training and Rehabilitation; and (4) certain public utilities. (NRS 6.045) Section 6 of this bill requires the Department of Health and Human Services, upon the request of a district judge or jury commissioner, to provide a list of the names and addresses of persons who receive public assistance for use in jury selection. Section 1 of this bill requires a jury commissioner to include the information provided by the Department of Health and Human Services pursuant to section 6 in the list of qualified electors.

Existing law sets forth certain fees for attendance and travel allowances for jurors summoned or serving on a grand jury or trial jury. (NRS 6.150)

Section 2 of this bill increases, from \$40 to \$65, the fee to which a person summoned as a juror or serving as a grand juror or trial juror is entitled.

Existing law prohibits a person who has been convicted of a felony from serving as a juror unless the person's civil right to serve as a juror has been restored. (NRS 6.010) Under existing law, a person's civil right to serve as a juror in a civil action is immediately restored upon his or her: (1) discharge from probation or parole; or (2) release from prison. Existing law provides for the restoration of a person's civil right to serve as a juror in a criminal action 6 years after the date on which he or she is: (1) discharged from probation or parole; or (2) released from prison. (NRS 176A.850, 213.155, 213.157) Sections 3-5 of this bill provide for the restoration of a person's civil right to serve as a juror in a criminal action immediately upon his or her discharge from parole or probation or release from prison so that such a person is eligible to serve as a juror in a criminal action at the same time he or she is eligible to serve as a juror in a civil action.

Section 6.5 of this bill provides that nothing in the provisions of sections 1-6 limits the ability of a court, prosecuting attorney, defendant, or attorney for the defendant to: (1) challenge or remove a prospective juror on the basis of actual, implied, or inferable bias; or (2) inquire about the records of criminal history of a prospective juror during a voir dire examination of prospective jurors. Section 6.5 also provides that nothing in the provisions of sections 1-6 limits the ability of either party to exercise its peremptory challenges.

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

Section 1. NRS 6.045 is hereby amended to read as follows:

6.045 1. A court may by rule of court designate the clerk of the court, one of the clerk's deputies or another person as a jury commissioner and may assign to the jury commissioner such administrative duties in connection with trial juries and jurors as the court finds desirable for efficient administration.

2. If a jury commissioner is so selected, the jury commissioner shall from time to time estimate the number of trial jurors which will be required for attendance on the designated court and shall select that number from the qualified electors of:

- (a) The county; or
- (b) The city whose population is 220,000 or more, for a municipal court,  
↪ not exempt by law from jury duty, whether registered as voters or not. The jurors may be selected by computer whenever procedures to assure random selection from computerized lists are established by the jury commissioner.

3. The jury commissioner shall, for the purpose of selecting trial jurors, compile and maintain a list of qualified electors from information provided by:

- (a) A list of persons who are registered to vote in the county or city, as applicable;
- (b) The Department of Motor Vehicles pursuant to NRS 482.171 and 483.225;
- (c) The Employment Security Division of the Department of Employment,

Training and Rehabilitation pursuant to NRS 612.265; ~~and~~

(d) A public utility pursuant to NRS 704.206 ~~†~~; and

(e) *The Department of Health and Human Services pursuant to section 6 of this act.*

4. In compiling and maintaining the list of qualified electors, the jury commissioner shall avoid duplication of names.

5. The jury commissioner shall:

(a) Keep a record of the name, occupation, address and race of each trial juror selected pursuant to subsection 2;

(b) Keep a record of the name, occupation, address and race of each trial juror who appears for jury service; and

(c) Prepare and submit a report to the Court Administrator which must:

(1) Include statistics from the records required to be maintained by the jury commissioner pursuant to this subsection, including, without limitation, the name, occupation, address and race of each trial juror who is selected and of each trial juror who appears for jury service;

(2) Be submitted at least once a year; and

(3) Be submitted in the time and manner prescribed by the Court Administrator.

6. The jury commissioner shall not select the name of any person whose name was selected the previous year, and who actually served on the jury by attending in court in response to the venire from day to day until excused from further attendance by order of the court, unless there are not enough other suitable jurors in the county or city to do the required jury duty.

7. A court may contract with another court for the purpose of procuring any administrative duties performed by a jury commissioner pursuant to this chapter.

Sec. 2. NRS 6.150 is hereby amended to read as follows:

6.150 1. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court, or a trial juror in the municipal court, is entitled to a fee of ~~[\$40]~~ \$65 for each day after the second day of jury selection that the person is in attendance in response to the venire or summons, including Sundays and holidays.

2. Each grand juror and trial juror in the district court or justice court, or trial juror in the municipal court, actually sworn and serving is entitled to a fee of ~~[\$40]~~ \$65 a day as compensation for each day of service.

3. In addition to the fees specified in subsections 1 and 2, a board of county commissioners or governing body of a city may provide that, for each day of such attendance or service, each person is entitled to be paid the per diem allowance and travel expenses provided for state officers and employees generally.

4. Each person summoned to attend as a grand juror or a trial juror in the district court or justice court, or a trial juror in the municipal court, and each grand juror and trial juror in the district court or justice court, or trial juror in the municipal court, is entitled to receive 36.5 cents a mile for each mile

necessarily and actually traveled if the home of the person summoned or serving as a juror is 30 miles or more from the place of trial.

5. If the home of a person summoned or serving as such a juror is 65 miles or more from the place of trial and the selection, inquiry or trial lasts more than 1 day, the person is entitled to receive an allowance for lodging at the rate established for state employees, in addition to his or her daily compensation for attendance or service, for each day on which the person does not return to his or her home.

6. In civil cases, any fee, per diem allowance, travel expense or other compensation due each juror engaged in the trial of the cause must be paid each day in advance to the clerk of the court, or the justice of the peace, by the party who has demanded the jury. If the party paying this money is the prevailing party, the money is recoverable as costs from the losing party. If the jury from any cause is discharged in a civil action without finding a verdict and the party who demands the jury subsequently obtains judgment, the money so paid is recoverable as costs from the losing party.

7. The money paid by the clerk of the court to jurors for their services in a civil action or proceeding, which the clerk of the court has received from the party demanding the jury, must be deducted from the total amount due them for attendance as such jurors, and any balance is a charge against the county.

Sec. 3. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

- (a) Has fulfilled the conditions of probation for the entire period thereof;
- (b) Is recommended for earlier discharge by the Division; or
- (c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

↪ may be granted an honorable discharge from probation by order of the court.

2. A person whose term of probation has expired and:

- (a) Whose whereabouts are unknown;
- (b) Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or
- (c) Who has otherwise failed to qualify for an honorable discharge as provided in subsection 1,

↪ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the person from any further obligation, except as otherwise provided in subsection 3.

3. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge and is enforceable pursuant to NRS 176.275.

4. A person who has been discharged from probation:

- (a) Is free from the terms and conditions of probation.
- (b) Is immediately restored to the right to serve as a juror. ~~[in a civil action.]~~
- (c) Four years after the date of discharge from probation, is restored to the right to hold office.

(d) ~~[Six years after the date of discharge from probation, is restored to the~~

~~right to serve as a juror in a criminal action.~~

~~—(e)~~ If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

~~[(f)]~~ (e) Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

~~[(g)]~~ (f) Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

~~[(h)]~~ (g) Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

~~[(i)]~~ (h) Except as otherwise provided in paragraph ~~[(h)]~~ (g), need not disclose the conviction to an employer or prospective employer.

5. The prior conviction of a person who has been discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. Upon discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge or dishonorable discharge, as applicable, from probation;

(b) That the person is restored to his or her civil right to serve as a juror ~~in a civil action~~ as of the date of his or her discharge from probation; *and*

(c) The date on which the person's civil right to hold office will be restored pursuant to paragraph (c) of subsection 4 . ~~}; and~~

~~—(d) The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to paragraph (d) of subsection 4.]~~

7. A person who has been discharged from probation in this State or elsewhere and whose official documentation of discharge from probation is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore the person's civil rights pursuant to this section. Upon verification that the person has been discharged from probation and is eligible to be restored to the civil rights set forth in subsection 4, the court shall issue an order restoring the person to the civil rights set forth in subsection 4. A person must not be required to pay a fee to receive such an order.

8. A person who has been discharged from probation in this State or elsewhere may present:

(a) Official documentation of discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,  
 ↪ as proof that the person has been restored to the civil rights set forth in subsection 4.

Sec. 4. NRS 213.155 is hereby amended to read as follows:

213.155 1. A person who receives a discharge from parole pursuant to

NRS 213.154:

(a) Is immediately restored to the right to serve as a juror . ~~{in a civil action.}~~  
 (b) Four years after the date of his or her discharge from parole, is restored to the right to hold office.

~~{(c) Six years after the date of his or her discharge from parole, is restored to the right to serve as a juror in a criminal action.}~~

2. Upon his or her discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge or dishonorable discharge, as applicable, from parole;

(b) That the person is restored to his or her civil right to serve as a juror ~~{in a civil action}~~ as of the date of his or her discharge from parole; *and*

(c) The date on which his or her civil right to hold office will be restored to the person pursuant to paragraph (b) of subsection 1 . ~~{; and~~

~~{(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to paragraph (c) of subsection 1.}~~

3. A person who has been discharged from parole in this State or elsewhere and whose official documentation of his or her discharge from parole is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been discharged from parole and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

4. A person who has been discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her discharge from parole, if it contains the provisions set forth in subsection 2; or

(b) A court order restoring his or her civil rights,  
 ↪ as proof that the person has been restored to the civil rights set forth in subsection 1.

5. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 5. NRS 213.157 is hereby amended to read as follows:

213.157 1. A person convicted of a felony:

(a) Who is placed on probation, granted parole or granted a pardon is immediately restored to the right to vote;

(b) Who has served his or her sentence and has been released from prison:

(1) Is immediately restored to the right to serve as a juror . ~~{in a civil action.}~~

(2) Is immediately restored to the right to vote.

(3) Four years after the date of his or her release from prison, is restored to the right to hold office.

~~{(4) Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.}~~

2. Upon his or her release from prison, a person so released must be given an official document which provides:

- (a) That the person has been released from prison;
- (b) That the person is restored to his or her civil right to serve as a juror ~~in a civil action~~ as of the date of his or her release from prison; *and*
- (c) The date on which his or her civil right to hold office will be restored to the person pursuant to subparagraph (3) of paragraph (b) of subsection 1 . ~~;~~ ~~and~~
- ~~—(d) The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to subparagraph (4) of paragraph (b) of subsection 1.~~

3. A person who has been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been released from prison and is eligible to be restored to the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights set forth in subsection 1. A person must not be required to pay a fee to receive such an order.

4. A person who has been released from prison in this State or elsewhere may present:

- (a) Official documentation of his or her release from prison, if it contains the provisions set forth in subsection 2; or
  - (b) A court order restoring his or her civil rights,
- ↪ as proof that the person has been restored to the civil rights set forth in subsection 1.

Sec. 6. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Upon the request of a district judge or jury commissioner, the Department shall provide to the district judge or jury commissioner a list of the names and addresses of persons who receive public assistance for use in the selection of jurors pursuant to NRS 6.045.*

*2. A district judge or jury commissioner who requests the list of recipients pursuant to subsection 1 shall reimburse the Department for the reasonable cost of compiling the list.*

Sec. 6.5. Nothing in this act shall be construed to limit the ability of:

1. A court, prosecuting attorney, defendant, or attorney for the defendant to:

(a) Challenge or remove a prospective juror on the basis of actual, implied, or inferable bias; or

(b) Inquire about the records of criminal history of a prospective juror during a voir dire examination of prospective jurors; or

2. Either party to exercise its peremptory challenges.

Sec. 7. 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. 8. 1. This ~~act~~ section becomes effective ~~on July~~ upon passage and approval.

2. Sections 1 to 7, inclusive, of this act become effective:

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

(b) On January 1, ~~2023~~ 2024, for all other purposes.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 275 to Senate Bill No. 222 adds a new section to clarify that parties may challenge a prospective juror and courts may remove a prospective juror based on actual, implied or inferred bias, and it amends the effective date of the bill to allow for implementation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 192.

SUMMARY—Revises provisions governing tax abatements for certain renewable energy facilities. (BDR 58-538)

AN ACT relating to energy; revising provisions governing payroll reporting by certain renewable energy facilities that receive certain tax abatements; revising provisions governing compliance reports submitted to the Director of the Office of Energy within the Office of the Governor by certain renewable energy facilities that receive certain tax abatements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a person who intends to locate a facility for the generation of process heat from solar renewable energy, a wholesale facility for the generation of electricity from renewable energy, a facility for the storage of energy from renewable generation or a hybrid renewable generation and energy storage facility in this State to apply to the Director of the Office of Energy within the Office of the Governor for a partial abatement of certain sales and use taxes or property taxes. (NRS 701A.360) Under existing law, a recipient of such a partial abatement is required to submit an annual payroll report to the Office of Energy and the board of county commissioners of the county in which the facility is located. (NRS 701A.379) Additionally, existing law requires the Director to adopt regulations requiring each recipient of a partial abatement to file annually with the Director such information as may be necessary for the Director to determine the compliance of the recipient with the eligibility requirements for the partial abatement. (NRS 701A.390) ~~(This)~~ Sections 1.7 and 2 of this bill ~~requires~~ require the payroll report and the compliance report to be filed with the Office of Energy, the board of county

commissioners and the Director, as applicable, each quarter ~~+~~ during the term of construction of a facility and annually at all other times. Section 1 of this bill defines the term "term of construction." Section 1.3 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

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

*Section 1.* Chapter 701A of NRS is hereby amended by adding thereto a new section to read as follows:

*"Term of construction" means the period which begins when a building permit is issued for the construction of a facility and ends:*

1. *When the facility goes online; or*
2. *At such other time as the Director may determine.*

*Sec. 1.3.* NRS 701A.300 is hereby amended to read as follows:

701A.300 As used in NRS 701A.300 to 701A.390, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 701A.305 to 701A.345, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.

~~Section 1.~~ *Sec. 1.7.* NRS 701A.379 is hereby amended to read as follows:

701A.379 A recipient of a partial abatement of taxes pursuant to NRS 701A.300 to 701A.390, inclusive, *and section 1 of this act* shall submit ~~annually—quarterly~~ to the Office of Energy and the board of county commissioners of the county in which the facility is located a certified payroll report on a form or in a format prescribed by the Director. The certified payroll report must:

1. Be accompanied by a statement certifying the truthfulness and accuracy of the payroll report; ~~and~~
2. Include the information contained in the records required to be kept pursuant to NRS 701A.377 ~~+~~; *and*
3. *Be submitted quarterly during the term of construction of the facility and annually at all other times.*

*Sec. 2.* NRS 701A.390 is hereby amended to read as follows:

701A.390 The Director:

1. Shall adopt regulations:
  - (a) Prescribing the minimum level of benefits that a facility must provide to its employees;
  - (b) Prescribing such requirements for an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and section 1 of this act* as will ensure that all information and other documentation necessary for the Director, in consultation with the Office of Economic Development, to make an appropriate determination is filed with the Director;
  - (c) Requiring each recipient of a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, *and section 1 of this act* to file ~~annually—quarterly~~ with the Director *, quarterly during the term of*

construction of a facility and annually at all other times, such information and documentation as may be necessary for the Director to determine whether the recipient is in compliance with any eligibility requirements for the abatement; and

(d) Regarding the capital investment that a facility must make to meet the requirement set forth in paragraph (d) or (e) of subsection 1 of NRS 701A.365; and

2. May adopt such other regulations as the Director determines to be necessary to carry out the provisions of NRS 701A.300 to 701A.390, inclusive ~~of~~, and section 1 of this act; and

3. May charge and collect a fee from each applicant who submits an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive ~~of~~, and section 1 of this act. The amount of the fee must consist of:

(a) An amount that does not exceed the actual cost to the Director for processing and approving the application; and

(b) A reasonable amount established by a regulation adopted by the Director pursuant to this paragraph. The Office shall use the proceeds of the fee for activities of the Office that support and expand renewable energy development in this State and are specified in a regulation adopted by the Director pursuant to this paragraph. The Director shall adopt regulations specifying the amount of the fee described in this section and setting forth the specific activities of the Office that the proceeds of the fee will support and expand.

Sec. 3. This act becomes effective on July 1, 2023 ~~of~~, and expires by limitation on June 30, 2049.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 192 to Senate Bill No. 257 requires quarterly payroll and compliance reports to be submitted during the terms of construction of a renewable energy facility and annual reports to be submitted as required at all other times. The term of construction commences when a building permit is issued by the applicable city or county and does not end until the facility goes online or another time that is determined by the Director of the Office of Energy within the Office of the Governor. The amendment also establishes that this bill expires by limitation on June 30, 2049.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 289.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 170.

SUMMARY—Revises provisions relating to crimes against providers of health care. (BDR 15-996)

AN ACT relating to crimes; expanding the applicability of enhanced penalties for assault or battery against a provider of health care under certain circumstances; ~~creating a rebuttable presumption that a person know or should have known that another person was a provider of health care under~~

~~certain circumstances;]~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an assault without a deadly weapon or battery without a deadly weapon or without substantial harm to the victim is generally punishable as a misdemeanor. (NRS 200.471, 200.481) A person who commits assault without a deadly weapon against a provider of health care in the performance of his or her duties where the perpetrator knows or should know that the victim is a provider of health care is instead guilty of: (1) a category D felony, if the perpetrator is a probationer, a prisoner who is in lawful custody or confinement or a parolee; and (2) in all other cases, a gross misdemeanor. (NRS 200.471) Additionally, a person who commits a battery against a provider of health care performing his or her duty is guilty of: (1) a gross misdemeanor, if the perpetrator knows or should know that the victim is a provider of health care; or (2) category B felony if the perpetrator knows or should know that the victim is a provider of health care and the battery involves substantial bodily harm or strangulation. (NRS 200.481) Sections 1 and 2 of this bill provide that, for those purposes, the term "provider of health care" includes: (1) a behavior analyst, assistant behavior analyst, registered behavior technician, mental health technician, ~~patient,~~ public safety officer at a health care facility or participant in a program of training to provide emergency medical services; or (2) any person who is employed by ~~[, serves as a contractor for]~~ or volunteers at a health care facility ~~[,] and meets certain other requirements.~~ Sections 1 and 2 additionally provide that the enhanced penalties for an assault or a battery against a provider of health care apply any time the provider of health care is assaulted or battered on the premises of a health care facility where the provider of health care performs his or her duty and the perpetrator knows or should know that the victim is a provider of health care, whether or not the provider of health care was performing his or her duty. ~~[Sections 1 and 2 also create a rebuttable presumption that the perpetrator of an assault or battery against a provider of health care knew or should have known the victim was a provider of health care if the assault or battery occurred on the premises of a health care facility.]~~

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

Section 1. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person;

or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(c) "Health care facility" means a facility licensed pursuant to chapter 449 of NRS, an office of a person listed in NRS 629.031, a clinic or any other

location, other than a residence, where health care is provided.

(d) "Officer" means:

- (1) A person who possesses some or all of the powers of a peace officer;
- (2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;
- (3) A member of a volunteer fire department;
- (4) A jailer, guard or other correctional officer of a city or county jail;
- (5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;
- (6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph;
- (7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;
- (8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:
  - (I) Interact with the public;
  - (II) Perform tasks related to law enforcement; and
  - (III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;
- (9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:
  - (I) Interact with the public;
  - (II) Perform tasks related to fire fighting or fire prevention; and
  - (III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency;
 or
- (10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:
  - (I) Interact with the public;
  - (II) Perform tasks related to code enforcement; and
  - (III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~[(d)]~~ (e) "Provider of health care" means ~~[(a)]~~ :

(1) A physician, a medical student, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractic physician, a chiropractic assistant, a doctor of Oriental medicine,

a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a medication aide - certified, a dentist, a dental student, a dental hygienist, a dental hygienist student, a pharmacist, a pharmacy student, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern, *a behavior analyst, an assistant behavior analyst, a registered behavior technician, a mental health technician*, a licensed dietitian, the holder of a license or a limited license issued under the provisions of chapter 653 of NRS, ~~a patient~~ public safety officer ~~at~~ at a health care facility, an emergency medical technician, an advanced emergency medical technician, ~~and~~ a paramedic ~~;~~

~~(e) and any person who is employed by, serves as a contractor for or volunteers at~~ or a participant in a program of training to provide emergency medical services; or

(2) An employee of or volunteer for a health care facility ~~at~~ who:

(I) Interacts with the public;

(II) Performs tasks related to providing health care; and

(III) Wears identification, clothing or a uniform that identifies the person as an employee or volunteer of the health care facility.

(f) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~{(f)}~~ (g) "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~{(g)}~~ (h) "Sports official" has the meaning ascribed to it in NRS 41.630.

~~{(h)}~~ (i) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~{(i)}~~ (j) "Taxicab driver" means a person who operates a taxicab.

~~{(j)}~~ (k) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault ~~is~~ :

(1) Is committed upon ~~an~~ :

(I) An officer, ~~a provider of health care,~~ a school employee, a taxicab driver or a transit operator who is performing his or her duty ;

(II) A provider of health care ~~who~~ while the provider of health care is performing his or her duty ~~who~~ or is on the premises ~~of a health care facility,~~ where he or she performs that duty; or ~~upon a~~

(III) A sports official based on the performance of his or her duties at a sporting event ; and ~~the~~

(2) The person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official,

↳ for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

(d) If the assault ~~is~~ :

(1) Is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee upon ~~an~~ :

(I) An officer, ~~a provider of health care,~~ a school employee, a taxicab driver or a transit operator who is performing his or her duty ;

(II) A provider of health care ~~who~~ while the provider of health care is performing his or her duty or ~~who~~ is on the premises ~~of a health care facility,~~ where he or she performs that duty; or ~~upon a~~

(III) A sports official based on the performance of his or her duties at a sporting event ; ~~by a probationer, a prisoner who is in lawful custody or confinement or a parolee,~~ and ~~the~~

(2) The probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official,

↳ for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than \$5,000, or by both fine and imprisonment.

~~3. There is a rebuttable presumption that a person who assaults a provider of health care knew or should have known that the victim was a provider of health care if the assault occurred on the premises of the health care facility where the provider of health care works or volunteers.~~

Sec. 2. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Fire-fighting agency" has the meaning ascribed to it in NRS 239B.020.

(d) "Health care facility" has the meaning ascribed to it in NRS 200.471.

(e) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility;

(5) A prosecuting attorney of an agency or political subdivision of the United States or of this State;

(6) A justice of the Supreme Court, judge of the Court of Appeals, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including, without limitation, a person acting pro tempore in a capacity listed in this subparagraph;

(7) An employee of this State or a political subdivision of this State whose official duties require the employee to make home visits;

(8) A civilian employee or a volunteer of a law enforcement agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to law enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the law enforcement agency;

(9) A civilian employee or a volunteer of a fire-fighting agency whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to fire fighting or fire prevention; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for the fire-fighting agency; or

(10) A civilian employee or volunteer of this State or a political subdivision of this State whose official duties require the employee or volunteer to:

(I) Interact with the public;

(II) Perform tasks related to code enforcement; and

(III) Wear identification, clothing or a uniform that identifies the employee or volunteer as working or volunteering for this State or a political subdivision of this State.

~~{(e)}~~ (f) "Provider of health care" has the meaning ascribed to it in NRS 200.471.

~~{(f)}~~ (g) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100 or 391.281.

~~{(g)}~~ (h) "Sporting event" has the meaning ascribed to it in NRS 41.630.

~~{(h)}~~ (i) "Sports official" has the meaning ascribed to it in NRS 41.630.

~~{(i)}~~ (j) "Strangulation" means intentionally impeding the normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm.

~~{(j)}~~ (k) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

~~{(k)}~~ (l) "Taxicab driver" means a person who operates a taxicab.

~~{(4)}~~ (m) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. Except as otherwise provided in NRS 200.485, a person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in this section or NRS 197.090, for a misdemeanor.

(b) If the battery is not committed with a deadly weapon, and either substantial bodily harm to the victim results or the battery is committed by strangulation, for a category C felony as provided in NRS 193.130.

(c) If:

(1) The battery is committed upon ~~{an}~~ :

(I) An officer, ~~{provider of health care,}~~ school employee, taxicab driver or transit operator who was performing his or her duty ;

(II) A provider of health care ~~{who}~~ while the provider of health care is performing his or her duty or is on the premises ~~{of a health care facility,}~~ where he or she performs that duty; or ~~{upon a}~~

(III) A sports official based on the performance of his or her duties at a sporting event;

(2) The officer, provider of health care, school employee, taxicab driver, transit operator or sports official suffers substantial bodily harm or the battery is committed by strangulation; and

(3) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

↪ for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment.

(d) If the battery ~~{is}~~ :

(1) Is committed upon ~~{an}~~ :

(I) An officer, ~~{provider of health care,}~~ school employee, taxicab driver or transit operator who is performing his or her duty ;

(II) A provider of health care ~~{who}~~ while the provider of health care is performing his or her duty or is on the premises ~~{of a health care facility,}~~ where he or she performs that duty; or ~~{upon a}~~

(III) A sports official based on the performance of his or her duties at a sporting event ; and ~~{the}~~

(2) The person charged knew or should have known that the victim was an officer, provider of health care, school employee, taxicab driver, transit operator or sports official,

↪ for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category

B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than \$10,000.

(f) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, without the use of a deadly weapon, whether or not substantial bodily harm results and whether or not the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a probationer, a prisoner who is in lawful custody or confinement or a parolee, with the use of a deadly weapon, and:

(1) No substantial bodily harm to the victim results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

(2) Substantial bodily harm to the victim results or the battery is committed by strangulation, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

~~§3.— There is a rebuttable presumption that a person who batters a provider of health care knew or should have known that the victim was a provider of health care if the battery occurred on the premises of the health care facility where the provider of health care works or volunteers.~~

Senator Nguyen moved the adoption of the amendment.

Remarks by Senator Nguyen.

Amendment No. 170 to Senate Bill No. 289 removes a contractor from the list of persons with whom an assault would trigger an elevated penalty. It adds a student of emergency medical services to the provider of health care list. It also clarifies how a provider of health care is to be identified.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 345.

SUMMARY—Revises provisions related to traffic stops. (BDR 43-196)

AN ACT relating to traffic stops; prohibiting a peace officer from ~~stopping a motor vehicle for the sole purpose of determining whether the driver is committing a low-level traffic violation or issuing a citation for such a violation; providing that any evidence acquired by a law enforcement agency~~

during or after such a traffic stop is not admissible as evidence in certain proceedings; requiring law enforcement agencies to adopt a policy relating to the enforcement of low level traffic; issuing a citation for certain violations relating to motor vehicles, unless the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Existing law prohibits a peace officer from stopping a motor vehicle for the sole purpose of determining whether the driver is violating certain provisions of existing law that restrict: (1) the hours during which a driver may operate a motor vehicle; or (2) the transportation of passengers by a driver during the initial period of licensure. (NRS 483.2523, 484.2525, 484B.907)~~

Existing law ~~also~~ prohibits a peace officer from issuing a citation for certain violations relating to motor vehicles unless the violation is discovered: (1) when the vehicle is halted; or (2) the driver is arrested for another alleged violation or offense. (NRS 482.385, 483.2525, 484B.907, 484D.495, 484D.500) ~~Section 3 of this bill defines the term "low level traffic violation" to include: (1) Sections 9.1-9.9 of this bill prohibit a peace officer from issuing a citation for certain violations relating to registration, license plates, permits for unregistered vehicles and equipment; and (2) certain violations of a speed limit. Sections 4 and 5 of this bill define certain other terms related to low level traffic violations. Section 11 of this bill makes a conforming change relating to the definition prescribed by section 5. Section 8 of this bill makes a conforming change to indicate the proper placement of sections 3, 4 and 5 in the Nevada Revised Statutes.~~

~~Section 6 of this bill prohibits a peace officer from stopping a vehicle for the sole purpose of: (1) determining whether the driver of the motor vehicle is committing a low level traffic violation; or (2) issuing a citation for a low level traffic violation. Section 6 additionally provides that any evidence acquired by a law enforcement agency as a result of a traffic stop in violation of section 6 is not admissible in a judicial, administrative or other adjudicatory proceeding. Sections 1 and 9 of this bill make conforming changes to reflect the change in section 6.~~

~~Section 7 of this bill requires each law enforcement agency to adopt a written policy regarding low level traffic violations which must: (1) comply with the requirements prescribed by section 6; and (2) require that violations that threaten the safety of drivers, pedestrians and other persons be prioritized over low level traffic violations.~~ , unless the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.

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

Section 1. ~~NRS 482.385 is hereby amended to read as follows:~~  
~~482.385 1. Except as otherwise provided in subsections 5 and 7 and NRS 482.390 and 482.3961, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle~~

~~which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State:~~

~~—(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and~~

~~—(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:~~

~~— (1) On active duty in the military service of the United States;~~

~~— (2) An out of state student;~~

~~— (3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work study program for which the student earns academic credits from the college or university; or~~

~~— (4) A migrant or seasonal farm worker.~~

~~2. This section does not:~~

~~—(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.~~

~~—(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.~~

~~—(c) Require registration of a vehicle operated by a border state employee.~~

~~3. Except as otherwise provided in subsection 5, when a person, formerly a nonresident, becomes a resident of this State, the person shall:~~

~~—(a) Within 30 days after becoming a resident; or~~

~~—(b) At the time he or she obtains a driver's license,~~

~~↪ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.~~

~~4. [A citation may be issued pursuant to subsection 1, 3 or 5 only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.] The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of subsection 3 and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.~~

~~5. Except as otherwise provided in this subsection and NRS 482.3961, a resident or nonresident owner of a vehicle of a type subject to registration~~

~~pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within 30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:~~

~~—(a) On active duty in the military service of the United States;~~

~~—(b) An out-of-state student;~~

~~—(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or~~

~~—(d) A migrant or seasonal farm worker.~~

~~6. A person who violates the provisions of subsection 1, 3 or 5 is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of \$1,000. [The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection 4.] The fine imposed pursuant to this subsection may be reduced to not less than \$200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.~~

~~7. Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within 30 days after beginning its operation within this State.~~

~~8. A person registering a vehicle pursuant to the provisions of subsection 1, 3, 5, 7 or 9 or pursuant to NRS 482.390:~~

~~—(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and~~

~~—(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.~~

~~9. If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395, 482.3961 and 706.801 to 706.861, inclusive.~~

~~10. An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.~~

~~11. A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:~~

~~—(a) The owner of the vehicle is a resident of this State;~~

~~—(b) The vehicle is used in this State for a gainful purpose;~~

~~(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or~~

~~(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.~~

~~12. A constable may issue a citation for a violation of this section only if the vehicle is located in his or her township at the time the citation is issued.~~

~~13. As used in this section, "peace officer" includes a constable.] (Deleted by amendment.)~~

Sec. 2. ~~[Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 7, inclusive, of this act.] (Deleted by amendment.)~~

Sec. 3. ~~["Low level traffic violation" means a violation of:~~

~~1. NRS 482.205 within 60 days after the expiration of the registration of the motor vehicle, trailer or semitrailer;~~

~~2. NRS 482.275, unless there is no license plate which is visible attached to the rear of the motor vehicle;~~

~~3. Subsection 1, 3 or 5 of NRS 482.385;~~

~~4. NRS 482.396, if the permit is in an incorrect but visible location;~~

~~5. NRS 484B.600, if the violation is not more than 5 miles over the posted speed limit and does not occur in a pedestrian safety zone, a temporary traffic control zone, a school zone or a school crossing zone;~~

~~6. NRS 484D.110 to 484D.125, inclusive, if only one headlamp, tail lamp, reflector or stop lamp is broken;~~

~~7. NRS 484D.135;~~

~~8. NRS 484D.140;~~

~~9. NRS 484D.500; or~~

~~10. A law or ordinance relating to a damaged or defective bumper.] (Deleted by amendment.)~~

Sec. 4. ~~["School crossing zone" has the meaning ascribed to it in NRS 484B.060.] (Deleted by amendment.)~~

Sec. 5. ~~["School zone" means those sections of streets which are adjacent to school property.] (Deleted by amendment.)~~

Sec. 6. ~~[1. A peace officer shall not stop a motor vehicle for the sole purpose of:~~

~~(a) Determining whether the driver of the motor vehicle is committing a low level traffic violation; or~~

~~(b) Issuing a citation for a low level traffic violation;~~

~~2. Any evidence acquired by a law enforcement agency during or after a traffic stop conducted in violation of this section, including, without limitation, evidence acquired with the consent of the driver, is not admissible in, and must not be disclosed in, a judicial, administrative or other adjudicatory proceeding;~~

~~3. Nothing in this section shall be construed to prohibit a peace officer who observes a low level traffic violation or suspected low level traffic~~

~~violation from:~~

- ~~— (a) Stopping the motor vehicle if the stop is otherwise authorized by law;~~
- ~~— (b) Issuing an oral or written warning concerning a low level traffic violation during a stop that is otherwise authorized by law; or~~
- ~~— (c) Issuing a citation for a low level traffic violation during a stop that is otherwise authorized by law.] (Deleted by amendment.)~~

Sec. 7. ~~[Each law enforcement agency shall adopt a written policy regarding low level traffic violations. Any such policy must:~~

- ~~— 1. Comply with the requirements prescribed by section 6 of this act; and~~
- ~~— 2. Require that violations that threaten the safety of drivers, pedestrians and other persons be prioritized over low level traffic violations.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 484A.010 is hereby amended to read as follows:  
— 484A.010 — As used in chapters 484A to 484E, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 484A.015 to 484A.320, inclusive, and sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 484D.500 is hereby amended to read as follows:  
— 484D.500 — 1. Any passenger 18 years of age or older who rides in the front or back seat of any taxicab on any highway, road or street in this State shall wear a safety belt if one is available for the seating position of the passenger, except that this subsection does not apply:  
— (a) To a passenger who possesses a written statement by a physician or an advanced practice registered nurse certifying that the passenger is unable to wear a safety belt for medical or physical reasons; or  
— (b) If the taxicab was not required by federal law at the time of initial sale to be equipped with safety belts.  
— 2. A citation must be issued to any passenger who violates the provisions of subsection 1. [A citation may be issued pursuant to this subsection only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense.] Any person who violates the provisions of subsection 1 shall be punished by a fine of not more than \$25 or by a sentence to perform a certain number of hours of community service.  
— 3. A violation of subsection 1:  
— (a) Is not a moving traffic violation under NRS 483.473.  
— (b) May be considered as negligence or as causation in any civil action or as negligent or reckless driving under NRS 484B.653.  
— (c) May be considered as misuse or abuse of a product or as causation in any action brought to recover damages for injury to a person or property resulting from the manufacture, distribution, sale or use of a product.  
— 4. An owner or operator of a taxicab shall post a sign within each of his or her taxicabs advising passengers that they must wear safety belts while being transported by the taxicab. Such a sign must be placed within the taxicab so as to be visible to and easily readable by passengers, except that this subsection does not apply if the taxicab was not required by federal law at the time of~~

~~initial sale to be equipped with safety belts.] (Deleted by amendment.)~~

*Sec. 9.1. NRS 482.205 is hereby amended to read as follows:*

482.205 *1. Except as otherwise provided in this chapter and NRS 706.188, every owner of a motor vehicle, trailer or semitrailer intended to be operated upon any highway in this State shall, before the motor vehicle, trailer or semitrailer can be operated, apply to the Department or a registered dealer for and obtain the registration thereof.*

*2. Except as otherwise provided in subsection 3, a citation may be issued for a violation of subsection 1 only if the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.*

*3. The provisions of subsection 2 do not apply if the registration of the motor vehicle, trailer or semitrailer has been expired for more than 60 days.*

*Sec. 9.3. NRS 482.275 is hereby amended to read as follows:*

482.275 *1. The license plates for a motor vehicle other than a motorcycle, moped or motor vehicle being transported by a licensed vehicle transporter must be attached thereto, one in the rear and, except as otherwise provided in subsection 2, one in the front. The license plate issued for all other vehicles required to be registered must be attached to the rear of the vehicle. The license plates must be so displayed during the current calendar year or registration period.*

*2. If the motor vehicle was not manufactured to include a bracket, device or other contrivance to display and secure a front license plate, and if the manufacturer of the motor vehicle provided no other means or method by which a front license plate may be displayed upon and secured to the motor vehicle:*

*(a) One license plate must be attached to the motor vehicle in the rear; and*

*(b) The other license plate may, at the option of the owner of the vehicle, be attached to the motor vehicle in the front.*

*3. The provisions of subsection 2 do not relieve the Department of the duty to issue a set of two license plates as otherwise required pursuant to NRS 482.265 or other applicable law and do not entitle the owner of a motor vehicle to pay a reduced tax or fee in connection with the registration or transfer of the motor vehicle. If the owner of a motor vehicle, in accordance with the provisions of subsection 2, exercises the option to attach a license plate only to the rear of the motor vehicle, the owner shall:*

*(a) Retain the other license plate; and*

*(b) Insofar as it may be practicable, return or surrender both plates to the Department as a set when required by law to do so.*

*4. Every license plate must at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and must be maintained free from foreign materials and in a condition to be clearly legible.*

*5. Any license plate which is issued to a vehicle transporter or a dealer,*

rebuilder or manufacturer may be attached to a vehicle owned or controlled by that person by a secure means. No license plate may be displayed loosely in the window or by any other unsecured method in any motor vehicle.

6. Except as otherwise provided in subsection 7, a citation may be issued for a violation of this section only if the violation is discovered while the vehicle is halted or its driver is arrested for another alleged violation or offense.

7. The provisions of subsection 6 do not apply if no license plate is attached to the rear of the motor vehicle.

Sec. 9.4. NRS 482.396 is hereby amended to read as follows:

482.396 1. A person who is not a dealer, manufacturer or rebuilder may apply to the Department for a permit to operate a vehicle which:

(a) Is not subject to the provisions of NRS 482.390, 482.395 and 706.801 to 706.861, inclusive; and

(b) Is not currently registered in this State, another state or a foreign country, or has been purchased by the applicant from a person who is not a dealer.

2. The Department shall adopt regulations imposing a fee for the issuance of the permit.

3. Each permit must:

(a) Bear the date of expiration in numerals of sufficient size to be plainly readable from a reasonable distance during daylight;

(b) Expire at 5 p.m. not more than 60 days after its date of issuance;

(c) Be affixed to the vehicle in the manner prescribed by the Department; and

(d) Be removed and destroyed upon its expiration or the issuance of a new permit or a certificate of registration for the vehicle, whichever occurs first.

4. The Department may authorize the issuance of more than one permit for the vehicle to be operated by the applicant.

5. A person who is not a dealer, manufacturer or rebuilder who purchased a vehicle described in subsection 1 may move the vehicle without being issued a permit pursuant to this section for 3 days after the date of purchase if the person carries in the vehicle:

(a) Proof of ownership or proof of purchase; and

(b) Proof of liability insurance.

6. Except as otherwise provided in subsection 7, a citation may be issued for a violation of this section only if the violation is discovered while the vehicle is halted or its driver is arrested for another alleged violation or offense.

7. The provisions of subsection 6 do not apply if no permit is affixed to the vehicle.

Sec. 9.5. NRS 484D.115 is hereby amended to read as follows:

484D.115 1. Except as otherwise provided in chapters 484A to 484E, inclusive, of NRS and NRS 486.261, every motor vehicle, trailer, semitrailer and any vehicle which is being drawn at the end of a train of vehicles must be

equipped with at least two tail lamps mounted on the rear, which, when lighted as required by this chapter, emit a red light plainly visible from a distance of 500 feet to the rear, except that vehicles manufactured before July 1, 1969, must have at least one tail lamp if they were originally equipped with only one tail lamp.

2. Only the tail lamp on the rearmost vehicle of a train of vehicles need actually be seen from the distance specified.

3. On vehicles equipped with more than one tail lamp, the lamps must be mounted on the same level, as widely spaced laterally as practicable and at a height of not more than 72 inches nor less than 15 inches.

4. Every passenger car, bus and truck under 80 inches in overall width must be equipped with a lamp so constructed and placed as to illuminate with a white light the rear registration or license plate and render it clearly legible from a distance of 50 feet to the rear.

5. All such lamps must be wired to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

6. Except as otherwise provided in subsection 7, a citation may be issued for a violation of this section only if the violation is discovered while the vehicle is halted or its driver is arrested for another alleged violation or offense.

7. The provisions of subsection 6 do not apply if more than one tail lamp mounted on the vehicle is broken.

8. Nothing in this section shall be construed to prohibit a peace officer from issuing an oral advisory or warning citation concerning a violation of this section, regardless of whether the violation is discovered while the vehicle is halted or its driver is arrested for another alleged violation or offense.

9. The provisions of this section do not apply to towable tools or equipment which is being towed during the hours of daylight.

Sec. 9.7. NRS 484D.120 is hereby amended to read as follows:

484D.120 1. Except as provided in subsection ~~3~~ 6, every motor vehicle, trailer, semitrailer and pole trailer must carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section, except that vehicles of the types mentioned in NRS 484D.460 must be equipped with reflectors meeting the requirements of NRS 484D.150 and subsection 1 of NRS 484D.155.

2. Every such reflector must be mounted on the vehicle at a height not less than 15 inches nor more than 60 inches measured as set forth in NRS 484D.105, and must be of such size and characteristics and so mounted as to be visible at night from all distances within 600 feet to 100 feet from the vehicle when directly in front of lawful lower beams of headlamps, except that reflectors on vehicles manufactured or assembled before January 1, 1970, must be visible at night from all distances within 350 feet to 100 feet when directly in front of lawful upper beams of headlamps.

3. Except as otherwise provided in subsection 4, a citation may be issued for a violation of this section only if the violation is discovered while the

vehicle is halted or its driver is arrested for another alleged violation or offense.

4. The provisions of subsection 3 do not apply if more than one reflector mounted on the vehicle is broken.

5. Nothing in this section shall be construed to prohibit a peace officer from issuing an oral advisory or warning citation concerning a violation of this section, regardless of whether the violation is discovered while the vehicle is halted or its driver is arrested for another alleged violation or offense.

6. The provisions of this section do not apply to towable tools or equipment.

Sec. 9.9. NRS 484D.125 is hereby amended to read as follows:

484D.125 1. Except as provided in subsection ~~5~~ 8, every motor vehicle, trailer and semitrailer, and any vehicle which is being drawn at the end of a train of vehicles must be equipped with two or more stop lamps, except that any vehicle manufactured before July 1, 1969, must have at least one stop lamp if the vehicle was originally equipped with only one stop lamp.

2. Except as otherwise provided in chapters 484A to 484E, inclusive, of NRS, the stop lamp or lamps must:

(a) Be on the rear of the vehicle, and if there are two or more than two must be as widely spaced laterally as practicable;

(b) Display a red, amber or yellow light visible from a distance of not less than 300 feet to the rear in normal sunlight; and

(c) Be activated upon application of the brake.

3. On a combination of vehicles, stop lamps on the rearmost vehicle only are required.

4. A stop lamp may be incorporated with a tail lamp.

5. Except as otherwise provided in subsection 6, a citation may be issued for a violation of this section only if the violation is discovered while the vehicle is halted or its driver is arrested for another alleged violation or offense.

6. The provisions of subsection 6 do not apply if more than one stop lamp on the vehicle is broken.

7. Nothing in this section shall be construed to prohibit a peace officer from issuing an oral advisory or warning citation concerning a violation of this section, regardless of whether the violation is discovered while the vehicle is halted or its driver is arrested for another alleged violation or offense.

8. The provisions of this section do not apply to towable tools or equipment.

Sec. 10. The amendatory provisions of this act apply to a traffic stop which occurs on or after October 1, 2023, ~~[and any evidence that is derived therefrom.]~~

Sec. 11. ~~[NRS 484B.063 is hereby repealed.] (Deleted by amendment.)~~

~~TEXT OF REPEALED SECTION~~

~~484B.063 "School zone" defined. "School zone" means those sections of streets which are adjacent to school property.]~~

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 345 to Senate Bill No. 296 limits the provisions of the bill to prohibit a peace officer from issuing a citation for certain violations relating to registration, license plates, permits for unregistered vehicles and certain equipment unless the violation is discovered when the vehicle is halted or its driver is arrested for another alleged violation or offense.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 338.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 307.

SUMMARY—Revises provisions relating to off-highway vehicles. (BDR 43-678)

AN ACT relating to off-highway vehicles; revising ~~[provisions relating to the operation of certain off highway vehicles on certain streets and highways; authorizing the Commission on Off Highway Vehicles to designate a portion of certain highways for use by off highway vehicles; revising certain duties of an operator of an off highway vehicle being driven on a highway;]~~ the definition of "large all-terrain vehicle"; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines a "large all-terrain vehicle" as any all-terrain vehicle that includes seating capacity for at least two people abreast and: (1) total seating capacity for at least four people; or (2) a truck bed. (NRS 490.043) ~~[Under existing law, a person may operate a large all terrain vehicle that meets certain requirements on: (1) any portion of a highway designated as a general country road or minor country road; and (2) any city street within a city whose population is less than 25,000 (currently all cities except Carson City, Henderson, Las Vegas, North Las Vegas, Reno and Sparks) or on a portion of a highway that has been designated as a main county road. Under existing law, the governing body of a city or county which contains all or a portion of a highway designated as a general county road or minor county road may prohibit the operation of a large all terrain vehicle on any portion of such a road. (NRS 490.105) Section 7 of this bill revises these provisions to apply to a utility vehicle, instead of a large all terrain vehicle. Section 1 of this bill defines the term "utility vehicle" to mean any all terrain vehicle that includes seating capacity for at least two people abreast. Sections 3, 5 and 11 of this bill make conforming changes to replace the term "large all terrain vehicle" with "utility vehicle." Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.~~

~~—Section 7 also: (1) removes the authority of a governing body of a city or county to prohibit the operation of a large all terrain vehicle on any portion of~~

~~a designated street or highway; and (2) prohibits, with certain exceptions, the operation of a utility vehicle on any designated street or highway with a speed limit of more than 45 miles per hour.~~

~~Existing law requires a large all-terrain vehicle that will be operated on designated streets and highways to be registered with the Department of Motor Vehicles. (NRS 490.0825, 490.105) Section 4 of this bill requires the Department to register a utility vehicle upon the request of the owner of the vehicle.~~

~~Existing law authorizes a city or county to designate any portion of a highway within the city or county as permissible for the operation of off-highway vehicles for the purpose of allowing off-highway vehicles to reach a private or public area that is open for use by off-highway vehicles. (NRS 490.100) Section 6 of this bill instead authorizes the Commission on Off-Highway Vehicles to make such designations. Sections 8 and 9 of this bill make conforming changes to reflect the authority of the Commission to make such designations.~~

~~Existing law requires the operator of an off-highway vehicle that is being driven on a highway in this State to: (1) comply with all traffic laws; (2) ensure the registration or special plate is attached to the vehicle; and (3) wear a helmet. (NRS 490.130) Sections 7 and 10 of this bill clarify that, consistent with other provisions of existing law, the operator is also required to hold a valid driver's license. (NRS 490.110) Section 1.5 of this bill revises the definition of "large all-terrain vehicle" by removing the requirements that such a vehicle have total seating capacity for at least four people or a truck bed.~~

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

Section 1. ~~Chapter 490 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~"Utility vehicle" means any all-terrain vehicle that includes seating capacity for at least two people abreast.~~ (Deleted by amendment.)

Sec. 1.5. ~~NRS 490.043 is hereby amended to read as follows:~~

490.043 "Large all-terrain vehicle" means any all-terrain vehicle that includes seating capacity for at least two people abreast. ~~and:~~

- ~~1. Total seating capacity for at least four people; or~~
- ~~2. A truck bed.~~

Sec. 2. ~~NRS 490.010 is hereby amended to read as follows:~~

~~490.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 490.020 to 490.062, inclusive, and section 1 of this act have the meanings ascribed to them in those sections.~~ (Deleted by amendment.)

Sec. 3. ~~NRS 490.060 is hereby amended to read as follows:~~

~~490.060 1. "Off-highway vehicle" means a motor vehicle that is designed primarily for off-highway and all-terrain use. The term includes, but is not limited to:~~

- ~~(a) An all-terrain vehicle, including, without limitation, a [large all-terrain]~~

~~utility vehicle without regard to whether that [large all terrain] utility vehicle is registered by the Department in accordance with NRS 490.0825 as a motor vehicle intended to be operated upon the highways of this State;~~

~~—(b) An all-terrain motorcycle;~~

~~—(c) A dune buggy;~~

~~—(d) A snowmobile; and~~

~~—(e) Any motor vehicle used on public lands for the purpose of recreation.~~

~~2. The term does not include:~~

~~—(a) A motor vehicle designed primarily for use in water;~~

~~—(b) A motor vehicle that is registered by the Department in accordance with chapter 482 of NRS;~~

~~—(c) A low-speed vehicle as defined in NRS 484B.637; or~~

~~—(d) Special mobile equipment, as defined in NRS 482.123.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 490.0825 is hereby amended to read as follows:~~

~~490.0825 1. Upon the request of an owner of a [large all terrain] utility vehicle, the Department shall register the [large all terrain] utility vehicle to operate on the roads specified in NRS 490.105.~~

~~2. The owner of a [large all terrain] utility vehicle wishing to apply for registration or renewal of registration pursuant to this section must obtain and maintain insurance on the vehicle that meets the requirements of NRS 485.185.~~

~~3. If an owner of a [large all terrain] utility vehicle applies to the Department for the registration of the vehicle pursuant to this section, the owner shall submit to the Department:~~

~~—(a) The information required for registration pursuant to NRS 490.082;~~

~~—(b) The fee for registration required pursuant to NRS 490.084;~~

~~—(c) Proof satisfactory to the Department that the applicant carries insurance on the vehicle provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State which meets the requirements of NRS 485.185; and~~

~~—(d) A declaration signed by the applicant that he or she will maintain the insurance required by this section during the period of registration.] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 490.083 is hereby amended to read as follows:~~

~~490.083 1. Each registration of an off-highway vehicle must:~~

~~—(a) Be in the form of a sticker or decal, as prescribed by the Commission.~~

~~—(b) Be at least 3 inches high by 3 1/2 inches wide and display not more than four characters that are at least 1 1/4 inches high.~~

~~—(c) Include the unique vehicle identification number, serial number or distinguishing number obtained pursuant to NRS 490.0835 for the off-highway vehicle.~~

~~—(d) Be displayed on the off-highway vehicle in the manner set forth by the Commission.~~

~~2. The registration sticker or decal of a [large all terrain] utility vehicle registered pursuant to NRS 490.0825 must be distinguishable from the sticker~~

~~or decal of an off-highway vehicle registered pursuant to NRS 490.082 in a manner to be determined by the Department.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 490.100 is hereby amended to read as follows:~~

~~490.100 1. Except as otherwise provided in subsection 2, [a city or county] the Commission may designate any portion of a highway [within the city or county] as permissible for the operation of off-highway vehicles for the purpose of allowing off-highway vehicles to reach a private or public area that is open for use by off-highway vehicles. If [a city or county] the Commission designates any portion of a state highway as permissible for the operation of off-highway vehicles pursuant to this subsection, the [city or county] Commission must obtain approval for the designation from the Department of Transportation. The Department of Transportation shall issue a timely decision concerning the request for approval and must not unreasonably deny the request.~~

~~2. The highway designated for operation of off-highway vehicles pursuant to subsection 1 may not consist of any portion of an interstate highway.~~

~~3. If [a city or county] the Commission designates a highway for the operation of off-highway vehicles, the [city or county] Commission may adopt [an ordinance] regulations requiring a person who is less than 16 years of age and who is operating the off-highway vehicle on a designated highway to be under the direct visual supervision of a person who is at least 18 years of age.~~

~~4. A person operating an off-highway vehicle on a highway designated for operation of off-highway vehicles pursuant to subsection 1 may not operate the off-highway vehicle on the highway for any purpose other than to travel to or from the private or public area as described in subsection 1.] (Deleted by amendment.)~~

Sec. 7. ~~[NRS 490.105 is hereby amended to read as follows:~~

~~490.105 1. [Except as otherwise provided in subsection 2, a] A person who holds a valid driver's license may operate a [large all-terrain] utility vehicle on any portion of a highway that has been designated in accordance with NRS 403.170 as a general county road or minor county road if [the large all-terrain]:~~

~~(a) The utility vehicle:~~

~~[(a) (1) Meets the requirements set forth in NRS 490.120; and~~

~~[(b) (2) Is registered by the Department in accordance with NRS 490.0825 as a motor vehicle intended to be operated upon the highways of this State [.] ; and~~

~~(b) Except as otherwise provided in subsection 2 of NRS 490.090, the posted speed limit on the highway is not more than 45 miles per hour.~~

~~2. [The governing body of a city or county within which is located a highway or portion of a highway that has been designated in accordance with NRS 403.170 as a general county road or minor county road may by ordinance or resolution prohibit the operation of large all-terrain vehicles on any portion of such a road.~~

~~3.] A person may operate a [large all-terrain] utility vehicle on a city street~~

~~[within a city whose population is less than 25,000] or on a portion of a highway that has been designated as a main county road if:~~

~~— (a) The [large all terrain] utility vehicle satisfies the requirements of [paragraphs] paragraph (a) [and (b)] of subsection 1; and~~

~~— (b) The [governing body of the city or the governing body of the county having jurisdiction over] posted speed limit of the street or highway [enacts an ordinance or resolution authorizing the operation of large all terrain vehicles on any portion of such a street or highway.] is not more than 45 miles per hour.] (Deleted by amendment.)~~

Sec. 8. ~~[NRS 490.110 is hereby amended to read as follows:~~

~~— 490.110 1. Except as otherwise provided in subsection 2, if an off-highway vehicle meets the requirements of this chapter and the operator holds a valid driver's license and operates the off-highway vehicle in accordance with the requirements of those sections, the off-highway vehicle may be operated on a highway in accordance with NRS 490.090 to 490.130, inclusive.~~

~~— 2. An off-highway vehicle may not be operated pursuant to this section:~~

~~— (a) On an interstate highway;~~

~~— (b) On a paved highway in this State for more than 2 miles; or~~

~~— (c) [Unless the highway is specifically designated for use by off-highway vehicles in a city whose population is 100,000 or more; or~~

~~— (d)] Unless it is a [large all terrain] utility vehicle registered pursuant to NRS 490.0825 and being operated in accordance with NRS 490.105.] (Deleted by amendment.)~~

Sec. 9. ~~[NRS 490.120 is hereby amended to read as follows:~~

~~— 490.120 1. Except as otherwise provided in subsection 2 and in addition to the requirements set forth in NRS 490.070, a person shall not operate an off-highway vehicle on a highway pursuant to NRS 490.090 to 490.130, inclusive, unless the off-highway vehicle has:~~

~~— (a) At least one headlamp that illuminates objects at least 500 feet ahead of the vehicle;~~

~~— (b) At least one tail lamp that is visible from at least 500 feet behind the vehicle;~~

~~— (c) At least one red reflector on the rear of the vehicle, unless the tail lamp is red and reflective;~~

~~— (d) A stop lamp on the rear of the vehicle; and~~

~~— (e) A muffler which is in working order and which is in constant operation when the vehicle is running.~~

~~— 2. The provisions of paragraphs (a) and (b) of subsection 1 do not apply to an off-highway vehicle which is operated during daylight hours on a highway designated by [a county] the Commission pursuant to NRS 490.100 for the operation of the off-highway vehicle without at least one headlamp specified in paragraph (a) of subsection 1 or without at least one tail lamp specified in paragraph (b) of that subsection.] (Deleted by amendment.)~~

Sec. 10. ~~[NRS 490.130 is hereby amended to read as follows:~~

~~490.130 The operator of an off-highway vehicle that is being driven on a highway in this State in accordance with NRS 490.090 to 490.130, inclusive, shall;~~

- ~~1. [Comply] Shall comply with all traffic laws of this State;~~
- ~~2. [Ensure] Shall ensure that the registration of the off-highway vehicle is attached to the vehicle in accordance with NRS 490.083 or a special plate issued pursuant to NRS 490.0827 is attached to the vehicle; [and]~~
- ~~3. [Wear] Shall wear a helmet.; and~~
- ~~4. Must hold a valid driver's license.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 490.520 is hereby amended to read as follows:~~

~~490.520 1. It is a gross misdemeanor for any person knowingly to falsify:~~

- ~~(a) An off-highway vehicle dealer's report of sale, as described in NRS 490.440; or~~
- ~~(b) An application or document to obtain any license, permit, certificate of title or registration issued under the provisions of this chapter.~~

~~2. It is a misdemeanor for any person to violate any of the provisions of NRS 490.200 to 490.450, inclusive.~~

~~3. Except as otherwise provided in subsections 4 and 5, it is a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, for any person to violate any of the provisions of this chapter unless the violation is by this section or other provision of this chapter or other law of this State declared to be a misdemeanor, gross misdemeanor or felony.~~

~~4. Except as otherwise provided in subsection 5, a person who violates a provision of this chapter relating to the registration or operation of an off-highway vehicle is guilty of a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, and shall be punished by a civil penalty not to exceed \$100.~~

~~5. Any person who registers a [large all-terrain] utility vehicle pursuant to NRS 490.0825 and who:~~

- ~~(a) Operates or knowingly permits the operation of the vehicle without having insurance as required by NRS 490.0825;~~
  - ~~(b) Operates or knowingly permits the operation of the vehicle without having evidence of insurance of the vehicle in the possession of the operator of the vehicle; or~~
  - ~~(c) Fails or refuses to surrender, upon demand, to a peace officer or to an authorized representative of the Department the evidence of insurance;~~
- ~~is guilty of a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, and shall be punished by a civil penalty not to exceed \$100.] (Deleted by amendment.)~~

Sec. 12. ~~[Notwithstanding the amendatory provisions of section 5 of this act, a sticker or decal issued before January 1, 2024, for the registration of an off-highway vehicle remains valid for the period for which the sticker or decal is issued.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 490.043 is hereby repealed.] (Deleted by amendment.)~~

~~Sec. 14. [1. This section becomes effective upon passage and approval.  
2. Sections 1 to 13, inclusive, of this act become effective:  
(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and  
(b) On January 1, 2024, for all other purposes.] (Deleted by amendment.)~~

f

~~TEXT OF REPEALED SECTION~~

~~NRS 490.043 "Large all terrain vehicle" defined. "Large all terrain vehicle" means any all terrain vehicle that includes seating capacity for at least two people abreast and:~~

- ~~1. Total seating capacity for at least four people; or~~
- ~~2. A truck bed.]~~

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 307 to Senate Bill No. 338 revises the definition of "large all-terrain vehicle" by removing the requirements that such a vehicle have total seating capacity for at least four people or a truck bed.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 419.

SUMMARY—Revises provisions relating to crimes. (BDR 15-133)

AN ACT relating to crimes; revising provisions governing crimes relating to facilitating sex trafficking; requiring certain entities to work collaboratively to prepare and submit a comprehensive biennial report concerning human trafficking in this State; revising certain requirements for compensation from the Fund for the Compensation of Victims of Crime; revising provisions governing the Contingency Account for Victims of Human Trafficking; making an appropriation; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person commits the crime of facilitating sex trafficking if the person: (1) facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of inducing that person to engage in unlawful sexual conduct or prostitution or, if that person is a child, certain acts relating to pornography involving minors; (2) sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of engaging in sexual conduct with a victim of sex trafficking, soliciting a child who is a victim of sex trafficking or engaging in certain acts relating to pornography involving minors; or (3) travels to or within this State by any

means with the intent of engaging in sexual conduct with a victim of sex trafficking with the knowledge that the victim has been induced to engage in sexual conduct or prostitution or engaging in certain acts relating to pornography involving minors. A person who commits the crime of facilitating sex trafficking is guilty of a category B felony and is subject to certain minimum and maximum terms of imprisonment depending on whether the victim is an adult or child. (NRS 201.301)

Sections 1-3 of this bill provide that a person who commits the crime of facilitating sex trafficking is subject to the same penalties that apply under existing law for committing the crime against a child if the person commits the crime against a peace officer who is posing as a child or a person who is assisting in an investigation on behalf of a peace officer by posing as a child. ~~Section~~ Sections 3.5 and 7 of this bill ~~makes a~~ make conforming ~~change~~ changes to provisions of existing law that contain references to the crime of facilitating sex trafficking of a child to reflect the changes made in sections 1-3.

Existing law requires the payment of compensation from the Fund for the Compensation of Victims of Crime to certain victims of criminal acts and requires an application for such compensation from the Fund to be filed not later than 24 months after the injury or death for which compensation is claimed. (NRS 217.100, 217.180, 217.260) Section 5 of this bill creates an exception to this time limit by authorizing a person who is a victim of sex trafficking or facilitating sex trafficking to file an application for compensation from the Fund not later than 60 months after the injury or death for which compensation is claimed.

Existing law creates the Contingency Account for Victims of Human Trafficking in the State General Fund and requires the Director of the Department of Health and Human Services to administer the Contingency Account. (NRS 217.530) Existing law requires a recipient of an allocation of money from the Contingency Account to use the money only for establishing or providing programs or services to victims of human trafficking. (NRS 217.540) Section 6.5 of this bill specifies that a recipient of an allocation of money from the Contingency Account may use the money for establishing pilot programs for alternatives to law enforcement response to victims of human trafficking. Section 7.5 of this bill makes an appropriation to the Contingency Account for Victims of Human Trafficking created by NRS 217.530.

Section 4 of this bill requires certain entities to work collaboratively to prepare and submit a comprehensive biennial report on human trafficking in this State. Section 6 of this bill makes a conforming change to indicate the proper placement of section 4 in the Nevada Revised Statutes.

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

Section 1. NRS 201.295 is hereby amended to read as follows:  
201.295 As used in NRS 201.295 to 201.440, inclusive, unless the context

otherwise requires:

1. "Adult" means a person 18 years of age or older.
2. "Adult posing as a child" means an adult who is:
  - (a) A peace officer who is posing as a child; or
  - (b) A person who is assisting in an investigation on behalf of a peace officer by posing as a child.
3. "Child" means a person less than 18 years of age.
- ~~{3.}~~ 4. "Induce" means to persuade, encourage, inveigle or entice.
- ~~{4.}~~ 5. "Peace officer" means any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 289.150 to 289.360, inclusive.
6. "Prostitute" means a male or female person who for a fee, monetary consideration or other thing of value engages in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either person.
- ~~{5.}~~ 7. "Prostitution" means engaging in sexual conduct with another person in return for a fee, monetary consideration or other thing of value.
- ~~{6.}~~ 8. "Sexual conduct" means any of the acts enumerated in subsection ~~{4.}~~
- ~~—7.}~~ 6.
9. "Transports" means to transport or cause to be transported, by any means of conveyance, into, through or across this State, or to aid or assist in obtaining such transportation.

Sec. 2. NRS 201.301 is hereby amended to read as follows:

201.301 1. A person is guilty of facilitating sex trafficking if the person:

(a) Facilitates, arranges, provides or pays for the transportation of a person to or within this State with the intent of:

(1) Inducing the person to engage in prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

(2) Inducing the person to enter any place within this State in which prostitution is practiced, encouraged or allowed for the purpose of sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or

(3) If the person is a child, using the person for any act that is prohibited by NRS 200.710 or 200.720 ~~{;}~~ or, if the person is an adult posing as a child, using the person for any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child;

(b) Sells travel services that facilitate the travel of another person to this State with the knowledge that the other person is traveling to this State for the purpose of:

(1) Engaging in sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300;

(2) Soliciting a child or an adult posing as a child who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1),

(2) or (3) of paragraph (a) of subsection 2 of NRS 201.300; or

(3) Engaging in any act involving a child that is prohibited by NRS 200.710 or 200.720 ~~or~~ *or, if the person is an adult posing as a child, engaging in any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child;* or

(c) Travels to or within this State by any means with the intent of engaging in:

(1) Sexual conduct with a person who has been induced to engage in sexual conduct or prostitution in violation of subparagraph (1), (2) or (3) of paragraph (a) of subsection 2 of NRS 201.300, with the knowledge that such a person has been induced to engage in such sexual conduct or prostitution; or

(2) Any act involving a child that is prohibited by NRS 200.710 or 200.720 ~~or~~ *or, if the person is an adult posing as a child, any act that would be prohibited by NRS 200.710 or 200.720 if the person actually were a child.*

2. A person who is found guilty of facilitating sex trafficking is guilty of a category B felony and:

(a) ~~HE~~ *Except as otherwise provided in paragraph (b), if the victim is ~~18 years of age or older,~~ an adult,* shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(b) If the victim is ~~less than 18 years of age,~~ *a child or an adult posing as a child,* shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 10 years.

Sec. 3. NRS 201.352 is hereby amended to read as follows:

201.352 1. If a person is convicted of a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the victim of the violation is a child *or an adult posing as a child* when the offense is committed and physical force or violence or the immediate threat of physical force or violence is used upon the child ~~or~~ *or an adult posing as a child,* the court may, in addition to the term of imprisonment prescribed by statute for the offense and any fine imposed pursuant to subsection 2, impose a fine of not more than \$500,000.

2. If a person is convicted of a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the victim of the offense is a child *or an adult posing as a child* when the offense is committed and the offense also involves a conspiracy to commit a violation of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395, the court may, in addition to the punishment prescribed by statute for the offense of a provision of subsection 2 of NRS 201.300, subsection 1 of NRS 201.301, NRS 201.320 or 201.395 and any fine imposed pursuant to subsection 1, impose a fine of not more than \$500,000.

3. The provisions of subsections 1 and 2 do not create a separate offense but provide an additional penalty for the primary offense, the imposition of which is contingent upon the finding of the prescribed fact.

Sec. 3.5. NRS 201.354 is hereby amended to read as follows:

201.354 1. It is unlawful for a customer to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

2. Any person who violates subsection 1 by soliciting for prostitution:

(a) A child; *or*

~~(b) A peace officer who is posing as a child; or~~

~~(c) A person who is assisting in an investigation on behalf of a peace officer by *an adult* posing as a child,~~

↪ is guilty of soliciting a child for prostitution.

3. Except as otherwise provided in subsection 5, a person who violates this section:

(a) For a first offense, is guilty of a misdemeanor and shall be punished as provided in NRS 193.150, and by a fine of not less than \$400.

(b) For a second offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$800.

(c) For a third or subsequent offense, is guilty of a gross misdemeanor and shall be punished as provided in NRS 193.140, and by a fine of not less than \$1,300.

4. In addition to any other penalty imposed, the court shall order a person who violates subsection 3 to pay a civil penalty of not less than \$200 per offense. The civil penalty must be paid to the district attorney or city attorney of the jurisdiction in which the violation occurred. If the civil penalty imposed pursuant to this subsection:

(a) Is not within the person's present ability to pay, in lieu of paying the penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the civil penalty.

(b) Is not entirely within the person's present ability to pay, in lieu of paying the entire civil penalty, the court may allow the person to perform community service for a reasonable number of hours, the value of which would be commensurate with the amount of the reduction of the civil penalty.

5. A person who ~~violates this section~~ is guilty of soliciting a child for prostitution pursuant to subsection 2 by soliciting for prostitution a child ~~for prostitution~~ or an adult posing as a child:

(a) For a first offense, is guilty of a category D felony and shall be punished as provided in NRS 193.130, and by a fine of not more than \$5,000.

(b) For a second offense, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

(c) For a third or subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and maximum term of not more than 6 years, and may be further punished by a fine of not more than \$15,000. The court shall not grant probation to or suspend the sentence of a person punished pursuant to this paragraph.

6. Any civil penalty collected by a district attorney or city attorney pursuant to subsection 4 must be deposited in the county or city treasury, as

applicable, to be used for:

(a) The enforcement of this section; and

(b) Programs of treatment for persons who solicit prostitution which are certified by the Division of Public and Behavioral Health of the Department of Health and Human Services.

↪ Not less than 50 percent of the money deposited in the county or city treasury, as applicable, pursuant to this subsection must be used for the enforcement of this section.

7. If a person who violates subsection 1 is ordered pursuant to NRS 4.373 or 5.055 to participate in a program for the treatment of persons who solicit prostitution, upon fulfillment of the terms and conditions of the program, the court may discharge the person and dismiss the proceedings against the person. If the court discharges the person and dismisses the proceedings against the person, a nonpublic record of the discharge and dismissal must be transmitted to and retained by the Division of Parole and Probation of the Department of Public Safety solely for the use of the courts in determining whether, in later proceedings, the person qualifies under this section for participation in a program of treatment for persons who solicit prostitution. Except as otherwise provided in this subsection, discharge and dismissal under this subsection is without adjudication of guilt and is not a conviction for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any other public or private purpose, but is a conviction for the purpose of additional penalties imposed for a second or subsequent conviction or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the proceedings. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge the proceedings in response to an inquiry made of the person for any purpose. Discharge and dismissal under this subsection may occur only once with respect to any person. A professional licensing board may consider a proceeding under this subsection in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

8. Except as limited by subsection 9, if a person is discharged and the proceedings against the person are dismissed pursuant to subsection 7, the court shall, without a hearing, order sealed all documents, papers and exhibits in that person's record, minute book entries and entries on dockets, and other documents relating to the case in the custody of such other agencies and officers as are named in the court's order. The court shall cause a copy of the order to be sent to each agency or officer named in the order. Each such agency or officer shall notify the court in writing of its compliance with the order.

9. A professional licensing board is entitled, for the purpose of determining suitability for a license or liability to discipline for misconduct, to inspect and to copy from a record sealed pursuant to this section.

Sec. 4. Chapter 217 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *On or before July 1 of each even-numbered year, each entity designated pursuant to subsection ~~3~~ 4 shall work collaboratively to prepare a comprehensive report concerning human trafficking in this State and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.*

2. ~~The~~ *Except as otherwise provided in subsection 3, the report required by subsection 1 must include, without limitation:*

(a) *The annual operating budget of each entity designated pursuant to subsection ~~3~~ 4;*

(b) *A copy of any written policy adopted by an entity designated pursuant to subsection ~~3~~ 4 concerning:*

(1) *The identification of victims of human trafficking;*

(2) *Referrals to resources for victims of human trafficking; and*

(3) *The detention or citation of victims of human trafficking;*

(c) *Information concerning the delivery of services for victims of human trafficking, which must include, without limitation:*

(1) *A description of the services that were provided by each entity during the immediately preceding biennium;*

(2) *A description of the efforts made by each entity during the immediately preceding biennium to locate victims in need of such services and provide such services to those victims;*

(3) *The number of victims served by each entity during the immediately preceding biennium; and*

(4) *The number of victims who were:*

(I) *Served by an entity during the immediately preceding biennium; and*

(II) *Arrested or issued a citation during the immediately preceding biennium for conduct related to human trafficking;*

(d) *Information relating to the prosecution of human trafficking in this State, including, without limitation:*

(1) *The number of arrests made concerning human trafficking during the immediately preceding biennium; and*

(2) *The number of charges filed concerning human trafficking and the disposition of those cases; and*

(e) *Policy recommendations for decreasing human trafficking in this State.*

3. *The requirements prescribed by subsection 2 do not apply to any written policy, the disclosure of which would, in the determination of the adopting entity, compromise, jeopardize or otherwise threaten the safety or privacy of victims of human trafficking.*

4. *The following entities must work collaboratively to prepare and submit the report required by subsection 1:*

(a) *The State of Nevada Human Trafficking Coalition;*

(b) *The Nevada Coalition to Prevent the Commercial Sexual Exploitation*

of Children;

(c) *The Nevada Policy Council on Human Trafficking, or its successor organization;*

(d) *Each local human trafficking task force;*

(e) *Each recipient of an allocation of money from the Contingency Account;*  
and

(f) *Any other entity designated by the Chair of the Joint Interim Standing Committee on the Judiciary on or before January 1 of an even-numbered year.*

~~4.4~~ 5. *Each law enforcement agency in this State shall collaborate with the entities designated pursuant to subsection ~~4.3~~ 4 to carry out the duties prescribed in this section.*

~~5.5~~ 6. *As used in this section:*

(a) *"Contingency Account" means the Contingency Account for Victims of Human Trafficking created by NRS 217.530.*

(b) *"Local human trafficking task force" includes, without limitation:*

(1) *The Northern Nevada Human Trafficking Task Force, or its successor organization; and*

(2) *The Southern Nevada Human Trafficking Task Force, or its successor organization.*

(c) *"Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children" means the Nevada Coalition to Prevent the Commercial Sexual Exploitation of Children established by the Governor pursuant to Executive Order 2016-14, issued on May 31, 2016.*

(d) *"State of Nevada Human Trafficking Coalition" means the State of Nevada Human Trafficking Coalition formed pursuant to NRS 217.098.*

Sec. 5. NRS 217.100 is hereby amended to read as follows:

217.100 1. Except as otherwise provided in subsection 5, any person eligible for compensation under the provisions of NRS 217.010 to 217.270, inclusive, may apply to the Director for such compensation not later than 24 months after the injury or death for which compensation is claimed ~~or~~ *or, for a person who is a victim of sex trafficking or facilitating sex trafficking, not later than 60 months after the injury or death for which compensation is claimed, unless waived by the Director or a person designated by the Director for good cause shown, and the personal injury or death was the result of an incident or offense that was reported to the police within 5 days of its occurrence or, if the incident or offense could not reasonably have been reported within that period, within 5 days of the time when a report could reasonably have been made.*

2. An order for the payment of compensation must not be made unless the application is made within the time set forth in subsection 1.

3. Where the person entitled to make application is:

(a) A minor, the application may be made on his or her behalf by a parent or guardian.

(b) Mentally incapacitated, the application may be made on his or her behalf by a parent, guardian or other person authorized to administer his or her estate.

4. The applicant must submit with his or her application the reports, if reasonably available, from all physicians who, at the time of or subsequent to the victim's injury or death, treated or examined the victim in relation to the injury for which compensation is claimed.

5. The limitations upon payment of compensation established in subsection 1 do not apply to a minor who is sexually abused or who is involved in the production of pornography. Such a minor must apply for compensation before reaching 21 years of age.

6. *As used in this section:*

(a) "Facilitating sex trafficking" means a violation of NRS 201.301.

(b) "Sex trafficking" means a violation of subsection 2 of NRS 201.300.

Sec. 6. NRS 217.500 is hereby amended to read as follows:

217.500 As used in NRS 217.500 to 217.540, inclusive, and section 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 217.510 and 217.520 have the meanings ascribed to them in those sections.

Sec. 6.5. NRS 217.540 is hereby amended to read as follows:

217.540 1. A nonprofit organization or any agency or political subdivision of this State may apply to the Director of the Department of Health and Human Services for an allocation of money from the Contingency Account.

2. ~~[Except as otherwise provided in this subsection, the] The Grants Management Advisory Committee created by NRS 232.383 shall review applications received by the Director pursuant to subsection 1 and make recommendations to the Director concerning allocations of money from the Contingency Account to applicants. ~~[If the Director, in his or her discretion, determines that an emergency exists and an allocation of money from the Contingency Account is needed immediately, the Director may make an allocation of money from the Contingency Account pursuant to this section without the review of the application or the making of recommendations by the Grants Management Advisory Committee.]~~~~

3. The Director may make allocations of money from the Contingency Account to applicants and may place such conditions on the acceptance of such an allocation as the Director determines are necessary, including, without limitation, requiring the recipient of an allocation to submit periodic reports concerning the recipient's use of the allocation.

4. The recipient of an allocation of money from the Contingency Account may use the money only for the purposes of establishing or providing programs or services to victims of human trafficking ~~[,]~~ , including, without limitation, establishing pilot programs for alternatives to law enforcement response to victims of human trafficking.

Sec. 7. NRS 432C.150 is hereby amended to read as follows:

432C.150 1. Information maintained by an agency which provides child welfare services must be maintained by the agency which provides child welfare services as required by federal law as a condition of the allocation of

federal money to this State.

2. Except as otherwise provided in this section, information maintained by an agency which provides child welfare services may, at the discretion of the agency which provides child welfare services, be made available only to:

(a) A physician, if the physician has before him or her a child who the physician has reasonable cause to believe is a commercially sexually exploited child;

(b) A person authorized to place a child in protective custody, if the person has before him or her a child who the person has reasonable cause to believe is a commercially sexually exploited child and the person requires the information to determine whether to place the child in protective custody;

(c) An agency, including, without limitation, an agency in another jurisdiction, responsible for or authorized to undertake the care, treatment or supervision of:

(1) The child; or

(2) The person responsible for the welfare of the child;

(d) A district attorney or other law enforcement officer who requires the information in connection with an investigation or prosecution of the commercial sexual exploitation of a child;

(e) A court other than a juvenile court, for in camera inspection only, unless the court determines that public disclosure of the information is necessary for the determination of an issue before it;

(f) A person engaged in bona fide research or an audit, but information identifying the subjects of a report must not be made available to the person;

(g) The attorney and the guardian ad litem of the child, if the information is reasonably necessary to promote the safety, permanency and well-being of the child;

(h) Except as otherwise provided in subsection 4, a federal, state or local governmental entity, or an agency of such an entity, or a juvenile court, that needs access to the information to carry out its legal responsibilities to protect children from commercial sexual exploitation;

(i) A person or an organization that has entered into a written agreement with an agency which provides child welfare services to provide assessments or services and that has been trained to make such assessments or provide such services;

(j) A parent or legal guardian of the child and an attorney of a parent or guardian of the child, if the identity of the person responsible for reporting the commercial sexual exploitation of the child to a public agency is kept confidential and the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning that parent or guardian;

(k) The persons or agent of the persons who are the subject of a report, if the information is reasonably necessary to promote the safety, permanency and well-being of the child and is limited to information concerning those persons;  
or

(l) Any person who is required pursuant to NRS 432B.220 to make a report to an agency which provides child welfare services or to a law enforcement agency.

3. Before releasing any information maintained by an agency which provides child welfare services pursuant to this section, an agency which provides child welfare services shall take whatever precautions it determines are reasonably necessary to protect the identity and safety of any person who reports that a child is a commercially sexually exploited child and to protect any other person if the agency which provides child welfare services reasonably believes that disclosure of the information would cause a specific and material harm to an investigation of the alleged commercial sexual exploitation of a child or the life or safety of any person.

4. An agency which provides child welfare services shall not provide information maintained by the agency which provides child welfare services to a juvenile court only to facilitate a determination by the court related to the adjudication of a child who is accused of:

(a) Sex trafficking a child in violation of NRS 201.300; or

(b) Facilitating sex trafficking of a child *or an adult posing as a child, as defined in NRS 201.295*, in violation of NRS 201.301.

5. The provisions of this section must not be construed to require an agency which provides child welfare services to disclose information maintained by the agency which provides child welfare services if, after consultation with the attorney who represents the agency, the agency determines that such disclosure would cause a specific and material harm to a criminal investigation.

6. If an agency which provides child welfare services receives any information that is deemed confidential by law, the agency which provides child welfare services shall maintain the confidentiality of the information as prescribed by applicable law.

7. Pursuant to this section, a person may authorize the release of information maintained by an agency which provides child welfare services about himself or herself, but may not waive the confidentiality of such information concerning any other person.

8. Except as otherwise provided in this subsection, any person who is provided with information maintained by an agency which provides child welfare services and who further disseminates the information or makes the information public is guilty of a gross misdemeanor. This subsection does not apply to a district attorney or other law enforcement officer who uses the information solely for the purpose of initiating legal proceedings against any person alleged to be the perpetrator of the commercial sexual exploitation of a child.

9. An agency which provides child welfare services may charge a fee for processing costs reasonably necessary to prepare information maintained by the agency which provides child welfare services for release pursuant to this section.

10. An agency which provides child welfare services shall adopt rules, policies or regulations to carry out the provisions of this section.

11. As used in this section, "parent" has the meaning ascribed to it in NRS 432B.080.

Sec. 7.5. There is hereby appropriated from the State General Fund to the Contingency Account for Victims of Human Trafficking created by NRS 217.530 the sum of \$1,000,000.

Sec. 8. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 9. 1. This section and section 7.5 of this act ~~becomes~~ become effective upon passage and approval.

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

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 419 to Senate Bill No. 389 adds language excluding the sharing of any information in the report required by the bill that would compromise a victim's safety or privacy. It also allows entities that receive money from the Contingency Account for Victims of Human Trafficking to use that money to establish pilot programs for alternatives to law enforcement response to victims of human trafficking and makes a \$1 million appropriation to the Contingency Account from the State General Fund.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 402.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 247.

SUMMARY—Creates the Cannabis Mentorship Pilot Program. (BDR 56-1064)

AN ACT relating to cannabis; establishing the Cannabis Mentorship Pilot Program; setting forth various requirements for the Program; authorizing the Cannabis Compliance Board to approve and issue a certificate of transferable tax credits to a licensee that participates in the Program as a sponsor; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of persons and establishments involved in the cannabis industry in this State by the Cannabis Compliance Board. (Title 56 of NRS) Section 7 of this bill creates the 4-year Cannabis Mentorship Pilot Program for the purpose of providing persons who have been adversely affected by provisions of previous laws which criminalized activity relating to cannabis the opportunity to receive training, experience and mentorship in the cannabis industry in this State. Section 7 requires the Program to provide for, in general, the placement of a participant

as a full-time employee with a sponsor who holds a license issued by the Board for a 2-year period during which the participant works for the sponsor in a variety of aspects of the business operations of the sponsor. Section 7 requires a person to have been adversely affected by previous laws which criminalized activity relating to cannabis in order to be eligible to participate in the Program. Finally, section 7 requires the Board to adopt regulations governing the Program.

Section 8 of this bill requires a person who wishes to participate in the Program to submit to the Board an application and a fee. Section 14 of this bill requires the amount of the fee to be established by the Board by regulation. Section 21 of this bill makes a conforming change to reflect the addition of the provisions of section 14. Section 9 of this bill requires an applicant whose application is conditionally approved to enter into a written mentorship agreement with a proposed sponsor, which must be approved by the Board for participation in the Program.

~~[Section 10 of this bill provides that a sponsor is not subject to disciplinary action for any violation of the provisions of existing law governing cannabis that is committed by a participant during the mentorship period.]~~

Section 11 of this bill requires the Board to conduct monitoring of a participant and sponsor throughout the mentorship period. If, at the ~~(termination)~~ conclusion of the mentorship period, a participant has satisfied the goals, benchmarks and performance metrics for the Program established by the Board by regulation, section 11 requires the Board to issue the participant a certificate indicating that the participant has successfully completed the Program.

Existing law sets forth various requirements for the issuance of an adult-use cannabis establishment license. (NRS 678B.250) Section 12 of this bill requires the Board, not later than October 1, 2027, to accept applications for a period of 10 business days for the issuance of an adult-use cannabis establishment license for a cannabis production facility from participants who have successfully completed the Program. Section 12 requires the Board to issue not more than 10 such licenses to qualified participants who submit an application. Section 12 requires the applications for such licenses to be submitted and the licenses to be issued in accordance with the procedures and requirements set forth under existing law for the issuance of any other adult-use cannabis establishment license. Section 13 of this bill provides an exception from provisions prohibiting the Board from accepting applications to operate a cannabis establishment for more than 10 business days in any 1 year for the acceptance of applications pursuant to section 12.

Existing law imposes a 10 percent excise tax on each retail sale of cannabis or cannabis products by an adult-use cannabis retail store or cannabis consumption lounge and a 15 percent excise tax on each wholesale sale of cannabis by a medical cannabis cultivation facility or an adult-use cannabis cultivation facility to another cannabis establishment. (NRS 372A.290) Section 16 of this bill authorizes a sponsor in the Program to apply for a

transferable tax credit that may be applied to the excise taxes on cannabis. Section 16 authorizes such an application to be made: (1) at the commencement of the mentorship period in the amount equal to the costs of employing a participant for 2 years; and (2) at the ~~termination~~ conclusion of the mentorship period, in the amount of 3 percent of the tax owed for the 1 year after the ~~termination~~ conclusion of the mentorship period. Upon approval of an application, section 16 requires the Board to issue a certificate of eligibility for transferable tax credits. Under section 16, the amount of the transferable tax credits that the Board is authorized to approve in any fiscal year must not exceed \$10,000,000 for the duration of the 4-year Program. Section 17 of this bill requires a person who has received transferable tax credits pursuant to section 16 to repay to the Department of Taxation any portion of the transferable tax credits to which the person is not entitled if the person becomes ineligible for the tax credits after receiving the tax credits. Section 18 of this bill requires the Board to submit an annual report to the Governor and the Legislature or Legislative Commission concerning the transferable tax credits issued pursuant to section 16. Sections 19 and 20 of this bill make conforming changes to ~~indicate the proper placement of~~ make existing definitions related to the taxation of cannabis apply to sections 16-18.

Sections 3-6 of this bill define words and terms applicable to the provisions of this bill. Section 22 of this bill requires the Board, on or before October 31, 2024, to submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report on the progress of the Board in carrying out its duties with respect to the Program. Section 23 of this bill requires the Board to adopt regulations governing the Program on or before May 31, 2024. Section 25 of this bill expires the provisions of this bill on December 31, 2027.

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

Section 1. Chapter 678B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Mentorship period" means the period commencing on the date a participant begins his or her employment for the sponsor with whom the participant has been placed under the Program and ending on the date on which ~~that employment terminates,~~ the mentorship is completed, as set forth in the written mentorship agreement approved by the Board pursuant to section 9 of this act.*

Sec. 4. *"Participant" means a person who has been approved as a participant in the Program pursuant to section 9 of this act.*

Sec. 5. *"Program" means the Cannabis Mentorship Pilot Program created by section 7 of this act.*

Sec. 6. *"Sponsor" means a licensee who has been approved as a sponsor*

in the Program pursuant to section 9 of this act.

Sec. 7. 1. The Cannabis Mentorship Pilot Program is hereby created for the purpose of providing persons who have been adversely affected by provisions of previous laws which criminalized activity relating to cannabis the opportunity to receive training, experience and mentorship in the cannabis industry in this State.

2. The Board shall administer the Program. The Program must:

(a) Provide for the placement of a participant as a full-time employee with a sponsor selected by the participant for a period of 2 years;

(b) Require the participant, during the mentorship period, to actively work for the sponsor in a variety of aspects of the business operations of the sponsor;

(c) Provide for one-on-one training and mentoring of the participant by the owners, officers, managers or other persons in charge of the business operations of the sponsor; and

(d) Require periodic reviews and evaluations of the performance of the participant during the mentorship period.

3. To be eligible to participate in the Program, a person must have been adversely affected by provisions of previous laws which criminalized activity relating to cannabis, as determined by the Board in accordance with the regulations adopted pursuant to this section.

4. The Board shall adopt regulations necessary to establish and administer the Program. The regulations must, without limitation:

(a) Establish criteria to be used by the Board for determining whether an applicant is eligible to participate in the Program pursuant to subsection 3 ~~4~~, which must, to the extent applicable, be the same criteria used by the Board for determining whether an applicant for the issuance or renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge qualifies as a social equity applicant pursuant to NRS 678B.323;

(b) Set forth any additional requirements for a person to be eligible to participate in the Program;

(c) Set forth requirements for a licensee to serve as a sponsor in the Program;

(d) Establish goals, benchmarks and performance metrics to measure whether a participant has successfully completed the Program;

(e) Prescribe the form and any additional required content of an application to participate in the Program;

(f) Establish requirements for the required content of a written mentorship agreement, as described in section 9 of this act; and

(g) Address such other matters as the Board deems necessary to carry out the provisions of sections 2 to 12, inclusive, of this act.

Sec. 8. 1. A person who wishes to participate in the Program must submit to the Board the application fee, as set forth in NRS 678B.390, and an application on a form prescribed by the Board.

2. If the Board determines that an applicant who has submitted an application and the fee required by subsection 1 meets the requirements for eligibility to participate in the Program, the Board shall conditionally approve the applicant as a participant in the Program and provide written notice to the applicant of that conditional approval.

Sec. 9. 1. Not later than 90 days after the date on which an applicant receives written notice of his or her conditional approval pursuant to section 8 of this act, the applicant must:

- (a) Select a licensee to serve as his or her sponsor in the Program;
- (b) Enter into a written mentorship agreement with the proposed sponsor that meets the requirements set forth in this section and the regulations adopted pursuant to section 7 of this act; and
- (c) If the applicant does not hold a cannabis establishment agent registration card, obtain such a registration card.

2. An applicant and a proposed sponsor who have entered into a written mentorship agreement pursuant to subsection 1 shall submit the agreement to the Board for approval. The Board shall not approve a written mentorship agreement unless the agreement includes, without limitation, provisions setting forth:

- (a) The date on which the applicant will commence employment with the proposed sponsor and the date on which the ~~employment will terminate,~~ mentorship will be completed, the duration of which must be 2 years;
- (b) The rate of pay and any benefits, including, without limitation, health insurance, that the applicant will be entitled to receive during the mentorship period;
- (c) The duties and responsibilities of the applicant and the proposed sponsor during the mentorship period; and
- (d) Such other matters that the Board may require by regulation.

3. If the Board approves the written mentorship agreement of the applicant and proposed sponsor, the Board shall provide written notice to applicant and proposed sponsor that they have been approved as a participant and sponsor in the Program, under the conditions set forth in the written mentorship agreement.

4. An applicant who has been conditionally approved as a participant pursuant to section 8 of this act and who fails to meet the requirements set forth in subsection 1 within the period prescribed in that subsection must submit a new application pursuant to section 8 of this act if the person wishes to participate in the Program.

Sec. 10. ~~[A sponsor is not subject to disciplinary action for any violation of the provisions of this title or the regulations adopted pursuant thereto committed by a participant during the mentorship period.] (Deleted by amendment.)~~

Sec. 11. 1. The Board shall conduct such monitoring of a participant and sponsor throughout a mentorship period as may be necessary to ensure that the participant is meeting the goals, benchmarks and performance metrics

established by the Board by regulation and that the participant and sponsor are in compliance with the provisions of sections 2 to 12, inclusive, of this act and the regulations adopted pursuant thereto. In connection with such monitoring, the Board may require the submission of reports from a participant or sponsor concerning the progress of the participant.

2. If, at the ~~termination~~ conclusion of the mentorship period, a participant has met the goals, benchmarks and performance metrics established by the Board by regulation to determine whether a participant has successfully completed the Program, the Board shall issue to the participant a certificate indicating that the participant has successfully completed the Program.

Sec. 12. 1. Not later than October 1, 2027, the Board shall, for a period of 10 business days, accept applications for the issuance of an adult-use cannabis establishment license for a cannabis production facility from participants who have been issued a certificate pursuant to section 11 of this act. From among the participants who submit an application during that period, the Board shall issue not more than 10 adult-use cannabis establishment licenses for a cannabis production facility to participants who qualify for such a license.

2. An application for the issuance of an adult-use cannabis establishment license for a cannabis production facility submitted to the Board by a participant during the period described in subsection 1 must be submitted in accordance with NRS 678B.250 and the Board shall issue such licenses to qualified applicants pursuant to that section.

Sec. 13. NRS 678B.300 is hereby amended to read as follows:

678B.300 Except as otherwise provided in this section and subsection 3 of NRS 678B.220 ~~and~~ and section 12 of this act, the Board shall not, for more than a total of 10 business days in any 1 calendar year, accept applications to operate a cannabis establishment. The Board may by regulation prescribe longer periods in which it will accept applications to operate a cannabis establishment.

Sec. 14. NRS 678B.390 is hereby amended to read as follows:

678B.390 1. Except as otherwise provided in subsection ~~3~~ 4, the Board shall collect not more than the following maximum fees:

For the initial issuance of a medical cannabis establishment license for a medical cannabis dispensary .....	\$30,000
For the renewal of a medical cannabis establishment license for a medical cannabis dispensary .....	5,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis cultivation facility .....	3,000
For the renewal of a medical cannabis establishment license for a medical cannabis cultivation facility .....	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis production facility.....	3,000

For the renewal of a medical cannabis establishment license for a medical cannabis production facility.....	1,000
For the initial issuance of a medical cannabis establishment license for a medical cannabis independent testing laboratory.....	5,000
For the renewal of a medical cannabis establishment license for a medical cannabis independent testing laboratory.....	3,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis retail store.....	20,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis retail store.....	6,600
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility.....	30,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis cultivation facility.....	10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis production facility.....	10,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis production facility.....	3,300
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory.....	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis independent testing laboratory.....	5,000
For the initial issuance of an adult-use cannabis establishment license for a retail cannabis consumption lounge.....	10,000
For the renewal of an adult-use cannabis establishment license for a retail cannabis consumption lounge.....	10,000
For the initial issuance of an adult-use cannabis establishment license for an independent cannabis consumption lounge.....	10,000
For the renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge.....	10,000
For the initial issuance of an adult-use cannabis establishment license for an adult-use cannabis distributor.....	15,000
For the renewal of an adult-use cannabis establishment license for an adult-use cannabis distributor.....	5,000

For each person identified in an application for the initial issuance of a cannabis establishment agent registration card..... 150

For each person identified in an application for the renewal of a cannabis establishment agent registration card..... 150

2. The Board may by regulation establish reduced fees for:

(a) The initial issuance and renewal of an adult-use cannabis establishment license for an independent cannabis consumption lounge; and

(b) The application fee set forth in subsection ~~{3,}~~ 4,

↪ for a social equity applicant. Such a reduction must not reduce the fee paid by a social equity applicant by more than 75 percent of the fee paid by an applicant who is not a social equity applicant.

3. *The Board shall establish by regulation the amount of the application fee to participate in the Cannabis Mentorship Pilot Program created by section 7 of this act.*

4. Except as otherwise provided in subsection 2, in addition to the fees described in subsection 1, each applicant for a medical cannabis establishment license or adult-use cannabis establishment license must pay to the Board:

(a) For an application for a license other than an adult-use cannabis establishment license for a retail cannabis consumption lounge or independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$5,000;

(b) For an application for an adult-use cannabis establishment license for a retail cannabis consumption lounge, a one-time, nonrefundable application fee of \$100,000;

(c) For an application for an adult-use cannabis establishment license for an independent cannabis consumption lounge, a one-time, nonrefundable application fee of \$10,000; and

(d) The actual costs incurred by the Board in processing the application, including, without limitation, conducting background checks.

~~{4,}~~ 5. Any revenue generated from the fees imposed pursuant to this section:

(a) Must be expended first to pay the costs of the Board in carrying out the provisions of this title; and

(b) If any excess revenue remains after paying the costs described in paragraph (a), such excess revenue must be paid over to the State Treasurer to be deposited to the credit of the State Education Fund.

Sec. 15. Chapter 372A of NRS is hereby amended by adding thereto the provisions set forth as sections 16, 17 and 18 of this act.

Sec. 16. *1. A sponsor in the Program may apply to the Cannabis Compliance Board for a certificate of eligibility for transferable tax credits which may be applied to the excise tax on cannabis. Such an application may be made:*

*(a) At the commencement of the mentorship period, in the amount equal to the costs of employing the participant in the Program for a 2-year period.*

(b) ~~At the termination~~ conclusion of the mentorship period, in the amount of 3 percent of the tax owed for the 1 year after the ~~termination~~ conclusion of the mentorship period.

2. Except as otherwise provided in subsection 3, the Cannabis Compliance Board shall approve an application submitted pursuant to subsection 1 and issue to the applicant a certificate of eligibility for transferable tax credits if the applicant, as applicable, has:

(a) Entered into a written mentorship agreement with a participant in the Program approved by the Cannabis Compliance Board pursuant to section 9 of this act; and

(b) Served as a sponsor to a participant for the 2-year period of the agreement.

3. Except as otherwise provided in this subsection, the Cannabis Compliance Board shall not approve any application for transferable tax credits submitted pursuant to subsection 1:

(a) If approval of the application would cause the total amount of transferable tax credits approved pursuant to subsection 2 for a fiscal year to exceed the sum of \$10,000,000. Any portion of the \$10,000,000 per fiscal year for which transferable tax credits have not previously been approved may be carried forward and made available for approval during the next or any future fiscal year.

(b) For a fiscal year beginning on or after July 1, 2027.

4. The transferable tax credits issued to any person pursuant to subsection 2 expire 4 years after the date on which the transferable tax credits are issued to the person. A transferable tax credit issued pursuant to this section may be transferred only once.

5. If the Cannabis Compliance Board approves an application for a transferable tax credit pursuant to subsection 2, the Board shall forward a certificate of eligibility for the transferable tax credit immediately to the Department.

6. As used in this section, "Program" means the Cannabis Mentorship Pilot Program created by section 7 of this act.

Sec. 17. 1. A person who is found to have submitted any false statement, representation or certification in any document submitted for the purpose of obtaining transferable tax credits or who otherwise becomes ineligible for transferable tax credits after receiving the transferable tax credits pursuant to section 16 of this act shall repay to the Department any portion of the transferable tax credits to which the person is not entitled.

2. Transferable tax credits purchased in good faith are not subject to forfeiture or repayment by the transferee unless the transferee submitted fraudulent information in connection with the purchase.

Sec. 18. The Cannabis Compliance Board shall, on or before October 1 of each year, prepare and submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission an annual report

which includes, for the immediately preceding fiscal year:

1. The number of applications submitted for transferable tax credits pursuant to section 16 of this act;
2. The number of persons to whom transferable tax credits were approved;
3. The amount of transferable tax credits approved;
4. The amount of transferable tax credits used;
5. The amount of transferable tax credits transferred; and
6. The amount of transferable tax credits taken against the tax, including the actual amount used and outstanding, in total and for each person.

Sec. 19. NRS 372A.200 is hereby amended to read as follows:

372A.200 As used in NRS 372A.200 to 372A.380, inclusive, and sections 16, 17 and 18 of this act, unless the context otherwise requires, the words and terms defined in NRS 372A.205 to 372A.250, inclusive, have the meanings ascribed to them in those sections.

Sec. 20. NRS 372A.270 is hereby amended to read as follows:

372A.270 1. Each person responsible for maintaining the records of a taxpayer shall:

- (a) Keep such records as may be necessary to determine the amount of the liability of the taxpayer pursuant to the provisions of NRS 372A.200 to 372A.380, inclusive ~~and~~, and sections 16, 17 and 18 of this act;
- (b) Preserve those records for 4 years or until any litigation or prosecution pursuant to NRS 372A.200 to 372A.380, inclusive, and sections 16, 17 and 18 of this act is finally determined, whichever is longer; and
- (c) Make the records available for inspection by the Department upon demand at reasonable times during regular business hours.

2. Any person who violates the provisions of subsection 1 is guilty of a misdemeanor.

Sec. 21. NRS 387.1212 is hereby amended to read as follows:

387.1212 1. The State Education Fund is hereby created as a special revenue fund to be administered by the Superintendent of Public Instruction for the purpose of supporting the operation of the public schools in this State. The interest and income earned on the money in the Fund, excluding the direct legislative appropriation from the State General Fund required by subsection 3, must, after deducting any applicable charges, be credited to the Fund.

2. Money which must be deposited for credit to the State Education Fund includes, without limitation:

- (a) All money derived from interest on the State Permanent School Fund, as provided in NRS 387.030;
- (b) The proceeds of the tax imposed pursuant to NRS 244.33561 and any applicable penalty or interest, less any amount retained by the county treasurer for the actual cost of collecting and administering the tax;
- (c) The proceeds of the tax imposed pursuant to subsection 1 of NRS 387.195;
- (d) The money identified in subsection 8 of NRS 120A.610;

(e) The portion of the money in each special account created pursuant to subsection 1 of NRS 179.1187 which is identified in paragraph (d) of subsection 2 of NRS 179.1187;

(f) The money identified in paragraph (d) of subsection 6 of NRS 278C.250;

(g) The money identified in subsection 1 of NRS 328.450;

(h) The money identified in subsection 1 of NRS 328.460;

(i) The money identified in paragraph (a) of subsection 2 of NRS 360.850;

(j) The money identified in paragraph (a) of subsection 2 of NRS 360.855;

(k) The money required to be transferred to the State Education Fund pursuant to NRS 362.100;

(l) The money required to be paid over to the State Treasurer for deposit to the credit of the State Education Fund pursuant to subsection 4 of NRS 362.170;

(m) The portion of the proceeds of the tax imposed pursuant to subsection 1 of NRS 372A.290 identified in paragraph (b) of subsection 4 of NRS 372A.290;

(n) The proceeds of the tax imposed pursuant to subsection 3 of NRS 372A.290;

(o) The proceeds of the fees, taxes, interest and penalties imposed pursuant to chapter 374 of NRS, as transferred pursuant to subsection 3 of NRS 374.785;

(p) The money identified in subsection 5 of NRS 445B.640;

(q) The money identified in paragraph (b) of subsection ~~{4}~~ 5 of NRS 678B.390;

(r) The portion of the proceeds of the excise tax imposed pursuant to subsection 1 of NRS 463.385 identified in paragraph (c) of subsection 5 of NRS 463.385;

(s) The money required to be distributed to the State Education Fund pursuant to subsection 3 of NRS 482.181;

(t) The portion of the proceeds of the fee imposed pursuant to NRS 488.075 identified in subsection 2 of NRS 488.075;

(u) The portion of the net profits of the grantee of a franchise, right or privilege identified in NRS 709.110;

(v) The portion of the net profits of the grantee of a franchise identified in NRS 709.230;

(w) The portion of the net profits of the grantee of a franchise identified in NRS 709.270;

(x) The money required to be distributed to the State Education Fund pursuant to NRS 363D.290; and

(y) The direct legislative appropriation from the State General Fund required by subsection 3.

3. In addition to money from any other source provided by law, support for the State Education Fund must be provided by direct legislative appropriation from the State General Fund in an amount determined by the Legislature to be sufficient to fund the operation of the public schools in this State for kindergarten through grade 12 for the next ensuing biennium for the

population reasonably estimated for that biennium. Money in the State Education Fund does not revert to the State General Fund at the end of a fiscal year, and the balance in the State Education Fund must be carried forward to the next fiscal year.

4. Money in the Fund must be paid out on claims as other claims against the State are paid.

Sec. 22. The Cannabis Compliance Board shall, on or before October 31, 2024, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission a report of its progress in carrying out its duties with respect to the Cannabis Mentorship Pilot Program set forth in sections 2 to 12, inclusive, of this act.

Sec. 23. The Cannabis Compliance Board shall adopt the regulations required by section 7 of this act on or before May 31, 2024.

Sec. 24. 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. 25. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 24, inclusive, of this act become effective 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 on January 1, 2024, for all other purposes, and expire by limitation on December 31, 2027.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 247 to Senate Bill No. 402 replaces "employment" with "mentorship" and adjusts related terms. It requires that the regulations adopted to create and manage the Cannabis Mentorship Pilot Program align with the criteria used for determining social equity applicants for adult-use cannabis establishment licenses for independent cannabis consumption lounges. It deletes provisions that proposed that sponsors would not face disciplinary action for violations committed by participants during mentorship.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 418.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 350.

SUMMARY—Revises provisions relating to candidates to the office of district judge. (BDR 1-803)

AN ACT relating to judiciary; requiring a candidate to the office of district judge to submit an application attesting to his or her qualifications for office; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth certain qualifications for a person seeking to be a candidate to the office of district judge, which include that the person: (1) has attained the age of 25 years; (2) is an attorney licensed and admitted to practice

law in the courts of this State at the time of election or appointment; (3) has been licensed to practice law in this State, another State or the district of Columbia for a total of not less than 10 years at any time preceding the election or appointment, at least 2 of which must have been in this State; (4) is a qualified elector and has been a bona fide resident of this State for 2 years preceding the election or appointment; and (5) has not ever been removed or retired from judicial office. (NRS 3.060) This bill requires a person seeking to be a candidate to the office of district judge to submit with his or her declaration of candidacy the same application that is prescribed by the Commission on Judicial Selection for a person who applies to fill a vacancy in the office of district judge. This bill further requires the filing officer with whom the person files the declaration of candidacy to publish the application on the Internet website of the filing officer. Finally, this bill provides that such an application must not include any information or material that is confidential.

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

Section 1. NRS 3.060 is hereby amended to read as follows:

3.060 1. A person may not be a candidate for and is not eligible to the office of district judge unless the person:

- (a) Has attained the age of 25 years.
- (b) Is an attorney licensed and admitted to practice law in the courts of this State at the time of the election or appointment.
- (c) Has been an attorney licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for a total of not less than 10 years at any time preceding the election or appointment, at least 2 years of which have been in this State.
- (d) Is a qualified elector and has been a bona fide resident of this State for 2 years next preceding the election or appointment.
- (e) Has not ever been removed from any judicial office by the Legislature or removed or retired from any judicial office by the Commission on Judicial Discipline.

2. ~~Each~~ Except as otherwise provided in this subsection, each person who seeks to be a candidate to the office of district court must submit to the filing officer with his or her declaration of candidacy the same application that is prescribed by the Commission on Judicial Selection for a person who applies to fill a vacancy in the office of district judge. Upon receipt, the filing officer shall post the person's application on the Internet website of the filing officer. An application that is submitted or posted pursuant to this subsection must not include any information or material that is confidential pursuant to the rules of the Commission or any provision of federal or state law.

3. For the purposes of this section, a person is eligible to be a candidate for the office of district judge if a decision to remove or retire the person from a judicial office is pending appeal before the Supreme Court or has been overturned by the Supreme Court.

4. *As used in this section:*

(a) *"Declaration of candidacy"* has the meaning ascribed to it in NRS 293.0455.

(b) *"Filing officer"* has the meaning ascribed to it in NRS 293.057.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 350 to Senate Bill No. 418 strikes the original content of the bill and replaces it with the following: in addition to a declaration of candidacy, a candidate for judicial office must file with the appropriate filing officer a questionnaire prescribed by the Supreme Court that shall include information on, but is not limited to, the candidate's education and qualifications for the office he or she seeks to fill. The filing officer shall post the completed questionnaire on the officer's website.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 424.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 311.

SUMMARY—Revises provisions relating to the Nevada Transportation Authority. (BDR 58-860)

AN ACT relating to motor carriers; prohibiting the Nevada Transportation Authority from authorizing certain persons to intervene in proceedings relating to the granting or modification of certain certificates or permits; authorizing the Authority to hold a hearing concerning the granting or modification of certain certificates or permits relating to motor carriers under certain circumstances; requiring the Authority to approve or deny applications for certain certificates or permits within a certain period of time; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada Transportation Authority to dispense with a hearing on the application for a certificate of public convenience and necessity or a permit as a contract motor carrier, or a modification thereof, granted by the Authority if no petition to intervene has been filed on behalf of any person who has filed a protest against the granting of the certificate, permit or modification upon the expiration of the time fixed in the notice of hearing. (NRS 706.391, 706.431, 706.4463) Section 1 of this bill prohibits the Authority from accepting any petition to intervene on behalf of any person who has filed a protest against the granting of a certificate or permit issued by the Authority, or a modification thereof. Instead, sections 3-6 of this bill authorize the Authority to hold a hearing concerning an application for a certificate or permit, or modification thereof, if the Authority finds that, after reviewing the information provided by the applicant and inspecting the operations of the applicant, the Authority cannot make a determination as to whether the applicant has complied with the requirements for the certificate or permit, or modification thereof. Sections 3-6 further require the Authority to

approve or deny an application for such a certificate or permit within 9 months after the date on which a completed application is received by the Authority. Any such application which is not approved or denied within 9 months shall be deemed to be approved and the Authority is required to issue the certificate or permit, as applicable.

Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

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

Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

*The Authority shall not accept any petition to intervene on behalf of any person who has filed a protest against the granting of a certificate of public convenience and necessity or permit as a contract motor carrier by the Authority, or a modification thereof, pursuant to the provisions of NRS 706.011 to 706.791, inclusive.*

Sec. 2. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 706.391 is hereby amended to read as follows:

706.391 1. Upon the filing of an application for a certificate of public convenience and necessity to operate as a common motor carrier, other than an operator of a tow car, or an application for modification of such a certificate, the Authority *may hold a hearing to determine whether an applicant is entitled to a certificate if the Authority finds that, after reviewing the information provided by the applicant and inspecting the operations of the applicant, the Authority cannot make a determination as to whether the applicant has complied with the requirements of subsection 2. If the Authority proceeds with a hearing on the application for a certificate, the Authority shall fix a time and place for a hearing on the application.*

2. Except as otherwise provided in subsection 6, the Authority shall grant the certificate or modification if it finds that:

(a) The applicant is financially and operationally fit, willing and able to perform the services of a common motor carrier and that the operation of, and the provision of such services by, the applicant as a common motor carrier will foster sound economic conditions within the applicable industry;

(b) The proposed operation or the proposed modification will be consistent with the legislative policies set forth in NRS 706.151;

(c) The granting of the certificate or modification will not unreasonably and adversely affect other carriers operating in the territory for which the certificate or modification is sought;

(d) The proposed operation or the proposed modification will benefit and protect the safety and convenience of the traveling and shipping public and the

motor carrier business in this State;

(e) The proposed operation, or service under the proposed modification, will be provided on a continuous basis;

(f) The market identified by the applicant as the market which the applicant intends to serve will support the proposed operation or proposed modification; and

(g) The applicant has paid all fees and costs related to the application.

3. The Authority shall not find that the potential creation of competition in a territory which may be caused by the granting of the certificate or modification, by itself, will unreasonably and adversely affect other carriers operating in the territory for the purposes of paragraph (c) of subsection 2.

4. In determining whether the applicant is fit to perform the services of a common motor carrier pursuant to paragraph (a) of subsection 2, the Authority shall consider whether the applicant has violated any provision of this chapter or any regulations adopted pursuant thereto.

5. The applicant for the certificate or modification:

(a) Must submit a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(b) Has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 2; and

(c) Must pay the amounts billed to the applicant by the Authority for the costs incurred by the Authority in conducting any investigation regarding the applicant and the application.

6. The provisions of subsections 2 to 5, inclusive, do not apply to an owner or operator of a charter bus. The Authority shall grant the certificate or modification to an owner or operator of a charter bus that is not a fully regulated carrier if the Authority finds that the owner or operator of the charter bus has complied with the provisions of subsection 1 of NRS 706.463 and any applicable regulations of the Authority.

7. The Authority may issue or modify a certificate of public convenience and necessity to operate as a common motor carrier, or issue or modify it for:

(a) The exercise of the privilege sought.

(b) The partial exercise of the privilege sought.

8. The Authority may attach to the certificate such terms and conditions as, in its judgment, the public interest may require.

9. The Authority ~~may dispense with the hearing on the application if, upon the expiration of the time fixed in the notice thereof, no petition to intervene has been filed on behalf of any person who has filed a protest against the granting of the certificate or modification.~~ shall approve or deny an application filed pursuant to this section within 9 months after the date on which the Authority receives the completed application. Any application which

is not approved or denied within 9 months shall be deemed to be approved and the Authority shall issue the certificate of public convenience and necessity.

Sec. 4. NRS 706.431 is hereby amended to read as follows:

706.431 1. A permit may be issued to any applicant therefor, authorizing in whole or in part the operation covered by the application, if it appears from the application or from any hearing held thereon that:

(a) The applicant is fit, willing and able properly to perform the service of a contract motor carrier and to conform to all provisions of NRS 706.011 to 706.791, inclusive, *and section 1 of this act* and the regulations adopted thereunder; and

(b) The proposed operation will be consistent with the public interest and will not operate to defeat the legislative policy set forth in NRS 706.151.

2. *The Authority may hold a hearing to determine whether an applicant is entitled to a permit if the Authority finds that, after reviewing the information provided by the applicant and inspecting the operations of the applicant, the Authority cannot make a determination as to whether the applicant has complied with the requirements of subsection 1.* If the Authority proceeds with a hearing on an application for a permit, the Authority shall fix a time and place for the hearing.

3. ~~{The Authority may dispense with the hearing, if any, on the application if, upon the expiration of the time fixed in the notice thereof, no petition to intervene has been filed on behalf of any person who has filed a protest against the granting of the permit.~~

~~—4.—~~ An application must be denied if the provisions of subsection 1 are not met.

~~{5.—}~~ 4. *The Authority shall approve or deny an application for a permit within 9 months after the date on which the Authority receives the completed application. Any application which is not approved or denied within 9 months shall be deemed to be approved and the Authority shall issue the permit.*

5. The Authority shall revoke or suspend pursuant to the provisions of this chapter the permit of a contract motor carrier who has failed to file the annual report required in NRS 706.167 within 60 days after the report is due.

6. ~~{5.—}~~ The Authority shall adopt regulations providing for a procedure by which any contract entered into by a contract motor carrier after the contract motor carrier has been issued a permit pursuant to this section may be approved by the Authority without giving notice required by statute or by a regulation of the Authority.

Sec. 5. NRS 706.4463 is hereby amended to read as follows:

706.4463 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of public convenience and necessity from the Authority before the operator provides any services other than those services which the operator provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the provisions of NRS 706.011 to 706.791, inclusive ~~[-]~~, and section 1 of this act.

2. A person who wishes to obtain a certificate of public convenience and necessity to operate a tow car must:

(a) File an application with the Authority; and

(b) Submit to the Authority a complete set of fingerprints of each natural person who is identified by the Authority as a significant principal, partner, officer, manager, member, director or trustee of the applicant and written permission authorizing the Authority to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Authority shall issue a certificate of public convenience and necessity to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of paragraphs (b) and (c) of subsection 1;

(b) Complies with the requirements of the regulations adopted by the Authority pursuant to the provisions of this chapter;

(c) Has provided evidence that the applicant has filed with the Authority a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every operator of a tow car pursuant to the provisions of NRS 706.291; and

(d) Has provided evidence that the applicant has filed with the Authority schedules and tariffs pursuant to subsection 2 of NRS 706.321.

4. An applicant for a certificate has the burden of proving to the Authority that the proposed operation will meet the requirements of subsection 3.

5. The Authority may hold a hearing to determine whether an applicant is entitled to a certificate only if ~~[-]~~:

~~—(a) Upon the expiration of the time fixed in the notice that an application for a certificate of public convenience and necessity is pending, a petition to intervene has been granted by the Authority; or~~

~~—(b) The Authority finds that after reviewing the information provided by the applicant and inspecting the operations of the applicant, it cannot make a determination as to whether the applicant has complied with the requirements of subsection 3.~~

6. The Authority shall approve or deny an application filed pursuant to this section within 9 months after the date on which the Authority receives the completed application. Any application which is not approved or denied within 9 months shall be deemed to be approved and the Authority shall issue the certificate.

Sec. 6. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, and section 1 of this act do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that

operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 7. This act becomes effective upon passage and approval.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 311 to Senate Bill No. 424 provides that if an application for a certificate of public convenience and necessity or permit as a contractor motor carrier is not approved or denied by the Nevada Transportation Authority (NTA) within nine months after the date the application is filed, the application shall be deemed approved and the NTA shall issue the certificate of public convenience and necessity.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

#### MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 54, 222, 389 and 402 be taken from the General File and re-referred to the Committee on Finance upon return from reprint.

Motion carried.

#### REPORTS OF COMMITTEE

*Mr. President:*

Your Committee on Judiciary, to which was referred Senate Bill No. 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

#### SECOND READING AND AMENDMENT

Senate Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 426.

SUMMARY—Revises provisions relating to ~~crimes~~ exploitation involving the deposits or proceeds of an account held by an older person or a vulnerable person in joint tenancy. (BDR 15-427)

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

Legislative Counsel's Digest:

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

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

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

~~Section 5 of this bill provides that the mere fact that an account is held in joint tenancy does not, in and of itself, convey to the persons named on the account legal ownership of the account and the deposits and proceeds of the account in such a way that would preclude any of those persons from being prosecuted for a crime involving the theft of any deposits or proceeds of the account, regardless of when the intent to commit the crime arose.~~

Existing law imposes criminal penalties on a person who exploits or who conspires to exploit an older person or vulnerable person. (NRS 200.5099, 200.50995) Existing law defines "exploitation" to mean, in general, any act taken by a person who has the trust and confidence of an older person or a vulnerable person or any use of the power of attorney or guardianship of an older person or a vulnerable person to obtain control of or to convert the person's money, assets or property with the intention of permanently depriving the person of the ownership, use, benefit or possession of his or her money, assets or property. (NRS 200.5092) ~~Sections 1 and 5~~ of this bill ~~provide~~ provides that the mere fact that an account of an older person or a vulnerable person is held in joint tenancy does not, in and of itself, convey to the persons named on the account legal ownership of the account and the deposits and proceeds of the account in such a way that would preclude any of those persons from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account, regardless of when the intent to commit exploitation arose.

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

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

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

*The mere fact that an account of an older person or a vulnerable person is held in joint tenancy pursuant to NRS 100.085 does not, in and of itself, convey to all persons named on the account legal ownership of the account and the deposits and proceeds of the account in a manner that would preclude such a person from committing or being prosecuted for exploitation involving the control or conversion of any deposits or proceeds of the account if the facts and circumstances demonstrate that exploitation has occurred, regardless of whether the intent to commit exploitation arose before, during or after the creation of the account.*

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

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

1. "Abandonment" means:

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

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

2. "Abuse" means willful:

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

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

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

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

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

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

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

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

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

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

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

(a) Obtain control, through deception, intimidation or undue influence, over

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

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

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

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

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

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

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

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

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

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

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

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

(b) Services provided to an older person or a vulnerable person who is

unable to provide for his or her own needs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

court:

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

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

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

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

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

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

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

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

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

(2) Is at least \$650, but less than \$5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than \$10,000, or by both fine and imprisonment; or

(3) Is \$5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment; or

(b) For the second and all subsequent offenses, regardless of the value of any money, assets and property obtained or used, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment,

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

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

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

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

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

(b) For the second and all subsequent offenses, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than \$25,000, or by both fine and imprisonment,

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

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

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

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

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

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

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

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

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

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

9. As used in this section:

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

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

an older person or a vulnerable person.

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

Sec. 5. ~~NRS 100.085 is hereby amended to read as follows:~~

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

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

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

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

~~(a) Joint;~~

~~(b) Joint account;~~

~~(c) Jointly held;~~

~~(d) Joint tenants;~~

~~(e) Joint tenancy; or~~

~~(f) Joint tenants with right of survivorship.~~

~~5. The mere fact that an account is held in joint tenancy pursuant to this section does not, in and of itself, convey to all persons named on the account legal ownership of the account and the deposits and proceeds of the account in a manner that would preclude such a person from being prosecuted for a crime involving the theft of any deposits or proceeds of the account if the facts and circumstances demonstrate that the crime has occurred, regardless of whether the intent to commit the crime arose before, during or after the~~

~~creation of the account.] (Deleted by amendment.)~~

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

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

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

Senator Nguyen moved the adoption of the amendment.

Remarks by Senator Nguyen.

Amendment No. 426 to Senate Bill No. 61 revises the bill to specifically reference accounts of older persons and vulnerable persons.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 225.

SUMMARY—Revises provisions relating to interscholastic activities and events. (BDR 34-868)

AN ACT relating to interscholastic activities; prohibiting certain persons from requiring a pupil to participate in certain out-of-school activities as a condition of participating in a sanctioned sport or spirit squad at a school; providing for a system of progressive discipline for certain violations; requiring ~~the principal of certain schools~~ certain persons to submit a report concerning ~~certain persons at a school who earn compensation for~~ any association with an out-of-school activity relating to a sanctioned sport ~~[ ]~~ or spirit squad; requiring certain school employees to notify a pupil and the parent or legal guardian of the pupil of certain rights afforded to the pupil before the pupil participates in a sanctioned sport or other interscholastic activity or event; providing for additional eligibility for certain pupils to participate in certain interscholastic activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Interscholastic Activities Association to adopt rules and regulations as is necessary to govern interscholastic activities and events in this State. (NRS 385B.060) Existing regulations: (1) authorize a coach of a school to assist a pupil in voluntarily participating in an activity related to a sanctioned sport that is conducted during a period that is not the season for the sanctioned sport under certain circumstances; and (2) prohibit such participation from being a condition for qualifying for a team or for accepting the pupil as a member of a team during the season for the sanctioned sport. (NAC 385B.370) Section 3 of this bill codifies that prohibition into law

and, if a person is found to have violated this prohibition, authorizes the Executive Director of the Association to prohibit the person from coaching, managing or otherwise being associated with a sanctioned sport or spirit squad at a school for not more than 1 year. Section 3 also requires the Association to adopt regulations prescribing a system of progressive discipline for violations of section 4 or 5 of this bill.

Section 4 of this bill requires ~~the principal of~~ each coach, manager or other person associated with a sanctioned sport or spirit squad at a school that is affiliated with or ~~is~~ a member of the Association to submit to the Executive Director of the Association an annual report that includes certain information concerning ~~each~~ whether the coach, manager or other person ~~who is associated with a sanctioned sport or spirit squad at the school and who also earns compensation for coaching, managing~~ also coaches, manages or ~~otherwise being~~ is otherwise associated with an out-of-school activity related to ~~the~~ the same sanctioned sport or spirit squad at the school.

Section 5 of this bill requires the coach, manager or director of a sanctioned sport or other interscholastic activity or event at a school, before a pupil participates in a sanctioned sport or other interscholastic activity or event and annually thereafter, to notify each participating pupil and his or her parent or legal guardian of certain rights afforded to the pupil while participating in the sanctioned sport or other interscholastic activity or event. Section 5 requires the Association to prescribe the form and contents of such notification.

Section 2 of this bill defines the term "out-of-school activity" for the purpose of sections 3-5. Section 6 of this bill makes a conforming change to indicate the proper placement of section 2 in the Nevada Revised Statutes.

Existing regulations provide that a pupil is eligible to participate in a sanctioned sport for not more than 8 consecutive semesters and 4 seasons. (NAC 385B.708) On March 12, 2020, the Governor of the State of Nevada issued the Declaration of Emergency for COVID-19. On May 20, 2022, the Governor issued the Proclamation Terminating Declaration of Emergency Related to COVID-19. Section 7 of this bill provides that a pupil who was enrolled in grade 9, 10, 11 or 12 at any time during the state of emergency is eligible to participate in any sanctioned sport, spirit squad or other interscholastic activity for which the rules governing eligibility are established by the Nevada Interscholastic Activities Association or the board of trustees of a school district for at least 10 consecutive semesters and 5 seasons.

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

Section 1. Chapter 385B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Out-of-school activity" means an activity that is not associated with a school, including, without limitation, a club team or athletic camp or program.*

Sec. 3. 1. *A coach, manager or other person associated with a sanctioned sport or spirit squad at a school shall not:*

(a) Condition qualification for a team or acceptance of a pupil as a member of a team for the sanctioned sport or spirit squad on the participation of the pupil in an out-of-school activity; or

(b) Otherwise compel the participation of a pupil in an out-of-school activity.

2. If a person violates subsection 1, the Executive Director of the Nevada Interscholastic Activities Association may prohibit the person from coaching, managing or otherwise being associated with a sanctioned sport or spirit squad at a school for not more than 1 year from the date on which the person was found to have violated subsection 1.

3. The Nevada Interscholastic Activities Association ~~may~~ shall adopt ~~any~~:

(a) Regulations prescribing a system of progressive discipline for violations of section 4 or 5 of this act that ends in the permanent prohibition on a person who has committed such violations being associated with a sanctioned sport or spirit squad at a school.

(b) Any other regulations necessary to carry out the provisions of this section and sections 4 and 5 of this act.

4. As used in this section, "spirit squad" includes, without limitation, any cheer, student, dance, drill, pom or mascot group of a school that is authorized to participate in interscholastic activities and events pursuant to NRS 385B.065.

Sec. 4. 1. On or before July 1 of each year, ~~the principal of a school~~ each coach, manager or other person who is associated with a sanctioned sport or spirit squad shall submit a report to the Executive Director of the Nevada Interscholastic Activities Association that includes information about ~~each~~ whether the coach, manager or other person ~~who is associated with a sanctioned sport or spirit squad at the school and who~~ also ~~earns compensation for coaching, managing~~ coaches, manages or is otherwise ~~being~~ associated with an out-of-school activity related to the same sanctioned sport or spirit squad at the school. The report must include, ~~for each such person~~ for the immediately preceding school year:

(a) The name of the person;

(b) ~~The amount of compensation the person received from coaching, managing or otherwise being associated with the out-of-school activity;~~

~~(c)~~ The number of pupils who:

(1) Are members of a team that participates in a sanctioned sport or spirit squad at the school and is coached or managed by the person, or with whom the person is otherwise associated; and

(2) Participate in an out-of-school activity related to the sanctioned sport or spirit squad that is coached or managed by the person, or with whom the person is otherwise associated;

~~(d)~~ (c) The number of pupils who:

(1) Tried out for a team that participates in a sanctioned sport or spirit squad at the school and is coached or managed by the person, or with whom

the person is otherwise associated;

(2) Were not accepted as a member of that team or spirit squad; and

(3) Do not participate in an out-of-school activity related to the sanctioned sport or spirit squad that is coached or managed by the person, or with whom the person is otherwise associated;

~~##~~ (d) The number of pupils who:

(1) Tried out for a team that participates in a sanctioned sport or spirit squad at the school and is coached or managed by the person, or with whom the person is otherwise associated;

(2) Were accepted as a member of that team or spirit squad; and

(3) Do not participate in an out-of-school activity related to the sanctioned sport or spirit squad that is coached or managed by the person, or with whom the person is otherwise associated;

~~##~~ (e) The percentage of pupils on a team that participates in a sanctioned sport or spirit squad at the school that is coached or managed by the person, or with whom the person is otherwise associated, who also participate in an out-of-school activity that is coached or managed by the person, or with whom the person is otherwise associated; and

~~##~~ (f) Any other information required by the Nevada Interscholastic Activities Association to ensure compliance with subsection 1 of section 3 of this act.

2. If the Nevada Interscholastic Activities Association requires the use of an electronic system for the registration of pupils to participate in a sanctioned sport or spirit squad or coaches, managers or other persons who are associated with a sanctioned sport or spirit squad, the Nevada Interscholastic Activities Association must provide for the submission of the report required pursuant to subsection 1 and the provision of notice pursuant to section 5 of this act through the electronic system.

3. As used in this section, "spirit squad" includes, without limitation, any cheer, student, dance, drill, pom or mascot group of a school that is authorized to participate in interscholastic activities or events pursuant to NRS 385B.065.

Sec. 5. 1. Before a pupil participates in a sanctioned sport or other interscholastic activity or event at a school, and annually thereafter, the coach, manager or director of the sanctioned sport or other interscholastic activity or event shall notify each participating pupil and his or her parent or legal guardian of the rights of the pupil while the pupil is participating in the sanctioned sport or other interscholastic activity or event, including, where applicable, that a person may not:

(a) Compel the participation of the pupil in an out-of-school activity; and

(b) Condition qualification for a team or acceptance of the pupil as a member of a team that participates in a sanctioned sport or spirit squad at the school on participation of the pupil in an out-of-school activity.

2. The Nevada Interscholastic Activities Association shall prescribe the form and contents of the notice required to be provided to a pupil pursuant to subsection 1.

3. *As used in this section, "spirit squad" includes, without limitation, any cheer, student, dance, drill, pom or mascot group of a school that is authorized to participate in interscholastic activities or events pursuant to NRS 385B.065.*

Sec. 6. NRS 385B.010 is hereby amended to read as follows:

385B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 385B.015 to 385B.045, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

Sec. 7. 1. A pupil who was enrolled in grade 9, 10, 11 or 12 in a school, as defined in NRS 385B.040, at any time between March 12, 2020, and May 19, 2022, is eligible to participate in any sanctioned sport, spirit squad or other interscholastic activity for which the rules governing eligibility are established by the Nevada Interscholastic Activities Association or the board of trustees of a school district for at least 10 consecutive semesters and 5 seasons if the pupil otherwise meets the eligibility criteria established for the sanctioned sport, spirit squad or activity.

2. As used in this section:

(a) "Sanctioned sport" has the meaning ascribed to it in NRS 385B.030.

(b) "Spirit squad" has the meaning ascribed to it in section 4 of this act.

Sec. 8. 1. This section becomes effective on passage and approval.

2. Section 7 of this act becomes effective on July 1, 2023.

3. Sections 1 to 6, inclusive, of this act become effective:

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

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

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 225 to Senate Bill No. 196 requires the Nevada Interscholastic Activities Association to adopt regulations prescribing a system of progressive discipline for certain violations. It changes the reporting requirements in section 4 to require a coach, manager or other person associated with a sanctioned sport or spirit squad, rather than a principal, to report information relating to whether he or she also coaches, manages or is otherwise associated with an out-of-school activity related to the same sanctioned sport or spirit squad at the school in addition to other information. It removes the requirement to provide the amount of compensation a person received from coaching, managing or being otherwise associated with the out-of-school activity from the required report. It includes a provision that if the Association requires the use of an electronic system for registration of certain pupils, coaches, managers or other persons, the Association must provide for the submission of the report and certain notifications through the electronic system, and it requires the Association to prescribe the form and contents relating to the notification to pupils and their parent or legal guardian of certain rights afforded to them.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 167.

SUMMARY—Revises provisions relating to marriage. (BDR 11-656)

AN ACT relating to marriage; requiring, under certain circumstances, a county clerk or county recorder to issue ~~to a~~ an amended certificate of marriage to a ~~spouse~~ party to a marriage whose name has changed; eliminating the authority for an applicant for a marriage license to change his or her middle or last name at the time of issuance of a marriage license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if any information in a certificate of marriage is incorrect, the county clerk or the county recorder may charge and collect from a person certain fees for the preparation of an affidavit of correction and the filing of a corrected certificate of marriage. (NRS 122.135) Section ~~1.3~~ 1.3 of this bill provides that if a marriage was solemnized in this State and a ~~spouse~~ party to the marriage receives a certified copy of a court order from a court of this State or another state, the District of Columbia or any territory of the United States changing the name of ~~that spouse,~~ the party, the county clerk ~~or county recorder~~ shall issue ~~to a~~ an amended certificate of marriage upon ~~receipt of:~~ receipt of: (1) ~~application by the spouse whose name was changed;~~ a certified copy of the original certificate of marriage; (2) ~~receipt of~~ a certified copy of the court order; ~~and~~ (3) ~~receipt of an~~ a notarized affidavit of ~~correction~~ amendment executed by the parties to the marriage; and (4) the applicable fees. Section 1.6 of this bill sets forth the form for any amended certificate of marriage that is issued pursuant to section 1.3.

Existing law provides that at the time of issuance of a marriage license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. An applicant for a marriage license may change his or her name pursuant to this provision only at the time of issuance of the license. (NRS 122.040) Section 2 of this bill eliminates this authority for such a name change at the time of issuance of a marriage license. ~~Section~~ Sections 3 and 4 of this bill ~~makes a~~ make conforming ~~change~~ changes to the format of marriage licenses and certificates of marriage to account for the elimination of that authority by section 2.

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

Section 1. Chapter 122 of NRS is hereby amended by adding thereto ~~a new section to read as follows:~~ the provisions set forth as sections 1.3 and 1.6 of this act.

*Sec. 1.3. 1. If a marriage was solemnized in this State and a ~~spouse~~ party to the marriage receives a certified copy of a court order from a court of this State or another state, the District of Columbia or any territory of the United States changing the name of the ~~spouse,~~ party, the county clerk ~~or county recorder~~ shall issue ~~to a~~ an amended certificate of marriage to that ~~spouse~~ party that ~~includes~~ sets forth the new name of ~~that spouse~~ the party, upon ~~receipt by the county clerk of:~~ receipt by the county clerk of:*

(a) ~~[Application by the spouse whose name was changed;]~~ A certified copy of the original certificate of marriage;

(b) ~~[Receipt of a]~~ A certified copy of the court order; ~~[and]~~

(c) ~~[Receipt of an]~~ A notarized affidavit of ~~[correction and the applicable fees set forth in NRS 122.135 for an affidavit of correction and filing the corrected certificate of]~~ amendment prepared by the county clerk and executed by the parties to the marriage ~~];~~ and

(d) The fees required pursuant to subsection 2.

2. The county clerk may charge and collect a fee of not more than \$25 for the preparation of the affidavit of amendment pursuant to paragraph (c) of subsection 1. The party requesting the amended certificate of marriage must also pay any fee required pursuant to NRS 246.180 or NRS 247.305, as applicable, for the filing or recording of the amended certificate of marriage.

3. Upon compliance with subsection 1, the county clerk shall issue an uncertified copy of the amended certificate of marriage to the parties to the marriage.

4. The county clerk or county recorder, as applicable, shall maintain as a public record the original certificate of marriage and the ~~[corrected]~~ amended certificate of marriage issued pursuant to this section.

Sec. 1.6. 1. An amended certificate of marriage issued pursuant to section 1.3 of this act must be substantially in the following form:

State of Nevada

Amended Certificate of Marriage

State of Nevada }  
..... } ss.  
County of }

This is to acknowledge that a marriage officiant, did on the ..... day of the month of ..... of the year ....., at ..... (address or church), ..... (city), Nevada, join in lawful wedlock ..... (name), of ..... (city), State of ....., date of birth ....., and ..... (name), of ..... (city), State of ....., date of birth ....., with their mutual consent, in the presence of at least one witness.

.....  
(Seal of County Clerk) Signature of County Clerk

This certificate is issued to reflect an amendment made pursuant to Instrument No. ....on file at the Office of the ..... County [Clerk or Recorder] and the court order issued in ..... County, State of ....., Case No. ....

The original Certificate of Marriage No. ...., recorded or filed as Instrument No. ...., is on file at the Office of the ..... County [Clerk or Recorder].

2. All information contained in the amended certificate of marriage must be typewritten or legibly printed in black ink, except the signatures.

Sec. 2. NRS 122.040 is hereby amended to read as follows:

122.040 1. Before persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 700,000 or more may, at the request of the county clerk, designate not more than five branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 700,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

↪ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the

person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➔ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. When the authorization of a district court is required because the marriage involves a minor, the county clerk shall issue the license if that authorization is given to the county clerk in writing.

6. ~~{At the time of issuance of the license, an applicant or both applicants may elect to change the middle name or last name, or both, by which an applicant wishes to be known after solemnization of the marriage. The first name of each applicant selected for use by the applicant after solemnization of the marriage must be the same as the first name indicated on the proof of the applicant's name submitted pursuant to subsection 2. An applicant may change his or her name pursuant to this subsection only at the time of issuance of the license. One or both applicants may adopt:~~

~~— (a) As a middle name, one of the following:~~

~~— (1) The current last name of the other applicant.~~

~~— (2) The last name of either applicant given at birth.~~

~~— (3) A hyphenated combination of the current middle name and the current last name of either applicant.~~

~~—(4) A hyphenated combination of the current middle name and the last name given at birth of either applicant.~~

~~—(b) As a last name, one of the following:~~

~~—(1) The current last name of the other applicant.~~

~~—(2) The last name of either applicant given at birth.~~

~~—(3) A hyphenated combination of the potential last names described in paragraphs (a) and (b).~~

~~—7.} All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.~~

~~{8.} 7. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.~~

Sec. 3. NRS 122.050 is hereby amended to read as follows:

122.050 The marriage license must contain the name of each applicant as shown in the documents presented pursuant to subsection 2 of NRS 122.040 . ~~{and the name, if any, selected by each applicant for use after the applicants are joined in marriage.}~~ The marriage license must be substantially in the following form:

Marriage License

(Expires 1 Year After Issuance)

State of Nevada }  
 }ss.  
County of }

These presents are to authorize any minister, other church or religious official authorized to solemnize a marriage, notary public or marriage officiant who has obtained a certificate of permission to perform marriages, any Supreme Court justice, judge of the Court of Appeals or district judge within this State, or justice of the peace within a township wherein the justice of the peace is permitted to solemnize marriages or if authorized pursuant to subsection 3 of NRS 122.080, or a municipal judge if authorized pursuant to subsection 4 of NRS 122.080, or any commissioner of civil marriages or his or her deputy within a commissioner township wherein they are permitted to solemnize marriages or any mayor if authorized pursuant to subsection 5 of NRS 122.080, to join in marriage ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Name of Parent No. 1 ..... State of birth of Parent No. 1 (If not in U.S.A., name of country) ..... Name of Parent No. 2 ..... State of birth of Parent No. 2 (If not in U.S.A., name of country) ..... Number of this marriage (1st, 2nd, etc.) ..... Former Spouse: Deceased ..... Divorced ..... Annulled ..... When ..... Where ..... And ..... of (City, town or location) ....., State of ..... State of birth (If not in U.S.A., name of country) .....; Date of birth ..... Name of Parent No. 1 ..... State of birth of Parent No. 1 (If not in U.S.A., name of country) ..... Name of Parent No. 2 ..... State of birth of Parent No. 2 (If not in U.S.A., name of country) .....

Number of this marriage (1st, 2nd, etc.) ..... Former Spouse:  
 Deceased ..... Divorced ..... Annulled ..... When ..... Where  
 .....; and to certify the marriage according to law. ~~[After ..... (name)  
 and ..... (name) are joined in marriage, ..... wishes to use the name  
 ..... (New name) and ..... wishes to use the name ..... (New name)  
 OR The parties have not designated any changes of name at the time  
 of issuance of the marriage license.]~~

Witness my hand and the seal of the county, this ..... day of the  
 month of ..... of the year .....

(Seal) .....  
 Clerk  
 .....  
 Deputy clerk

*Sec. 4. NRS 122.120 is hereby amended to read as follows:*

122.120 1. After a marriage is solemnized, the person solemnizing the  
 marriage shall give to each couple being married an uncertified copy of a  
 certificate of marriage.

2. The certificate of marriage must contain the date of birth of each  
 applicant as contained in the form of marriage license pursuant to  
 NRS 122.050. If two persons, regardless of gender, who are spouses of each  
 other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020,  
 the certificate of marriage must state that the persons were rejoined in marriage  
 and that the certificate is replacing a record of marriage which was lost or  
 destroyed or is otherwise unobtainable. The certificate of marriage must be in  
 substantially the following form:

State of Nevada  
 Marriage Certificate

State of Nevada }  
 }ss.  
 County of }

This is to certify that the undersigned, ..... (a  
 minister or other church or religious official authorized to solemnize a  
 marriage, notary public, judge, justice of the peace of  
 ..... County, commissioner of civil marriages, deputy  
 commissioner of civil marriages, marriage officiant or mayor, as the case  
 may be), did on the ..... day of the month of ..... of the year  
 ....., at ..... (address or church), ..... (city), Nevada,  
 join or rejoin, as the case may be, in lawful wedlock ..... (name),  
 of ..... (city), State of ....., date of birth ....., and  
 ..... (name), of ..... (city), State of ....., date of birth  
 ....., with their mutual consent, in the presence of ..... and  
 ..... (witnesses). ~~[After ..... (name) and ..... (name) are  
 joined or rejoined in marriage, as the case may be, ..... (name) wishes  
 to use the name ..... (New name) and ..... (name) wishes to use  
 the name ..... (New name) OR The parties have not designated any~~

~~changes of name at the time of issuance of the marriage license.~~ (If two persons, regardless of gender, who are the spouses of each other are being rejoined in marriage pursuant to subsection 2 of NRS 122.020, this certificate replaces the record of the marriage of the persons who are being rejoined in marriage.)

.....  
Signature of person performing  
the marriage  
.....  
Name under signature typewritten  
or printed in black ink  
.....  
County Clerk  
.....  
Official title of person performing  
the marriage

.....  
.....  
Couple's mailing address

3. All information contained in the certificate of marriage must be typewritten or legibly printed in black ink, except the signatures. The signature of the person performing the marriage must be an original signature.

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

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

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

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

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 167 to Senate Bill No. 211 provides that a county clerk or county recorder can accept a court ordered name change from any state in order to amend a marriage certificate. It changes the term "corrected certificate" to "amended certificate." It adds that an affidavit of amendment must be notarized, prepared by the county clerk and executed by the married couple. It adds provisions requiring that an uncertified marriage certificate shall be given to the married persons and prescribes the form to be used for the certificate.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 474.

SUMMARY—Revises provisions related to monorails. (BDR 28-955)

AN ACT relating to public works; eliminating certain exemptions from

prevailing wage requirements relating to railroad companies or monorails; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that every contract to which a public body is a party that requires the employment of certain workers to perform the public work must require that such workers be paid at least the wages prevailing for the type of work that the worker performs in the region in which the public work is performed. (NRS 338.020) Existing law exempts from the requirements to pay the prevailing wage any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, regardless of whether a public body is party to the contract. (NRS 338.080) Section 1 of this bill removes this exemption, and as a result, any such activity or employment may be subject to the prevailing wage requirements.

Existing law also ~~1. (1)~~ exempts the work of or incident to the installation and operation of a monorail from the prevailing wage requirements ~~. 1. and (2) provides that a monorail is not a public utility.~~ (NRS 705.690) Section 2 of this bill removes ~~these exemptions.~~ this exemption, and as a result, the work of or incident to the installation and operation of a monorail may be subject to the prevailing wage requirements.

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

Section 1. NRS 338.080 is hereby amended to read as follows:

338.080 Except as otherwise provided in NRS 408.55086, none of the provisions of NRS 338.020 to 338.090, inclusive, apply to:

1. ~~{Any work, construction, alteration, repair or other employment performed, undertaken or carried out, by or for any railroad company or any person operating the same, whether such work, construction, alteration or repair is incident to or in conjunction with a contract to which a public body is a party, or otherwise.~~

~~2.~~ Apprentices recorded under the provisions of chapter 610 of NRS.

~~{3.~~ 2. Any contract for a public work whose estimated cost is less than \$100,000. A unit of the project must not be separated from the total project, even if that unit is to be completed at a later time, in order to lower the estimated cost of the project below \$100,000.

Sec. 2. NRS 705.690 is hereby amended to read as follows:

705.690 1. ~~{The work of or incident to the installation and operation of a monorail is not a public work within the meaning of chapter 338 of NRS.~~

~~2.~~ A monorail is not a public utility within the meaning of chapter 704 of NRS.

~~{3.~~ 2. The Department of Transportation, the county in which a monorail is located or proposed to be located and a city within that county may exercise a power it holds related to transportation to facilitate the installation and operation of a monorail, and may contribute to or assist in the financing of the monorail.

Sec. 3. The amendatory provisions of this act do not apply to any contract entered into before October 1, 2023.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 474 to Senate Bill No. 299 retains existing language in section 2 to clarify that a monorail is not a public utility.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 302.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 314.

SUMMARY—Revises provisions relating to health care. (BDR 54-55)

AN ACT relating to health care; prohibiting health care licensing boards from ~~disqualifying from licensure or disciplining~~ taking certain action against a ~~person~~ a provider of health care or certain other persons for providing or assisting in the provision of ~~services for~~ gender-affirming health care services; prohibiting the Governor from surrendering, or issuing an arrest warrant for, a person who is charged in another state with a criminal violation related to gender-affirming health care services; prohibiting state agencies, local governments and members of the judiciary from assisting in certain investigations and proceedings initiated in other states related to gender-affirming health care services; requiring certain health care licensing boards to examine the feasibility of reciprocal licensure for health care providers who provide gender-affirming health care services in other states; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the licensing, certification and registration of various providers of health care in this State. (Chapters 630-637B and 639-641D of NRS) Section 1 of this bill prohibits a health care licensing board from ~~disqualifying~~ : (1) taking any disciplinary action or other adverse action against a ~~person from licensure or subjecting a person to discipline~~ provider of health care; or (2) disqualifying or taking other adverse action against an otherwise qualified person who submits an application to the health care licensing board for certification, registration or licensure because he or she provided or assisted in providing legally protected gender-affirming health care services or was subject to ~~judgment, discipline or other sanction~~ civil action, criminal action or disciplinary action in another state for providing or assisting in the provision of legally protected gender-affirming health care services if the legally protected gender-affirming health care services as provided would have been lawful and consistent with standards for the practice of the relevant profession in this State. Section 4 of this bill requires each health care licensing board that licenses providers of health care who provide

gender-affirming health care services to examine the feasibility of providing reciprocal licensing to providers of health care in other states to facilitate the provision of gender-affirming health care services to persons from other states who seek such services in this State.

In accordance with the Extradition Clause of Section 2 of Article IV of the United States Constitution, existing state law provides that it is the duty of the Governor to have arrested and delivered up to the executive authority of any other state any person charged in that state with treason, felony or other crime, who has fled from justice and is found in this State. (NRS 179.181) Under existing law, the Governor is also authorized, but not required, to surrender, on demand of the executive authority of any other state, any person in this State charged in the other state with committing an act in this State, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, even though the accused was not in that state at the time of the commission of the crime, and has not thereafter fled from that state. (NRS 179.189) Section 2 of this bill prohibits the Governor from surrendering, or issuing a warrant of arrest for, a person in this State who is charged in another state with a criminal violation of the laws of that other state if the violation involves the provision or receipt of or assistance with gender-affirming health care services, unless the acts forming the basis of the prosecution of the crime would also constitute a criminal offense under the laws of this State. Section 2 excludes from that prohibition circumstances in which the executive authority of another state demands the surrender of a person who was physically present in the demanding state at the time of the commission of the alleged offense and thereafter fled from that state.

Section 3 of this bill prohibits state agencies in the Executive Department of the State Government, local governments and members of the judiciary from providing information or expending or using time, money, facilities, property, equipment, personnel or other resources of the State, local government or judiciary, as applicable, in furtherance of an investigation or proceeding initiated in or by another state related to the provision, securing or receiving of or any inquiry concerning gender-affirming health care services, except under certain limited circumstances.

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

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care licensing board shall not take any disciplinary or other adverse action against any provider of health care or disqualify ~~her~~ or take any other adverse action against an otherwise qualified person ~~from licensure or subject any person to discipline~~ who submits to the health care licensing board an application for certification, registration or licensure solely:

(a) For providing or assisting in the ~~provision~~ treatment of legally protected gender-affirming health care services; or

(b) As a consequence of any ~~judgment, discipline or other sanction~~

~~threatened or imposed under the laws~~ civil action, criminal action or disciplinary action by an equivalent health care licensing board of the District of Columbia or any state or territory of the United States ~~for~~ based on the provider of health care or person providing or assisting in the ~~provision~~ treatment of legally protected gender-affirming health care services,  
 ↳ if the gender-affirming health care services as provided would have been lawful and consistent with standards for the practice of the relevant profession in this State.

2. As used in this section:

(a) "Gender-affirming health care services" ~~means~~ :

~~(1) Means any medical, surgical, counseling or referral services that respect the gender identity or expression of the patient and~~ behavioral health, mental health, psychiatric, therapeutic, diagnostic, preventative, supportive or rehabilitative services, supplies and care that relate to the treatment of gender dysphoria, and are found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State, including, without limitation:

~~(1)~~ (I) Interventions to suppress the development of endogenous secondary sex characteristics;

~~(2)~~ (II) Interventions to align the appearance or physical body of the patient with the gender identity or expression of the patient;

~~(3)~~ (III) Interventions to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

~~(4)~~ (IV) Developmentally appropriate exploration and integration of identity, reduction of distress, adaptive coping and strategies to increase family acceptance.

(2) Does not include conversion therapy, as defined in NRS 629.600.

(b) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 641D of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031 and includes a pharmacy.

Sec. 2. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 179.177 to 179.235, inclusive, the Governor shall not surrender, or issue a warrant pursuant to NRS 179.191 for the arrest of, any person in this State who is charged in another state with a criminal violation of the laws of that other state if the violation alleged involves the provision or receipt of or assistance with gender-affirming health care services, unless the acts forming the basis of the prosecution of the crime

charged would constitute a criminal offense under the laws of the State of Nevada.

2. The provisions of this section do not apply in the circumstance where a demand for the extradition of a person charged with a crime in another state is made in accordance with NRS 179.183, and the person who is the subject of the demand was physically present in the demanding state at the time of the commission of the alleged offense and thereafter fled from that state.

3. As used in this section:

(a) "Gender-affirming health care services" ~~means~~ :

~~(1) Means any medical, surgical, ~~counseling or referral services that respect the gender identity or expression of the patient~~ behavioral health, mental health, psychiatric, therapeutic, diagnostic, preventative, supportive or rehabilitative services, supplies and care that relate to the treatment of gender dysphoria, and are found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State, including, without limitation:~~

~~[(1)] (I) Interventions to suppress the development of endogenous secondary sex characteristics;~~

~~[(2)] (II) Interventions to align the appearance or physical body of the patient with the gender identity or expression of the patient;~~

~~[(3)] (III) Interventions to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and~~

~~[(4)] (IV) Developmentally appropriate exploration and integration of identity, reduction of distress, adaptive coping and strategies to increase family acceptance.~~

~~(2) Does not include conversion therapy, as defined in NRS 629.600.~~

(b) The words and terms defined in NRS 179.179 have the meanings ascribed to them in that section.

Sec. 3. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as required by the order of a court of competent jurisdiction, a state agency, a local government or a member of the judiciary shall not provide any information or expend or use time, money, facilities, property, equipment, personnel or other resources of the State, local government or judiciary in furtherance of any investigation or proceeding initiated in or by another state that seeks to impose civil or criminal liability or professional sanction upon a person or entity for:

(a) The provision, securing or receiving of, or any inquiry concerning, gender-affirming health care services that are legal in this State; or

(b) Any assistance given to any person or entity that relates to the provision, securing or receiving of, or any inquiry concerning, gender-affirming health care services that are legal in this State.

2. The provisions of subsection 1 do not apply to any investigation or

proceeding where the conduct that is subject to potential liability under the investigation or proceeding initiated in or by the other state would be subject to civil or criminal liability or professional sanction under the laws of the State of Nevada, if committed in this State.

3. Notwithstanding the provisions of this section, a state agency, local government, member of the judiciary or an employee, appointee, officer or other person acting on behalf of a state agency, local government or member of the judiciary may provide information or assistance in connection with such an investigation or proceeding in response to a written request by the person who is the subject of the investigation or proceeding.

4. As used in this section:

(a) "Gender-affirming health care services" ~~means~~ :

~~(1) Means any medical, surgical, ~~counseling or referral services that respect the gender identity or expression of the patient~~ behavioral health, mental health, psychiatric, therapeutic, diagnostic, preventative, supportive or rehabilitative services, supplies and care that relate to the treatment of gender dysphoria, and are found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State, including, without limitation:~~

~~(I) Interventions to suppress the development of endogenous secondary sex characteristics;~~

~~(II) Interventions to align the appearance or physical body of the patient with the gender identity or expression of the patient;~~

~~(III) Interventions to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and~~

~~(IV) Developmentally appropriate exploration and integration of identity, reduction of distress, adaptive coping and strategies to increase family acceptance.~~

~~(2) Does not include conversion therapy, as defined in NRS 629.600.~~

(b) "Local government" has the meaning ascribed to it in NRS 354.474.

(c) "State agency" means an agency, bureau, board, commission, department, division, officer, employee, appointee or agent or any other unit of the Executive Department of the State Government.

Sec. 4. 1. Each health care licensing board that licenses providers of health care who provide gender-affirming health care services shall examine the feasibility of providing opportunities for reciprocity of licensure to providers of health care who provide gender-affirming health care services in other states to facilitate the provision of quality gender-affirming health care services to persons from other states who seek gender-affirming health care services in this State.

2. As used in this section:

(a) "Gender-affirming health care services" has the meaning ascribed to it in section 1 of this act.

(b) "Health care licensing board" has the meaning ascribed to it in section 1 of this act.

(c) "Provider of health care" has the meaning ascribed to it in ~~[NRS 629.031]~~ section 1 of this act.

Sec. 5. This act becomes effective upon passage and approval.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 314 to Senate Bill No. 302 prohibits disciplinary or other adverse actions in this State against health care providers offering legally protected, gender-affirming health care services in this State or in other jurisdictions. It revises the definition of "gender-affirming services" and excludes conversion therapy. It expands the term "provider of health care" to cover pharmacies and pharmacists. It extends the prohibitions of providing information or resources in furtherance of an investigation or proceeding in another state to local governments and members of the judiciary.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 315.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 234.

SUMMARY—Makes revisions relating to the rights of persons with disabilities and persons who are aged. (BDR 38-808)

AN ACT relating to persons with disabilities; prescribing certain rights for persons with disabilities who are receiving certain home and community-based services and persons who are aged receiving such services; prescribing certain rights for pupils with disabilities ~~and~~ who are receiving certain services through an individualized education program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law authorizes states to implement certain home and community-based services for persons who are elderly or disabled. (42 U.S.C. § 1396n) Section 1 of this bill prescribes certain rights for persons with an intellectual disability, developmental disability or physical disability who are receiving such services or who are aged and receiving such services. Section 2 of this bill makes a conforming change to indicate the proper placement of section 1 in the Nevada Revised Statutes.

Existing law requires public schools to provide special programs and services for pupils with disabilities. (NRS 388.419, 388.429) Section 3 of this bill prescribes certain rights for pupils with disabilities who are enrolled in a public school or receiving services from a provider of special education ~~and~~ receiving transition services through an individualized education program. Section 4 of this bill makes a conforming change to indicate the proper placement of section 3 in the Nevada Revised Statutes.

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

Section 1. Chapter 422 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *This section may be cited as the Bill of Rights for Persons with Intellectual, Developmental or Physical Disabilities or who are Aged.*

2. *Except as otherwise specifically provided by law, each person with an intellectual disability, developmental disability or physical disability ~~and~~ who is receiving services pursuant to a home and community-based services waiver granted pursuant to 42 U.S.C. § 1396n, and each person who is aged and is receiving such services, has, to the extent applicable to the services received by the person and appropriate for the person ~~+~~ pursuant to the home and community-based services waiver, the right to:*

(a) *Participate in decisions that affect the life of the person, including, without limitation, decisions relating to:*

(1) *The finances and personal property of the person;*

(2) *The location where the person resides; and*

(3) *The development and implementation of any plan for delivering services and the frequency with which services are delivered pursuant to the home and community-based services waiver.*

(b) *Be treated with respect and dignity.*

(c) *An appropriate, safe and sanitary living environment that complies with all local, state and federal standards and recognizes the needs of the person for privacy and independence.*

(d) *Food that is adequate to meet the nutritional needs of the person.*

(e) *Practice the religion of his or her choice or abstain from the practice of any religion.*

(f) *Receive timely, effective and appropriate health care.*

(g) *Receive ancillary ~~services which may include, without limitation, personal care, occupational therapy, physical therapy, speech therapy, behavior modification and other psychological~~ services, to the extent necessary for the person.*

(h) *Maintain privacy and confidentiality in personal matters.*

(i) *Communicate freely with persons of his or her choice and in any reasonable manner he or she chooses.*

(j) *Own and use personal property.*

(k) *Have social interactions with persons of any sex or gender identity or expression.*

(l) *Pursue vocational opportunities to promote and enhance the economic independence of the person.*

(m) *Be treated as an equal citizen under the law.*

(n) *Be free from emotional, psychological, physical and financial abuse.*

(o) *Participate in appropriate programs of education, training, social development, habilitation and reasonable recreation, including, without limitation, a class at or other program administered by a university, college,*

*community college or trade school.*

*(p) Select a parent, family member, advocate or other person to act on his or her behalf, including, without limitation, by entering into a supported decision-making agreement pursuant to NRS 162C.200.*

*(q) Manage his or her own personal finances.*

*(r) Have his or her personal and medical records kept confidential to the extent provided by state and federal law.*

*(s) Voice grievances and suggest changes in policies, services and providers of services without restraint, interference, coercion, discrimination or reprisal.*

*(t) Be free from unnecessary chemical, physical or mechanical restraints.*

*(u) Participate in the political process.*

*(v) Refuse to participate in any medical, psychological or other research or experiment.*

*3. The rights set forth in subsection 2 do not abrogate any remedies provided by law.*

*4. As used in this section:*

*(a) "Developmental disability" has the meaning ascribed to it in NRS 435.007.*

*(b) "Intellectual disability" has the meaning ascribed to it in NRS 435.007.*

Sec. 2. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

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

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

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

(3) The Administrator of the Division of Child and Family Services;

(4) The Administrator of the Division of Health Care Financing and Policy; and

(5) The Administrator of the Division of Public and Behavioral Health.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, 422.001 to 422.410, inclusive, *and section 1 of this act*, 422.580, 432.010 to 432.133, inclusive, 432B.6201 to 432B.626, inclusive, 444.002 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Division of Public and Behavioral Health or the professional line activities of the other divisions.

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

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for

the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

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

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

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

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

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

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

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

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

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

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *This section may be cited as the Transition Bill of Rights for Pupils with Disabilities.*

2. *Except as otherwise specifically provided by law, each pupil with a disability who is enrolled in a public school or receiving services from a provider of special education and is receiving transition services through an individualized education program pursuant to 34 C.F.R. § 300.43 has the right ~~to the same extent as pupils who are not pupils with disabilities and to the extent applicable to the services which the pupil is receiving,~~ to:*

*(a) ~~Participate in decisions concerning the education of the pupil, including, without limitation, decisions concerning the services the pupil will receive as part of an~~ Be provided notice of and invited to any meeting concerning his or her individualized education program ~~at which transition services will be discussed.~~*

*(b) Attend all meetings concerning his or her individualized education program and be able to represent his or her desire concerning his or her:*

- (1) Training or education;
- (2) Employment; and
- (3) If appropriate, independent living.
- ~~(c) Be treated with respect and dignity;~~
- ~~(c) Receive ancillary services, which may include, without limitation, personal care, occupational therapy, physical therapy, speech therapy, behavior modification and other psychological services, to the extent necessary for the pupil.~~
- ~~(d) by all teachers, paraprofessionals and other educational staff.~~
- (d) Assist in the development of realistic, specific and measurable post-secondary goals in training, education, employment and, if appropriate, independent living for the pupil.
- ~~(e) Receive timely, effective and appropriate treatment.~~
- ~~(e) coordinated secondary transition services and related support services to help prepare the pupil to meet the measurable postsecondary goals established pursuant to paragraph (d). Such services must include, without limitation:~~
- (1) An age-appropriate transition assessment;
- (2) Instruction and related services;
- (3) Community experiences;
- (4) Assistance in developing objectives for employment and other life after the pupil ceases to attend school; and
- (5) If appropriate, services to aid in developing skills for daily living and an evaluation of functional vocational skills.
- ~~(f) Communicate freely with persons of his or her choice and in any reasonable manner chosen by the pupil.~~
- ~~(f) using methods of communication that are accessible to the pupil concerning his or her strengths, interests, preferences and vision of his or her future for consideration when developing the transition plan.~~
- ~~(g) Have access to social interactions in school-based settings that are common to pupils of a similar age with persons of any sex or gender identity or expression.~~
- ~~(g) Pursue vocational opportunities to promote and enhance the economic independence of the pupil.~~
- ~~(h) Receive assistance and counseling concerning higher education, including, without limitation, universities, colleges, community colleges and trade schools.~~
- ~~(i) Be free from emotional, psychological and physical abuse.~~
- ~~(j) Participate in with whom he or she chooses to interact. Such access must be provided to the same extent as pupils not receiving transition services through an individualized education program.~~
- (h) Assist in developing annual goals and objectives reasonably calculated to promote progress toward achieving the measurable postsecondary goals developed pursuant to paragraph (d).
- (i) Invite, or have assistance in inviting, appropriate outside agencies to

any meeting concerning his or her individualized education program at which transition services will be discussed.

(j) Receive information necessary to identify, explore and connect with outside agencies, as appropriate, including, without limitation:

(1) The Bureau of Vocational Rehabilitation in the Rehabilitation Division of the Department of Employment, Training and Rehabilitation; and

(2) The Aging and Disability Services Division of the Department of Health and Human Services.

(k) Receive information on appropriate programs of ~~education, training, social development, habilitation and reasonable recreation.~~

~~—(k)—~~ support, including, without limitation, the Supplemental Security Income Program, as defined in NRS 422A.075.

(l) Select a parent, family member, advocate or other person to act on his or her behalf, including, without limitation, as prescribed in NRS 388.459.

~~[(l) Receive]~~

(m) As appropriate to his or her individualized education program, receive education in financial literacy, including, without limitation, information about the Nevada ABLÉ Savings Program established pursuant to NRS 427A.889, to assist the pupil in managing his or her financial affairs.

~~[(m) Have the records of the pupil kept confidential to the extent provided by state and federal law.]~~

(n) Receive, as appropriate, the pre-employment transition services required by 34 C.F.R. § 361.48.

(o) Voice ~~grievances~~ concerns and disagreements with his or her educational or transition services and suggest changes in policies, services and providers of services without restraint, interference, coercion, discrimination or reprisal.

~~[(o) Be free from unnecessary physical or mechanical restraints.]~~

(p) ~~Participate~~ Assist in the development of a course of study that is designed to provide the pupil with the ability to achieve his or her measurable post-secondary goals established pursuant to paragraph (d) and obtain a diploma.

(q) Receive information regarding potential consequences of attaining a diploma accessible to pupils with disabilities.

(r) As appropriate to his or her individualized education program, receive instruction in civil participation, including, without limitation, participation in the political process.

~~[(q) Practice the religion of his or her choice or abstain from the practice of any religion.~~

~~—(r) Refuse to participate in any research or experiment.]~~

(s) Be notified, not less than 1 year before the pupil reaches 18 years of age, that any right accorded to the parent of a pupil with a disability pursuant to Part B of the Individuals with Disabilities Education Act, 20 U.S.C. § 1411 et seq., and the regulations adopted pursuant thereto, transfer to the pupil when he or she reaches 18 years of age.

3. *The rights of a pupil with a disability set forth in subsection 2 do not abrogate any remedies provided by law.*

Sec. 4. NRS 388.417 is hereby amended to read as follows:

388.417 As used in NRS 388.417 to 388.515, inclusive [–], and section 3 of this act:

1. "Communication mode" means any system or method of communication used by a person with a disability, including, without limitation, a person who is deaf or whose hearing is impaired, to facilitate communication which may include, without limitation:

- (a) American Sign Language;
- (b) English-based manual or sign systems;
- (c) Oral and aural communication;
- (d) Spoken and written English, including speech reading or lip reading;

and

(e) Communication with assistive technology devices.

2. "Dyslexia" means a neurological learning disability characterized by difficulties with accurate and fluent word recognition and poor spelling and decoding abilities that typically result from a deficit in the phonological component of language.

3. "Dyslexia intervention" means systematic, multisensory intervention offered in an appropriate setting that is derived from evidence-based research.

4. "Individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

5. "Individualized education program team" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(B).

6. "Provider of special education" means a school within a school district or charter school that provides education or services to pupils with disabilities or any other entity that is responsible for providing education or services to a pupil with a disability for a school district or charter school.

7. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

8. "Pupil with a disability" means a "child with a disability," as that term is defined in 20 U.S.C. § 1401(3)(A), who is under 22 years of age.

9. "Response to scientific, research-based intervention" means a collaborative process which assesses a pupil's response to scientific, research-based intervention that is matched to the needs of a pupil and that systematically monitors the level of performance and rate of learning of the pupil over time for the purpose of making data-based decisions concerning the need of the pupil for increasingly intensified services.

10. "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language which is not primarily the result of a visual, hearing or motor impairment, intellectual disability, serious emotional disturbance, or an

environmental, cultural or economic disadvantage. Such a disorder may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or perform mathematical calculations. The term includes, without limitation, perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia.

Sec. 5. This act becomes effective on July 1, 2023.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 234 to Senate Bill No. 315 provides within the Transition Bill of Rights an extension of services to older children with disabilities who are receiving transition services through an Individualized Education Plan and clarifies that the Transition Bill of Rights only applies to existing services provided through the home- and community-based services waiver.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 322.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 347.

SUMMARY—Revises provisions relating to reckless driving. (BDR 43-934)

AN ACT relating to crimes; revising the penalties for engaging in reckless driving under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a person to drive a vehicle in willful or wanton disregard of the safety of persons or property. Existing law provides that certain unlawful acts, such as driving a vehicle in willful or wanton disregard of the safety of persons or property, constitute reckless driving. (NRS 484B.653) Under existing law, if a driver commits reckless driving and proximately causes substantial bodily harm to or the death of another person, the driver: (1) is guilty of a category B felony; (2) shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years; and (3) may be subject to certain additional penalties if the violation is committed in a pedestrian safety zone or a temporary traffic control zone. (NRS 484B.130, 484B.135, 484B.653)

Section 3 of this bill revises the penalty for committing such a violation ~~by increasing~~ under certain circumstances. Specifically, section 3 increases the term of imprisonment to: (1) a minimum term of not less than 1 year and a maximum term of imprisonment for the commission of (not more than) such a violation from 6 years to 10 years, if the violation does not involve operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit; or (2) a minimum term of 8 years and a maximum term of 20 years, if the violation : (1) involves operating a vehicle at a rate of speed

that is 50 miles per hour or more over the posted speed limit ~~[Section 3 also prohibits the court from granting probation to or suspending the sentence of a person convicted of such a violation.~~

~~Sections 1-3 of this bill provide that a person who commits such a violation in a pedestrian safety zone or temporary traffic control zone is subject to an additional penalty of imprisonment for a minimum term of not less than 1 year and a maximum term of not more than 5 years, as determined by the court. Sections 1-3 require the court to consider certain information in determining the length of the additional penalty imposed and state on the record that it has considered that information in determining the length of the additional penalty imposed.] ; or (2) is committed in a pedestrian safety zone, school zone or school crossing zone. This bill is known as "Rex's Law" after Rex Patchett.~~

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

Section 1. ~~NRS 484B.130 is hereby amended to read as follows:~~

~~484B.130 1. Except as otherwise provided in this subsection and subsections 2 and 6, a person who is found to have committed a violation of a speed limit, or convicted of or found to have committed a violation of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403, 484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred:~~

~~(a) In an area designated as a temporary traffic control zone; and~~

~~(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement treated bases, chip seals and other similar conditions;~~

~~shall, if the violation is a criminal offense, be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense or shall, if the violation is a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, be punished by a civil penalty in an amount equal to and in addition to the civil penalty that the court imposes for the primary civil infraction. If the violation is a criminal offense punishable pursuant to subsection 9 of NRS 484B.653, the person shall be punished as provided in subsection 10 of NRS 484B.653. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense or civil infraction, but provides an additional penalty for the primary offense or civil infraction, whose imposition is contingent upon the finding of the prescribed fact.~~

~~2. [If] Except as otherwise provided in subsection 1, if a violation described in subsection 1 is:~~

~~(a) A criminal offense, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service;~~

~~(b) A civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$250.~~

~~3. Except as otherwise provided in subsection 5, a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:~~

~~(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;~~

~~(b) A sign to mark the beginning of the temporary traffic control zone; and~~

~~(c) A sign to mark the end of the temporary traffic control zone.~~

~~4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability or liability for a civil infraction because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.~~

~~5. The requirements of subsection 3 do not apply to an area designated as a temporary traffic control zone:~~

~~(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or~~

~~(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.~~

~~6. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection 5, unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to \$1,000 or more.) (Deleted by amendment.)~~

Sec. 2. [NRS 484B.135 is hereby amended to read as follows:

~~484B.135 1. Except as otherwise provided in subsections 2 and 4, a person who is found to have committed a violation of a speed limit, or convicted of or found to have committed a violation of NRS 484B.150, 484B.163, 484B.165, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, 484B.300, 484B.303, 484B.307, 484B.317, 484B.320, 484B.327, 484B.403, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred in an area designated as a pedestrian~~

safety zone may:

~~—(a) If the violation is a criminal offense [.] other than a violation punishable pursuant to subsection 9 of NRS 484B.653, be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense.~~

~~—(b) If the violation is a criminal offense punishable pursuant to subsection 9 of NRS 484B.653, be punished as provided in subsection 10 of NRS 484B.653.~~

~~—(c) If the violation is a civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, be punished by a civil penalty in an amount equal to and in addition to the civil penalty that the court imposes for the primary infraction.~~

~~— Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense or civil infraction but provides an additional penalty for the primary offense or civil infraction, whose imposition is discretionary with the court and contingent upon the finding of the prescribed fact.~~

~~— 2. [If] Except as otherwise provided in subsection 1, if a violation described in subsection 1 is:~~

~~—(a) A criminal offense, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$1,000, 6 months of imprisonment or 120 hours of community service;~~

~~—(b) A civil infraction punishable pursuant to NRS 484A.703 to 484A.705, inclusive, the additional penalty imposed pursuant to subsection 1 must not exceed a total of \$250.~~

~~— 3. A governmental entity that designates a pedestrian safety zone shall cause to be erected:~~

~~—(a) A sign located before the beginning of the pedestrian safety zone which provides notice that higher fines and civil penalties may apply in pedestrian safety zones;~~

~~—(b) A sign to mark the beginning of the pedestrian safety zone; and~~

~~—(c) A sign to mark the end of the pedestrian safety zone.~~

~~— 4. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to such an additional penalty if, with respect to the pedestrian safety zone in which the violation occurred:~~

~~—(a) A sign is not erected before the beginning of the pedestrian safety zone as required by paragraph (a) of subsection 3 to provide notice that higher fines and civil penalties may apply in pedestrian safety zones; or~~

~~—(b) Signs are not erected as required by paragraphs (b) and (c) of subsection 3 to mark the beginning and end of the pedestrian safety zone.~~

~~— 5. The governing body of a local government or the Department of Transportation may designate a pedestrian safety zone on a highway if the governing body or the Department of Transportation:~~

~~—(a) Makes findings as to the necessity and appropriateness of a pedestrian~~

~~safety zone, including, without limitation, any circumstances on or near a highway which make an area of the highway dangerous for pedestrians; and~~

~~(b) Complies with the requirements of subsection 3 and NRS 484A.430 and 484A.440.] (Deleted by amendment.)~~

Sec. 3. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property on a highway or premises to which the public has access.

(b) Drive a vehicle in an unauthorized speed contest on a highway or premises to which the public has access.

(c) Organize an unauthorized speed contest on a highway or premises to which the public has access.

(d) Drive a vehicle in an unauthorized trick driving display on a public highway.

(e) Facilitate an unauthorized trick driving display on a public highway.

↪ A violation of paragraph (a), (b) or (d) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. If, while violating the provisions of subsections 1 to 5, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsections 1 to 4, inclusive, of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle on a highway or premises to which the public has access is the proximate cause of a collision with a pedestrian or a person riding a bicycle, an electric bicycle or an electric scooter, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than \$250 but not more than \$1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than \$1,000 but not more than \$1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than \$1,500 but not more than \$2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

4. A person who violates paragraph (b) or (c) of subsection 1 or commits a violation which constitutes reckless driving pursuant to subsection 2 is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$250 but not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of

community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

5. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 4, the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

6. A person who violates paragraph (d) of subsection 1 is guilty of a gross misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than \$1,000 but not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

(b) For the second offense and each subsequent offense:

(1) Shall be punished by a fine of not less than \$1,500 but not more than \$2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than

364 days.

7. A person who violates paragraph (e) of subsection 1 is guilty of:

(a) For the first offense, a misdemeanor and:

(1) Shall be punished by a fine of not more than \$1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense and each subsequent offense, a gross misdemeanor and:

(1) Shall be punished by a fine of not less than \$1,000 and not more than \$1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 364 days.

8. In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection 6 or 7, the court:

(a) May issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order; and

(c) May issue an order impounding, for a period of 30 days, any vehicle that is registered to the person if the vehicle is used in the commission of the offense.

9. Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on a highway or premises to which the public has access in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for :

(a) ~~If the violation does not involve operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit,~~ Except as otherwise provided in paragraph (b), a minimum term of not less than 1 year and a maximum term of not more than 6 ~~10~~ years and by a fine of not less than \$2,000 but not more than \$5,000.

(b) ~~If the~~ A minimum term of not less than 1 year and a maximum term of not more than 10 years and by a fine of not less than \$2,000 but not more than \$5,000 if:

(1) The violation involves operating a vehicle at a rate of speed that is 50 miles per hour or more over the posted speed limit  ~~, a minimum term of 8 years and a maximum term of 20 years and by a fine of not less than \$2,000 but not more than \$5,000.~~

~~➤ The court shall not grant probation to or suspend the sentence of a person punished pursuant to this subsection.]; or~~

(2) The violation is committed in an area designated as a pedestrian safety zone or school zone or a school crossing zone.

10. A person who violates any provision of this section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550. ~~[A person who violates subsection 9 and who is subject to the additional penalty set forth in NRS 484B.130 or 484B.135 shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years, as determined by the court. In determining the length of the additional penalty imposed, the court shall consider the following information:~~

~~(a) The facts and circumstances of the crime;~~

~~(b) The criminal history of the person;~~

~~(c) The impact of the crime on any victim;~~

~~(d) Any mitigating factors presented by the person; and~~

~~(e) Any other relevant information.~~

~~➤ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.]~~

11. ~~[The sentence for an additional penalty imposed pursuant to subsection 10 must not exceed the sentence imposed for the crime and runs consecutively with the sentence prescribed by statute for the crime. Subsection 10 does not create a separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.~~

~~12.]~~ As used in this section:

(a) "Facilitate" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized trick driving display or in any other way participate in an unauthorized trick driving display, including, without limitation:

(1) Using a vehicle to divert, slow, impede or otherwise block traffic with the intent to enable or assist an unauthorized trick driving display; or

(2) Filming or otherwise recording an unauthorized trick driving display with the intent to promote an unauthorized trick driving display.

(b) "Organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

(c) "Trick driving display" means using a vehicle to perform tricks, stunts or other maneuvers on a public highway upon which traffic has been diverted, slowed, impeded or blocked to enable the performing of such tricks, stunts or maneuvers or having such tricks, stunts or maneuvers filmed or otherwise recorded.

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

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 347 to Senate Bill No. 322 strikes sections 1 and 2 from the bill and retains the current 1- to 6-year penalty for reckless driving except in cases involving speeds of 50 or more miles per hour over the speed limit or that occur in a school zone or pedestrian safety zone. In these instances, the maximum prison term is raised from 6 to 10 years. It allows judicial discretion regarding parole eligibility.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 245.

SUMMARY—Revises provisions relating to prescription drugs. (BDR 57-134)

AN ACT relating to health care; clarifying that a pharmacy benefit manager is subject to certain provisions of law governing an insurer for which the pharmacy benefit manager manages prescription drug coverage; expanding required insurance coverage of contraception; revising requirements governing the dispensing of a drug used for contraception; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law imposes certain duties on a pharmacy benefit manager. (NRS 683A.178) Section 1 of this bill clarifies that a pharmacy benefit manager that manages prescription drug benefits for an insurer is required to comply with the same provisions of the Nevada Insurance Code as are applicable to the insurer.

Existing law authorizes the Department of Health and Human Services to enter into a contract with a pharmacy benefit manager or a health maintenance organization to manage, direct and coordinate all payments and rebates for prescription drugs and all other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program. (NRS 422.4053) Section 14 of this bill requires such a contract to require the pharmacy benefit manager or health maintenance organization to comply with certain provisions of law regarding the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program.

Existing law requires public and private policies of insurance regulated under Nevada law to include coverage for up to a 12-month supply of contraceptive drugs. (NRS 287.010, 287.04335, 422.27172, 689A.0418, 689B.0378, 689C.1676, 695A.1865, 695B.1919, 695C.1696, 695G.1715) Sections 3 and 6-13 of this bill prohibit an insurer from requiring an insured to obtain prior authorization before receiving a contraceptive drug. Sections 6-13

also require an insurer to: (1) cover certain contraceptive services when provided by a pharmacist; and (2) reimburse a pharmacist for providing such services at a rate that is not less than the rate provided to a physician, physician assistant or advanced practice registered nurse. Sections 6-13 additionally prescribe certain limitations on the imposition of a copayment or coinsurance for a drug for contraception. Section 2 of this bill requires an insurer to: (1) demonstrate the capacity to adequately deliver family planning services provided by pharmacists to covered persons ~~and~~; and (2) notify covered persons of pharmacists and pharmacies who are available to provide family planning services to covered persons through the network of the insurer. Sections 4 and 5 of this bill make conforming changes to indicate the proper placement of section 2 in the Nevada Revised Statutes.

Existing law requires a pharmacist to dispense up to a 12-month supply of contraceptives or therapeutic equivalent or any amount which covers the remainder of the plan year, whichever is less, pursuant to a valid prescription or order if: (1) the patient has previously received a 3-month supply of the same drug; (2) the patient has previously received a 9-month supply of the same drug or a supply of the same drug for the balance of the plan year in which the 3-month supply was prescribed or ordered, whichever is less; (3) the patient is insured by the same health insurance plan; and (4) a provider of health care has not specified in the prescription or order that a different supply of the drug is necessary. (NRS 639.28075) ~~(Section) If a patient is not currently using a contraceptive or therapeutic equivalent, section 15 of this bill (instead)~~ requires a pharmacist to dispense a full 3-month supply or the amount designated by the prescription or order, whichever is less, pursuant to a valid prescription or order unless the patient is unable or unwilling to pay the applicable charge, copayment or coinsurance. If the patient is currently using the contraceptive or therapeutic equivalent, section 15 requires a pharmacist to dispense a full 9-month supply or a full 12-month supply ~~for contraceptives or therapeutic equivalent~~, as applicable, any amount designated by the prescription or order or any amount which covers the remainder of the plan year, whichever is less, pursuant to a valid prescription or order unless the patient is unable or unwilling to pay the applicable charge, copayment or coinsurance.

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

Section 1. NRS 683A.178 is hereby amended to read as follows:

683A.178 1. A pharmacy benefit manager has an obligation of good faith and fair dealing toward a third party or pharmacy when performing duties pursuant to a contract to which the pharmacy benefit manager is a party. Any provision of a contract that waives or limits that obligation is against public policy, void and unenforceable.

2. A pharmacy benefit manager shall notify a third party with which it has entered into a contract in writing of any activity, policy or practice of the pharmacy benefit manager that presents a conflict of interest that interferes

with the obligations imposed by subsection 1.

3. *A pharmacy benefit manager that manages prescription drug benefits for an insurer licensed pursuant to this title shall comply with the provisions of this title which are applicable to the insurer when managing such benefits for the insurer.*

Sec. 2. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

1. *A health carrier which offers or issues a network plan ~~(must)~~ :*

(a) Must demonstrate the capacity to adequately deliver family planning services provided by pharmacists to covered persons in accordance with the regulations adopted pursuant to subsection 2.

(b) Shall provide to each covered person in this State a notice that meets the requirements prescribed by the regulations adopted pursuant to subsection 2 of each pharmacist and pharmacy that has entered into a provider network contract with the carrier to provide family planning services to covered persons who participate in the relevant network plan.

2. *The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations prescribing requirements for ~~for~~ :*

(a) A health carrier to demonstrate compliance with paragraph (a) of subsection 1. Those regulations must not allow a health carrier to demonstrate the capacity to adequately deliver family planning services to covered persons by demonstrating that the health carrier has entered into a network contract with one or more pharmacies for the sole purpose of dispensing prescription drugs to covered persons.

(b) The form and contents of the notice required by paragraph (b) of subsection 1.

Sec. 3. 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.0418, 689A.044, 689A.0445, 689B.031, 689B.0313, 689B.0315, 689B.0317, 689B.0374, 689B.0378, 689C.1675, 689C.1676, 695A.1856, 695A.1865, 695B.1912, 695B.1913, 695B.1914, 695B.1919, 695B.1925, 695B.1942, 695C.1696, 695C.1713, 695C.1735, 695C.1737, 695C.1745, 695C.1751, 695G.170, 695G.171, 695G.1714 , 695G.1715 and 695G.177, any contract for group, blanket or individual health insurance or any contract by a nonprofit hospital, medical or dental service corporation or organization for dental care which provides for payment of a certain part of medical or dental care may require the insured or member to obtain prior authorization for that care from the insurer or organization. The insurer or organization shall:

(a) File its procedure for obtaining approval of care pursuant to this section for approval by the Commissioner; and

(b) Respond 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. 4. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, *and section 2 of this act*, unless the context otherwise requires, the words and terms defined in NRS 687B.602 to 687B.665, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 687B.670 is hereby amended to read as follows:

687B.670 If a health carrier offers or issues a network plan, the health carrier shall, with regard to that network plan:

1. Comply with all applicable requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~{ }~~, *and section 2 of this act*;

2. As applicable, ensure that each contract entered into for the purposes of the network plan between a participating provider of health care and the health carrier complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~{ }~~, *and section 2 of this act*; and

3. As applicable, ensure that the network plan complies with the requirements set forth in NRS 687B.600 to 687B.850, inclusive ~~{ }~~, *and section 2 of this act*.

Sec. 6. NRS 689A.0418 is hereby amended to read as follows:

689A.0418 1. Except as otherwise provided in subsection ~~{7}~~ 8, an insurer that offers or issues a policy of health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection ~~{10}~~ 11; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection ~~{10}~~ 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of health insurance;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. *An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who ~~participates in the network plan of the insurer.~~ is employed by or serves as an independent*

contractor of an in-network pharmacy. The terms of the policy must not limit:

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. An insurer must 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.

~~{3-}~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~{4-}~~ 5. Except as otherwise provided in subsections ~~{8-}~~ 9, 10 and ~~{11-}~~ 12, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage to obtain any benefit included in the policy pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured any such benefit.

~~{5-}~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~{6-}~~ 7. Except as otherwise provided in subsection ~~{7-}~~ 8, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022-}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~{7-}~~ 8. An insurer that offers or issues a policy of health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of health insurance and before the renewal of such a policy, provide to the prospective insured written

notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~{8.}~~ 9. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~{9.}~~ 10. For each of the 18 methods of contraception listed in subsection ~~{10}~~ 11 that have been approved by the Food and Drug Administration, a policy of health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. *If the insurer charges a copayment or coinsurance for a drug for contraception, the insurer may only require an insured to pay the copayment or coinsurance:*

- (a) Once for the entire amount of the drug dispensed for the plan year; or*
- (b) Once for each 1-month supply of the drug dispensed.*

~~{10.}~~ 11. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{11.}~~ 12. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{12.}~~ 13. An insurer shall not ~~use~~ :

- (a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a

provider of health care ~~+~~

~~—13.1~~ ; or

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

14. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~{14.}~~ 15. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with an insurer to provide services to insureds through a network plan offered or issued by the insurer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~{(b)}~~ (c) "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)}~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~{(d)}~~ (e) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 7. NRS 689B.0378 is hereby amended to read as follows:

689B.0378 1. Except as otherwise provided in subsection ~~{7.}~~ 8, an insurer that offers or issues a policy of group health insurance shall include in the policy coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~{11.}~~ 12; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection ~~{4.}~~ 12;
- (c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;
- (d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same policy of group health insurance;
- (e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;
- (f) Management of side effects relating to contraception; and
- (g) Voluntary sterilization for women.

2. *An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who ~~participates in the network plan of the insurer.~~ is employed by or serves as an independent contractor of an in-network pharmacy. The terms of the policy must not limit:*

*(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.*

*(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*

3. An insurer must 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.

~~{3.}~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~{4.}~~ 5. Except as otherwise provided in subsections ~~{9.}~~ 10, 11 and ~~{12.}~~ 13, an insurer that offers or issues a policy of group health insurance shall not:

- (a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the policy pursuant to subsection 1;
- (b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;
- (c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;
- (d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;
- (e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay

access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~{5.}~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~{6.}~~ 7. Except as otherwise provided in subsection ~~{7.}~~ 8, a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022.}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

~~{7.}~~ 8. An insurer that offers or issues a policy of group health insurance and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a policy of group health insurance and before the renewal of such a policy, provide to the group policyholder or prospective insured, as applicable, written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~{8.}~~ 9. If an insurer refuses, pursuant to subsection ~~{7.}~~ 8, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

~~{9.}~~ 10. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~{10.}~~ 11. For each of the 18 methods of contraception listed in subsection ~~{11}~~ 12 that have been approved by the Food and Drug Administration, a policy of group health insurance must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. *If the insurer charges a copayment or coinsurance for a drug for contraception, the insurer may only require an insured to pay the copayment or coinsurance:*

- (a) Once for the entire amount of the drug dispensed for the plan year; or*
- (b) Once for each 1-month supply of the drug dispensed.*

~~{11.}~~ 12. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;

- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{12.}~~ 13. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{13.}~~ 14. An insurer shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~;~~

~~—14.}~~ ; or

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

15. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~{15.}~~ 16. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with an insurer to provide services to insureds through a network plan offered or issued by the insurer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~{(b)}~~ (c) "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)}~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~{(d)}~~ (e) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 8. NRS 689C.1676 is hereby amended to read as follows:

689C.1676 1. Except as otherwise provided in subsection ~~{7}~~ 8, a carrier that offers or issues a health benefit plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~{10}~~ 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~{10}~~ 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health benefit plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. *An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who ~~participates in the network plan of the carrier.~~ is employed by or serves as an independent contractor of an in-network pharmacy. The terms of the health benefit plan must not limit:*

(a) *Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.*

(b) *Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*

3. A carrier must 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.

~~{3}~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not

available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the carrier.

~~{4.}~~ 5. Except as otherwise provided in subsections ~~{8.}~~ 9, 10 and ~~{11.}~~ 12, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~{5.}~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~{6.}~~ 7. Except as otherwise provided in subsection ~~{7.}~~ 8, a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022.}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

~~{7.}~~ 8. A carrier that offers or issues a health benefit plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the carrier objects on religious grounds. Such a carrier shall, before the issuance of a health benefit plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the carrier refuses to provide pursuant to this subsection.

~~{8.}~~ 9. A carrier may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~{9.}~~ 10. For each of the 18 methods of contraception listed in subsection ~~{10.}~~ 11 that have been approved by the Food and Drug Administration, a health benefit plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the carrier may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. *If the carrier charges a copayment or coinsurance for a drug for contraception, the carrier may only require an*

insured to pay the copayment or coinsurance:

(a) Once for the entire amount of the drug dispensed for the plan year; or

(b) Once for each 1-month supply of the drug dispensed.

~~{10.}~~ 11. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{11.}~~ 12. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{12.}~~ 13. A carrier shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[-~~

~~-13.}~~ ; or

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

14. A carrier must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the carrier to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~{14.}~~ 15. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with a carrier to provide services to insureds through a network plan

*offered or issued by the carrier.*

~~(b)~~ (b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~(c)~~ (c) "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.

~~(d)~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~(e)~~ (e) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 9. NRS 695A.1865 is hereby amended to read as follows:

695A.1865 1. Except as otherwise provided in subsection ~~{7}~~ 8, a society that offers or issues a benefit contract which provides coverage for prescription drugs or devices shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~{10}~~ 11; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration; and

(3) Listed in subsection ~~{10}~~ 11;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same benefit contract;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. *An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist*

when such services are provided by a pharmacist who ~~participates in the network plan of~~ is employed by or serves as an independent contractor of an in-network pharmacy or a pharmacy operated by the society. The terms of the benefit contract must not limit:

(a) Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. A society must 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.

~~3.~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the society.

~~4.~~ 5. Except as otherwise provided in subsections ~~8,~~ 9, 10 and ~~11,~~ 12, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition for coverage for any benefit included in the benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~5.~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~6.~~ 7. Except as otherwise provided in subsection ~~7,~~ 8, a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~2022,~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

~~7.~~ 8. A society that offers or issues a benefit contract and which is affiliated with a religious organization is not required to provide the coverage

required by subsection 1 if the society objects on religious grounds. Such a society shall, before the issuance of a benefit contract and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the society refuses to provide pursuant to this subsection.

~~{8.}~~ 9. A society may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~{9.}~~ 10. For each of the 18 methods of contraception listed in subsection ~~{10}~~ 11 that have been approved by the Food and Drug Administration, a benefit contract must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the society may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. *If the society charges a copayment or coinsurance for a drug for contraception, the society may only require an insured to pay the copayment or coinsurance:*

*(a) Once for the entire amount of the drug dispensed for the plan year; or*  
*(b) Once for each 1-month supply of the drug dispensed.*

~~{10.}~~ 11. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{11.}~~ 12. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{12.}~~ 13. A society shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~[-~~

~~13.]~~ ; or

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

14. A society must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the society to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~14.]~~ 15. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with a society to provide services to insureds through a network plan offered or issued by the society.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~(b)]~~ (c) "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)]~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~(d)]~~ (e) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 10. NRS 695B.1919 is hereby amended to read as follows:

695B.1919 1. Except as otherwise provided in subsection ~~7.]~~ 8, an insurer that offers or issues a contract for hospital or medical service shall include in the contract coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

(1) Lawfully prescribed or ordered;

(2) Approved by the Food and Drug Administration;

(3) Listed in subsection ~~11.]~~ 12; and

(4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection ~~{11}~~ 12;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same contract for hospital or medical service;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. *An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who ~~participates in the network plan of the hospital or medical services corporation.~~ is employed by or serves as an independent contractor of an in-network pharmacy or a pharmacy operated by the insurer. The terms of the policy of health insurance must not limit:*

(a) *Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.*

(b) *Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*

3. An insurer that offers or issues a contract for hospital or medical services must 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.

~~{3}~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the insurer.

~~{4}~~ 5. Except as otherwise provided in subsections ~~{9}~~ 10, 11 and ~~{12}~~ 13, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement to the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

~~{5-}~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~{6-}~~ 7. Except as otherwise provided in subsection ~~{7-}~~ 8, a contract for hospital or medical service subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022-}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

~~{7-}~~ 8. An insurer that offers or issues a contract for hospital or medical service and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the insurer objects on religious grounds. Such an insurer shall, before the issuance of a contract for hospital or medical service and before the renewal of such a contract, provide to the prospective insured written notice of the coverage that the insurer refuses to provide pursuant to this subsection.

~~{8-}~~ 9. If an insurer refuses, pursuant to subsection ~~{7-}~~ 8, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

~~{9-}~~ 10. An insurer may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~{10-}~~ 11. For each of the 18 methods of contraception listed in subsection ~~{11-}~~ 12 that have been approved by the Food and Drug Administration, a contract for hospital or medical service must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the insurer may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. *If the insurer charges a copayment or coinsurance for a drug for contraception, the insurer may only require an insured to pay the copayment or coinsurance:*

*(a) Once for the entire amount of the drug dispensed for the plan year; or*

*(b) Once for each 1-month supply of the drug dispensed.*

~~{11-}~~ 12. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{12.}~~ 13. Except as otherwise provided in this section and federal law, an insurer that offers or issues a contract for hospital or medical services may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{13.}~~ 14. An insurer shall not ~~{use}~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~{-~~

~~{-14.}~~ ; or

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

15. An insurer must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the insurer to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~{15.}~~ 16. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with an insurer to provide services to insureds through a network plan offered or issued by the insurer.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method

of administration.

~~[(b)]~~ (c) "Network plan" means a contract for hospital or medical service 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)]~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~[(d)]~~ (e) "Therapeutic equivalent" means a drug which:

- (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;
- (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and
- (3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 11. NRS 695C.1696 is hereby amended to read as follows:

695C.1696 1. Except as otherwise provided in subsection ~~{7,}~~ 8, a health maintenance organization that offers or issues a health care plan shall include in the plan coverage for:

- (a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:
  - (1) Lawfully prescribed or ordered;
  - (2) Approved by the Food and Drug Administration;
  - (3) Listed in subsection ~~{11,}~~ 12; and
  - (4) Dispensed in accordance with NRS 639.28075;
- (b) Any type of device for contraception which is:
  - (1) Lawfully prescribed or ordered;
  - (2) Approved by the Food and Drug Administration; and
  - (3) Listed in subsection ~~{11,}~~ 12;
- (c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;
- (d) Insertion of a device for contraception or removal of such a device if the device was inserted while the enrollee was covered by the same health care plan;
- (e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;
- (f) Management of side effects relating to contraception; and
- (g) Voluntary sterilization for women.

2. *An enrollee is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who ~~participates in the network plan of~~ is employed by or serves as an independent contractor of an in-network pharmacy or a pharmacy operated by the health maintenance organization. The terms of the evidence of coverage must not limit:*

- (a) Coverage for services listed in subsection 1 and provided by such a

pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.

(b) Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.

3. A health maintenance organization must 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.

~~{3-}~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the health maintenance organization.

~~{4-}~~ 5. Except as otherwise provided in subsections ~~{9-}~~ 10 , 11 and ~~{12-}~~ 13, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

~~{5-}~~ 6. Coverage pursuant to this section for the covered dependent of an enrollee must be the same as for the enrollee.

~~{6-}~~ 7. Except as otherwise provided in subsection ~~{7-}~~ 8, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022-}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

~~{7-}~~ 8. A health maintenance organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the health maintenance organization objects on religious grounds. Such an organization shall, before

the issuance of a health care plan and before the renewal of such a plan, provide to the prospective enrollee written notice of the coverage that the health maintenance organization refuses to provide pursuant to this subsection.

~~{8.}~~ 9. If a health maintenance organization refuses, pursuant to subsection ~~{7.}~~ 8, to provide the coverage required by subsection 1, an employer may otherwise provide for the coverage for the employees of the employer.

~~{9.}~~ 10. A health maintenance organization may require an enrollee to pay a higher deductible, copayment or coinsurance for a drug for contraception if the enrollee refuses to accept a therapeutic equivalent of the drug.

~~{10.}~~ 11. For each of the 18 methods of contraception listed in subsection ~~{11}~~ 12 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the enrollee, but the health maintenance organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. *If the health maintenance organization charges a copayment or coinsurance for a drug for contraception, the health maintenance organization may only require an enrollee to pay the copayment or coinsurance:*

- (a) Once for the entire amount of the drug dispensed for the plan year; or*
- (b) Once for each 1-month supply of the drug dispensed.*

~~{11.}~~ 12. The following 18 methods of contraception must be covered pursuant to this section:

- (a) Voluntary sterilization for women;
- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{12.}~~ 13. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques,

including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{13.}~~ 14. A health maintenance organization shall not ~~use~~ :

(a) Use medical management techniques to require an enrollee to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~;~~

~~—14.}~~ ; or

(b) Require an enrollee to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

15. A health maintenance organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an enrollee, or the authorized representative of the enrollee, may request an exception relating to any medical management technique used by the health maintenance organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~{15.}~~ 16. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with a health maintenance organization to provide services to enrollees through a network plan offered or issued by the health maintenance organization.

(b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~{(b)}~~ (c) "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)}~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~{(d)}~~ (e) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 12. NRS 695G.1715 is hereby amended to read as follows:

695G.1715 1. Except as otherwise provided in subsection ~~{7.}~~ 8, a managed care organization that offers or issues a health care plan shall include in the plan coverage for:

(a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration;
- (3) Listed in subsection ~~{10,} 11~~; and
- (4) Dispensed in accordance with NRS 639.28075;

(b) Any type of device for contraception which is:

- (1) Lawfully prescribed or ordered;
- (2) Approved by the Food and Drug Administration; and
- (3) Listed in subsection ~~{10,} 11~~;

(c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;

(d) Insertion of a device for contraception or removal of such a device if the device was inserted while the insured was covered by the same health care plan;

(e) Education and counseling relating to the initiation of the use of contraception and any necessary follow-up after initiating such use;

(f) Management of side effects relating to contraception; and

(g) Voluntary sterilization for women.

2. *An insured is entitled to reimbursement for services listed in subsection 1 which are within the authorized scope of practice of a pharmacist when such services are provided by a pharmacist who ~~participates in the network plan of~~ is employed by or serves as an independent contractor of an in-network pharmacy or a pharmacy operated by the managed care organization. The terms of the evidence of coverage must not limit:*

(a) *Coverage for services listed in subsection 1 and provided by such a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.*

(b) *Reimbursement for services listed in subsection 1 and provided by such a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*

3. A managed care organization must 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.

~~{3,}~~ 4. If a covered therapeutic equivalent listed in subsection 1 is not available or a provider of health care deems a covered therapeutic equivalent to be medically inappropriate, an alternate therapeutic equivalent prescribed by a provider of health care must be covered by the managed care organization.

~~{4,}~~ 5. Except as otherwise provided in subsections ~~{8,}~~ 9, 10 and ~~{11,}~~ 12, a managed care organization that offers or issues a health care plan shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit included in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefits;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefits;

(d) Penalize a provider of health care who provides any such benefits to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefits to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefits.

~~{5-}~~ 6. Coverage pursuant to this section for the covered dependent of an insured must be the same as for the insured.

~~{6-}~~ 7. Except as otherwise provided in subsection ~~{7-}~~ 8, a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~{2022,}~~ 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

~~{7-}~~ 8. A managed care organization that offers or issues a health care plan and which is affiliated with a religious organization is not required to provide the coverage required by subsection 1 if the managed care organization objects on religious grounds. Such an organization shall, before the issuance of a health care plan and before the renewal of such a plan, provide to the prospective insured written notice of the coverage that the managed care organization refuses to provide pursuant to this subsection.

~~{8-}~~ 9. A managed care organization may require an insured to pay a higher deductible, copayment or coinsurance for a drug for contraception if the insured refuses to accept a therapeutic equivalent of the drug.

~~{9-}~~ 10. For each of the 18 methods of contraception listed in subsection ~~{10}~~ 11 that have been approved by the Food and Drug Administration, a health care plan must include at least one drug or device for contraception within each method for which no deductible, copayment or coinsurance may be charged to the insured, but the managed care organization may charge a deductible, copayment or coinsurance for any other drug or device that provides the same method of contraception. *If the managed care organization charges a copayment or coinsurance for a drug for contraception, the managed care organization may only require an insured to pay the copayment or coinsurance:*

*(a) Once for the entire amount of the drug dispensed for the plan year; or*

*(b) Once for each 1-month supply of the drug dispensed.*

~~{10-}~~ 11. The following 18 methods of contraception must be covered pursuant to this section:

(a) Voluntary sterilization for women;

- (b) Surgical sterilization implants for women;
- (c) Implantable rods;
- (d) Copper-based intrauterine devices;
- (e) Progesterone-based intrauterine devices;
- (f) Injections;
- (g) Combined estrogen- and progestin-based drugs;
- (h) Progestin-based drugs;
- (i) Extended- or continuous-regimen drugs;
- (j) Estrogen- and progestin-based patches;
- (k) Vaginal contraceptive rings;
- (l) Diaphragms with spermicide;
- (m) Sponges with spermicide;
- (n) Cervical caps with spermicide;
- (o) Female condoms;
- (p) Spermicide;
- (q) Combined estrogen- and progestin-based drugs for emergency contraception or progestin-based drugs for emergency contraception; and
- (r) Ulipristal acetate for emergency contraception.

~~{11}~~ 12. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

~~{12}~~ 13. A managed care organization shall not ~~use~~ :

(a) Use medical management techniques to require an insured to use a method of contraception other than the method prescribed or ordered by a provider of health care ~~;~~

~~—13.1~~ ; or

(b) Require an insured to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.

14. A managed care organization must provide an accessible, transparent and expedited process which is not unduly burdensome by which an insured, or the authorized representative of the insured, may request an exception relating to any medical management technique used by the managed care organization to obtain any benefit required by this section without a higher deductible, copayment or coinsurance.

~~{14}~~ 15. As used in this section:

(a) "In-network pharmacy" means a pharmacy that has entered into a contract with a managed care organization to provide services to insureds through a network plan offered or issued by the managed care organization.

~~—~~ (b) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

~~((b))~~ (c) "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))~~ (d) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

~~((d))~~ (e) "Therapeutic equivalent" means a drug which:

- (1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;
- (2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and
- (3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 13. NRS 422.27172 is hereby amended to read as follows:

422.27172 1. The Director shall include in the State Plan for Medicaid a requirement that the State pay the nonfederal share of expenditures incurred for:

- (a) Up to a 12-month supply, per prescription, of any type of drug for contraception or its therapeutic equivalent which is:
  - (1) Lawfully prescribed or ordered;
  - (2) Approved by the Food and Drug Administration; and
  - (3) Dispensed in accordance with NRS 639.28075;
- (b) Any type of device for contraception which is lawfully prescribed or ordered and which has been approved by the Food and Drug Administration;
- (c) Self-administered hormonal contraceptives dispensed by a pharmacist pursuant to NRS 639.28078;
- (d) Insertion or removal of a device for contraception;
- (e) Education and counseling relating to the initiation of the use of contraceptives and any necessary follow-up after initiating such use;
- (f) Management of side effects relating to contraception; and
- (g) Voluntary sterilization for women.

2. Except as otherwise provided in subsections 4 and 5, to obtain any benefit provided in the Plan pursuant to subsection 1, a person enrolled in Medicaid must not be required to:

- (a) Pay a higher deductible, any copayment or coinsurance; or
- (b) Be subject to a longer waiting period or any other condition.

3. The Director shall ensure that the provisions of this section are carried out in a manner which complies with the requirements established by the Drug Use Review Board and set forth in the list of preferred prescription drugs established by the Department pursuant to NRS 422.4025.

4. The Plan may require a person enrolled in Medicaid to pay a higher deductible, copayment or coinsurance for a drug for contraception if the person refuses to accept a therapeutic equivalent of the contraceptive drug.

5. For each method of contraception which is approved by the Food and Drug Administration, the Plan must include at least one contraceptive drug or device for which no deductible, copayment or coinsurance may be charged to the person enrolled in Medicaid, but the Plan may charge a deductible, copayment or coinsurance for any other contraceptive drug or device that provides the same method of contraception. *If the Plan requires a person enrolled in Medicaid to pay a copayment or coinsurance for a drug for contraception, the Plan may only require the person to pay the copayment or coinsurance:*

*(a) Once for the entire amount of the drug dispensed for the plan year; or*

*(b) Once for each 1-month supply of the drug dispensed.*

6. *The Plan must provide for the reimbursement of a pharmacist for providing services described in subsection 1 that are within the scope of practice of the pharmacist. The Plan must not limit:*

*(a) Coverage for such services provided by a pharmacist to a number of occasions less than the coverage for such services when provided by another provider of health care.*

*(b) Reimbursement for such services provided by a pharmacist to an amount less than the amount reimbursed for similar services provided by a physician, physician assistant or advanced practice registered nurse.*

7. *The Plan must not require a recipient of Medicaid to obtain prior authorization for the benefits described in paragraphs (a) and (c) of subsection 1.*

8. As used in this section:

(a) "Drug Use Review Board" has the meaning ascribed to it in NRS 422.402.

(b) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 14. NRS 422.4053 is hereby amended to read as follows:

422.4053 1. Except as otherwise provided in subsection 2, the Department shall directly manage, direct and coordinate all payments and rebates for prescription drugs and all other services and payments relating to the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program.

2. The Department may enter into a contract with:

(a) A pharmacy benefit manager for the provision of any services described in subsection 1.

(b) A health maintenance organization pursuant to NRS 422.273 for the provision of any of the services described in subsection 1 for recipients of Medicaid or recipients of insurance through the Children's Health Insurance

Program who receive coverage through a Medicaid managed care program.

(c) One or more public or private entities from this State, the District of Columbia or other states or territories of the United States for the collaborative purchasing of prescription drugs in accordance with subsection 3 of NRS 277.110.

3. A contract entered into pursuant to paragraph (a) or (b) of subsection 2 must:

(a) Include the provisions required by NRS 422.4056; ~~and~~

(b) Require the pharmacy benefit manager or health maintenance organization, as applicable, to disclose to the Department any information relating to the services covered by the contract, including, without limitation, information concerning dispensing fees, measures for the control of costs, rebates collected and paid and any fees and charges imposed by the pharmacy benefit manager or health maintenance organization pursuant to the contract ~~;~~ *and*

*(c) Require the pharmacy benefit manager or health maintenance organization to comply with the provisions of this chapter regarding the provision of prescription drugs under the State Plan for Medicaid and the Children's Health Insurance Program to the same extent as the Department.*

4. In addition to meeting the requirements of subsection 3, a contract entered into pursuant to:

(a) Paragraph (a) of subsection 2 may require the pharmacy benefit manager to provide the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, to the Department.

(b) Paragraph (b) of subsection 2 must require the health maintenance organization to provide to the Department the entire amount of any rebates received for the purchase of prescription drugs, including, without limitation, rebates for the purchase of prescription drugs by an entity other than the Department, less an administrative fee in an amount prescribed by the contract. The Department shall adopt policies prescribing the maximum amount of such an administrative fee.

Sec. 15. NRS 639.28075 is hereby amended to read as follows:

639.28075 1. Except as otherwise provided in ~~subsections~~ *subsection 2*, ~~and 3,~~ pursuant to a valid prescription or order for a drug to be used for contraception or its therapeutic equivalent which has been approved by the Food and Drug Administration, a pharmacist shall:

(a) ~~The first time dispensing the drug or therapeutic equivalent to the patient.~~ If the patient is not currently using the drug or its therapeutic equivalent, dispense ~~up to~~ a 3-month supply of the drug or therapeutic equivalent ~~;~~ or any amount designated by the prescription or order, whichever is less.

(b) ~~The second time dispensing.~~ If the drug or therapeutic equivalent has only been dispensed to the patient ~~;~~ once pursuant to paragraph (a), dispense ~~up to~~ a 9-month supply of the drug or therapeutic equivalent, any amount

designated by the prescription or order or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

(c) For a refill in a plan year following the initial dispensing of a drug or therapeutic equivalent pursuant to paragraphs (a) and (b), dispense ~~up to dispense~~ a 12-month supply of the drug or therapeutic equivalent, any amount designated by the prescription or order or any amount which covers the remainder of the plan year if the patient is covered by a health care plan, whichever is less.

2. ~~{The provisions of paragraphs (b) and (c) of subsection 1 only apply if:~~  
~~—(a) The drug for contraception or the therapeutic equivalent of such drug is the same drug or therapeutic equivalent which was previously prescribed or ordered pursuant to paragraph (a) of subsection 1; and~~

~~—(b) The patient is covered by the same health care plan.~~

~~—3. If a prescription or order for a drug for contraception or its therapeutic equivalent limits the dispensing of the drug or therapeutic equivalent to a quantity which is less than the amount otherwise authorized to be dispensed pursuant to subsection 1, the pharmacist must dispense the drug or therapeutic equivalent in accordance with the quantity specified in the prescription or order.~~

~~—4.} A pharmacist is not required to dispense an amount of a drug to be used for contraception or its therapeutic equivalent for which the patient is unable or unwilling to pay any applicable charge, copayment or coinsurance due to the pharmacy.~~

3. As used in this section:

(a) "Health care plan" means a policy, contract, certificate or agreement offered or issued by an insurer, including without limitation, the State Plan for Medicaid, to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

(b) "Plan year" means the year designated in the evidence of coverage of a health care plan in which a person is covered by such plan.

(c) "Therapeutic equivalent" means a drug which:

(1) Contains an identical amount of the same active ingredients in the same dosage and method of administration as another drug;

(2) Is expected to have the same clinical effect when administered to a patient pursuant to a prescription or order as another drug; and

(3) Meets any other criteria required by the Food and Drug Administration for classification as a therapeutic equivalent.

Sec. 16. 1. The provisions of NRS 422.4053, as amended by section 14 of this act, do not apply to a contract between the Department of Health and Human Services and a pharmacy benefit manager or a health maintenance organization entered into pursuant to NRS 422.4053 before January 1, 2024, but do apply to any renewal or extension of such a contract.

2. As used in this section:

(a) "Health maintenance organization" has the meaning ascribed to it in

NRS 695C.030.

(b) "Pharmacy benefit manager" has the meaning ascribed to it in NRS 683A.174.

Sec. 17. 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. 18. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 17, inclusive, of this act become effective:

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

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

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 245 to Senate Bill No. 352 requires health carriers to demonstrate the capacity to deliver family planning services provided by pharmacists and notify insured individuals of participating pharmacists and pharmacies available through its network. It establishes requirements for pharmacists dispensing contraceptive supplies for certain time frames. It outlines how charges are calculated for patients and updates references to the insurer's in-network pharmacies.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Buck, the privilege of the floor of the Senate Chamber for this day was extended to Touro University.

On request of Senator Cannizzaro, the privilege of the floor of the Senate Chamber for this day was extended to former Assemblywoman Susie Martinez and the Nevada State AFL-CIO.

On request of Senator Flores, the privilege of the floor of the Senate Chamber for this day was extended to Patrick Carter, Francisco Jimenez, Axel Perez, Erik Sanchez and Raymond Sanchez.

On request of Senator Harris, the privilege of the floor of the Senate Chamber for this day was extended to Idalis Figueroa.

On request of Senator Krasner, the privilege of the floor of the Senate Chamber for this day was extended to Bishop Manogue High School.

Senator Cannizzaro moved that the Senate adjourn until Thursday, April 20, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 6:22 p.m.

Approved:

STAVROS ANTHONY  
*President of the Senate*

Attest: BRENDAN BUCY  
*Secretary of the Senate*