

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), April 20, 2023

Senate called to order at 12:07 p.m.

President Anthony presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Randy Roser.

Father in heaven, I pray for our Senators who love You with all their hearts, minds, souls and strength. Bless them, protect them and give them peace as they do their best to fulfill Your will here on earth. Lord, even greater this morning, I want to pray for our young people that are going in and out of these Chambers, that they witness godly integrity, morals, ethics and see how our State is truly run. Lord, reveal Your presence and glory in this place so that all people here would witness that Your might works and that Your light shines out through the darkness with love and power. Holy Spirit, I pray that You move here and now.

All for Your glory, 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 Government Affairs, to which were referred Senate Bills Nos. 22, 143, 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 were referred Senate Bills Nos. 146, 161, 192, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Senate Bill No. 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

FABIAN DOÑATE, *Chair*

Mr. President:

Your Committee on Judiciary, to which was referred Senate Bill No. 410, 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*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 19, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bills Nos. 159, 359, 372, 394, 411, 437, 452, 454.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 21, 114, 116, 146, 311.

CAROL AIELLO-SALA
Assistant Chief Clerk of the Assembly

COMMUNICATIONS
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-3605

April 19th, 2023

The Honorable Steve Yeager
Speaker
Nevada State Assembly
401 South Carson Street
Carson City, Nevada 89701

The Honorable Nicole J. Cannizzaro
Majority Leader
Nevada State Senate
401 South Carson Street
Carson City, Nevada 89701

Dear Speaker Yeager and Leader Cannizzaro:

I am requesting the opportunity to speak before the distinguished members of the Nevada State Legislature on Wednesday, May 31, 2023. I look forward to addressing the joint session about the pressing issues before the United States Congress in the upcoming months and their impact on the great state of Nevada. Please contact Kianna Shlemon at (702) 701-6942 if you have any questions. Thank you in advance for your kind consideration.

Sincerely,
Susie Lee
Member of Congress

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 20, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 159.

WAYNE THORLEY
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bill No. 260 be taken from the Secretary's Desk and placed on the General File, next agenda.

Motion carried.

Senator Cannizzaro moved that Senate Bills Nos. 25, 26, 184, 194 and 251 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. 61, 133 and 211 be taken from the General File and placed on the Secretary's Desk.

Remarks by Senator Cannizzaro:

This is for the purpose of amendments and additional questions.

Motion carried.

Senator Dondero Loop moved that Senate Bill No. 159 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

Senator Lange approved the addition of Senator Hammond as a cosponsor of Senate Bill No. 276.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 21.

Senator Lange moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 114.

Senator Lange moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 116.

Senator Lange moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 146.

Senator Lange moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 159.

Senator Lange moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 311.

Senator Lange moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 359.

Senator Cannizzaro moved that Senate Standing Rule No. 40 be suspended, and that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assembly Bill No. 372.

Senator Lange moved that the bill be referred to the Committee on Education.

Motion carried.

Assembly Bill No. 394.

Senator Lange moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Bill No. 411.

Senator Lange moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 437.

Senator Lange moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Assembly Bill No. 452.

Senator Lange moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assembly Bill No. 454.

Senator Lange moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 354.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 279.

SUMMARY—Revises provisions relating to justices of the peace.
(BDR 1-809)

AN ACT relating to justices of the peace; requiring justices of the peace to have passed ~~[the Multistate Professional Responsibility Examination]~~ an examination prescribed by the Nevada Supreme Court in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the qualifications for a person to be a candidate for or be eligible to the office of justice of the peace, including, without limitation, the requirement that such a person have a high school diploma or its equivalent as determined by the State Board of Education. (NRS 4.010) Section 1 of this bill additionally requires a justice of the peace ~~[to have passed the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners, unless the National Conference of Bar Examiners prohibits a justice of the peace from registering for or taking the Examination.]~~ who is not licensed or admitted to practice law in the courts of this State at the time of his or her election or appointment to pass an examination prescribed by the Nevada Supreme Court within 18 months after taking the official oath. Section 1 requires that such an examination test the

competency of the examinee's knowledge on certain subject matters related to the duties of a justice of the peace.

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

Section 1. NRS 4.010 is hereby amended to read as follows:

4.010 1. A person may not be a candidate for or be eligible to the office of justice of the peace unless the person is a qualified elector and has never been removed or retired from any judicial office by the Commission on Judicial Discipline. For the purposes of this subsection, a person is eligible to be a candidate for the office of justice of the peace 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.

2. A justice of the peace must have a high school diploma or its equivalent as determined by the State Board of Education.

3. ~~[A justice of the peace must have received a passing score on the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners, or its successor organization, unless the National Conference of Bar Examiners prohibits a justice of the peace from registering for and taking the Examination.]~~ In addition to any other requirement provided by law or a court rule, a justice of the peace who is not licensed or admitted to practice law in the courts of this State at the time of his or her election or appointment must pass an examination prescribed by the Nevada Supreme Court within 18 months after taking the official oath. The examination must test the competency of the examinee's knowledge on subject matters related to the duties of a justice of the peace, including, without limitation:

(a) Judicial decorum;

(b) Application of the Revised Nevada Code of Judicial Conduct;

(c) Criminal and civil actions and proceedings over which a justice court has jurisdiction, including, without limitation, the issuance of temporary or extended orders for protection; and

(d) The financial administration of a court, including, without limitation, the minimum accounting standards of a justice court.

4. In a county whose population is 100,000 or more, a justice of the peace in a township whose population is 100,000 or more must be an attorney who:

(a) Is licensed and admitted to practice law in the courts of this State at the time of his or her election or appointment; and

(b) Has been licensed and admitted to practice law in the courts of this State, another state or the District of Columbia for not less than 5 years at any time preceding his or her election or appointment.

~~{4.}~~ 5. Subsections 2 and ~~{3}~~ 4 do not apply to any person who held the office of justice of the peace on June 30, 2001.

Sec. 2. The amendatory provisions of this act do not apply to a justice of the peace who holds the office of justice of the peace on July 1, 2023, ~~unless~~

~~the justice of the peace files a declaration of candidacy or is elected or appointed to a term of office on or after July 1, 2023, as applicable.]~~

Sec. 3. 1. This ~~act~~ section becomes effective ~~on~~ 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 July 1, 2023 ~~to~~, for all other purposes.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 279 to Senate Bill No. 354 replaces the original bill language and provides that in addition to any other requirement under law or court rule, a justice of peace who is not licensed and admitted to practice law in the courts of the State must, within 18 months of taking the oath of office, pass a test prescribed by the Supreme Court covering topics related to the duties of a justice of the peace.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 21.

Bill read third time.

Remarks by Senator Krasner.

Senate Bill No. 21 raises the county population threshold from 45,000 to 52,000 for various purposes related to county offices, county property sales and leases, emergency telephone systems, planning commissions, libraries, recycling, interactive gaming licensure and others.

Roll call on Senate Bill No. 21:

YEAS—21.

NAYS—None.

Senate Bill No. 21 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 83.

Bill read third time.

Remarks by Senator Daly.

Senate Bill No. 83 adds certain civilian employees of law enforcement agencies to the list of persons and entities authorized to request that personal information contained in the records of a county assessor, county recorder, Secretary of State or a county or city clerk remain confidential. Similarly, the bill adds such persons to the list of those authorized to request that the Department of Motor Vehicles display an alternate address on the person's driver's license, commercial driver's license or identification card.

Roll call on Senate Bill No. 83:

YEAS—21.

NAYS—None.

Senate Bill No. 83 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 171.

Bill read third time.

Remarks by Senators Harris and Seevers Gansert.

SENATOR HARRIS:

Senate Bill No. 171 prohibits a person from purchasing, owning or having possession, control or custody of a firearm if the person has been convicted in the immediately preceding ten years of committing or attempting to commit an offense that is a gross misdemeanor constituting a hate crime under Nevada law or a similar offense under federal, other state, territory or district law. The same prohibitions on firearms apply if the person has been convicted of committing or attempting to commit certain violent offenses that constitute a hate crime. The provisions of the bill do not apply to a person who was convicted of any of these offenses prior to July 1, 2023, and who owns, possesses or has under his or her custody or control a firearm that he or she legally owned before that date.

SENATOR SEEVERS GANSERT:

I oppose Senate Bill No. 171. The language is expansive. We already have enhancements for hate crimes. This expands the definition of "hate crime" and creates a new category which would be hate crime involving violence. An individual's Second Amendment right is powerful and important, and we are looking at gross misdemeanors which are low-level offenses. I would appreciate the consideration to oppose this bill.

Roll call on Senate Bill No. 171:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Senate Bill No. 171 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 180.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 180 authorizes a board of county commissioners to request that the State Engineer establish a groundwater board for a designated basin and appoint seven members to serve on the board without compensation. The bill also authorizes a board of county commissioners to appoint a nonvoting member to the board and provides that the groundwater board must be dissolved after four years unless the State Engineer approves a request from the board of county commissioners to continue the board. Finally, the bill provides that the board may be dissolved by a majority vote of the board.

This bill is only enabling legislation that allows counties to deal with water impacts in their county on a basin-by-basin basis.

Roll call on Senate Bill No. 180:

YEAS—21.

NAYS—None.

Senate Bill No. 180 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 196.

Bill read third time.

Remarks by Senator Hammond.

Senate Bill No. 196 codifies into law an existing regulation prohibiting a coach, manager or other person associated with a sanctioned sport or spirit squad at a school from making a pupil's participation in an out-of-school activity a condition for qualifying for or becoming a member of a team.

Additionally, Senate Bill No. 196 requires each such coach, manager or other person to submit an annual report to the Nevada Interscholastic Activities Association with information on whether the person also coaches, manages or is otherwise associated with an out-of-school activity related to the same sport or spirit squad with which they are involved at a school. The bill also requires notification to pupils and their parents or legal guardians concerning the rights afforded to pupils while participating in a sanctioned sport or other interscholastic activity or event. The Association must prescribe a system of progressive discipline for violations of these reporting and notification requirements.

Finally, Senate Bill No. 196 provides additional eligibility for pupils enrolled in certain grades during the COVID-19 pandemic state of emergency to participate in certain interscholastic activities.

Roll call on Senate Bill No. 196:

YEAS—21.

NAYS—None.

Senate Bill No. 196 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 247.

Bill read third time.

Remarks by Senator Flores.

Senate Bill No. 247 authorizes, instead of requires, the board of county commissioners and the city council of each of the three largest cities in a county whose population is 700,000 or more to establish a regional planning coalition by cooperative agreement.

Roll call on Senate Bill No. 247:

YEAS—21.

NAYS—None.

Senate Bill No. 247 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 257.

Bill read third time.

Remarks by Senator Daly.

Senate Bill No. 257 revises payroll reporting requirements for certain renewable energy facilities that receive certain tax abatements and requires payroll and compliance reports to be submitted quarterly during the term of construction 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 at another time that is determined by the Director of the Office of Energy within the Office of the Governor.

Roll call on Senate Bill No. 257:

YEAS—21.

NAYS—None.

Senate Bill No. 257 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 258.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 258 provides that the State Engineer may grant a temporary change of the place of diversion, manner of use or place of use of water already appropriated for a period of more than one year but not to exceed three years if the temporary change is for a renewable energy generation project.

Roll call on Senate Bill No. 258:

YEAS—21.

NAYS—None.

Senate Bill No. 258 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 259.

Bill read third time.

Remarks by Senators Dondero Loop and Buck.

SENATOR DONDERO LOOP:

Senate Bill No. 259 authorizes a winery licensed on or after October 1, 2015, to sell or serve its wine at one other location other than on the premises of the winery if the winery uses more than 25 percent of fruit grown or honey produced within the State. If a winery uses less than 25 percent of fruit grown or honey produced within this State, the bill increases from 1,000 to 2,000 the number of cases of wine sold or served at the winery or one other location and additionally authorizes such a winery to sell or serve not more than 150 barrels of cider produced by the winery per calendar year. In addition, the bill authorizes the State Board of Agriculture to create a certification for wine produced, blended or aged from fruit grown or honey produced in this State, based on an applicant winery's federal Alcohol and Tobacco Tax and Trade Bureau filings.

Further, the bill revises provisions that govern the process for when a board of county commissioners or the governing body of a city may recommend to the Department of Taxation the suspension or revocation of the license of a brewpub, instructional wine-making facility, craft distillery or estate distillery to include that such a decision or the decision to dismiss a complaint must be rendered within 60 days after a citation is served upon a licensee.

SENATOR BUCK:

I support Senate Bill No. 259 for two reasons. First, I like to make wine, especially at Grape Expectations in my district. Second, I think it will be great for redevelopment on Water Street for them to be able to sell wine and have a wine tasting location. I rise in support and commend the author of the bill.

Roll call on Senate Bill No. 259:

YEAS—21.

NAYS—None.

Senate Bill No. 259 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Cannizzaro moved that the Senate recess subject to the call of the Chair.

Motion carried.

Senate in recess at 12:58 p.m.

SENATE IN SESSION

At 4:13 p.m.

President Anthony presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bills Nos. 269, 296, 302, 315, 318 and 323 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 352 be taken from the General File and placed on the Secretary's Desk.

Remarks by Cannizzaro.

This is for purposes of an amendment.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 262.

Bill read third time.

Remarks by Senators Flores and Goicoechea.

SENATOR FLORES:

Senate Bill No. 262 eliminates the requirement that a member of a town advisory board or citizens' advisory council be a qualified elector.

SENATOR GOICOECHEA:

I oppose Senate Bill No. 262 because of how it was explained—that you do not have to be a qualified elector to be on the ballot. I have to oppose the bill.

Roll call on Senate Bill No. 262:

YEAS—13.

NAYS—Buck, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—8.

Senate Bill No. 262 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 272.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 272 requires each state agency or local government to, on or before September 1st of each year, post in a conspicuous place on its website the total number of purchasing contracts, performance contracts and contracts for public works awarded by the state agency or local government during the immediately preceding fiscal year; the total dollar amount of all such contracts awarded by the state agency or local government during the immediately preceding fiscal year; the total number of contracts awarded by the state agency or local government during the immediately preceding fiscal year to minority-owned businesses, women-owned businesses and LGBTQ-owned businesses; and the total dollar amount of all such contracts awarded by the state agency or local government during the immediately preceding fiscal year to minority-owned businesses, women-owned businesses and LGBTQ-owned businesses.

I want to add a few comments. There may be some who disagree with posting this information, but here's the thing that I know: is we are always talking about equality, but we can never prove it. What this bill says is if you are already doing it, you should be proud you are doing it. One of the things that happened during COVID, in addition to recognizing—the entire world recognizing—how different the health care agency or system was for minority people, BIPOC women and single women, it also showed us that these are some of the businesses needed the money and did not get the money.

If you are already doing this, you should have no problem with this bill. People that have a problem with the bill are people who are not doing it. We are talking about the people who have already stepped out there on faith as it were, and have a business. All they are asking for is fair treatment. You do not give them the contract because they are a member of these communities. You give them the contract in spite of the fact that they are members of this community. I urge my colleagues to vote "yes."

Roll call on Senate Bill No. 272:

YEAS—15.

NAYS—Buck, Goicoechea, Hammond, Hansen, Stone, Titus—6.

Senate Bill No. 272 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 289.

Bill read third time.

Remarks by Senator Nguyen.

Senate Bill No. 289 expands the definition of the term "provider of health care" to include a behavior analyst, assistant behavior analyst, registered behavior technician, mental health technician, student of emergency medical services, public safety officer or any person who is employed by or volunteers at a health care facility, for the purpose of including these persons among the health care providers against whom a battery while on the premises of a health care facility carries enhanced penalties.

I urge my colleagues to support this bill. We have seen, during the last three years, that our frontline workers also include these medical professionals who are working in hospital settings. I think this bill goes a long way to show them that we appreciate and care about what they are doing in a health care facility and what they are doing to help our individuals coming there, and when they are injured and targeted because of their positions as nurses, behavior technicians and emergency medical students, that we are standing by them.

Roll call on Senate Bill No. 289:

YEAS—21.

NAYS—None.

Senate Bill No. 289 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 299.

Bill read third time.

Remarks by Senator Flores.

Senate Bill No. 299 requires the payment of prevailing wages on 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. Similarly, the work of, or incident to, the installation and operation of a monorail may be subject to prevailing wage requirements.

Roll call on Senate Bill No. 299:

YEAS—15.

NAYS—Buck, Hammond, Krasner, Seevers Gansert, Stone, Titus—6.

Senate Bill No. 299 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 322.

Bill read third time.

Remarks by Senator Stone.

This bill was written in response to a horrific incident in my district in the City of Henderson. Thirteen-year-old Rex Patchett was innocently walking in a school zone when an irresponsible, reckless driver who was driving almost at 100 miles-per-hour lost control of his car, striking Rex Patchett and killing him instantly.

Rex's father reached out to me and Assemblyman Yurek after we were elected, and he painfully gave us the details of the accident.

When we found out that the perpetrator was sentenced to one to six years and may only serve one year in prison, we all concluded that the punishment does not match the crime. This bill increases the penalty to 1 to 10 years if a person is driving over 50 miles per hour above the speed limit posted or occurring in a school zone or pedestrian zone.

Please join me in supporting this bill that if passed and signed into law, will help protect our citizens from such senseless, reckless acts.

Roll call on Senate Bill No. 322:

YEAS—21.

NAYS—None.

Senate Bill No. 322 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 338.

Bill read third time.

Remarks by Senator Flores.

Senate Bill No. 338 revises the definition of "large all-terrain vehicle" as any all-terrain vehicle that includes seating capacity for at least two people abreast.

Roll call on Senate Bill No. 338:

YEAS—21.

NAYS—None.

Senate Bill No. 338 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 363.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 363 authorizes the Housing Division of the Department of Business and Industry to give priority to projects that provide a preference for women who are veterans, women who were previously incarcerated, survivors of domestic violence and elderly women who do not have stable or adequate living arrangements.

I would like to make a couple comments. Senate Bill No. 363 started out as a bill to try to find housing for women veterans. In 1973, the draft ended. Prior to that, women were not drafted, but women were still signing up. I have a friend in Las Vegas, First Sergeant Dixie Thomas. She is retired military police who spent two years in Vietnam. Most people did not even know women were over there, but who do you think took care of the soldiers and other military members when they were injured?

Many of you probably saw the newscasts night after night, right after September 11th, and you saw people who were killed by IEDs. An IED is just a fancy word for a bomb—it's an improvised explosive device. Most of those IEDs went off under fuel trucks. I am going to get graphic because I need you to understand why I am so passionate about this. If you were not killed in the blast, if you survived the blast, guess what you did? You walked around trying to find the pieces of your friends who were blown up.

Women did that, too. There are women who suffered TBI—traumatic brain injury. There are women, right now, who are veterans and still suffering from Post-Traumatic Stress Syndrome. There are also women who are suffering from military sexual trauma and to say thank you for your service, I always tell people, "Miss me on that." Because unless you are doing something tangible to thank veterans, your words ring hollow.

We can all point to something that we have done for men who are veterans—housing. I tell people, "Tell me what you see when I say 'veteran'." They say, "I see a man." I say, "Exactly." But some of the women who are veterans and unhoused have children, and they fought in those last two wars. I mentioned 1973 because it is important for us to understand that after 1973, anybody who served did so because they wanted to. They were not drafted, and certainly women were not drafted.

I led this bill with veterans, women veterans, but as I was talking to them, some of them also fit other categories here. You do not have to vote for this; you do not but I am saying, come November when people will be talking about honoring our veterans, miss me on that. Miss me on that.

We stand up, and we pledge allegiance to the flag every time we open this chamber. Do you know why we can do that? The liberty and the freedom to do that was paid for in blood, sweat and tears, and some women lost their limbs. I am not fussing. I am just disappointed because we have not done this before, and women paid the price as well.

There are some veteran women who occupy the category of formerly incarcerated. Do you know why? One of them passed away. I knew one of them passed away four years ago. She testified on a bill that Senator Joyce Woodhouse and I had. She talked about how she was sexually molested, and she fought off her attackers and because she fought and they were injured, she went to jail. Some women veterans occupy the category of domestic violence survivors. Some women also occupy the category of housing insecure.

When I see this bill, these five lines that I just read, there is a lot more to it than that. There will be some who say, "Well, I don't want preferences." Okay, you take your "you-know-what" to war. This is for the people who did not run. This is for the people who decided to fight for this country,

and to fight for freedom and left their families behind while many people were afraid to do so. You do not have to vote for this bill; you do not. What I am saying is if you have any ounce of courage and gratitude for the people—I am leading with women veterans—if you have any gratitude at all for the sacrifices that they have made, I urge you to vote "yes." That is how you say, "Thank you for your service."

Roll call on Senate Bill No. 363:

YEAS—18.

NAYS—Hansen, Stone, Titus—3.

Senate Bill No. 363 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 371.

Bill read third time.

Remarks by Senator Flores.

Senate Bill No. 371 authorizes county commissioners and other local bodies to enact rent control and other affordable housing ordinances.

Roll call on Senate Bill No. 371:

YEAS—12.

NAYS—Buck, Daly, Goicoechea, Hammond, Hansen, Krasner, Seevers Gansert, Stone, Titus—9.

Senate Bill No. 371 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

Senate Bill No. 386.

Bill read third time.

Remarks by Senator Spearman.

Senate Bill No. 386 authorizes an applicant for a barber license who fails the required examination to retake it within a year without additional requirements. In addition, the bill authorizes an applicant for an apprentice license to retake the exam up to three times, within six months without additional requirements. If such applicants do not retake the examination within the required time frame, they must fulfill specific additional requirements before being eligible to retake the exam.

Roll call on Senate Bill No. 386:

YEAS—21.

NAYS—None.

Senate Bill No. 386 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 418.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 418 requires that 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 includes 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 his or her website.

Roll call on Senate Bill No. 418:

YEAS—21.

NAYS—None.

Senate Bill No. 418 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 424.

Bill read third time.

Remarks by Senator Flores.

Senate Bill No. 424 prohibits the Nevada Transportation Authority from accepting any petition to intervene on behalf of a person who has filed a protest against the granting of a certificate of public convenience and necessity or permit as a contract motor carrier. The Authority may hold a hearing to make determinations regarding an application for a certificate or permit. If after reviewing certain information provided by the applicant and inspecting the operations of the applicant, the Authority cannot make a determination as to whether an applicant has complied with applicable requirements, an application will be deemed approved and the Authority is required to issue a certificate or permit if the application is not approved or denied within nine months.

Roll call on Senate Bill No. 424:

YEAS—21.

NAYS—None.

Senate Bill No. 424 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 106, 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*

WAIVERS AND EXEMPTIONS

NOTICE OF EXEMPTION

April 20, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the eligibility for exemption of: Senate Bill No. 143.

WAYNE THORLEY
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 22.

Bill read second time.

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

Amendment No. 472.

SUMMARY—Revises provisions relating to the publication of legal notices. (BDR 19-390)

AN ACT relating to legal notices; authorizing, under certain circumstances, the publication of a legal notice or advertisement on the Internet website of a newspaper; making various other changes relating to legal notices and advertisements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the publication of any and all legal notices and advertisements in certain newspapers of general circulation and establishes procedures and requirements for such publication. (NRS 238.020, 238.030) ~~[As an alternative to these requirements, section]~~ Section 1 of this bill authorizes the additional publication of a legal notice or advertisement on the Internet website of such a newspaper. Section 2 of this bill makes a conforming change to provide that, with certain exceptions, the Internet website of such a newspaper is a competent means for the publication of legal notices and advertisements.

Existing law provides that whenever any legal notice or advertisement is required by law to be given by publication, with certain exceptions, the legal notice or advertisement must be published at least once a week, consecutively, for not less than the full period of time so required in a qualified, legal and competent newspaper. (NRS 238.060) Section 3 of this bill provides that if a legal notice or advertisement is published on the Internet website of a qualified, legal and competent newspaper ~~it~~ is: (1) an error in the legal notice or advertisement ~~[must be posted on the]~~ made by the newspaper, a temporary Internet website ~~[continuously and uninterruptedly for not less than the full period of time that the notice is otherwise required to be]~~ outage or service interruption that prevents the posting or display of the legal notice or advertisement is harmless; and (2) the legal notice or advertisement shall be deemed sufficient provided that the legal notice or advertisement is printed and published in a qualified, legal and competent newspaper.

Existing law provides that any and every legal notice or advertisement that is published in a newspaper in violation of certain provisions of law is void. (NRS 238.080) Section 4 of this bill provides that any and every legal notice or advertisement published on an Internet website maintained by a newspaper in violation of certain provisions of law is void.

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

Section 1. NRS 238.030 is hereby amended to read as follows:

238.030 1. ~~[Any]~~ *Except as otherwise provided in this section, any and all legal notices or advertisements shall be published only in a daily, a triweekly, a semiweekly, a weekly, or a semimonthly newspaper of general circulation and printed in whole or in part in the county in which the notice or advertisement is required to be published, which newspaper if published:*

(a) Triweekly, semiweekly, weekly, or semimonthly, shall have been so published in the county, continuously and uninterruptedly, during the period

of at least 104 consecutive weeks next prior to the first issue thereof containing any such *legal* notice or advertisement.

(b) Daily, shall have been so published in the county, uninterruptedly and continuously, during the period of at least 1 year next prior to the first issue thereof containing any such *legal* notice or advertisement.

2. ~~{The mere As an alternative to the requirements to publish a legal notice or advertisement in a newspaper described in subsection 1, any}~~ *Any legal notice or advertisement may be additionally published on the Internet website of a newspaper described in subsection 1. If a legal notice or advertisement is published on the Internet website of a newspaper described in subsection 1, the newspaper must publish on its Internet website the mailing address and telephone number of the state or local governmental agency by which a person may request or obtain a copy of the legal notice or advertisement.*

3. A change in ~~the~~ :

(a) *The name of any newspaper, or the removal of the principal business office or seat of publication of any newspaper from one place to another in the same county shall not break or affect the continuity in the publication of any such newspaper if the same ~~is in fact~~ newspaper is continuously and uninterruptedly printed and published within the county . ~~as herein provided.~~*

(b) *The Internet address of the website of any newspaper on which a legal notice or advertisement is published does not break or affect the continuity in the publication of the legal notice or advertisement . ~~if public access to the Internet website is continuous and uninterrupted.~~*

~~—3.—~~ 4. A newspaper shall not lose its rights as a legal publication if any of the following conditions maintain:

(a) If by reason of a strike or other good cause it should suspend publication; but the period shall not exceed 30 days in any calendar year.

(b) If by reason of generally recognized economic stress of a serious nature over which the publisher has no control it shall be necessary to suspend publication for a period not to exceed 2 years. The provisions of this paragraph shall apply only in the case of publications that have been operating continuously for a period of 5 years prior to such suspension. Any legal notice which fails of publication for the required number of insertions for such reason shall not be declared illegal if publication has been made in one issue of the publication and is resumed within a reasonable period.

~~{4.}~~ 5. If in any county in this State there shall not have been published therein any newspaper or newspapers for the prescribed period, at the time when any such *legal* notice or advertisement is required to be published, then such *legal* notice or advertisement may be published ~~in~~ :

(a) *In any newspaper or newspapers having a general circulation and printed and published in whole or in part in the county* ~~{~~

~~—5.—~~ ; ~~for~~ *and*

(b) *On the Internet website of any newspaper or newspapers having a general circulation and printed and published in whole or in part in the county.*

6. The time limitations in subsection 1 do not apply to a newly established newspaper printed and published in:

(a) An incorporated city if, at the time such newspaper is established, there is no other newspaper printed and published in such city.

(b) A county if, at the time such newspaper is established, there is no other newspaper printed and published in such county.

Sec. 2. NRS 238.050 is hereby amended to read as follows:

238.050 Except as otherwise provided by law in express terms or by necessary implication, daily newspapers, triweekly newspapers, semiweekly newspapers, weekly newspapers and semimonthly newspapers *and the Internet websites of such newspapers* shall all be equally competent as the means for the publication of all legal notices and advertisements.

Sec. 3. NRS 238.060 is hereby amended to read as follows:

238.060 1. Whenever any *legal notice or advertisement* is required by law to be given by publication, unless otherwise specified, such provision shall be satisfied, *except as otherwise provided in subsection 2*, by publishing the required *legal notice or advertisement*, at least once a week, consecutively, for not less than the full period of time so required in a qualified, legal and competent newspaper.

2. *If a legal notice or advertisement is published on the Internet website of a qualified, legal and competent newspaper ~~+~~:*

(a) An error in the legal notice or advertisement ~~(must be posted on such) made by the newspaper, a temporary Internet website ~~(continuously and uninterruptedly for not less than the full period of time that the notice is otherwise required to be)~~ outage or service interruption that prevents the posting or display of a notice is harmless; and~~

(b) The legal notice or advertisement shall be deemed sufficient provided that the legal notice or advertisement is printed and published in a qualified, legal and competent newspaper ~~+~~ pursuant to this chapter.

Sec. 4. NRS 238.080 is hereby amended to read as follows:

238.080 Any and every legal notice or advertisement published in a newspaper *or on an Internet website maintained by a newspaper* in violation of any of the provisions of NRS 238.010 to 238.080, inclusive, shall be absolutely void.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 472 to Senate Bill No. 22 clarifies that any legal notice may be additionally published on the internet website of a newspaper, includes certain provisions regarding internet outages or service interruptions and clarifies language on continuous posting.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 143.

Bill read second time.

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

Amendment No. 459.

SUMMARY—Revises provisions relating to discrimination in housing. (BDR 18-1)

AN ACT relating to discriminatory practices; revising various provisions relating to discrimination in housing; providing civil penalties and other remedies for certain violations; authorizing the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation to enter into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law; providing that certain conduct relating to an applicant or tenant's arrest record, conviction record or record of criminal history constitutes an unlawful discriminatory practice in housing; providing that certain requirements relating to guarantors constitutes an unlawful discriminatory practice in housing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation. (NRS 232.910, 233.030) The Commission is authorized to investigate and conduct hearings concerning acts of prejudice with regard to housing, employment and public accommodations. (NRS 233.150) Existing law sets forth the Nevada Fair Housing Law to prohibit discrimination in housing. (NRS 118.010-118.120) In addition, the federal Fair Housing Act of 1968, as amended, prohibits discrimination in the sale, rental and financing of dwellings and in other housing-related transactions. (42 U.S.C. §§ 3601 et seq.)

Sections 17, 20 and 21 of this bill revise references to the types of discrimination from which persons are protected in Nevada to conform to federal law.

Section 21 authorizes the Commission to initiate a complaint alleging an unlawful discriminatory practice in housing. Section 23 of this bill requires the Commission to investigate each complaint which alleges an unlawful discriminatory practice in housing and to attempt to resolve the issues raised in the complaint through informal negotiations with the parties. Section 24 of this bill requires the Commission to serve upon an aggrieved person certain information.

Section 14 of this bill establishes new procedures and requirements with respect to investigations and administrative hearings concerning such complaints. Following the Commission's investigation of a complaint, if the Administrator of the Commission determines that probable cause exists to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Attorney General is required to: (1) prepare a notice of hearing and serve the notice upon the parties; and (2) unless a party elects to have the matter determined by a court, prepare and prosecute the complaint in

a public hearing before the Commission. If the Commission, based on a preponderance of the evidence presented at the hearing, determines that an unlawful discriminatory practice in housing has occurred, the Commission may issue an order to cease and desist, order appropriate injunctive or other equitable relief, award actual damages, impose civil penalties and award costs and attorney's fees. Section 28 of this bill makes a conforming change to eliminate a requirement for the Commission to hold an informal meeting of the parties.

Section 15 of this bill provides for the determination of the complaint by a court instead of the Commission. Section 16 of this bill establishes procedures for the judicial review of a final decision of the Commission.

Sections 2-13 and 18 of this bill move the existing definitions in chapter 233 of NRS and define various terms relating to the complaint process. Sections 24-26, 28 and 29 of this bill make changes to existing provisions to use these terms. Sections 19 and 27 of this bill make conforming changes to internal references.

Existing law prohibits the Commission from entering into certain agreements with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency under federal law unless the Legislature expressly authorizes the Commission to do so. (NRS 233.153) Section 22 of this bill authorizes the Commission to enter into such an agreement without legislative approval.

Section 30 of this bill provides that the provisions of chapter 233 of NRS relating to the judicial review of decisions of the Commission concerning unlawful discriminatory practice in housing prevail over the provisions of the Nevada Administrative Procedure Act.

Section 34 of this bill prohibits, with certain exceptions, a person seeking to rent or lease a dwelling, or renting or leasing a dwelling, from: (1) ~~inquiring into the arrest record, conviction record or record of criminal history of an applicant or tenant;~~ (2) refusing to rent or lease, or refusing to negotiate to rent or lease, a dwelling to an applicant on the basis of the applicant's arrest record, conviction record or record of criminal history; ~~and~~ (2) making, printing or publishing any notice, statement or advertisement relating to the rental or lease which indicates a preference based on the arrest record, conviction record or record of criminal history of an applicant; and ~~and~~ (3) evicting a tenant from a dwelling on the basis of his or her arrest record, conviction record or record of criminal history for a misdemeanor offense, unless the offense occurred on the premises of the dwelling. Section 34 provides that a person may inquire into or conduct a background check into the conviction record or record of criminal history of an applicant to determine whether the applicant has certain offenses on his or her record. A person may refuse to rent or lease a dwelling to an applicant who has any such offense on his or her record. Section 34 also requires a person who makes a dwelling available for rent or lease to provide each applicant with information on how

to file an appeal of a denial to rent or lease or file a complaint with the Commission. Section 34 limits the applicability of these provisions to any dwelling unit that is owned by a natural person and contains ~~three~~ five or more dwelling units. For purposes of section 34, a "dwelling" is defined, with certain exceptions, as: (1) public housing; (2) any housing that is rented or leased to a tenant pursuant to a contract with a housing authority; or (3) any housing which accepts vouchers for rental payment. A "dwelling" does not include: (1) a manufactured home; or (2) a single-family house owned by a natural person or any other housing that is owned by a natural person and has ~~two~~ four or fewer dwelling units.

Section 35 of this bill prohibits a person seeking to rent or lease a dwelling, or renting or leasing a dwelling from: (1) requiring a guarantor on a contract to rent or lease a dwelling to provide proof of income in an amount greater than three times the monthly rent or lease; (2) refusing to rent or lease or refusing to negotiate to rent or lease a dwelling to an applicant because a guarantor has not provided proof of income in an amount greater than three times the monthly rent or lease; or (3) making, printing or publishing any notice, statement or advertisement relating to the rental or lease of a dwelling which indicates a requirement for a guarantor to provide proof of income in an amount greater than three times the monthly rent.

Sections 36-47 of this bill amend the Nevada Fair Housing Law to conform to federal law. Section 38 of this bill revises the definition of "disability" to exclude any current illegal use of or addiction to a controlled substance. Sections 39 and 40 of this bill revise the definitions of "dwelling" and "person." Sections 32 and 33 of this bill define the terms "aggrieved person" and "unlawful discriminatory practice in housing."

Section 41 of this bill revises the prohibited practices which constitute an unlawful discriminatory practice in housing in Nevada. Section 41 prohibits discrimination in real estate related transactions. Section 41 also sets forth certain exceptions to the application of its provisions.

Section 42 of this bill prohibits a person from refusing to: (1) allow a person with a disability to make reasonable modifications to a dwelling which may be necessary to afford the person with a disability full enjoyment of the dwelling, if the person with a disability pays for the modifications; or (2) make reasonable accommodations in rules, policies, practices or services which may be necessary to afford a person with a disability equal opportunity to use and enjoy the dwelling.

Section 43 of this bill revises accessibility requirements relating to the design and construction of a covered multifamily dwelling. Section 44 of this bill revises provisions prohibiting a landlord from refusing to rent a dwelling to a person with a disability with a service animal.

Sections 45-47 of this bill revise provisions governing civil actions to enforce certain provisions relating to discrimination in housing.

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

Section 1. Chapter 233 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. *"Administrator" means the Administrator of the Commission.*

Sec. 3. *"Aggrieved person" has the meaning ascribed to it in section 32 of this act.*

Sec. 4. *"Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.*

Sec. 5. 1. *"Complainant" means a person by whom, or on whose behalf, a complaint is made which alleges an unlawful discriminatory practice over which the Commission has jurisdiction pursuant to this chapter.*

2. *As used in this section, "person" includes the Commission.*

Sec. 6. *"Conciliation" means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the aggrieved person, the respondent and the Commission.*

Sec. 7. *"Disability" has the meaning ascribed to it in NRS 118.045.*

Sec. 8. *"Familial status" has the meaning ascribed to it in NRS 118.065.*

Sec. 9. *"Gender identity or expression" has the meaning ascribed to it in NRS 118.075.*

Sec. 10. *"Member" means a member of the Commission.*

Sec. 11. *"Respondent" means a natural person or other person against whom a complaint is made which alleges an unlawful discriminatory practice and over which the Commission has jurisdiction pursuant to this chapter.*

Sec. 12. *"Sexual orientation" has the meaning ascribed to it in NRS 118.093.*

Sec. 13. *"Unlawful discriminatory practice in housing" has the meaning ascribed to it in section 33 of this act.*

Sec. 14. 1. *When a complaint is filed in which allegations, if true, would support a finding of an unlawful discriminatory practice in housing:*

(a) *The Commission shall, to the extent practicable throughout the complaint process, engage in conciliation with respect to the complaint. If an agreement is reached with regard to the matters alleged in the complaint, no further action may be taken by the complainant or the Commission with regard to the matters alleged in the complaint.*

(b) *Each conciliation agreement between a complainant and a respondent must be approved by the Commission. The Commission may reject any conciliation agreement that it determines is not in the public interest. A conciliation agreement may provide for binding arbitration of the matters alleged in the complaint and for the awarding of any appropriate relief in the arbitration, including, without limitation, monetary relief.*

(c) *The Commission shall make a conciliation agreement public, unless the complainant and the respondent agree that it not be made public and the Commission determines that public disclosure of the agreement would not further the purposes of this chapter or NRS 118.010 to 118.120, inclusive, and sections 32 to 35, inclusive, of this act.*

2. *The Commission shall, at the conclusion of any investigation required by NRS 233.157, prepare a final investigative report containing:*

- (a) The name and the date of contact with each witness;*
- (b) A summary of and the dates of correspondence and other contact with the complainant and the respondent;*
- (c) A summary description of other pertinent records;*
- (d) A summary of witness statements; and*
- (e) Answers to interrogatories.*

➔ *The Commission may amend the final investigative report if additional evidence is discovered.*

3. *If, at the conclusion of an investigation required by NRS 233.157, the Administrator determines that there is not probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, the Administrator shall dismiss the complaint and notify the complainant and the respondent.*

4. *If, at the conclusion of an investigation required by NRS 233.157, the Administrator determines that there is probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, and attempts at conciliation have failed:*

(a) The Attorney General shall prepare a notice of hearing that complies with the requirements of NRS 233B.121 and serve a copy of the notice upon the complainant, the aggrieved person and the respondent, together with a notice of the right, in lieu of the hearing, to elect to have the matter determined in a civil action in a court of competent jurisdiction pursuant to section 15 of this act.

(b) Any aggrieved person may intervene as a party in the proceeding.

5. *Unless an election is made to have the matter determined in a court of competent jurisdiction pursuant to section 15 of this act, the Commission shall hold a public hearing on the matter in conformance with the requirements of chapter 233B of NRS, except that the provisions of subsection 5 of NRS 233B.121 and NRS 233B.124 do not apply to the hearing. The Attorney General shall prepare and prosecute the complaint on behalf of the complainant.*

6. *If, after a hearing held pursuant to subsection 5, the Commission determines, based on a preponderance of the evidence, that an unlawful discriminatory practice in housing has occurred, the Commission shall serve a copy of its findings of fact and conclusions of law upon the complainant, the aggrieved persons and the respondent within 10 days after such a finding and may:*

- (a) Order the respondent to cease and desist from the unlawful practice;*
- (b) Order such injunctive or equitable relief as may be appropriate;*
- (c) Award actual damages to the complainant;*
- (d) Impose upon the respondent:*

(1) Except as otherwise provided in this paragraph, a civil penalty of not more than \$16,000;

(2) *If the respondent has been adjudged in a separate action to have committed any violation of NRS 118.010 to 118.120, inclusive, and sections 32 to 35, inclusive, of this act within the 5-year period immediately preceding the filing of the complaint, a civil penalty of not more than \$37,500; or*

(3) *If the respondent has been adjudged in one or more separate actions to have committed two or more violations of NRS 118.010 to 118.120, inclusive, and sections 32 to 35, inclusive, of this act within the 7-year period immediately preceding the filing of the complaint, a civil penalty of not more than \$65,000; and*

(e) *Award costs and reasonable attorney's fees to the complainant.*

7. *If, after a hearing held pursuant to subsection 5, the Commission determines, based on a preponderance of the evidence, that an unlawful discriminatory practice in housing has not occurred, the Commission:*

(a) *Shall dismiss the matter and make the dismissal public; and*

(b) *May, upon motion of the respondent, award costs and reasonable attorney's fees to the respondent, if the Commission determines that the complaint, had it been filed with a court, would have violated and been grounds for sanctions under Rule 11 of the Nevada Rules of Civil Procedure.*

8. *Any resolution of a complaint before a final order of the Commission is issued following a hearing held pursuant to subsection 5 must, to the extent practicable, be agreed to by the aggrieved person.*

9. *If the respondent fails to comply with a final order of the Commission, the Commission shall apply to the district court for an order compelling compliance. If the court finds that the respondent has violated the order by failing to cease and desist from the unlawful practice, failing to make any payment ordered or otherwise failing to comply with the order, the court shall award the aggrieved person actual damages caused by the noncompliance.*

10. *After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.*

Sec. 15. 1. *If, pursuant to subsection 4 of section 14 of this act, the Administrator has determined that there is probable cause to believe that an unlawful discriminatory practice in housing has occurred or is about to occur, and attempts at conciliation have failed, the complainant, the aggrieved person or the respondent may, in lieu of a hearing before the Commission pursuant to section 14 of this act, elect to have the claims of an unlawful discriminatory practice in housing that were set forth in the complaint decided by a court of competent jurisdiction.*

2. *An election made pursuant to subsection 1 must be made in writing and be received by the Commission not later than 20 days after the date on which the notice of hearing was served pursuant to subsection 4 of section 14 of this act.*

3. *The Attorney General shall, if requested by the complainant or the aggrieved person, prepare, file and litigate a civil action on behalf of the complainant or the aggrieved person.*

4. Any aggrieved person, with respect to the issues to be determined in the civil action, may intervene as a matter of right in the civil action.

5. If the court, based on a preponderance of the evidence, determines that the defendant has committed or is about to commit an unlawful discriminatory practice in housing, the court may:

(a) Award actual and punitive damages to the complainant or the aggrieved person, except that the court may not award monetary damages to an aggrieved person who does not intervene, if that aggrieved person has not complied with discovery orders entered by the court;

(b) Award costs and reasonable attorney's fees to the complainant or the aggrieved person; and

(c) Order such other relief as the court determines appropriate, including, without limitation:

(1) Ordering a permanent or temporary injunction;

(2) Issuing a temporary restraining order; or

(3) Enjoining the defendant from engaging in the unlawful practice or ordering such other affirmative action as the court determines appropriate.

6. If the court, based on a preponderance of the evidence, determines that the defendant has not committed and is not about to commit an unlawful discriminatory practice in housing, the court shall dismiss the action and may, upon the motion of the defendant, award costs and reasonable attorney's fees to the defendant, if the court determines that the complaint was prosecuted in violation of Rule 11 of the Nevada Rules of Civil Procedure.

7. The Commission shall notify the complainant, all aggrieved persons and the respondent of the court's decision in any action filed pursuant to this section.

Sec. 16. 1. An order of the Commission issued pursuant to section 14 of this act in a complaint alleging an unlawful discriminatory practice in housing is a final decision in a contested case for the purpose of judicial review.

2. Any person identified as a party of record in a hearing before the Commission on a complaint alleging an unlawful discriminatory practice in housing who is aggrieved by a final decision of the Commission may request judicial review.

3. A petition for judicial review must:

(a) Name as respondents the Commission and all parties of record to the hearing;

(b) Be instituted by filing the petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county in which the hearing occurred; and

(c) Be filed within 30 days after service of the final decision of the Commission.

4. A cross-petition for judicial review must be filed within 10 days after service of a petition for judicial review.

5. The Commission and any party wishing to participate in the judicial review must file a statement of intent to participate in the petition for judicial

review and serve the statement upon the petitioner and each named respondent within 20 days after service of the petition.

6. *The petition for judicial review and any cross-petition for judicial review must be served upon the Commission and each party of record within 45 days after the filing of the petition, unless, upon a showing of good cause, the district court extends the time for such service.*

7. *The Commission shall, within 30 days after receipt of service of the petition for judicial review or such time as allowed by the court, transmit to the court the original or a certified copy of the entire record of the proceeding under review, including, without limitation, a transcript of the evidence resulting in the final decision of the Commission. The record may be shortened by stipulation of the parties to the proceeding. If the court determines that a party has unreasonably refused to stipulate to limit the record, the court may assess any additional costs resulting from the refusal against that party. The court may require or permit subsequent corrections or additions to the record.*

8. *If, before submission to the court, an application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the Commission, the court may order that the additional evidence be taken before the Commission upon such conditions as the court determines appropriate. After receipt of any additional evidence, the Commission:*

(a) May modify its finding and decision; and

(b) Shall file the evidence and any modification, new finding or decision with the court.

9. *A petitioner or cross-petitioner who is seeking judicial review shall serve and file a memorandum of points and authorities within 40 days after the Commission gives written notice to the parties that the record of the proceeding under review has been filed with the court.*

10. *The respondent or cross-petitioner shall serve and file a reply memorandum of points and authorities within 30 days after service of the memorandum of points and authorities.*

11. *The petitioner or cross-petitioner may serve and file a reply memorandum of points and authorities within 30 days after service of the reply memorandum.*

12. *Within 7 days after the expiration of the period within which the petitioner is authorized to reply pursuant to subsection 11, any party may request a hearing. Unless a request for a hearing has been filed, the matter shall be deemed submitted.*

13. *All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.*

14. *The court, for good cause, may extend the times allowed in this section for filing memoranda.*

15. *Judicial review of a final decision of the Commission must be:*

- (a) *Conducted by the court without a jury; and*
- (b) *Confined to the record.*

➡ *In cases concerning alleged irregularities in procedure before the Commission that are not shown in the record, the court may receive evidence concerning the irregularities.*

16. *The final decision of the Commission shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the party attacking or resisting the decision to show that the final decision is invalid pursuant to subsection 17.*

17. *The court shall not substitute its judgment for that of the Commission as to the weight of evidence on a question of fact. The court may remand or affirm the final decision or set it aside in whole or in part if substantial rights of the petitioner have been prejudiced because the final decision of the Commission is:*

- (a) *In violation of any constitutional or statutory provision;*
- (b) *In excess of the statutory authority of the Commission;*
- (c) *Made upon unlawful procedure;*
- (d) *Affected by other error of law;*
- (e) *Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or*
- (f) *Arbitrary or capricious or characterized by abuse of discretion.*

18. *A petitioner who applies for a stay of the final decision of the Commission shall file and serve a written motion for the stay on the Commission and all parties of record to the proceeding at the time of filing the petition for judicial review. The petitioner must provide security before the court may issue a stay.*

19. *In determining whether to grant a stay, the court shall consider the same factors as are considered for a preliminary injunction under Rule 65 of the Nevada Rules of Civil Procedure.*

20. *In making a ruling, the court shall:*

- (a) *Give deference to the Commission; and*
- (b) *Consider the risk to the public, if any, of staying the decision of the Commission.*

21. *An aggrieved party may obtain a review of any final judgment of the district court by appeal to the Nevada Supreme Court. The appeal may be taken as in other civil cases.*

Sec. 17. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and obtain housing accommodations without discrimination, distinction or restriction because of race, ~~religious creed,~~ religion, color, age, sex, disability, familial status, sexual orientation, gender identity or expression, national origin or ancestry.

2. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, ~~religious creed,~~ *religion*, color, age, sex, disability, *familial status*, sexual orientation, national origin ~~ancestry~~ or gender identity or expression.

3. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, ~~religious creed,~~ *religion*, color, age, sex, disability, *familial status*, sexual orientation, gender identity or expression ~~or~~ national origin . ~~ancestry.~~ As used in this subsection:

(a) "Protective hairstyle" includes, without limitation, hairstyles such as natural hairstyles, afros, bantu knots, curls, braids, locks and twists.

(b) "Race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles.

4. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 18. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter ~~the~~

- ~~1. "Administrator" means the Administrator of the Commission.~~
- ~~2. "Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.~~
- ~~3. "Disability" means, with respect to a person:~~
 - ~~(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;~~
 - ~~(b) A record of such an impairment; or~~
 - ~~(c) Being regarded as having such an impairment.~~
- ~~4. "Gender identity or expression" means a gender related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.~~
- ~~5. "Member" means a member of the Nevada Equal Rights Commission.~~
- ~~6. "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.] , unless the context otherwise requires, the words and terms defined in sections 2 to 13, inclusive, of this act have the meanings ascribed to them in those sections.~~

Sec. 19. NRS 233.085 is hereby amended to read as follows:

233.085 The Governor may designate another agency to perform the duties and functions of the Commission set forth in NRS 233.150 ~~233.160,~~

~~233.165 and 233.170,]~~ and 233.157 to 233.170, inclusive, and sections 14, 15 and 16 of this act.

Sec. 20. NRS 233.140 is hereby amended to read as follows:

233.140 The Commission shall:

1. Foster mutual understanding and respect among all groups, including, without limitation, those based on race, religion, disability, ethnicity, sexual orientation and gender identity or expression, and between the sexes in the State.

2. Aid in securing equal health and welfare services and facilities for all the residents of the State without regard to race, *color*, religion, sex, sexual orientation, gender identity or expression, age, disability, *familial status* or ~~[nationality.]~~ *national origin*.

3. Study problems arising between groups within the State which may result in tensions, discrimination or prejudice because of race, color, ~~[creed,]~~ *religion*, sex, sexual orientation, gender identity or expression, age, disability, *familial status* or national origin ~~[or ancestry,]~~ and formulate and carry out programs of education and disseminate information with the object of discouraging and eliminating any such tensions, prejudices or discrimination.

4. Secure the cooperation of various groups, including, without limitation, those based on race, religion, sex, sexual orientation, gender identity or expression, age, disability, nationality and ethnicity, veterans' organizations, labor organizations, business and industry organizations and fraternal, benevolent and service groups, in educational campaigns devoted to the need for eliminating group prejudice, racial or area tensions, intolerance or discrimination.

5. Cooperate with and seek the cooperation of federal and state agencies and departments in carrying out projects within their respective authorities to eliminate intergroup tensions and to promote intergroup harmony.

6. Develop and carry out programs of education and disseminate information as necessary to inform employers, employees, employment agencies and job applicants about their rights and responsibilities set forth in NRS 613.4353 to 613.4383, inclusive.

Sec. 21. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~[creed,]~~ *religion*, sex, age, disability, *familial status*, sexual orientation, national origin ~~[, ancestry]~~ or gender identity or expression and may conduct hearings with regard thereto.

(b) With regard to housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~[creed,]~~ *religion*, sex, age, disability, *familial status*, sexual orientation, gender identity or expression ~~[,]~~ or national origin ~~[or ancestry,]~~ and may conduct hearings with regard thereto.

(c) With regard to employment, investigate:

(1) Tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, ~~creed,~~ religion, sex, age, disability, familial status, sexual orientation, gender identity or expression ~~+~~ or national origin ~~for ancestry,~~ and may conduct hearings with regard thereto; and

(2) Any unlawful employment practice by an employer pursuant to the provisions of NRS 613.4353 to 613.4383, inclusive, and may conduct hearings with regard thereto.

➡ As used in this paragraph, "race" includes traits associated with race, including, without limitation, hair texture and protective hairstyles, as defined in paragraph (a) of subsection 3 of NRS 233.010.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. *Initiate a complaint against an unlawful discriminatory practice in housing.*

6. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 22. NRS 233.153 is hereby amended to read as follows:

233.153 1. The Commission ~~shall not~~ may contract with or enter into a memorandum of understanding with the United States Department of Housing and Urban Development for the Commission to investigate and enforce laws relating to fair housing as a certified agency . ~~unless the Legislature, by resolution or other appropriate legislative measure, expressly authorizes the Commission to do so.~~

2. As used in this section:

(a) "Certified agency" has the meaning ascribed to it in 24 C.F.R. § 115.100(c). The term refers to the certification of an agency as substantially equivalent as described in 42 U.S.C. § 3610(f)(3)(A) and 24 C.F.R. Part 115, Subpart B.

(b) "Memorandum of understanding" means the memorandum of understanding described in 24 C.F.R. § ~~115.210~~ 115.205.

Sec. 23. NRS 233.157 is hereby amended to read as follows:

233.157 1. The Commission shall accept any complaint alleging an unlawful discriminatory practice over which it has jurisdiction pursuant to this chapter.

2. The Commission shall adopt regulations setting forth the manner in which the Commission will process ~~any such~~ a complaint ~~and~~ received pursuant to subsection 1.

3. *If a complaint alleges an unlawful discriminatory practice in employment or public accommodations, the Commission shall determine*

whether to hold an informal *settlement* meeting or conduct an investigation concerning the complaint.

4. *If a complaint alleges an unlawful discriminatory practice in housing, the Commission shall investigate the complaint and shall, to the extent practicable, engage in conciliation with respect to the complaint.*

Sec. 24. NRS 233.160 is hereby amended to read as follows:

233.160 1. A complaint which alleges an unlawful discriminatory practice in:

(a) Housing must be filed with the Commission not later than 1 year after the date of the occurrence of the alleged practice or the date on which the practice terminated.

(b) Employment or public accommodations must be filed with the Commission not later than 300 days after the date of the occurrence of the alleged practice.

↪ A complaint is timely if it is filed with an appropriate federal agency within that period. A complainant shall not file a complaint with the Commission if any other state or federal administrative body or officer which has comparable jurisdiction to adjudicate complaints of discriminatory practices has made a decision upon a complaint based upon the same facts and legal theory.

2. The complainant shall specify in the complaint the alleged unlawful practice. The complaint must be in writing and signed, under oath, by the complainant.

3. If the complaint alleges an unlawful discriminatory practice ~~in~~ :

(a) *In housing, the Commission shall, not later than 10 days after receiving the complaint, serve upon the complainant:*

~~[(a)]~~ (1) Notice that the complaint was filed with the Commission;

~~[(b)]~~ (2) A copy of the Commission's procedures;

~~[(c)]~~ (3) The information set forth in ~~[subsection 5]~~ sections 14 and 15 of ~~[NRS 233.170; and~~

~~—(d)]~~ *this act; and*

(4) Information relating to the state and federal administrative bodies and courts with which the complainant may file the complaint.

(b) *In employment, the Commission shall, as soon as practicable after receiving the complaint, notify the complainant in writing that the complainant may request the Commission to issue a right-to-sue notice pursuant to NRS 613.412.*

4. The Commission shall send to the ~~[party against whom an unlawful discriminatory practice is alleged:]~~ respondent:

(a) A copy of the complaint;

(b) An explanation of the rights which are available to ~~[that party:]~~ the respondent; and

(c) A copy of the Commission's procedures.

↪ If the complaint alleges an unlawful discriminatory practice in housing, the Commission shall comply with the requirements of this subsection within 10 days after it receives the complaint.

5. ~~{A person against whom an unlawful discriminatory practice in housing is alleged}~~ *The respondent* may file with the Commission an answer to the complaint ~~{filed against him or her}~~ not later than 10 days after the ~~{person}~~ *respondent* receives the information described in subsection 4.

6. *If a complaint alleges an unlawful discriminatory practice in housing, a person who is not named as a respondent but who is identified as a respondent in the course of the investigation may be joined as an additional or substitute respondent upon written notice from the Commission to that person.*

7. The Commission shall notify each party to the complaint of the limitation on the period of time during which a person may apply to the district court for relief pursuant to NRS 613.430.

~~{7. If a person files a complaint pursuant to paragraph (b) of subsection 1 which alleges an unlawful discriminatory practice in employment, the Commission shall, as soon as practicable after receiving the complaint, notify in writing the person who filed the complaint that the person may request the Commission to issue a right to sue notice pursuant to NRS 613.412.}~~

8. For the purposes of paragraph (b) of subsection 1, an unlawful discriminatory practice in employment which relates to compensation occurs on:

(a) Except as otherwise provided in paragraph (b), the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as it existed on January 1, 2019.

(b) If 42 U.S.C. § 2000e-5(e)(3)(A) is amended and the Commission determines by regulation that the section, as amended, provides greater protection for employees than the section as it existed on January 1, 2019, the date prescribed by 42 U.S.C. § 2000e-5(e)(3)(A), as amended.

Sec. 25. NRS 233.165 is hereby amended to read as follows:

233.165 1. ~~{If the Commission determines to conduct}~~ *In conducting* an investigation of a complaint which alleges an unlawful discriminatory practice in housing in accordance with the regulations adopted pursuant to NRS 233.157, the Commission ~~{must}~~ *shall*:

(a) Begin ~~{an}~~ *the* investigation of the complaint within 30 days after it receives the complaint.

(b) Complete its investigation of the complaint within 100 days after it receives the complaint unless it is impracticable to do so.

(c) Make a final disposition of the complaint within 1 year after the date it receives the complaint unless it is impracticable to do so.

2. If the Commission determines that it is impracticable to complete an investigation or make a final disposition of a complaint which alleges an unlawful discriminatory practice in housing within the period prescribed in subsection 1, the Commission shall send to the complainant and the ~~{person against whom the complaint was filed}~~ *respondent* a statement setting forth its reasons for not completing the investigation or making a final disposition of the complaint within that period.

Sec. 26. NRS 233.170 is hereby amended to read as follows:

233.170 1. When a complaint is filed whose allegations if true would support a finding of *an unlawful practice* ~~[the] in employment or public accommodations:~~

(a) *The Commission shall determine whether to hold an informal settlement meeting to attempt a settlement of the dispute in accordance with the regulations adopted pursuant to NRS 233.157. If the Commission determines to hold an informal settlement meeting, the Administrator may, to prepare for the meeting, request from each party any information which is reasonably relevant to the complaint. ~~[Except as otherwise provided in subsection 3,] If an agreement is reached, no further action may be taken. [if the parties agree to a settlement.~~*

~~—2.]~~ (b) *If an agreement is not reached at the informal settlement meeting, the ~~[Administrator]~~ Commission shall determine whether to conduct an investigation into the alleged unlawful practice in accordance with the regulations adopted pursuant to NRS 233.157. After the investigation, if the ~~[Administrator]~~ Commission determines that there is probable cause to believe that an unlawful practice has occurred, the ~~[Administrator]~~ Commission shall ~~[attempt to mediate between or reconcile]~~ engage in conciliation with the parties. The ~~[party against whom a complaint was filed]~~ respondent may agree to cease the unlawful practice ~~[. Except as otherwise provided in subsection 3, if]~~ and provide any additional relief as the parties may agree upon. If an agreement is reached, no further action may be taken by the complainant or ~~[by]~~ the Commission ~~[.~~*

~~—3. If an agreement is reached by the parties in a case involving a discriminatory practice in housing, the agreement must be approved by the Commission. The agreement must be made public unless the parties otherwise agree and the Commission determines that disclosure is not necessary to further the purposes of chapter 118 of NRS.~~

~~—4.] with regard to the matters alleged in the complaint.~~

(c) *If the attempts at ~~[mediation or]~~ conciliation fail in a case involving an unlawful practice in employment or public accommodations, the Commission may hold a public hearing on the matter ~~[. After]~~ in accordance with the requirements of chapter 233B of NRS.*

2. *If, after the hearing, ~~[if]~~ the Commission determines that there is probable cause to believe that an unlawful practice has occurred, ~~[it may:] the Commission:~~*

(a) ~~[Serve]~~ *Shall serve a copy of its findings of fact within 10 calendar days upon ~~[any person]~~ the respondent found to have engaged in the unlawful practice; and*

(b) ~~[Order]~~ *May order the ~~[person]~~ respondent to:*

(1) *Cease and desist from the unlawful practice. The order must include, without limitation, the corrective action the ~~[person]~~ respondent must take.*

(2) *In cases involving an unlawful employment practice, restore all benefits and rights to which the ~~[aggrieved person]~~ complainant is entitled,*

including, but not limited to, rehiring, back pay for a period described in subsection ~~{5.} 3~~, annual leave time, sick leave time or pay, other fringe benefits and seniority, with interest thereon from the date of the Commission's decision at a rate equal to the prime rate at the largest bank in Nevada, as ascertained by the Commissioner of Financial Institutions, on January 1 or July 1, as the case may be, immediately preceding the date of the Commission's decision, plus 2 percent. The rate of interest must be adjusted accordingly on each January 1 and July 1 thereafter until the judgment is satisfied.

(3) In cases involving an unlawful employment practice relating to discrimination on the basis of sex, pay an amount determined to be appropriate by the Commission for lost wages that would have been earned in the absence of discrimination or other economic damages resulting from the discrimination, including, without limitation, lost payment for overtime, shift differential, cost of living adjustments, merit increases or promotions, or other fringe benefits.

(4) In cases involving an unlawful employment practice committed by an employer with 50 or more employees that the Commission determines was willful, pay a civil penalty of:

(I) For the first unlawful employment practice that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$5,000.

(II) For the second unlawful employment practice that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$10,000.

(III) For the third and any subsequent unlawful employment practice that the ~~{person}~~ *respondent* has engaged in during the immediately preceding 5 years which the Commission determines was willful, not more than \$15,000.

~~{5.} 3.~~ For the purposes of subparagraph (2) of paragraph (b) of subsection ~~{4.} 2~~, the period for back pay must not exceed a period beginning 2 years before the date on which the complaint was filed and ending on the date the Commission issues an order pursuant to paragraph (b) of subsection ~~{4.} 2~~.

~~{6.} 4.~~ Before imposing a civil penalty pursuant to subparagraph (4) of paragraph (b) of subsection ~~{4.} 2~~, the Commission must allow the ~~{person}~~ *respondent* found to have willfully engaged in an unlawful employment practice 30 days to take corrective action from the date of service of the order pursuant to paragraph (a) of subsection ~~{4.} 2~~. If the ~~{person}~~ *respondent* takes such corrective action, the Commission shall not impose the civil penalty.

~~{7.} If the attempts at mediation or conciliation fail in a case involving an unlawful housing practice:~~

~~—(a) The complainant or the person against whom the complaint was filed may elect to have the claims included in the complaint decided in a court of competent jurisdiction. If the court determines that the person against whom~~

the complaint was filed has committed an unlawful housing practice, the court may:

~~— (1) Award to the complainant actual damages and, within the limitations prescribed by federal law, punitive damages.~~

~~— (2) Award to the prevailing party costs and reasonable attorney's fees.~~

~~— (3) Order such other relief as the court deems appropriate, including, but not limited to:~~

~~— (I) Ordering a permanent or temporary injunction;~~

~~— (II) Issuing a temporary restraining order; or~~

~~— (III) Enjoining the defendant from continuing the unlawful practice or taking other such affirmative action.~~

~~— (b) If an election is not made pursuant to paragraph (a), the Commission shall hold a public hearing on the matter. After the hearing, if the Commission determines that an unlawful practice has occurred, it may:~~

~~— (1) Serve a copy of its findings of fact within 10 days upon any person found to have engaged in the unlawful practice;~~

~~— (2) Order the person to cease and desist from the unlawful practice;~~

~~— (3) Award to the complainant actual damages; and~~

~~— (4) Impose a civil penalty of not more than \$25,000 upon the person who committed the unlawful discriminatory practice.~~

~~— 8.} 5. If, after the hearing, the Commission determines that there is no probable cause to believe that an unlawful practice has occurred, the Commission shall dismiss the matter and make the dismissal public.~~

6. The order of the Commission is a final decision in a contested case for the purpose of judicial review. If the ~~{person}~~ *respondent* fails to comply with the Commission's order, the Commission shall apply to the district court for an order compelling such compliance, but failure or delay on the part of the Commission does not prejudice the right of an aggrieved party to judicial review. The court shall issue the order unless it finds that the Commission's findings or order are not supported by substantial evidence or are otherwise arbitrary or capricious. If the court upholds the Commission's order and finds that the ~~{person}~~ *respondent* has violated the order by failing to cease and desist from the unlawful practice or to make the payment ordered, the court shall award the ~~{aggrieved party}~~ *complainant* actual damages for any economic loss and no more.

~~{9.} 7. After the Commission has held a public hearing and rendered a decision, the complainant is barred from proceeding on the same facts and legal theory before any other administrative body or officer.~~

~~{10.} 8. For the purposes of this section, an unlawful employment practice shall be deemed to be willful if a person engages in the practice with knowledge that it is unlawful or with reckless indifference to whether it is lawful or unlawful.~~

Sec. 27. NRS 233.175 is hereby amended to read as follows:

233.175 1. The Commission shall accept a complaint that alleges that a local elected officer has engaged in an unlawful employment practice of

discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 and take appropriate action.

2. The Commission shall present a complaint to the district court pursuant to NRS 283.440 if the Commission determines after a hearing held pursuant to ~~subsection 3 of~~ NRS 233.170 that a local elected officer has engaged in an unlawful employment practice of discrimination pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e et seq., or NRS 613.330 and that the discriminatory practice that forms the basis of such a complaint is severe or pervasive such that removal from office is an appropriate remedy. In addition to any monetary penalties, the Commission may impose upon the local elected officer any other reasonable sanction, including, without limitation, a requirement to complete a course or training related to the unlawful employment practice of discrimination.

3. Any fine or penalty required to be paid by a local elected officer because such officer was determined to have engaged in an unlawful employment practice of discrimination pursuant to subsection 2 must be assessed against such officer in his or her personal capacity, and may not be paid with public money or contributions received pursuant to chapter 294A of NRS. Except for a fine or a penalty, no damages may be assessed against the local elected officer in his or her personal capacity.

4. As used in this section, "local elected officer" means a person who holds a local government office to which the person was elected.

Sec. 28. NRS 233.180 is hereby amended to read as follows:

233.180 If, after the Administrator has conducted a preliminary investigation into an alleged unlawful discriminatory practice in housing, employment or public accommodations, the Commission determines that the practice will cause immediate and irreparable harm to any ~~person~~ aggrieved ~~by the practice,~~ person, the Commission, ~~after the informal meeting and~~ before holding a public hearing upon the matter, may apply on behalf of such person to the district court for a temporary restraining order or preliminary injunction as provided in the Nevada Rules of Civil Procedure.

Sec. 29. NRS 233.190 is hereby amended to read as follows:

233.190 1. Except as otherwise provided in this section or NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of this act*, any information gathered by the Commission in the course of its investigation of an alleged unlawful discriminatory practice in housing, employment or public accommodations is confidential.

2. Except as otherwise provided in subsection 5, the Commission may disclose information gathered pursuant to subsection 1 to:

(a) Any governmental entity as appropriate or necessary to carry out its duties pursuant to this chapter; or

(b) Any other person if the information is provided in a manner which does not include any information that may be used to identify the complainant, the ~~party against whom the unlawful discriminatory practice is alleged~~

respondent or any person who provided information to the Commission during the investigation.

3. Except as otherwise provided in subsection 4, the Commission shall disclose information gathered pursuant to subsection 1 to the complainant and the ~~[party against whom the unlawful discriminatory practice is alleged]~~ *respondent* if:

(a) Each has consented to such disclosure; or
(b) The Commission has determined to conduct a hearing on the matter or apply for a temporary restraining order or an injunction or an action has been filed in court concerning the complaint.

4. The Commission may not disclose to the complainant or the ~~[party against whom the unlawful discriminatory practice is alleged:]~~ *respondent*:

(a) Any information obtained during negotiations for a settlement or attempts at mediating or conciliating the complaint.
(b) Any investigative notes or reports made by the Commission.
(c) Any information that may be used to identify a person who provided information to the Commission during the investigation and who has requested anonymity.

5. After the filing of a complaint with the Commission, access to information related to the complaint must be limited only to such staff of the Commission as is necessary to carry out the duties of the Commission relating to the complaint. Such staff shall not disclose such information to the other officers and employees of the Department of Employment, Training and Rehabilitation, including, without limitation, supervisors and the Director of the Department, unless the disclosure is necessary to carry out the duties of the Commission relating to the complaint.

6. Except as otherwise provided in this section or NRS 239.0115, *or paragraph (c) of subsection 1 of section 14 of this act*, if the Commission's attempts at mediating or conciliating the cause of the grievance succeed, the information gathered pursuant to subsection 1 must remain confidential.

7. If the Commission proceeds with a hearing or applies for injunctive relief, confidentiality concerning any information, except negotiations for a settlement or attempts at mediating or conciliating the cause of the grievance, is no longer required.

Sec. 30. 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 233 of NRS for the judicial review of decisions of the Nevada Equal Rights Commission concerning an unlawful discriminatory practice in housing;*

(d) 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)}~~ (e) NRS 90.800 for the use of summary orders in contested cases,  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.

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.

Sec. 31. Chapter 118 of NRS is hereby amended by adding thereto the provisions set forth as sections 32 to 35, inclusive, of this act.

Sec. 32. *"Aggrieved person" means any person who:*

1. *Claims to have been injured by an unlawful discriminatory practice in housing; or*

2. *Believes that he or she will be injured by an unlawful discriminatory practice in housing that is about to occur.*

Sec. 33. *"Unlawful discriminatory practice in housing" means a practice prohibited by NRS 118.100 and sections 34 and 35 of this act.*

Sec. 34. 1. *Except as otherwise provided in this section, it is an unlawful discriminatory practice in housing for any person to:*

~~(a) Inquire into or conduct a background check to determine the arrest record, conviction record or record of criminal history of an applicant for the rental or lease of a dwelling or a tenant;~~

~~(b) Refuse to rent or lease or refuse to negotiate for the rental or lease of, or otherwise make unavailable, a dwelling to an applicant because of any arrest;~~

(1) Arrest record ~~or conviction~~ if the applicant has not been prosecuted in relation to any arrest; or

(2) Conviction record or record of criminal history;

~~(c) if the applicant:~~

(I) Has been acquitted, granted a pardon or otherwise exonerated;

(II) Has served his or her sentence and has been released from prison;

or

(III) Has had his or her record sealed in this State or another state;

(b) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the rental or lease of a dwelling that indicates any preference, limitation or discrimination, or intention to make any preference, limitation or discrimination, on the basis of an applicant's arrest record, conviction record or record of criminal history ~~or in violation of paragraph (a); or~~

~~(d)~~ (c) Evict a tenant on the basis of an arrest record, conviction record or record of criminal history for a misdemeanor offense, unless the misdemeanor offense occurred on the premises of the dwelling that is being rented or leased to the tenant.

2. A person may inquire into or conduct a background check to determine whether an applicant for the rental or lease of a dwelling has a conviction record or record of criminal history that includes:

(a) A violent or sexual offense as defined in NRS 202.876, or the equivalent offense in another jurisdiction; or

(b) If the rental or lease is being made available by a housing authority and the housing authority has adopted a policy to use such offenses as a basis for denying the rental or lease of the public housing and has made a list of the offenses publicly available, any offense set forth in 24 C.F.R. § 982.553 as a permissive prohibition, ~~or other than drug related criminal offenses related to cannabis from another jurisdiction, if such offense would not be a criminal offense in this State.~~

➡ A person who inquires into or conducts a background check in accordance with this subsection may refuse to rent or lease, refuse to negotiate for the rental or lease of, or otherwise make unavailable a dwelling on the basis of an arrest record, conviction record or record of criminal history for the offenses set forth in this subsection.

3. A person who is subject to the provisions of this section shall provide to each applicant for the rental or lease of a dwelling information on:

(a) The provisions of this section and NRS 118.110 and 118.120;

(b) *How the applicant may appeal a denial for a rental or lease of a dwelling in public housing to a housing authority; and*

(c) *How the applicant may file a complaint with the Commission pursuant to NRS 233.160, if the applicant believes that his or her application was denied on the basis of an unlawful discriminatory practice in housing.*

4. *The provisions of this section:*

(a) *Except as otherwise provided in paragraph (b), apply to the rental or lease, including, without limitation, a week-to-week tenancy, of any dwelling that is owned by a natural person and contains ~~three~~ five or more dwelling units.*

(b) *Do not apply to any action taken by a person:*

(1) *Pursuant to any federal or state law or regulation that requires the person to inquire into or conduct a background check to determine the arrest record, conviction record or record of criminal history of an applicant and exclude certain applicants based on certain types of criminal history, including, without limitation, the provisions of NRS 315.031, 42 U.S.C. § 13663 and 24 C.F.R. § 982.553.*

(2) *To review the statewide registry of sex offenders and offenders convicted of a crime against a child established pursuant to NRS 179B.200.*

(3) *Who makes available for rent a dwelling for tenancy on a week-to-week basis to determine whether an applicant has any outstanding felony warrants pending against him or her.*

5. *As used in this section:*

(a) *"Applicant" means a person who:*

(1) *Seeks information about, visits or applies to rent or lease a dwelling;*

(2) *Applies for a housing rental assistance program, including, without limitation, the Housing Choice Voucher Program pursuant to section 8 of the United States Housing Act of 1937, 42 U.S.C. § 1437f; or*

(3) *Seeks to be added to an existing lease for a dwelling.*

(b) *"Arrest record" means any information indicating that a person has been apprehended, detained, taken into custody, held for investigation or restrained by a law enforcement department or military authority due to an accusation or suspicion that a person committed a crime. The term includes pending criminal charges where an accusation has not resulted in a final judgment, acquittal, conviction, plea, dismissal or withdrawal.*

(c) *"Background check" means any report regarding the arrest record, conviction record or record of criminal history of a person intended to obtain the person's record of criminal history.*

(d) *"Conviction record" means any information regarding a final adjudication or other criminal disposition adverse to a person. The term includes, without limitation, dispositions for which the defendant received a deferred or suspended sentence, unless the adverse disposition has been vacated or expunged.*

(e) *"Dwelling":*

(1) *Except as otherwise provided in subparagraph (2), means:*

(I) Public housing;

(II) Any housing that is rented or leased to a tenant pursuant to a contract with a housing authority; or

(III) Any housing which accepts rental payments of vouchers from a federal, state or local housing voucher program.

(2) Does not include:

(I) A manufactured home; or

(II) A single-family house owned by a natural person or any other housing that is owned by a natural person and has ~~two~~ four or fewer dwelling units.

(f) "Dwelling unit" means a building or a portion of a building planned, designed or used as a residence for one family only, living independently of other families or persons, and having its own bathroom and housekeeping facilities included in the unit.

(g) "Housing authority" has the meaning ascribed to it in NRS 315.021.

(h) "Public housing" has the meaning ascribed to it in NRS 315.021.

(i) "Record of criminal history" has the meaning ascribed to it in NRS 179A.070.

Sec. 35. 1. It is an unlawful discriminatory practice in housing for any person to:

(a) Require a guarantor on a contract to rent or lease a dwelling to provide proof of income in an amount greater than three times the monthly rent or lease;

(b) Refuse to rent or lease or refuse to negotiate for the rental or lease of, or otherwise make unavailable, a dwelling to an applicant because a guarantor has not provided proof of income in an amount greater than three times the monthly rent or lease; or

(c) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the rental or lease of a dwelling that indicates any requirement for a guarantor on a contract to rent or lease a dwelling to provide proof of income in an amount greater than three times the monthly rent or lease.

2. A person who is subject to the provisions of this section shall provide to each applicant for the rental or lease of a dwelling information on:

(a) The provisions of this section and NRS 118.110 and 118.120;

(b) How the applicant may appeal a denial for a rental or lease of a dwelling in public housing to a housing authority; and

(c) How the applicant may file a complaint with the Commission pursuant to NRS 233.160, if the applicant believes that his or her application has been denied on the basis of an unlawful discriminatory practice in housing.

3. As used in this section:

(a) "Guarantor" means a person who cosigns on a contract to rent or lease a dwelling or dwelling unit.

(b) "Proof of income" means documentation of the amount of money a person earns or receives from any source, including, without limitation, a pay

stub, tax return, letter of employment, unemployment documentation, pension statement, social security award letter and workers' compensation or disability insurance statement.

Sec. 36. NRS 118.020 is hereby amended to read as follows:

118.020 1. It is hereby declared to be the public policy of the State of Nevada that all people in the State have equal opportunity to inherit, purchase, lease, rent, sell, hold and convey real property without discrimination, distinction or restriction because of race, ~~religious creed,~~ color, national origin, *religion*, disability, sexual orientation, gender identity or expression, ~~ancestry,~~ familial status or sex.

2. Nothing in ~~this chapter~~ NRS 118.010 to 118.120, inclusive, and sections 32 to 35, inclusive, of this act shall be deemed to render enforceable a conveyance or other contract made by a person who lacks the capacity to contract.

Sec. 37. NRS 118.030 is hereby amended to read as follows:

118.030 As used in NRS 118.010 to 118.120, inclusive, and sections 32 to 35, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 118.040 to 118.093, inclusive, and sections 32 and 33 of this act have the meanings ascribed to them in those sections.

Sec. 38. NRS 118.045 is hereby amended to read as follows:

118.045 1. "Disability" means, with respect to a person:

~~{1-}~~ (a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

~~{2-}~~ (b) A record of such an impairment; or

~~{3-}~~ (c) Being regarded as having such an impairment.

2. The term does not include any current illegal use of or addiction to a controlled substance, as defined in 21 U.S.C. § 802(6).

Sec. 39. NRS 118.060 is hereby amended to read as follows:

118.060 ~~{1-}~~ "Dwelling" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.

~~{2-} "Dwelling" does not include:~~

~~—(a) A single family house sold or rented by an owner if:~~

~~—(1) The owner does not own more than three single family houses at any one time or the owner does not own any interest in, nor is there owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three single family houses at any one time; and~~

~~—(2) The house was sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, real estate broker salesperson or real estate salesperson licensed pursuant to chapter 645 of NRS.~~

~~—(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other if the owner actually maintains and occupies one of the living quarters as his or her residence and the owner has not within the preceding 12-month period participated:~~

~~—(1) As the principal in three or more transactions involving the sale or rental of any dwelling or any interest therein; or~~

~~—(2) As an agent, otherwise than in the sale of his or her own personal residence in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein.~~

~~—3. The sale of a single family house by an owner not residing in that house at the time of the sale or who was not the most recent resident of that house before the sale does not bring the house within the definition of "dwelling" unless there is more than one such sale within any 24-month period.}~~

Sec. 40. NRS 118.080 is hereby amended to read as follows:

118.080 "Person" includes ~~the~~ :

1. *One or more natural persons, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trustees, trustees in cases under Title 11 of the United States Code, receivers or fiduciaries;*

2. *The State of Nevada ; and ~~all~~*

3. *All political subdivisions and agencies ~~thereof~~ of the State.*

Sec. 41. NRS 118.100 is hereby amended to read as follows:

118.100 ~~{A}~~

1. *Except as otherwise provided in subsections 4 and 5, a person shall not, because of race, ~~religious creed~~, color, religion, national origin, ~~disability~~, sexual orientation, gender identity or expression, ~~ancestry~~, familial status , ~~or~~ sex ~~{-}~~ or disability, including, without limitation, the disability of a buyer or renter or any person who may reside in a dwelling after it is sold, rented or made available, or because the buyer or renter is associated with a person who is, or is perceived to be, a member of any class of persons protected by the provisions of NRS 118.010 to 118.120, inclusive, and sections 32 to 35, inclusive, of this act:*

~~{1-}~~ (a) Refuse to sell or rent or refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person.

~~{2-}~~ (b) Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, including the amount of breakage or brokerage fees, deposits or other undue penalties, or in the provision of services or facilities in connection therewith.

~~{3-}~~ (c) Make, print or publish, or cause to be made, printed or published, any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination, or an intention to make any preference, limitation or discrimination. As used in this

~~[subsection,]~~ paragraph, "dwelling" includes a house, room or unit described in ~~[subsection 2 or 3 of NRS 118.060.]~~ paragraphs (a) and (b) of subsection 5.

~~[4.]~~ (d) Represent to any person because of race, ~~[religious creed,]~~ color, religion, national origin, disability, sexual orientation, gender identity or expression, ~~[ancestry,]~~ familial status or sex that any dwelling is not available for inspection, sale or rental when the dwelling is in fact so available.

~~[5.]~~ (e) For profit, induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person of a particular race, ~~[religious creed,]~~ color, religion, national origin, disability, sexual orientation, gender identity or expression, ~~[ancestry,]~~ familial status or sex.

~~[6.—Coerce,]~~

(f) Deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization or facility relating to the business of selling or renting dwellings, or discriminate against any person in the terms or conditions of such access, membership or participation.

2. A person shall not discriminate against any person in making available a residential real estate related transaction, or in the terms or conditions of such a transaction.

3. A person shall not coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of, or on account of that person having exercised or enjoyed or aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected in ~~[this chapter.]~~ NRS 118.010 to 118.120, inclusive, and sections 32 to 35, inclusive, of this act.

4. The provisions of this section:

(a) Do not prohibit a person engaged in the business of furnishing appraisals of real property from considering factors other than race, color, religion, sex, national origin, sexual orientation, gender identity or expression, familial status or disability in performing an appraisal.

(b) Do not prohibit a religious organization, association or society, or a non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preferences to such persons, unless membership in the religion is restricted on account of race, color or national origin.

(c) Do not prohibit a private club which is not open to the public and which, as an incident to its primary purposes, provides lodging that it owns or operates for other than a commercial purpose from limiting the rental or occupancy of those lodgings to its members or from giving preference to its members.

(d) With regard to the prohibition against discrimination based on familial status, do not apply to housing for older persons.

5. Except as otherwise provided in paragraph (c) or (f) of subsection 1 or subsection 2, 3 or 6, the provisions of this section do not apply to:

(a) A single-family house sold or rented by a private individual owner if:

(1) The private individual owner ~~does not own more than three~~ owns four or fewer single-family houses;

(2) The private individual owner does not own any interest in, and there is not owned or reserved on his or her behalf, under any express or voluntary agreement, title to or any right to any portion of the proceeds from the sale or rental of more than three single-family houses; and

(3) The house is sold or rented without:

(I) The use in any manner of the sales or rental facilities or services of any real estate broker, agent or salesperson licensed under chapter 645 of NRS, other person in the business of selling or renting dwellings or the employee or agent of such a real estate broker, agent or salesperson or other person; and

(II) The publication, posting or mailing of any advertisement or written notice in violation of paragraph (c) of subsection 1.

(b) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four families living independently of each other, if the owner maintains and occupies one of the living quarters as his or her residence.

6. In the event of the sale of a single-family house by a private individual owner who does not reside in the house at the time of the sale or who was not the most recent resident of the house before the sale, the exemption from the provisions of this section set forth in paragraph (a) of subsection 5 applies only with respect to one such sale within any 24-month period.

7. The provisions of this section do not prohibit the use by any person of such attorneys, escrow agents, commissioned abstracters, title companies or other professional assistance as necessary to perfect or transfer title to real property.

8. For the purposes of this section, a person shall be deemed to be in the business of selling or renting dwellings if the person:

(a) Has, within the immediately preceding 12 months, participated as a principal in three or more transactions involving the sale or rental of any dwelling or any interest in a dwelling;

(b) Has, within the immediately preceding 12 months, participated as an agent, other than in the sale of his or her own residence, in providing sales or rental facilities or services in two or more transactions involving the sale or rental of any dwelling or any interest in a dwelling; or

(c) Is the owner of any dwelling occupied by, or designed or intended for occupancy by, five or more families.

9. As used in this section, unless the context otherwise requires:

(a) "Housing for older persons" means housing that is:

(1) *Provided under any state or federal program which the Secretary of Housing and Urban Development determines is specifically designed and operated to assist elderly persons;*

(2) *Intended for and occupied solely by persons who are 62 years of age or older; or*

(3) *Intended and operated for occupancy by persons who are 55 years of age or older and:*

(I) *At least 80 percent of the occupied units are occupied by at least one person who is 55 years or older; and*

(II) *Applicable rules for verification of occupancy are complied with.*

(b) *"Residential real estate related transaction" means:*

(1) *The making or purchasing of loans or providing other financial assistance for purchasing, constructing, improving, repairing or maintaining a dwelling;*

(2) *The making or purchasing of loans or providing other financial assistance secured by residential real estate; or*

(3) *The selling, brokering or appraising of residential real estate.*

Sec. 42. NRS 118.101 is hereby amended to read as follows:

118.101 1. A person may not refuse to ~~fr~~

~~—(a) Authorize~~ authorize a person with a disability to make reasonable modifications to a dwelling which he or she occupies or will occupy if:

~~{{(1)}} (a)~~ (a) The person with the disability pays for the modifications; and

~~{{(2)}} (b)~~ (b) The modifications ~~[are]~~ may be necessary to ~~[ensure that]~~ afford the person with the disability ~~[may use and enjoy]~~ the full enjoyment of the dwelling . ~~fr~~ or

~~—(b) Make reasonable accommodations in rules, policies, practices or services if those accommodations are necessary to ensure that the person with the disability may use and enjoy the dwelling.~~

2. A landlord may, as a condition for the authorization of such a modification, reasonably require the person who requests the authorization, upon the termination of his or her occupancy, to restore the *interior of the dwelling* to the condition that existed before the modification, reasonable wear and tear excepted.

3. Except as otherwise provided in subsection 4, a landlord may not increase the amount of a security deposit the landlord customarily requires a person to deposit because that person has requested authorization to modify a dwelling pursuant to subsection 1.

4. If a person requests authorization to modify a dwelling pursuant to subsection 1, the landlord may require that person to deposit an additional security deposit in addition to the amount the landlord usually requires if the additional security deposit:

(a) Is necessary to ensure the restoration of the dwelling pursuant to subsection 2;

(b) Does not exceed the actual cost of the restoration; and

(c) Is *collected over a reasonable period and* deposited by the landlord in an interest-bearing account. Any interest earned on the additional amount must be paid to the person who requested the authorization.

5. *A person may not refuse to make reasonable accommodations in rules, policies, practices or services which may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling.*

6. As used in this section, "security deposit" has the meaning ascribed to it in NRS 118A.240.

Sec. 43. NRS 118.103 is hereby amended to read as follows:

118.103 1. A covered multifamily dwelling which is designed and constructed for occupancy on or after ~~[March 13, 1991,]~~ *October 1, 2023*, must be constructed in such a manner that the *primary entrance to the* dwelling ~~[contains at least one entrance which]~~ is accessible to a person with a disability unless it is impracticable to so design or construct the dwelling because of the terrain or unusual characteristics of the site upon which it is constructed.

2. ~~[A] Such a~~ covered multifamily dwelling ~~[which contains at least one entrance which is accessible to a person with a disability]~~ must be constructed in such a manner that:

(a) The ~~[common]~~ areas of the dwelling *intended for public use or common use* are readily accessible to and usable by a person with a disability;

(b) The doors of the dwelling are sufficiently wide to allow a person with a disability to enter and exit in a wheelchair;

(c) The units of the dwelling contain:

(1) An accessible route into and through the dwelling;

(2) Reinforcements in the bathroom walls so that bars for use by a person with a disability may be installed therein; and

(3) Kitchens and bathrooms *which are usable by a person in a wheelchair and in which such a person* ~~[in a wheelchair]~~ may maneuver; and

(d) The light switches, electrical outlets, thermostats or any other environmental controls in the units of the dwelling are placed in such a manner that they are accessible to a person in a wheelchair.

3. As used in this section, "covered multifamily dwelling" means:

(a) A building which consists of four or more units and contains at least one elevator; ~~[or]~~ *and*

(b) The units located on the ground floor of any other building which consists of four or more units.

Sec. 44. NRS 118.105 is hereby amended to read as follows:

118.105 1. ~~[Except as otherwise provided in subsection 2, a]~~ A landlord ~~[may]~~ *must* not refuse to rent a dwelling subject to the provisions of chapter 118A of NRS to a person with a disability solely because ~~[an]~~ *a* service animal *which affords the person an equal opportunity to use and enjoy the dwelling* will be residing with the prospective tenant in the dwelling. ~~[If the animal assists, supports or provides service to the person with a disability.]~~

2. ~~[A landlord may require proof that an animal assists, supports or provides service to the person with a disability. This requirement may be~~

satisfied, without limitation, by a statement from a provider of health care that the animal performs a function that ameliorates the effects of the person's disability.] As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 45. NRS 118.110 is hereby amended to read as follows:

118.110 Any aggrieved person ~~{who claims to have been injured by a discriminatory housing practice or who believes that he or she will be injured by such a practice that is about to occur}~~ may file a complaint with the Commission in the manner prescribed in NRS 233.160 ~~{and avail himself or herself of the rights and remedies set forth in NRS 233.160 and sections 14, 15 and 16 of this act}~~.

Sec. 46. NRS 118.120 is hereby amended to read as follows:

118.120 ~~{Any}~~

1. Except as otherwise provided in subsection 2, an aggrieved person may commence an action in any district court in this state to enforce the provisions of NRS 118.100, 207.300, 207.310, 645.321 or 645C.480 or section 34 or 35 of this act not ~~{less}~~ more than 1 year after the date of the occurrence or termination of an alleged violation of any of those provisions. If the court determines that the provisions of any of those sections have been violated by the defendant, and that the plaintiff has been injured thereby, it may enjoin the defendant from continued violation or may take such other affirmative action as may be appropriate, and, in the case of a prevailing plaintiff, may award to the plaintiff actual damages, punitive damages, court costs and a reasonable attorney's fee.

2. The limitation on commencing an action set forth in subsection 1 is tolled by the filing of a complaint with the Commission and during the pendency of the complaint before the Commission.

Sec. 47. NRS 118.120 is hereby amended to read as follows:

118.120 1. Except as otherwise provided in subsection 2, an aggrieved person may commence an action in any district court in this state to enforce the provisions of NRS 118.100, 207.300, 207.310, 645.321 or 645C.480 or section 34 or 35 of this act not more than 1 year after the date of the occurrence or termination of an alleged violation of any of those provisions. If the court determines that the provisions of any of those sections have been violated by the defendant, and that the plaintiff has been injured thereby, it may enjoin the defendant from continued violation or may take such other affirmative action as may be appropriate, ~~{and, in the case of a prevailing plaintiff, may}~~ including, without limitation, an award ~~{to the plaintiff}~~ of actual damages ~~{punitive damages, court costs and a}~~ and such civil penalties as provided in section 14 of this act. The court may award the prevailing party reasonable attorney's ~~{fee}~~ fees and costs, except that no such fees or costs may be awarded against the State of Nevada unless, upon a motion by a party, the court determines that the State of Nevada acted in violation of Rule 11 of the Nevada Rules of Civil Procedure.

2. The limitation on commencing an action set forth in subsection 1 is tolled by the filing of a complaint with the Commission and during the pendency of the complaint before the Commission.

3. *An aggrieved person may commence a civil action under this section regardless of whether the person has filed a complaint under NRS 118.110, unless the person has entered into a conciliation agreement concerning the complaint or the Commission has commenced a hearing pursuant to section 14 of this act with respect to the matters alleged in the complaint.*

Sec. 48. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 13, inclusive, 17, 18, 20 to 23, inclusive, 28, 30 to 44, inclusive, and 46 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and carrying out 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. Sections 14, 15, 16, 19, 24 to 27, inclusive, 29, 45 and 47 of this act become effective on the date the Governor declares that the Federal Government has determined that certain provisions of NRS provide rights and remedies for alleged discriminatory housing practices substantially equivalent to federal law.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 459 to Senate Bill No. 143 revises circumstances that are a discriminatory practice, including refusing to rent or lease a dwelling because of an arrest record if the applicant has not been prosecuted in relation to any arrest or conviction or if the applicant has been acquitted, granted a pardon or exonerated, has served his or her sentence and been released or has had his or her record sealed. It revises the bill with regard to certain properties by increasing the application of certain provisions based on the number of dwellings.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 230.

SUMMARY—Revises provisions relating to health care. (BDR 40-462)

AN ACT relating to health care; revising provisions governing the regulation of hospitals; prohibiting a health carrier from denying certain providers of health care from entering into a contract to join the network of the health carrier under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Health to adopt regulations establishing licensing standards for hospitals. (NRS 449.0302) Existing regulations require a doctor of medicine or osteopathic medicine to perform a

physical examination and complete a medical history of a patient seeking admission to a hospital not more than 7 days before or more than 48 hours after the patient is admitted to the hospital. (NAC 449.358) Section 1 of this bill requires those regulations to authorize a certified nurse-midwife to perform such a physical examination or obtain such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.

Existing law requires a health carrier to comply with certain provisions governing the network plans that the health carrier offers or issues. (NRS 687B.600-687B.850) Section 4 of this bill prohibits a health carrier from denying a request from a provider of health care to enter into a provider network contract to join the network established by the health carrier if the provider of health care: (1) meets the terms and conditions for participation in the network plan of the health carrier; (2) is employed by or has accepted an open offer of employment from a school of medicine or school of osteopathic medicine in this State; (3) does not have a clinical practice already established in this State; and ~~(3)~~ (4) requests to become a participating provider of health care in the network of the health carrier. Section 4 authorizes a health carrier to deny a request from such a provider of health care to enter into such a provider network contract for certain reasons. Section 4 also clarifies that a health carrier is authorized to terminate such a provider of health care from participating in the network of the health carrier for any grounds authorized under the provider contract. Sections 6 and 7 of this bill make conforming changes to indicate the proper placement of section 4 in the Nevada Revised Statutes. Sections 2 and 3 of this bill require the State or a local government to comply with section 4 if it offers a health insurance policy to its officers and employees.

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

Section 1. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

↪ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

(1) Except as otherwise provided in subsection 8, contain toilet facilities;

(2) Contain a sleeping area or bedroom; and

(3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

➤ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community based living arrangement services for 2 months at the expense of the applicant.

12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. *If the regulations adopted pursuant to this section require a physical examination to be performed on a patient or the medical history of a patient to be obtained before or after the patient is admitted to a hospital, those regulations must authorize a certified nurse-midwife to perform such a physical examination or obtain such a medical history before or after a patient is admitted to a hospital for the purpose of giving birth.*

14. As used in this section ~~[-"living"]~~:

(a) "Certified nurse-midwife" means a person who is:

(1) *Certified as a Certified Nurse-Midwife by the American Midwifery Certification Board, or its successor organization; and*

(2) *Licensed as an advanced practice registered nurse pursuant to NRS 632.237.*

(b) "Living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 2. NRS 287.010 is hereby amended to read as follows:

287.010 1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada may:

(a) Adopt and carry into effect a system of group life, accident or health insurance, or any combination thereof, for the benefit of its officers and employees, and the dependents of officers and employees who elect to accept the insurance and who, where necessary, have authorized the governing body to make deductions from their compensation for the payment of premiums on the insurance.

(b) Purchase group policies of life, accident or health insurance, or any combination thereof, for the benefit of such officers and employees, and the dependents of such officers and employees, as have authorized the purchase, from insurance companies authorized to transact the business of such insurance in the State of Nevada, and, where necessary, deduct from the compensation of officers and employees the premiums upon insurance and pay the deductions upon the premiums.

(c) Provide group life, accident or health coverage through a self insurance reserve fund and, where necessary, deduct contributions to the maintenance of the fund from the compensation of officers and employees and pay the deductions into the fund. The money accumulated for this purpose through deductions from the compensation of officers and employees and contributions of the governing body must be maintained as an internal service fund as defined by NRS 354.543. The money must be deposited in a state or national bank or credit union authorized to transact business in the State of Nevada. Any independent administrator of a fund created under this section is subject to the licensing requirements of chapter 683A of NRS, and must be a resident of this State. Any contract with an independent administrator must be approved by the Commissioner of Insurance as to the reasonableness of administrative charges in relation to contributions collected and benefits provided. The provisions of NRS 686A.135, 687B.352, 687B.408, 687B.723, 687B.725, 689B.030 to 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 and *section 4 of this act* apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

(d) Defray part or all of the cost of maintenance of a self-insurance fund or of the premiums upon insurance. The money for contributions must be budgeted for in accordance with the laws governing the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada.

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district

must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

3. In any county in which a legal services organization exists, the governing body of the county, or of any school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada in the county, may enter into a contract with the legal services organization pursuant to which the officers and employees of the legal services organization, and the dependents of those officers and employees, are eligible for any life, accident or health insurance provided pursuant to this section to the officers and employees, and the dependents of the officers and employees, of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency.

4. If a contract is entered into pursuant to subsection 3, the officers and employees of the legal services organization:

(a) Shall be deemed, solely for the purposes of this section, to be officers and employees of the county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency with which the legal services organization has contracted; and

(b) Must be required by the contract to pay the premiums or contributions for all insurance which they elect to accept or of which they authorize the purchase.

5. A contract that is entered into pursuant to subsection 3:

(a) Must be submitted to the Commissioner of Insurance for approval not less than 30 days before the date on which the contract is to become effective.

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

6. As used in this section, "legal services organization" means an organization that operates a program for legal aid and receives money pursuant to NRS 19.031.

Sec. 3. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self insurance, it shall comply with the provisions of NRS 686A.135, 687B.352, 687B.409, 687B.723, 687B.725, 689B.0353, 689B.255, 695C.1723, 695G.150, 695G.155, 695G.160, 695G.162, 695G.1635, 695G.164, 695G.1645, 695G.1665, 695G.167, 695G.1675, 695G.170 to 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, *and section 4 of this act*, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 4. 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 may not deny a*

request from a provider of health care to enter into a provider network contract with the health carrier if the provider of health care:

~~1-1~~ (a) Meets the terms and conditions for participation in the network of the health carrier ~~1-1~~

~~2-1~~, including, without limitation:

(1) Meeting any credentialing requirement of the health carrier;

(2) Agreeing to all provisions of the provider network contract, including, without limitation, provisions setting forth the grounds and procedures for terminating providers of health care from participation in the network; and

(3) Agreeing to participate in a review of the performance and experience of the provider of health care at least once each year or as otherwise required by the health carrier;

(b) Is employed by or has accepted an ~~open~~ offer of employment from a school of medicine or school of osteopathic medicine in this State ~~1-1~~ to serve in a position where the provider of health care teaches students studying to become providers of health care or resident physicians at least 50 percent of the time the provider of health care is performing his or her duties for the school;

(c) Does not have a clinical practice already established in this State at the time the request to enter into a provider network contract is made; and

~~1-1~~ (d) Requests to be a participating provider of health care in the network of the health carrier.

2. A health carrier which offers or issues a network plan may deny a request from a provider of health care to enter into a provider network contract with the health carrier if:

(a) The health carrier contracts with a third party for the delivery of services to covered persons;

(b) Participating providers of health care are paid through capitation agreements; or

(c) Accepting the provider of health care into the network plan would disrupt existing provider network contracts.

3. A health carrier may terminate a provider network contract entered into pursuant to subsection 1 for any grounds authorized under the contract. Such grounds may include, without limitation, issues of inconsistency with other participating providers of health care with regard to:

(a) Access for covered persons to the services of the provider of health care;

(b) The cost of the services of the provider of health care;

(c) The quality of care provided by the provider of health care; or

(d) Other issues relating to the utilization of the services of the provider of health care.

Sec. 5. NRS 687B.600 is hereby amended to read as follows:

687B.600 As used in NRS 687B.600 to 687B.850, inclusive, and section 4 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. 6. 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~~, *and section 4 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~~, *and section 4 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~~, *and section 4 of this act*.

Sec. 7. 1. This section becomes effective upon passage and approval.

2. 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 October 1, 2023, for all other purposes.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 230 to Senate Bill No. 146 adds a new section prescribing the provisions in which an applicant is authorized to participate in a network established by a health carrier.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 161.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 352.

SUMMARY—Provides for the use of certain federal benefits to purchase menstrual products. (BDR 38-811)

AN ACT relating to public assistance; providing for the use of benefits under certain federal programs for persons with low incomes to purchase menstrual products; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law establishes the Supplemental Nutrition Assistance Program, which provides assistance to certain low-income families for the purchase of food. (7 U.S.C. §§ 2011 et seq.) Existing federal law also establishes the Special Supplemental Nutrition Program for Women, Infants and Children, which provides, through eligible local agencies, nutrition education and supplemental foods to pregnant women, mothers, infants and children less than 5 years of age with low household incomes. (42 U.S.C.

§ 1786) Existing law requires the Department of Health and Human Services to administer these programs within this State. (NRS 422A.338) This bill requires the Department ~~[, to the extent authorized by federal law,]~~ to authorize recipients of benefits provided under those programs to use such benefits to purchase menstrual products ~~[,]~~ ;(1) to the extent authorized by federal law; and (2) to the extent that federal funding is available.

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

Section 1. Chapter 422A of NRS is hereby amended by adding thereto a new section to read as follows:

1. *To the extent authorized by federal law ~~[,]~~ and to the extent that federal funding is available, the Department shall authorize recipients of benefits provided under Supplemental Nutrition Assistance or the Special Supplemental Nutrition Program for Women, Infants and Children established by 42 U.S.C. § 1786 to use such benefits to purchase menstrual products.*

2. *The Department shall take any action necessary to obtain federal authorization and federal funding to carry out the provisions of subsection 1, including, without limitation, applying for any necessary federal waiver.*

3. *As used in this section, "menstrual products" includes, without limitation, sanitary napkins, tampons or similar products used in connection with the menstrual cycle.*

Sec. 2. 1. This section becomes effective upon passage and approval.

2. Section 1 of this act becomes 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 Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 352 to Senate Bill No. 161 requires the Department of Health and Human Services to authorize recipients of benefits provided under specific programs to use such benefits to purchase menstrual products to the extent authorized by federal law and the extent that federal funding is available.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 353.

SUMMARY—Revises provisions relating to county hospitals.
(BDR 40-749)

AN ACT relating to county hospitals; revising provisions governing meetings of a board of hospital trustees; revising certain provisions related to

a hospital advisory board; authorizing a board of hospital trustees or hospital governing board to employ dentists; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a county or group of counties to establish a public hospital. (NRS 450.020) Existing law also: (1) provides for a board of hospital trustees for a public hospital, which has general powers and duties relating to establishing and maintaining a public hospital; (2) authorizes the appointment of a hospital advisory board in counties where the board of county commissioners is the board of hospital trustees; and (3) requires such a hospital advisory board to exercise the powers and duties delegated to it by the board of hospital trustees. (NRS 450.070, 450.150, 450.175) Section 2 of this bill changes the name of a "hospital advisory board" to a "hospital governing board" and requires such a board to adopt bylaws and related policies and procedures.

Existing law requires a board of hospital trustees to hold meetings and authorizes the board of hospital trustees to hold a closed meeting to discuss providing or expanding a health care service or acquiring or expanding a facility. (NRS 450.140) Section 1 of this bill also authorizes a board of hospital trustees or a hospital governing board to hold a closed meeting to discuss: (1) privileged or confidential matters before an organized committee of a county hospital ~~[, including, without limitation, deliberations of]~~ in deliberating the character, alleged misconduct, professional competence, or physical or mental health of a provider of health care; and (2) a report related to the compliance of the county hospital with all laws, regulations and rulemaking guidance of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services or a report related to any conditions of participation in the Medicare or Medicaid programs. Section 3 of this bill makes a conforming change to exempt a closed meeting held pursuant to section 1 from the Open Meeting Law.

Existing law authorizes a board of hospital trustees of a public hospital to employ physicians and interns on a full-time or part-time basis, and fix their compensations. (NRS 450.180) Section 2.5 of this bill authorizes a board of hospital trustees or any hospital governing board appointed pursuant to section 1 to employ dentists and fix their compensation.

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

Section 1. NRS 450.140 is hereby amended to read as follows:

450.140 1. The board of hospital trustees shall hold meetings at least once each month, and shall keep a complete record of all its transactions.

2. Except as otherwise provided in NRS 241.0355:

(a) In counties where three county commissioners are not members of the board, three members of the board constitute a quorum for the transaction of business.

(b) And except as otherwise provided in paragraph (c), in counties where three county commissioners are members of the board, any five of the members constitute a quorum for the transaction of business.

(c) In counties where the board of county commissioners is the board of hospital trustees, a majority of the board constitutes a quorum for the transaction of business.

3. The board of hospital trustees *or any hospital governing board appointed pursuant to NRS 450.175* may hold a closed meeting *exempt from the provisions of chapter 241 of NRS* to discuss:

(a) Providing a new health care service at the county hospital or materially expanding a health care service that is currently provided by the county hospital; ~~for~~

(b) The acquisition of an additional facility by the county hospital or the material expansion of an existing facility of the county hospital ~~for~~;

~~(c) Matters before a review committee, including, without limitation, deliberations of to deliberate the character, alleged misconduct, professional competence or physical or mental health of a provider of health care; or~~

(d) A report related to:

(1) *The compliance of the county hospital with all laws, regulations and rulemaking guidance of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; or*

(2) *Any conditions of participation in the Medicare or Medicaid programs.*

4. Subsection 3 must not be construed to authorize the board of hospital trustees *or the hospital governing board* to hold a closed meeting to discuss a change of management or ownership or the dissolution of the county hospital.

5. ~~Minutes~~ *Except as otherwise provided in this subsection, minutes of a closed meeting held pursuant to subsection 3, any supporting material and any recording or transcript of the closed meeting become public records 5 years after the date on which the meeting is held or when the board of hospital trustees or hospital governing board, as applicable, determines that the matters discussed no longer require confidentiality, whichever occurs first. Minutes of a closed meeting held pursuant to subsection 3, any supporting material and any recording or transcript of the closed meeting that contains privileged information are not public records. Nothing in this section shall be construed to limit the disclosure of information that is discoverable as part of a legal proceeding or pursuant to court order.*

6. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031; and

(b) "Review committee" has the meaning ascribed to it in NRS 49.117.

Sec. 2. NRS 450.175 is hereby amended to read as follows:

450.175 1. In counties where the board of county commissioners is the board of hospital trustees, the board of hospital trustees may appoint a hospital ~~advisory~~ governing board which shall exercise *only the* powers and duties

delegated to the ~~[advisory]~~ governing board by the board of hospital trustees. *In counties in which the board of hospital trustees appoints a hospital governing board, the governing board is the governing body of the county hospital when exercising powers and duties delegated to the governing board pursuant to this chapter.*

2. Members of a hospital ~~[advisory]~~ governing board must be appointed by a majority vote of the board of hospital trustees and shall serve at the pleasure of the board.

3. Members of the hospital ~~[advisory]~~ governing board may receive compensation for their services in an amount not to exceed \$500 per month.

4. *The hospital governing board shall adopt bylaws and related policies and procedures consistent with this chapter and all applicable ordinances.*

Sec. 2.5. NRS 450.180 is hereby amended to read as follows:

450.180 The board of hospital trustees or any hospital governing board appointed pursuant to NRS 450.175 may:

1. Appoint a chief executive officer and necessary assistants, and fix their compensations.

2. Employ physicians, ~~and~~ ~~interns~~ ~~and~~ *and dentists*, either full-time or part-time, as the board determines necessary, and fix their compensations.

3. Remove those appointees and employees.

4. Control the admission of physicians and interns to the staff by promulgating appropriate rules, regulations and standards governing those appointments.

5. Contract with individual physicians or private medical associations for the provision of certain medical services as may be required by the hospital.

Sec. 3. NRS 241.016 is hereby amended to read as follows:

241.016 1. The meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter.

2. The following are exempt from the requirements of this chapter:

(a) The Legislature of the State of Nevada.

(b) Judicial proceedings, including, without limitation, proceedings before the Commission on Judicial Selection and, except as otherwise provided in NRS 1.4687, the Commission on Judicial Discipline.

(c) Meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke the parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

3. Any provision of law, including, without limitation, NRS 91.270, 219A.210, 228.495, 239C.140, 239C.420, 241.028, 281A.350, 281A.690, 281A.735, 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590, 289.387, 295.121, 315.98425, 360.247, 388.261, 388.385, 388A.495, 388C.150, 388D.355, 388G.710, 388G.730, 392.147, 392.466, 392.467, 392.4671, 394.1699, 396.1415, 396.3295, 414.270, 422.405, 433.534, 435.610, 442.774, *450.140*, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336, 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725, which:

(a) Provides that any meeting, hearing or other proceeding is not subject to the provisions of this chapter; or

(b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,

↪ prevails over the general provisions of this chapter.

4. The exceptions provided to this chapter, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to deliberate or act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.

Sec. 4. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement have been transferred. Such contracts and other agreements may be enforced by the officer, agency, or other entity to which the responsibility for enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 5. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change only references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 353 to Senate Bill No. 192 authorizes a board of hospital trustees or any hospital governing board appointed to employ dentists and fix their compensation.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 348.

Bill read second time and ordered to third reading.

Senate Bill No. 410.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 416.

SUMMARY—Revises provisions relating to juvenile justice.
(BDR 5-1026)

AN ACT relating to juvenile justice; revising provisions governing employment with a department of juvenile justice services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners of a county whose population is 700,000 or more (currently only Clark County) to establish by ordinance a department of juvenile justice services to administer certain provisions of existing law relating to juvenile delinquency and the abuse and neglect of children. (NRS 62G.200-62G.240) If the board of county commissioners of such a county has not established a department of juvenile justice services, the juvenile court is required to: (1) establish by court order a probation committee; and (2) appoint a director of the department of juvenile justice services to administer certain functions of the juvenile court. (NRS 62G.300-62G.370)

Existing law ~~1: (1) authorizes a department of juvenile justice services to deny employment to an applicant or terminate the employment of an employee who has charges pending against him or her for certain crimes; (2) requires a department of juvenile justice services to allow an employee not more than 180 calendar days after arrest to resolve the pending charges before terminating the employee; and (3) authorizes a department of juvenile justice services to allow an employee additional time to resolve the pending charges before terminating the employee. (NRS 62G.225) Section 1 of this bill instead requires a department of juvenile justice services to allow such an employee not more than 270 calendar days after arraignment to resolve the pending criminal charges before terminating the employee, unless the employee was granted additional time to resolve the pending criminal;~~ requires a department of juvenile justice services to obtain a background investigation of applicants for employment with, and employees of, the department. Existing law also requires a department of juvenile justice services to obtain a background investigation of each employee of the department at least once every 5 years after the initial investigation. (NRS 62G.223, 62G.353) Existing law authorizes a department of juvenile justice services to deny employment to an applicant or terminate the employment of an employee against whom certain criminal charges are pending. Before terminating an employee against whom

certain criminal charges are pending, existing law requires a department of juvenile justice services to allow the employee a reasonable amount of time of not more than 180 calendar days after arrest to resolve the pending charges against the employee. (NRS 62G.225) Section 1 of this bill requires a department of juvenile justice services to allow an employee against whom certain criminal charges are pending additional time to resolve the pending charges if: (1) the charges are misdemeanor charges; and (2) through no fault of the employee, the charges have not been filed.

Existing law authorizes a department of juvenile justice services to allow an employee against whom certain criminal charges are pending additional time to resolve the pending charges upon request and for good cause shown. (NRS 62G.225) Section 1 limits the authority of a department of juvenile justice services to allow an employee additional time to resolve pending charges by only authorizing the department to allow the employee additional time to resolve pending misdemeanor charges.

Existing law ~~requires~~ authorizes a department of juvenile justice services to deny employment to an applicant or terminate the employment of an employee ~~[who has had]~~ against whom a substantiated report of child abuse or neglect has been made ~~, [against him or her after allowing the applicant or employee time to correct certain information received by the department.~~ (NRS 62G.225) Under existing law, an agency which provides child welfare services is required to assign a disposition of substantiated to a report concerning the possible abuse or neglect of a child if, upon the conclusion of an investigation of the report, the agency has determined that the alleged abuse or neglect occurred and was committed by the person named in the report as allegedly causing the abuse or neglect. (NRS 432B.305) Existing law also grants the person against whom a report was made the right to request an administrative appeal of the substantiation of the report. (NRS 432B.317) Section 1 defines "substantiated report of child abuse or neglect" for purposes of requirements relating to an applicant for employment with the department of juvenile justice services or an employee of the department of juvenile justice services to mean a report of child abuse or neglect that: (1) has been assigned a disposition of substantiated; and (2) is not the subject of an administrative appeal.] (NRS 62G.225) Before terminating an employee against whom a substantiated report of child abuse or neglect has been made, existing law requires a department of juvenile justice services to allow the employee a reasonable amount of time of not less than 60 calendar days to correct certain information received by the department. (NRS 62G.225) Section 1 requires a department of juvenile justice services to allow an employee who has requested an administrative appeal of the substantiation of a report of child abuse or neglect additional time to correct certain information received by the department if, through no fault of the employee, a hearing on the appeal has not been held or the hearing officer has not issued a decision affirming or rejecting the substantiation of the report.

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

Section 1. NRS 62G.225 is hereby amended to read as follows:

62G.225 1. If the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.223, the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.223 or evidence from any other source indicates that an applicant for employment with the department of juvenile justice services, or an employee of the department of juvenile justice services:

(a) Has charges pending against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, the department of juvenile justice services:

(1) May deny employment to the applicant after allowing the applicant time to correct the information as required pursuant to subsection 2; or

(2) May terminate the employee after allowing the employee time to correct the information as required pursuant to subsection 2 or 3, or resolve the pending charges pursuant to subsection 4, whichever is applicable; or

(b) Has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, has had a substantiated report of child abuse or neglect made against him or her or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of NRS 62G.223, the department of juvenile justice services shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 2 ~~++~~ or 3, whichever is applicable.

~~++(c) Has had a substantiated report of child abuse or neglect made against him or her or has not been satisfactorily cleared by a central registry described in paragraph (b) of subsection 2 of NRS 62G.223, the department of juvenile justice services shall deny employment to the applicant or terminate the employment of the employee after allowing the applicant or employee time to correct the information as required pursuant to subsection 3.++~~

2. If an applicant for employment or an employee believes that the information in the report from the Federal Bureau of Investigation forwarded to the department of juvenile justice services pursuant to subsection 5 of NRS 62G.223 is incorrect, the applicant or employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the applicant or employee a reasonable amount of time of not less than 30 days to correct the information.

3. If an employee believes that the information received by the department of juvenile justice services pursuant to subsection 2 of NRS 62G.223 is incorrect, the employee must inform the department of juvenile justice services immediately. A department of juvenile justice services that is so informed shall give the employee ~~++~~ :

(a) A reasonable amount of time of not less than 60 days to correct the information.

(b) Additional time to correct the information if the employee has requested an administrative appeal of the substantiation of a report of child abuse or neglect pursuant to NRS 432B.317 and, through no fault of the employee, a hearing has not been held or the hearing officer has not issued a decision affirming or rejecting the substantiation of the report. Any such additional time must not be less than the amount of time necessary for the hearing officer to issue a decision.

4. If an employee has pending charges against him or her for a crime listed in paragraph (a) of subsection 1 of NRS 62G.223, the department of juvenile justice services shall allow the employee a reasonable time of not more than 180 ~~(270)~~ calendar days after arrest ~~(arraignment)~~ to resolve the pending charges ~~against the employee.~~ Upon request ~~and good cause shown,~~ the department of juvenile justice services ~~may~~ :

(a) May, for good cause shown, allow the employee additional time to resolve the pending charges against the employee if the charges are misdemeanor charges.

(b) Shall allow the employee additional time to resolve the pending charges if:

(1) The charges are misdemeanor charges; and

(2) Through no fault of the employee, the charges have not been filed.

5. During the period in which an employee seeks to correct information pursuant to subsection 2 or 3, or resolve pending charges against the employee pursuant to subsection 4, the employee:

(a) Shall not have contact with a child or a relative or guardian of a child in the course of performing any duties as an employee of the department of juvenile justice services.

(b) May use his or her accrued leave or be placed on leave without pay.

6. If the department of juvenile justice services places an employee who is a peace officer on leave without pay pending the outcome of a criminal prosecution, the department of juvenile justice services shall award the employee back pay for the duration of the unpaid leave if:

(a) The charges against the employee are dismissed or the employee is found not guilty at trial; and

(b) The employee is not subjected to punitive action in connection with the alleged misconduct.

7. The department of juvenile justice services may offset any other income earned by the employee during the duration of the unpaid leave against any back pay awarded to the employee pursuant to this section.

8. The provisions of subsection 5 are not disciplinary in nature and must not be construed as preventing the department of juvenile justice services from initiating departmental disciplinary procedures against an employee during the period in which an employee seeks to correct information pursuant to

subsection 2 or 3, or resolve pending charges against the employee pursuant to subsection 4.

9. A termination of employment pursuant to this section constitutes dismissal for cause for the purposes of NRS 62G.220.

10. As used in this section ~~[-"peace"]~~ :

(a) "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.

(b) "Substantiated report of child abuse or neglect" means a report concerning the possible abuse or neglect of a child that ~~[-~~

~~—(1) Has] has been assigned a disposition of substantiated pursuant to NRS 432B.305. [- and~~

~~—(2) Is not the subject of an administrative appeal pursuant to NRS 432B.317.]~~

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

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 416 to Senate Bill No. 410 clarifies that if an employee has appealed the substantiation of a report of child abuse or neglect, but a hearing has not yet occurred through no fault of the employee, the department of juvenile justice services must extend the amount of time for the hearing to occur and a decision to be rendered.

The amendment also provides that an employee arrested for certain criminal offenses must resolve the matter within 180 days except under specific circumstances set forth in the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 441.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bill No. 143 be taken from the General File and re-referred to the Committee on Finance.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 260.

Bill read third time.

The following amendment was proposed by Senator Doñate:

Amendment No. 495.

SUMMARY—Revises provisions relating to certain persons providing referrals to group housing for persons who are aged. (BDR 40-675)

AN ACT relating to residential facilities; ~~authorizing a senior living community referral agency to operate without a license;~~ imposing certain requirements governing the operation of ~~an unlicensed~~ a senior living community referral agency; requiring a senior living community referral agency to make certain reports; prescribing authorized methods for determining the amount of compensation that a senior living community

referral agency receives from a senior living community; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to obtain a license from the State Board of Health if the person operates a business that provides referrals to residential facilities for groups or any other group housing arrangement that provides assistance, food, shelter or limited supervision to a person with a mental illness, intellectual disability, developmental disability or physical disability or who is aged or infirm. (NRS 449.0305) Section 2 of this bill defines the term "senior living community" to refer to certain facilities or other living arrangements for persons who are aged, including residential facilities for groups. Section 3 of this bill defines the term "senior living community referral agency" to mean a person who makes referrals to a senior living community. Section 6 of this bill makes a conforming change to indicate the proper placement of sections 2 and 3 in the Nevada Revised Statutes.

~~[Section 10 of this bill exempts a senior living community referral agency that complies with certain requirements prescribed by sections 4 and 5 of this bill from the requirement to obtain a license from the State Board.]~~ Section 4 of this bill requires ~~[an unlicensed]~~ a senior living community referral agency to disclose certain information to a person who is aged or the representative of such a person and obtain the consent of the person or representative before making a referral. Section 4 also requires the senior living community referral agency to: (1) maintain a record of such a disclosure or consent for at least 3 years; and (2) provide a copy of the disclosure to a person who has received a referral from the agency, the representative of such a person or the senior living community to which a person was referred by the agency upon request.

Section 5 of this bill prohibits ~~[an unlicensed]~~ a senior living community referral agency from: (1) referring a person who is aged or the representative of such a person to a senior living community in which the agency, an executive thereof or an immediate family member of such an executive has a financial interest; (2) issuing a referral to a person with whom the agency, an employee thereof or the family of such an employee has certain relationships; (3) referring a person who is aged or the representative of such a person to a senior living community that is required by law to hold a license but does not hold such a license; (4) referring a person who is aged or the representative of such a person to a senior living community that does not have ability to adequately care for the person; or (5) accepting compensation for a referral from a senior living community without entering into a written contract concerning such referral. Section 5 requires ~~[an unlicensed]~~ a senior living community referral agency to establish a policy to protect the privacy of persons who are aged and their representatives. Section 5 additionally requires ~~[an unlicensed]~~ a senior living community referral agency to cease contacting or making referrals for a person who is aged or the representative of such a person upon request of the person or representative. Section 5 prescribes the authorized methods for determining the amount of compensation that a senior

living community referral agency receives from a senior living community. Sections 7-14 of this bill make conforming changes to indicate the proper placement of sections 4 and 5 in the Nevada Revised Statutes.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Senior living community" means:*

1. *A home for individual residential care, residential facility for groups, facility for intermediate care, facility for skilled nursing, assisted living facility or retirement home or village that primarily provides services to persons who are aged; or*

2. *Any other group housing arrangement that provides assistance, food, shelter or limited supervision to persons who are aged.*

Sec. 3. *"Senior living community referral agency" means a person who refers persons who are aged to senior living communities for a fee paid by the senior living community, the person who is aged or the representative of such a person. The term does not include:*

1. *A senior living community or an employee of a senior living community; or*

2. *A resident of a senior living community, a family member of such a resident or any other person who receives any service from a senior living community, regardless of whether the person receives any form of compensation for a referral.*

Sec. 4. 1. *Before referring a person who is aged or the representative of such a person to a senior living community, a senior living community referral agency ~~that is not licensed pursuant to NRS 449.0305~~ shall:*

(a) Provide a statement clearly disclosing the information required by this paragraph to the person or representative orally, in writing or electronically. If the disclosure is made orally, the disclosure must be recorded. The statement must include, without limitation:

(1) A description of each service that the senior living community referral agency is able to provide to the person who is aged;

(2) The contact information of the senior living community referral agency, including, without limitation, the telephone number of the senior living community referral agency;

(3) The address of the Internet website maintained pursuant to paragraph (f) of subsection 2 of section 5 of this act;

(4) An explanation of the provisions of paragraphs (c), (d) and (e) of subsection 2 of section 5 of this act; and

(5) A statement of whether the person who is aged or the senior living community to which the person who is aged is referred is responsible for paying the applicable referral fee and, if the person who is aged is responsible for paying the fee, the amount of the fee; and

(b) Obtain the written or recorded consent of a person who is aged or his or her representative to provide referrals.

2. A senior living community referral agency ~~[that is not licensed pursuant to NRS 449.0305]~~ shall maintain a record of each statement or consent provided pursuant to subsection 1 for at least 3 years after the date on which the statement or consent, as applicable, is provided.

3. Upon the request of a person who is aged and who has received a referral from a senior living community referral agency, ~~[that is not licensed pursuant to NRS 449.0305]~~ the representative of such a person or the senior living community to which a person has been referred by ~~[such a]~~ the senior living community referral agency, the senior living community referral agency shall provide the person, representative or community a written copy of the statement given to the person who is aged or his or her representative pursuant to subsection 1.

Sec. 5. 1. A senior living community referral agency ~~[that is not licensed pursuant to NRS 449.0305]~~ shall not:

(a) Except as otherwise provided in subsection 3, refer a person who is aged or the representative of such a person to a senior living community:

(1) In which the senior living community referral agency, an executive thereof or any immediate family member of such an executive has an ownership or financial interest; or

(2) That is managed wholly or partially by the senior living community referral agency, an executive thereof or any immediate family member of such an executive;

(b) Issue a referral to a person who is aged or the representative of such a person if the senior living community referral agency, an employee thereof or an immediate family member of such an employee holds a power of attorney or any property of the person who is aged;

(c) Refer a person who is aged or the representative of such a person to a senior living community that does not hold a license required by law;

(d) Refer a person who is aged or the representative of such a person to a senior living community that is not capable of adequately caring for the person who is aged; or

(e) Accept compensation for a referral from a senior living community with which the senior living community referral agency has not entered into a written contract concerning such a referral.

2. A senior living community referral agency ~~[that is not licensed pursuant to NRS 449.0305]~~ shall:

(a) Use a nationally accredited provider of criminal background investigations to conduct an investigation into the criminal background of each employee of the senior living community referral agency who directly interacts with persons who are aged or representatives of such persons;

(b) Maintain liability insurance in an amount of at least \$1,000,000 for each incident and \$2,500,000 in total per year for negligent acts or omissions

committed by the senior living community referral agency or an employee thereof;

(c) Cease contacting a person who is aged or the representative of such a person as soon as possible and not later than 10 days after the person or representative requests the senior living community referral agency to cease contacting the person;

(d) Cease making referrals to a senior living community for a person who is aged or the representative of such a person as soon as possible and not later than 10 days after the person or representative requests the senior living community referral agency to cease making such referrals;

(e) Refrain from selling the personal information of a person who is aged or the representative of such a person upon the request of the person or representative; and

(f) Establish a policy to protect the privacy of persons who are aged and the representatives of such persons and post the policy on an Internet website maintained by the senior living community referral agency.

3. A senior living community referral agency ~~that is not licensed pursuant to NRS 449.0305~~ may refer a person who is aged or the representative of such a person to a senior living community described in paragraph (a) of subsection 1 if the person or representative provides the senior living community referral agency with written permission to make such a referral before the referral is made.

4. A written contract entered into pursuant to paragraph (e) of subsection 1 may provide for the compensation of a senior living community referral agency by a senior living community in:

(a) An amount for all referrals made by the senior living community referral agency to the senior living community in a specified period of time;

(b) An amount for each referral to the senior living community that is based on a percentage of the cost of the first month of rent and care received by the person referred to the senior living community; or

(c) A fixed amount for each referral to the senior living community.

Sec. 6. NRS 449.001 is hereby amended to read as follows:

449.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 449.0015 to 449.0195, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.

Sec. 7. NRS 449.029 is hereby amended to read as follows:

449.029 As used in NRS 449.029 to 449.240, inclusive, and sections 4 and 5 of this act, unless the context otherwise requires, "medical facility" has the meaning ascribed to it in NRS 449.0151 and includes a program of hospice care described in NRS 449.196.

Sec. 8. NRS 449.0301 is hereby amended to read as follows:

449.0301 The provisions of NRS 449.029 to 449.2428, inclusive, and sections 4 and 5 of this act do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility, facility for the dependent or facility which is otherwise required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed that is operated and maintained by the United States Government or an agency thereof.

Sec. 9. NRS 449.0302 is hereby amended to read as follows:

449.0302 1. The Board shall adopt:

(a) Licensing standards for each class of medical facility or facility for the dependent covered by NRS 449.029 to 449.2428, inclusive, *and sections 4 and 5 of this act* and for programs of hospice care.

(b) Regulations governing the licensing of such facilities and programs.

(c) Regulations governing the procedure and standards for granting an extension of the time for which a natural person may provide certain care in his or her home without being considered a residential facility for groups pursuant to NRS 449.017. The regulations must require that such grants are effective only if made in writing.

(d) Regulations establishing a procedure for the indemnification by the Division, from the amount of any surety bond or other obligation filed or deposited by a facility for refractive surgery pursuant to NRS 449.068 or 449.069, of a patient of the facility who has sustained any damages as a result of the bankruptcy of or any breach of contract by the facility.

(e) Regulations that prescribe the specific types of discrimination prohibited by NRS 449.101.

(f) Regulations requiring a hospital or independent center for emergency medical care to provide training to each employee who provides care to victims of sexual assault or attempted sexual assault concerning appropriate care for such persons, including, without limitation, training concerning the requirements of NRS 449.1885.

(g) Any other regulations as it deems necessary or convenient to carry out the provisions of NRS 449.029 to 449.2428, inclusive ~~{-}~~, *and sections 4 and 5 of this act*.

2. The Board shall adopt separate regulations governing the licensing and operation of:

(a) Facilities for the care of adults during the day; and

(b) Residential facilities for groups,

➔ which provide care to persons with Alzheimer's disease or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.

3. The Board shall adopt separate regulations for:

(a) The licensure of rural hospitals which take into consideration the unique problems of operating such a facility in a rural area.

(b) The licensure of facilities for refractive surgery which take into consideration the unique factors of operating such a facility.

(c) The licensure of mobile units which take into consideration the unique factors of operating a facility that is not in a fixed location.

4. The Board shall require that the practices and policies of each medical facility or facility for the dependent provide adequately for the protection of the health, safety and physical, moral and mental well-being of each person accommodated in the facility.

5. In addition to the training requirements prescribed pursuant to NRS 449.093, the Board shall establish minimum qualifications for administrators and employees of residential facilities for groups. In establishing the qualifications, the Board shall consider the related standards set by nationally recognized organizations which accredit such facilities.

6. The Board shall adopt separate regulations regarding the assistance which may be given pursuant to NRS 453.375 and 454.213 to an ultimate user of controlled substances or dangerous drugs by employees of residential facilities for groups. The regulations must require at least the following conditions before such assistance may be given:

(a) The ultimate user's physical and mental condition is stable and is following a predictable course.

(b) The amount of the medication prescribed is at a maintenance level and does not require a daily assessment.

(c) A written plan of care by a physician or registered nurse has been established that:

(1) Addresses possession and assistance in the administration of the medication; and

(2) Includes a plan, which has been prepared under the supervision of a registered nurse or licensed pharmacist, for emergency intervention if an adverse condition results.

(d) Except as otherwise authorized by the regulations adopted pursuant to NRS 449.0304, the prescribed medication is not administered by injection or intravenously.

(e) The employee has successfully completed training and examination approved by the Division regarding the authorized manner of assistance.

7. The Board shall adopt separate regulations governing the licensing and operation of residential facilities for groups which provide assisted living services. The Board shall not allow the licensing of a facility as a residential facility for groups which provides assisted living services and a residential facility for groups shall not claim that it provides "assisted living services" unless:

(a) Before authorizing a person to move into the facility, the facility makes a full written disclosure to the person regarding what services of personalized

care will be available to the person and the amount that will be charged for those services throughout the resident's stay at the facility.

(b) The residents of the facility reside in their own living units which:

- (1) Except as otherwise provided in subsection 8, contain toilet facilities;
- (2) Contain a sleeping area or bedroom; and
- (3) Are shared with another occupant only upon consent of both occupants.

(c) The facility provides personalized care to the residents of the facility and the general approach to operating the facility incorporates these core principles:

(1) The facility is designed to create a residential environment that actively supports and promotes each resident's quality of life and right to privacy;

(2) The facility is committed to offering high-quality supportive services that are developed by the facility in collaboration with the resident to meet the resident's individual needs;

(3) The facility provides a variety of creative and innovative services that emphasize the particular needs of each individual resident and the resident's personal choice of lifestyle;

(4) The operation of the facility and its interaction with its residents supports, to the maximum extent possible, each resident's need for autonomy and the right to make decisions regarding his or her own life;

(5) The operation of the facility is designed to foster a social climate that allows the resident to develop and maintain personal relationships with fellow residents and with persons in the general community;

(6) The facility is designed to minimize and is operated in a manner which minimizes the need for its residents to move out of the facility as their respective physical and mental conditions change over time; and

(7) The facility is operated in such a manner as to foster a culture that provides a high-quality environment for the residents, their families, the staff, any volunteers and the community at large.

8. The Division may grant an exception from the requirement of subparagraph (1) of paragraph (b) of subsection 7 to a facility which is licensed as a residential facility for groups on or before July 1, 2005, and which is authorized to have 10 or fewer beds and was originally constructed as a single-family dwelling if the Division finds that:

(a) Strict application of that requirement would result in economic hardship to the facility requesting the exception; and

(b) The exception, if granted, would not:

(1) Cause substantial detriment to the health or welfare of any resident of the facility;

(2) Result in more than two residents sharing a toilet facility; or

(3) Otherwise impair substantially the purpose of that requirement.

9. The Board shall, if it determines necessary, adopt regulations and requirements to ensure that each residential facility for groups and its staff are prepared to respond to an emergency, including, without limitation:

(a) The adoption of plans to respond to a natural disaster and other types of emergency situations, including, without limitation, an emergency involving fire;

(b) The adoption of plans to provide for the evacuation of a residential facility for groups in an emergency, including, without limitation, plans to ensure that nonambulatory patients may be evacuated;

(c) Educating the residents of residential facilities for groups concerning the plans adopted pursuant to paragraphs (a) and (b); and

(d) Posting the plans or a summary of the plans adopted pursuant to paragraphs (a) and (b) in a conspicuous place in each residential facility for groups.

10. The regulations governing the licensing and operation of facilities for transitional living for released offenders must provide for the licensure of at least three different types of facilities, including, without limitation:

(a) Facilities that only provide a housing and living environment;

(b) Facilities that provide or arrange for the provision of supportive services for residents of the facility to assist the residents with reintegration into the community, in addition to providing a housing and living environment; and

(c) Facilities that provide or arrange for the provision of programs for alcohol and other substance use disorders, in addition to providing a housing and living environment and providing or arranging for the provision of other supportive services.

↪ The regulations must provide that if a facility was originally constructed as a single-family dwelling, the facility must not be authorized for more than eight beds.

11. The Board shall adopt regulations applicable to providers of community-based living arrangement services which:

(a) Except as otherwise provided in paragraph (b), require a natural person responsible for the operation of a provider of community-based living arrangement services and each employee of a provider of community-based living arrangement services who supervises or provides support to recipients of community-based living arrangement services to complete training concerning the provision of community-based living arrangement services to persons with mental illness and continuing education concerning the particular population served by the provider;

(b) Exempt a person licensed or certified pursuant to title 54 of NRS from the requirements prescribed pursuant to paragraph (a) if the Board determines that the person is required to receive training and continuing education substantially equivalent to that prescribed pursuant to that paragraph;

(c) Require a natural person responsible for the operation of a provider of community-based living arrangement services to receive training concerning

the provisions of title 53 of NRS applicable to the provision of community-based living arrangement services; and

(d) Require an applicant for a license to provide community-based living arrangement services to post a surety bond in an amount equal to the operating expenses of the applicant for 2 months, place that amount in escrow or take another action prescribed by the Division to ensure that, if the applicant becomes insolvent, recipients of community-based living arrangement services from the applicant may continue to receive community-based living arrangement services for 2 months at the expense of the applicant.

12. The Board shall adopt separate regulations governing the licensing and operation of freestanding birthing centers. Such regulations must:

(a) Align with the standards established by the American Association of Birth Centers, or its successor organization, the accrediting body of the Commission for the Accreditation of Birth Centers, or its successor organization, or another nationally recognized organization for accrediting freestanding birthing centers; and

(b) Allow the provision of supervised training to providers of health care, as appropriate, at a freestanding birthing center.

13. As used in this section, "living unit" means an individual private accommodation designated for a resident within the facility.

Sec. 10. NRS 449.0305 is hereby amended to read as follows:

449.0305 1. Except as otherwise provided in subsection ~~(subsections) 5, and 6,~~ a person must obtain a license from the Board to operate a business that provides referrals to residential facilities for groups or any other group housing arrangement that provides assistance, food, shelter or limited supervision to a person with a mental illness, intellectual disability, developmental disability or physical disability or who is aged or infirm ~~or~~ including, without limitation, a senior living community referral agency.

2. The Board shall adopt:

(a) Standards for the licensing of businesses described in subsection 1;
 (b) Standards relating to the fees charged by such businesses;
 (c) Regulations governing the licensing of such businesses; and
 (d) Regulations establishing requirements for training the employees of such businesses.

3. A licensed nurse, social worker, physician or hospital, or a provider of geriatric care who is licensed as a nurse or social worker, may provide referrals to residential facilities for groups or any other group housing arrangement described in subsection 1 through a business that is licensed pursuant to this section. The Board may, by regulation, authorize a public guardian or any other person it determines appropriate to provide referrals to residential facilities for groups or any other group housing arrangement described in subsection 1 through a business that is licensed pursuant to this section.

4. A business that is licensed pursuant to this section or an employee of such a business shall not:

(a) Refer a person to a residential facility for groups that is not licensed.

(b) Refer a person to a residential facility for groups or any other group housing arrangement described in subsection 1 if the business or its employee knows or reasonably should know that the facility or other group housing arrangement, or the services provided by the facility or other group housing arrangement, are not appropriate for the condition of the person being referred.

(c) Refer a person to a residential facility for groups or any other group housing arrangement described in subsection 1 that is owned by the same person who owns the business.

➔ A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than \$10,000 and for a second or subsequent offense of not less than \$10,000 nor more than \$20,000. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and sections 2 to 5, inclusive, of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS and to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards.

5. This section does not apply to a medical facility that is licensed pursuant to NRS 449.029 to 449.2428, inclusive, *and sections 4 and 5 of this act* on October 1, 1999.

6. ~~*This section does not apply to a senior living community referral agency that complies with the provisions of sections 4 and 5 of this act.*~~

~~7.7~~ 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.

(c) "Mental illness" has the meaning ascribed to it in NRS 433.164.

Sec. 11. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.029 to 449.2428, inclusive, *and sections 4 and 5 of this act* upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.029 to 449.245, inclusive, *and sections 4 and 5 of this act*, or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to NRS 449.001 to 449.430, inclusive, *and sections 2 to 5, inclusive, of this act* and 449.435 to 449.531, inclusive, and chapter 449A of NRS if such approval is required.

(f) Failure to comply with the provisions of NRS 441A.315 and any regulations adopted pursuant thereto or NRS 449.2486.

(g) Violation of the provisions of NRS 458.112.

2. In addition to the provisions of subsection 1, the Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

↪ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Division pursuant to subsection 2.

Sec. 12. NRS 449.163 is hereby amended to read as follows:

449.163 1. In addition to the payment of the amount required by NRS 449.0308, if a medical facility, facility for the dependent or facility which is required by the regulations adopted by the Board pursuant to NRS 449.0303 to be licensed violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and sections 4 and 5 of this act* or any condition, standard or regulation adopted by the Board, the Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) If the license of the facility limits the occupancy of the facility and the facility has exceeded the approved occupancy, require the facility, at its own expense, to move patients to another facility that is licensed;

(d) Impose an administrative penalty of not more than \$5,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(e) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (d) of subsection 1, the Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

3. The Division may require any facility that violates any provision of NRS 439B.410 or 449.029 to 449.2428, inclusive, *and sections 4 and 5 of this act* or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

4. Any money collected as administrative penalties pursuant to paragraph (d) of subsection 1 must be accounted for separately and used to administer and carry out the provisions of NRS 449.001 to 449.430, inclusive, *and sections 2 to 5, inclusive, of this act*, 449.435 to 449.531, inclusive, and chapter 449A of NRS to protect the health, safety, well-being and property of the patients and residents of facilities in accordance with applicable state and federal standards or for any other purpose authorized by the Legislature.

Sec. 13. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.029 to 449.245, inclusive ~~to~~, *and sections 4 and 5 of this act*.

Sec. 14. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and an opportunity for a hearing as required by law, impose an administrative fine of not more than \$10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any licensee who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.029 to 449.2428, inclusive, *and sections 4 and 5 of this act* as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for licensees, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the licensee and the patient or resident for the financial or other gain of the licensee.

2. If a licensee requests a hearing pursuant to subsection 1, the Board shall give the licensee written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 495 to Senate Bill No. 260 prescribes authorized methods for determining the amount of compensation that a senior living community referral agency receives from a senior living community. It removes the term "unlicensed" from all provisions.

Amendment adopted.

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

SECOND READING AND AMENDMENT

Senate Bill No. 106.

Bill read second time.

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

Amendment No. 401.

SUMMARY—Revises provisions relating to ophthalmic dispensing. (BDR 54-543)

AN ACT relating to ophthalmic dispensing; ~~defining certain activities that constitute ophthalmic dispensing; revising provisions relating to the delivery of ophthalmic products;~~ exempting ~~ophthalmic dispensing~~ the sale of prescription eyewear to intended wearers outside this State from provisions regulating ophthalmic dispensing; ~~under certain circumstances;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to hold a license as a dispensing optician issued by the Board of Dispensing Opticians in order to engage in the practice of ophthalmic dispensing in this State. (NRS 637.090) Existing law ~~[(1)]~~ defines "ophthalmic dispensing" as the design, verification and delivery to the intended wearer of lenses, frames and other specially fabricated optical devices upon prescription; ~~and (2) specifies that ophthalmic dispensing includes certain activity, including the preparation and delivery of work orders to laboratory technicians engaged in grinding lenses and fabricating eyewear.~~ (NRS 637.022) ~~[Sections 2 and 3 of this bill define the terms "design" and "preparation and delivery of work orders," respectively, for the purpose of clarifying the activities that constitute ophthalmic dispensing and thus require licensure as a dispensing optician. Section 5 of this bill makes a conforming change to indicate the proper placement of sections 2 and 3 in the Nevada Revised Statutes. Section 4 of this bill: (1) authorizes a dispensing optician to authorize the delivery of a product to a customer by written or electronic means; and (2) requires a dispensing optician to verify the quality of a product before delivering or authorizing the delivery of the product to an intended wearer in this State.]~~

Existing law exempts certain activity from provisions of law governing ophthalmic dispensing. (NRS 637.025) Section 6 of this bill additionally exempts from such provisions ~~[(1) the manufacturing of lenses, frames and other specially fabricated optical devices upon] the sale of prescription [for] eyewear to an intended wearer located outside this State [if the] or any design, manufacturing [is supervised by a licensed dispensing optician; and (2) all other ophthalmic dispensing to an intended wearer located outside this State.] or other activity in conjunction with such a sale.~~

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

Section 1. ~~[Chapter 637 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.] (Deleted by amendment.)~~

Sec. 2. ~~["Design" means the fabrication and fitting of lenses into frames in accordance with a prescription, including, without limitation, a prescription for glasses or other specially fabricated optical devices.] (Deleted by amendment.)~~

Sec. 3. ~~["Preparation and delivery of work orders" means verifying orders, including, without limitation, information relating to a prescription or~~

~~instructions for fabrication, in a paper, electronic or online form or ordering system.}] (Deleted by amendment.)~~

Sec. 4. ~~[1. A dispensing optician may, by written or electronic means, authorize the delivery of a product to an intended wearer.~~

~~2. Before delivering or authorizing the delivery of a product to an intended wearer located in this State, a dispensing optician shall verify the quality of the product.}] (Deleted by amendment.)~~

Sec. 5. ~~[NRS 637.020 is hereby amended to read as follows:
637.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 637.021 to 637.024, inclusive, and sections 2 and 3 of this act have the meanings ascribed to them in those sections.}] (Deleted by amendment.)~~

Sec. 6. NRS 637.025 is hereby amended to read as follows:

637.025 The provisions of this chapter do not apply to:

1. Ophthalmic dispensing personally by a licensed physician, surgeon or optometrist unless exclusively engaged in the business of filling prescriptions.

2. Ophthalmic dispensing by an employee of a licensed physician, surgeon or optometrist if the employee practices ophthalmic dispensing only under the direct supervision of the licensed physician, surgeon or optometrist and only as an assistant to the licensed physician, surgeon or optometrist.

3. A licensed pharmacist dispensing prepackaged contact lenses pursuant to the provisions of NRS 639.2825.

4. The sale of goggles, sunglasses, colored glasses or occupational protective eye devices not having a refractive value, or the sale as merchandise of complete ready-to-wear eyeglasses.

5. ~~The [manufacturing of lenses, frames and other specially fabricated optical devices upon] sale of prescription [for] eyewear to an intended wearer located outside this State [if the manufacturing is supervised by a dispensing optician licensed pursuant to this chapter. Such supervision must include, without limitation, a daily review of all] or any design, manufacturing [equipment by the dispensing optician to ensure the quality and accuracy of prescription optical devices being produced.~~

~~6. Ophthalmic dispensing, except for the manufacturing of lenses, frames and other specially fabricated optical devices upon prescription, to an intended wearer located outside this State.}] or other activity in conjunction with such a sale.~~

Sec. 7. ~~[Any provisions of any regulations adopted by the Board of Dispensing Opticians that conflict with any of the provisions of this act are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this act.}] (Deleted by amendment.)~~

Sec. 8. ~~[This act becomes effective upon passage and approval.]] (Deleted by amendment.)~~

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 401 to Senate Bill No. 106 deletes sections 1 through 5 and 7 from the bill; amends section 6 to exempt out-of-state prescription eyewear sales and related activities from the provisions of law governing ophthalmic dispensing; and changes the bill's effective date to October 1, 2023.

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 William Supple.

On request of Senator Dondero Loop, the privilege of the floor of the Senate Chamber for this day was extended to the Moonridge Group, Erin Mulvaney and Julie Murray.

On request of Senator Flores, the privilege of the floor of the Senate Chamber for this day was extended to Ann Barnett, Linda Bridges and Jonny Dominguez.

On request of Senator Hammond, the privilege of the floor of the Senate Chamber for this day was extended to Lynda Tache.

On request of Senator Krasner, the privilege of the floor of the Senate Chamber for this day was extended to Foothills Church Academy, Von Elliott, Grayson Orr, Samantha Orr-Clements and Dylan Wynne.

On request of Senator Nguyen, the privilege of the floor of the Senate Chamber for this day was extended to former Senator Tick Segerblom.

On request of Senator Pazina, the privilege of the floor of the Senate Chamber for this day was extended to Mindy Kermes and Jerrie Merritt.

On request of Senator Scheible, the privilege of the floor of the Senate Chamber for this day was extended to Dawn Ralenkotter and SEIU Local 1107.

On request of Senator Seevers Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Peavine Elementary School.

Senator Cannizzaro moved that the Senate adjourn until Friday, April 21, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 4:54 p.m.

Approved:

STAVROS ANTHONY

President of the Senate

Attest: BRENDAN BUCY

Secretary of the Senate