THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 21, 2023

Senate called to order at 12:13 p.m.

President Anthony presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Randy Roser.

Lord, today we need to lift up the families of our Senators. Lord, watch over their loved ones as they work long hours looking for solutions to govern our State. Keep the loved ones safe. Lord, send Your Spirit to minister peace to their hearts and minds. Remind them they are important, they are loved and that their husband, wife, mom or dad is walking out and expressing a servant's heart as they represent family, friends and citizens of heaven and Nevada.

Jesus, we thank You for the perfect example of being a servant. We pray for humility, love, passion and unity for our State Senators as they move forward, leading us in the days ahead.

All of us pray.

AMEN.

Pledge of Allegiance to the Flag.

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

REPORTS OF COMMITTEE

Mr. President:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

PAT SPEARMAN, *Chair*

Mr. President:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 17, 373, 388, 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 Growth and Infrastructure, to which was referred Senate Bill No. 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DALLAS HARRIS, *Chair*

Mr. President:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 242, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

FABIAN DOÑATE, *Chair*

Mr. President:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 14, 104, 362, 395, 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MELANIE SCHEIBLE, *Chair*

Mr. President:

Your Committee on Revenue and Economic Development, to which was referred Senate Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DINA NEAL, *Chair*

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, Carson City, April 20, 2023

To the Honorable the Senate:

I have the honor to inform your honorable body that the Assembly on this day passed Assembly Bill No. 177.

Also, I have the honor to inform your honorable body that the Assembly on this day passed, as amended, Assembly Bills Nos. 8, 32, 60, 185, 207, 214, 231, 267, 272, 303, 343.

CAROL AIELLO-SALA

Assistant Chief Clerk of the Assembly

MOTIONS, RESOLUTIONS AND NOTICES

Senator Cannizzaro moved that Senate Bills Nos. 25, 26, 184, 192, 194, 251, 269, 302, 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 Bills Nos. 296 and 348 be taken from the General File and placed on the Secretary's Desk.

Remarks by Senator Cannizzaro.

This is for purpose of amendments.

Motion carried.

Senator Cannizzaro moved that Senate Bill No. 330 be taken from the Secretary's Desk and placed on the Second Reading File, next agenda.

Motion carried.

Senator Daly approved the addition of Senators Doñate, Dondero Loop, Flores, Harris, Lange, Neal, Scheible and Spearman as cosponsors of Senate Bill No. 275.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 8.

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

Motion carried.

Assembly Bill No. 32.

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

Motion carried.

Assembly Bill No. 60.

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

Motion carried.

Assembly Bill No. 177.

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

Motion carried.

Assembly Bill No. 185.

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

Motion carried.

Assembly Bill No. 207.

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

Motion carried.

Assembly Bill No. 214.

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

Motion carried.

Assembly Bill No. 231.

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

Motion carried.

Assembly Bill No. 267.

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

Motion carried.

Assembly Bill No. 272.

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

Motion carried.

Assembly Bill No. 303.

Senator Lange moved that the bill be referred to the Committee on Growth and Infrastructure.

Motion carried.

Assembly Bill No. 343.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 22.

Bill read third time.

Remarks by Senator Goicoechea.

Senate Bill No. 22 authorizes the additional publication of a legal notice or advertisement on the website of a newspaper of general circulation. If published on the website of a qualified, legal and competent newspaper, an error in the legal notice or advertisement made by the newspaper, a

temporary internet outage or a service interruption that prevents the posting or display of the notice is harmless, and the legal notice or advertisement must be deemed sufficient if it is printed and published in such a newspaper.

Finally, any and every legal notice or advertisement published on a website maintained by a newspaper in violation of certain provisions of law is void.

Roll call on Senate Bill No. 22:
YEAS—21.
NAYS—None.

Senate Bill No. 22 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 106.

Bill read third time.

Remarks by Senator Seevers Gansert.

Senate Bill No. 106 exempts the sale of prescription eyewear to an intended wearer located outside of this State and any related activities with such a sale from the provisions of Nevada law governing ophthalmic dispensing.

Roll call on Senate Bill No. 106:
YEAS—21.
NAYS—None.

Senate Bill No. 106 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 146.

Bill read third time.

Remarks by Senator Lange.

Senate Bill No. 146 prohibits a health carrier from denying a request from a health care provider to enter into a contract to join a provider network established by a health carrier if the provider meets certain terms and conditions for participation. Additionally, this bill authorizes a health carrier to deny a request from a provider of health care to enter into a provider network contract for certain reasons and can terminate a provider from participating in a network for any grounds authorized under the provider contract. Lastly, the bill revises the scope of practice for midwives, authorizing certified nurse midwives to perform physical examinations or obtain a medical history for a patient admitted for childbirth.

Roll call on Senate Bill No. 146:
YEAS—21.
NAYS—None.

Senate Bill No. 146 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 161.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 161 requires the Department of Health and Human Services—to the extent that federal funding is available and to the extent authorized by federal law—to allow recipients of

benefits under the Supplemental Nutrition Assistance or the Special Supplemental Nutrition Program for Women, Infants and Children to use those benefits to purchase menstrual products. The Department must take any action necessary to obtain federal authorization and funding to carry out these provisions.

Roll call on Senate Bill No. 161:
YEAS—21.
NAYS—None.

Senate Bill No. 161 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 260.

Bill read third time.

Remarks by Senator Dondero Loop.

Senate Bill No. 260 requires a senior living community referral agency to disclose certain information to an aged person or their representative and to obtain their consent before making a referral. This bill prohibits such agencies from referring an aged person or their representative to a senior living community under certain circumstances and requires each agency to establish a policy to protect the privacy of aged individuals and their representatives. Finally, the bill prescribes the authorized methods for determining the amount of compensation that a senior living community referral agency receives from a senior living community.

Roll call on Senate Bill No. 260:
YEAS—21.
NAYS—None.

Senate Bill No. 260 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 315.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 315 prescribes certain rights for persons with an intellectual, developmental or physical disability who are receiving home and community-based services or who are aged and receiving such services. The bill also prescribes certain rights for pupils with disabilities who attend public school or who are receiving services from a provider of special education and receiving transition services through an individualized education program.

I want to clarify that second part. For students who are on an individualized education program, also known as an IEP, these considerations are specific to students who are in transition, so older students around the age of 14 as they are preparing to leave high school—leave the public school district—and enter into their career or go on to vocational school or college. The purpose of Senate Bill No. 315 is to involve them in those decisions and ensure that people, who at this point are still kids, are able to participate in conversations about the services they receive, where they receive them, when they receive them and be advocates for themselves both as young people and into adulthood.

Roll call on Senate Bill No. 315:
YEAS—17.
NAYS—Goicoechea, Hansen, Stone, Titus—4.

Senate Bill No. 315 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 354.

Bill read third time.

Remarks by Senator Scheible.

Senate Bill No. 354 requires that in addition to any other requirement under law or court rule, a justice of the peace who is not licensed or admitted to practice law in the courts of the State must, within 18 months of taking the oath of office, pass an exam prescribed by the Nevada Supreme Court. The exam must cover topics related to the duties of a justice of the peace, including, but not limited to, judicial decorum and the Revised Nevada Code of Judicial Conduct, jurisdictionally appropriate criminal and civil procedure, orders for protection and the issuance thereof and the financial administration of a court. The provisions of the bill do not apply to a justice of the peace who holds office on July 1, 2023.

To clarify, I want the body to know I have worked with the Administrative Office of the Courts on this bill. Every person who is elected or appointed as a Justice of the Peace must attend the Judicial College. At the end of the Judicial College there has never been an exam before or any other kind of requirement to demonstrate their mastery of the skills and knowledge they gained at the Judicial College. This bill would implement a process for those who are not already practicing attorneys to take an exam that is created by the Supreme Court at the end of Judicial College to demonstrate that they are ready, capable and able to sit on the bench and preside over legal matters.

Roll call on Senate Bill No. 354:

YEAS—20.

NAYS—Titus.

Senate Bill No. 354 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 410.

Bill read third time.

Remarks by Senator Ohrenschall.

Senate Bill No. 410 provides that if an employee of a juvenile justice service agency has requested an administrative appeal of the substantiation of a report of child abuse or neglect made against the employee, 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 bill also provides that such an employee who is arrested for certain criminal offenses must resolve the matter within 180 days, except that the department may allow the employee additional time to resolve pending misdemeanor charges for good cause shown and must allow the employee additional time to resolve pending misdemeanor charges if, through no fault of the employee, charges have not yet been filed against the employee.

Roll call on Senate Bill No. 410:

YEAS—21.

NAYS—None.

Senate Bill No. 410 having received a constitutional majority, Mr. President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 441.

Bill read third time.

Remarks by Senators Dondero Loop, Doñate, Lange, Spearman and Buck.

SENATOR DONDERO LOOP:

Senate Bill No. 441 repeals the entirety of Senate Bill 4 of the 32nd Special Session, which was enacted in response to the declaration of public health emergencies due to SARS-CoV-2 and a Declaration of Emergency issued by the Governor for COVID-19. The bill also declares void any regulations adopted by the Director of the Department of Health and Human Services or a district board of health pursuant to Senate Bill 4 of the 32nd Special Session.

Lastly, the bill clarifies that the repeal of Senate Bill 4 of the 32nd Special Session does not apply to certain causes of actions or claims arising, or the suspension of certain business licenses occurring, before the effective date of this bill, and the limitations on civil liability of certain businesses contained in Senate Bill 4 of the 32nd Special Session do not apply to any cause of action or claim arising on or after the effective date of this bill.

SENATOR DOÑATE:

Before I begin my remarks today, I want to start by thanking our gaming operators and workers for all they have done throughout the duration of the COVID-19 pandemic. This has been a hard bill. It is a bill that impacts both the businesses that operate in my district and the casino workers that reside in Senate District 10. Over the last few weeks, many of us have spent a lot of time reflecting on the early moments of the pandemic where we talked about what we could have done, what we could have improved. For many of us, March 2020 was one of the darkest moments in our State's history.

Today, we stand together in a different moment. COVID-19 has reached endemicity, and as elected officials, we must now pivot and change our strategy due to the evolution of this disease. Senate Bill No. 441 revises the policies that were instituted at the beginning of the pandemic. There are provisions of Senate Bill No. 441 that have merit. I have been clear during the hearing that we should sunset those provisions that would have been termed out once the emergency declaration had ended. The gaming operators in my district and the public health officials are right. We have erroneously codified public health requirements that do not fluctuate with the changes in our public health response, and now is the appropriate time to address that issue.

With that being said, this is a personal issue that I have encountered with my own family members. It is a bill that has made its way into my own household. During the hearing, I mentioned that my grandmother served as a housekeeper and environmental services (EVS) worker on the Las Vegas Strip for decades. Mom, grandma and I had a conversation about the workload my grandma had endured as a housekeeper on the Strip and the challenges that she had faced as a housekeeper and as a EVS worker. When I asked her for her advice on daily room cleaning, she made it very clear to me on why that was important to her and how it would have helped her job as a housekeeper. With further reflection and given that my office has received calls from the residents in my district asking to revise this bill and considering this bill may fall short on that request, I am casting my opposition to this bill.

SENATOR LANGE:

I speak in favor of this bill. I want to say that this was probably one of the more difficult bills I have had to vote on. In my own mind, I had to separate out policy from collective bargaining. I felt like in the hearing in our committee, we were in a collective bargaining session. What we are here to do is create policy that is good for our State. The COVID-19 pandemic happened, and this bill deals with making sure we go back to how it was before COVID.

I am here to say that with every being in my body, I will stand on the picket line if the Resorts Association does not negotiate daily room cleaning. When you hear the horrifying stories from housekeepers—I have heard so many—it is a job I would not want, yet they are in it every day. We talk about safety in our schools. We should think about safety on our resorts. We are a destination for many people, and we have to create a safe environment for our people to work. I will be the first person on the picket line if we cannot get some agreement between the Culinary Union and the Resorts Association on this, because I think it is paramount, and we need to do it.

SENATOR SPEARMAN:

I agree with both my preceding colleague's both "yes" and those casting in opposition. Those of you who know me know that I take seriously the oath of office to create policy that is good for the entire State and, at the same time, making sure that I am looking at "the least of these." I have carried legislation that was unpopular. The Equal Rights Amendment. I was told, "Leave it alone; it is just a stunt." Now, we see, five years later, that Nevada led the way to resurrecting equality and equity in our Constitution for women. I was told not to carry pay equity by people who said, "Well, we already have that, and women are already paid equally." I knew differently. More women retire in poverty than men.

I stood by the Culinary Union this past summer when they presented the Neighborhood Stabilization Initiative, and the city I live in voted it down. I stood beside them because they were in the right. The Culinary Union was in the right. It was absolutely a legal initiative and should have gone forward. I stood by several other things we had to vote on in the special sessions to include the right to return to work, which was popular on some fronts and unpopular for others.

Last Friday, I stood on what I believe is the right thing to do when I challenged policy that excluded equality and diversity. I said at the end of my comments that sometimes when you are trying to make good policy, politics gets in the way of that. We are here to make good policy. I do not know where all my bills that I have presented will land me, but I had to do the right thing.

In 2017, we had a lot of discussions about renewable energy. Some of you were in this chamber and maybe in the other chambers. For the first part of the session, it was almost a go it alone. When we were asked to consider Uber coming to the State, that was an unpopular position to take, but I supported it because it was the right thing to do.

When I was between my junior and senior year in high school, I was a housekeeper at a motel, emphasis on "mo." There were times I just threw stuff away because I would not put my hands on it. So I understand what it feels like to clean 20, 30, 40 rooms a day, literally. I caught the bus to work because I did not have a car at that time. It was in Kansas City, Missouri.

When I was the military police company commander, we had a shortage of mechanics in the Army. Even though Fort Hood was a 24-hour, wheels-up station, we were not getting the number of mechanics we needed. We had an E-4 doing the work of an E-6, and because military police vehicles are 24/7, they are hot seated. He was keeping all of them on the road under very little sleep. We had a field exercise with the first cavalry unit and because of lack of sleep, he was delirious. He fixed a bayonet and charged a couple of people because in his head, he was in a combat situation. Our brigade commander brought Field Grade Article 15 against him. For those of you who do not know, if you are convicted of that, it can end your career.

I went to my commander, an O-5, and said, "Sir, I know that the brigade commander has brought charges, and I know I am supposed to fall in line with those charges, but if he is going to get an Article 15, then I have to take one, too, because as his commander, I allowed him to work that amount of time. We all have to share in what happened, because if he had help, then that would not have happened." I remember my battalion commander saying to me, I was a first lieutenant, "Are you sure you want to do this?" I said, "Yes, sir." He said, "It may cost you your career." I said, "Yes, sir."

That is the kind of person that I am. I have to weigh what is right even in the midst of something that may not end well for me, but it is the right thing to do. I was in the discussions in the Senate dining room—I think that is where we had them—about this policy during COVID. When we voted on the policy, it was to sunset when all the dangerous situations were no longer dangerous.

I have gone back and forth and back and forth and back and forth with this. This may cost me, but I have to vote my conscience and do the right thing. I join the Senator from Senate District 8. This is not a vote I cast lightly, but it is one that I have to stand on the side of policy, like I did on Friday when I challenged the lack of diversity for a cannabis working group. When I challenge people who do not stand up for veterans, when I stand up for people who do not support equality and equity, sometimes those are lonely places to be, but those are, in my mind, the right thing to do. I will have to take the hit if there is one to come, but I will be voting "yes."

SENATOR BUCK:

I support Senate Bill No. 441, and I commend the author for the bill.

Roll call on Senate Bill No. 441:
YEAS—18.
NAYS—Doñate, Flores, Ohrenschall—3.

Senate Bill No. 441 having received a constitutional majority, Mr. President declared it passed.

Bill ordered transmitted to the Assembly.

WAIVERS AND EXEMPTIONS
NOTICE OF EXEMPTION

April 20, 2023

The Fiscal Analysis Division, pursuant to Joint Standing Rule No. 14.6, has determined the exemption of: Senate Bills Nos. 242, 373.

WAYNE THORLEY
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Senate Bill No. 14.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 423.

SUMMARY—Makes various changes related to gaming. (BDR 41-259)

AN ACT relating to gaming; authorizing ~~[the Nevada Gaming Commission to adopt regulations allowing]~~ the Chair of the Nevada Gaming Control Board to administratively approve certain persons to temporarily engage in certain gaming activities or receive proceeds therefrom without procuring a state gaming license; revising the definition of "gaming employee"; revising provisions relating to delinquent debt owed to the Board that is determined to be impossible or impracticable to collect; ~~[requiring the judicial review of]~~ revising provisions concerning the general powers and duties of the Board and the Nevada Gaming Commission; expanding the activities that are included in the operation of a race book or sports pool; authorizing persons aggrieved by final decisions or orders of the Commission relating to disciplinary matters ~~[and actions for declaratory judgments concerning provisions of law and regulations relating to gaming to be heard in the First Judicial District Court of the State of Nevada]~~ to obtain a judicial review of a decision or order in the district court in and for Carson City; providing that any person authorized to receive a share of the revenue from a slot machine operated on the premises of a gaming licensee is liable for his or her proportionate share of a license fee for the slot machines; including additional fees for which prepayment credit may be granted with regard to continuing operations; ~~[providing that members of the Commission may elect not to participate in the Public Employees' Retirement System;]~~ authorizing the Commission to adopt certain regulations defining the scope of the power and authority of the Board and Commission relating to interactive gaming service providers and service providers; exempting persons who accept employment or an independent contract with the Commission as a Commissioner appointed by the Governor from certain provisions of law governing the employment of retired public employees; and

providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits, in general, a person from engaging in certain activities relating to gaming without procuring a state gaming license. (NRS 463.160, 463.162, 463.650) Section 1 of this bill authorizes the ~~[Nevada Gaming Commission to adopt regulations allowing the]~~ Chair of the Nevada Gaming Control Board , in the sole and absolute discretion of the Chair, to administratively approve certain persons associated with a holder of a license issued by the Nevada Gaming Commission who is deceased ~~[licensee]~~ or ~~[a licensee]~~ who has been judicially declared to be disabled to temporarily engage in such activities or receive proceeds therefrom without procuring a state gaming license. ~~[Section 1 requires that an administrative approval issued by the Chair of the Board be limited to such time as the Chair deems necessary to settle the estate of a deceased licensee or dispose of the assets of a licensee who has been judicially declared to be disabled.]~~ Section 1 authorizes the Chair ~~[to extend such an amount of time if he or she determines the extension is necessary and appropriate and]~~ to condition or limit an administrative approval in any manner he or she deems necessary and appropriate. Section 1 further provides that a person who is administratively approved by the Chair to temporarily engage in certain gaming activities or receive proceeds therefrom without procuring a state gaming license is : (1) required to comply with the provisions of law and regulations governing gaming; and (2) subject to ~~[: (1) the same requirements as a person who engages in such activities and has procured a state gaming license; and (2)]~~ disciplinary action for any violation of such ~~[requirements.]~~ provisions. Sections 3, 4 and 9 of this bill make conforming changes by referring to such an exception for temporary administrative approval in the applicable provisions of law governing the gaming activities for which a state gaming license is otherwise required.

Existing law requires gaming employees to be registered with the Board and defines the term "gaming employee." (NRS 463.0157, 463.335) Section 1.5 of this bill revises the definition of the term "gaming employee" to clarify which persons are required to be registered with the Board.

Existing law requires, in general, state agencies to coordinate their debt collection efforts through the State Controller and assign debts to the State Controller for collection. (NRS 353C.195) If the State Controller determines that it is impossible or impractical to collect a debt, he or she is authorized to request that the State Board of Examiners designate the debt as a bad debt. (NRS 353C.220) Existing law requires the Nevada Gaming Control Board to: (1) prepare and furnish to the Commission an annual report that shows all debts owed to the Board that became or remained delinquent during the preceding year and includes the amount of any delinquent debt that the Board determines is impossible or impractical to collect; and (2) request that the State Board of Examiners designate any amount of delinquent debt determined to be impossible or impractical to collect as bad debt. (NRS 463.123) Section 2 of this bill authorizes the Nevada Gaming Control Board to designate as bad debt

any amount of debt it assigned to the State Controller for collection that the Board determines is impossible or impractical to collect instead of having to request that the State Board of Examiners designate the debt as a bad debt. Section 2 also provides that if the State Controller determines that it is impossible or impractical to collect a debt assigned by the Board, he or she is required to request that the State Board of Examiners designate the debt as a bad debt. Section 11 of this bill makes a conforming change to refer to the exception that the State Controller is required, instead of authorized, to request that the State Board of Examiners designate the debt as a bad debt under section 2.

Existing law ~~[authorizes any person aggrieved by a final decision or order of the Commission made after a disciplinary hearing or rehearing to obtain a judicial review of the decision or order in the district court of the county in which the petitioner resides or has his, her or its principal place of business. (NRS 463.315)]~~ establishes the general powers and duties of the Board and Commission. (NRS 463.140) Section 2.5 of this bill requires that the provisions of law governing gaming that relate to any license, registration, finding of suitability or other approval or authorization be administered by the Board and the Commission. Section 2.5 also establishes an exception to certain authorized actions of the Board, the Commission and their agents.

Existing law requires a person to procure and maintain all applicable gaming licenses and registrations in order to operate a race book or sports pool and sets forth the activities that are included in the operation of a race book or sports pool. (NRS 463.160) Section 3 expands such activities that are included in the operation of a race book or sports pool.

Existing law ~~[also]~~ authorizes the Board or Commission or certain persons to obtain a judicial determination of any construction or validity arising under certain provisions of law governing gaming or any regulation of the Commission by bringing an action for a declaratory judgment in the: (1) First Judicial District Court of the State of Nevada in and for Carson City; or (2) district court of the district in which the plaintiff resides or does business. (NRS 463.343) ~~[Sections]~~ Existing law also authorizes any person aggrieved by a final decision or order of the Commission made after a disciplinary hearing or rehearing to obtain a judicial review of the decision or order in the district court of the county in which the petitioner resides or has his, her or its principal place of business. (NRS 463.315) Section 5 ~~[and 6]~~ of this bill ~~[, respectively, authorize]~~ additionally authorizes a person to obtain such a judicial review ~~[or judicial determination only]~~ in the ~~[First Judicial District Court of the State of Nevada]~~ district court in and for Carson City. Section 6 of this bill revises certain language relating to bringing an action for a declaratory judgment to more closely resemble the language used in section 5.

Existing law: (1) requires the Commission to charge and collect a license fee from an applicant for a restricted operation for each slot machine for each quarter year before the Commission issues a state gaming license to the applicant; and (2) establishes when the license fee must be paid.

(NRS 463.373) Section 7 of this bill provides that any person who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for the person's proportionate share of the license fee and is required to remit or credit his or her proportionate share to the licensee on or before certain dates.

Existing law provides that if the Commission approves the issuance of a license for gaming operations at the same location that is currently licensed or, if the license is for the operation of a slot machine route, locations that are currently licensed, the Chairs of the Board and Commission are authorized in certain circumstances to administratively determine that for the purposes of certain fees, the license shall be deemed transferred, the previously licensed operation shall be deemed a continuing operation and credit must be granted for prepaid license fees. (NRS 463.386) Section 8 of this bill includes additional fees for which prepayment credit must be granted with respect to a continuing operation.

Existing law: (1) authorizes the Commission to provide by regulation for the licensing of an interactive gaming service provider, the registration of a service provider and the operation of such a service provider or interactive gaming service provider; and (2) requires such regulations to provide that the premises on which an interactive service provider and a service provider conducts its operations are subject to the power and authority of the Board and Commission, as though gaming is conducted on the premises and the interactive gaming service provider or service provider is a gaming licensee. (NRS 463.677) Section 9.3 of this bill instead authorizes the Commission to adopt regulations that define the scope of the power and authority of the Board and Commission as it deems appropriate based on the type and function of the specific interactive gaming service provider or service provider. Sections 9.5 and 9.7 of this bill make conforming changes to refer to provisions that have been renumbered by section 9.3.

Existing law ~~[requires members of the Commission to participate in the Public Employees' Retirement System.]~~ establishes provisions concerning the employment of retired public employees and provides that a person who accepts employment or an independent contract with certain entities is exempt from certain provisions of existing law for the duration of the employment or contract. (NRS ~~[286.293)]~~ 286.520) Section ~~[10]~~ 10.5 of this bill ~~[provides that members of]~~ also exempts a person who accepts employment or an independent contract with the Commission ~~[may elect not to participate in the System.]~~ as a Commissioner appointed by the Governor from such provisions for the duration of the employment or contract.

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The ~~[Commission may adopt regulations authorizing the]~~ Chair of the Board ~~[to]~~ may, in the sole and absolute discretion of the Chair,

administratively approve the spouse, next of kin, personal representative, guardian or heir of a ~~[licensee]~~ holder of a license issued by the Commission who is deceased or has been judicially declared to be disabled to temporarily engage in any of the activities set forth in subsection 1 of NRS 463.160, subsection 1 of NRS 463.162 or subsection 1 of NRS 463.650 ~~[for which a state gaming license is required]~~ or receive proceeds therefrom without procuring a state gaming license.

2. ~~[An administrative approval issued by the Chair of the Board pursuant to subsection 1 must be limited to such time as the Chair determines is reasonably necessary to settle the estate of a licensee who is deceased or to dispose of the assets of a licensee who has been judicially declared to be disabled. The Chair may extend such an amount of time if he or she determines an extension is necessary and appropriate.~~

~~3.]~~ The Chair of the Board may condition or limit an administrative approval issued pursuant to subsection 1 in any manner the Chair deems necessary and appropriate.

~~[4.]~~ 3. A person who is administratively approved by the Board to temporarily engage in any of the activities set forth in subsection 1 of NRS 463.160, subsection 1 of NRS 463.162 or subsection 1 of NRS 463.650 ~~[for which a state gaming license is required]~~ or receive proceeds therefrom without procuring a state gaming license : ~~[is subject to:]~~

(a) ~~[The same requirements as a person who engages in such activities and has procured a state gaming license;]~~ Shall comply with the provisions of chapter 463 of NRS and all regulations adopted thereunder; and

(b) ~~[Disciplinary]~~ Is subject to disciplinary action for any violation of those ~~[requirements]~~ provisions as set forth in NRS 463.310 to 463.318, inclusive.

Sec. 1.5. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any ~~[person connected directly with]~~ *employee, temporary employee or other representative of* an operator of a slot route, the operator of a pari-mutuel system *, the operator of an inter-casino linked system* or a manufacturer, distributor or disseminator, or ~~[with the operation of]~~ a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, *whose job duties pertain to the operation, control or outcome of any gambling game or the access, transport or review of any gaming revenue,* including ~~[:]~~ *, without limitation:*

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) ~~[Boxpersons;]~~ *Table games personnel;*

(c) ~~[Cashiers;]~~ *Cage and counting room personnel;*

(d) ~~[Change]~~ *Slot* personnel;

(e) ~~[Counting room]~~ *Keno* personnel;

(f) ~~[Dealers;]~~ *Race book and sports pool personnel;*

(g) Employees of a person required by NRS 464.010 to be licensed to

operate an off-track pari-mutuel system;

(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing and employees of an affiliate of such a person involved in assisting the person in carrying out the duties of the person in this State;

(i) Employees of a person required by paragraph (e) of subsection 1 of NRS 463.160 to be registered to operate as a cash access and wagering instrument service provider;

(j) Employees whose duties are directly involved with the manufacture, repair, sale or distribution of gaming devices, associated equipment when the employer is required by NRS 463.650 to be licensed, cashless wagering systems or interactive gaming systems;

(k) ~~[Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;~~

~~(l)]~~ Employees of operators of interactive gaming systems whose duties include the operational or supervisory control of the systems or the games that are part of the systems;

~~[(m)]~~ *(l)* Employees of operators of call centers who perform, or who supervise the performance of, the function of receiving and transmitting wagering instructions;

~~[(n)]~~ *(m)* Employees who have access to the Board's system of records for the purpose of processing the registrations of gaming employees that a licensee is required to perform pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;

~~[(o) Floorpersons;~~

~~(p)]~~ *(n) Information technology personnel who have operational or supervisory control over information technology systems associated with any of the matters related to gaming described in this subsection;*

(o) Hosts or other persons empowered to extend credit or complimentary services ~~[;~~

~~(q) Keno runners;~~

~~(r) Keno writers;~~

~~(s)]~~ *related to gaming;*

(p) Machine mechanics;

~~[(t)]~~ *(q)* Odds makers and line setters;

~~[(u)]~~ *(r)* Security personnel;

~~[(v)]~~ *(s)* Shift or pit bosses;

~~[(w)]~~ *(t)* Shills;

~~[(x)]~~ *(u)* Supervisors or managers ~~[;~~

~~(y) Ticket writers;~~

~~(z)]~~ *whose duties include the supervision of employees described in this subsection;*

(v) Employees of a person required by NRS 463.160 to be licensed to operate an information service;

~~[(aa) Employees of a licensee who have local access and provide~~

~~management, support, security or disaster recovery services for any hardware or software that is regulated pursuant to the provisions of this chapter and any regulations adopted pursuant thereto;~~

~~(bb) Temporary or contract employees hired by a licensee to perform a function related to gaming; and~~

~~(cc)~~] *(w) Club venue employees; and*

(x) Other persons whose duties are similar to the classifications set forth in paragraphs (a) to ~~[(bb),]~~ *(w),* inclusive, as the Commission may from time to time designate by regulation.

2. "Gaming employee" does not include ~~[barbacks or bartenders]~~ *employees* whose duties do not involve gaming activities, ~~[cocktail servers or other]~~ persons engaged exclusively in preparing or serving food or beverages ~~[.~~

~~3. As used in this section, "local access" means access to hardware or software from within a licensed gaming establishment, hosting center or elsewhere within this State.]~~ *or persons involved primarily in the resort or hotel functions of a licensed gaming establishment.*

Sec. 2. NRS 463.123 is hereby amended to read as follows:

463.123 1. On or before January 15 of each year, the Board shall prepare and furnish to the Commission a report that shows all debts owed to the Board that became or remained delinquent during the preceding year. The Board shall include in the report the amount of any delinquent debt that the Board determines is impossible or impractical to collect.

2. For any amount of debt the ~~[Nevada Gaming Control]~~ Board *has assigned to the State Controller for collection pursuant to NRS 353C.195 that:*

(a) The Board determines is impossible or impractical to collect, the ~~[Nevada Gaming Control]~~ Board ~~[shall request that the State Board of Examiners]~~ *may* designate such amount as a bad debt ~~[. The State Board of Examiners, by an affirmative vote of the majority of the members of the State Board of Examiners, may designate the debt as bad debt if the State Board of Examiners is satisfied that the collection of the debt is impossible or impractical. If the amount of the debt is not more than $50, the State Board of Examiners may delegate to its Clerk the authority to designate the debt as a bad debt. The Nevada Gaming Control Board may appeal to the State Board of Examiners a denial by the Clerk of a request to designate a debt as a bad debt.~~

~~3. Upon the designation of a debt as a bad debt pursuant to this section, the State Board of Examiners or its Clerk shall immediately notify the State Controller thereof. Upon receiving the notification, the State Controller shall direct the removal of the bad debt from the books of account of the State of Nevada. A bad debt that is removed pursuant to this section remains a legal and binding obligation owed by the debtor to the State of Nevada.~~

~~4. The State Controller shall keep a master file of all debts that are designated as bad debts pursuant to this section. For each such debt, the State Controller shall record the name of the debtor, the amount of the debt, the date on which the debt was incurred and the date on which it was removed from the~~

~~records and books of account of the State of Nevada, and any other information concerning the debt that the State Controller determines is necessary.]~~ *and shall notify the State Controller of such a designation. Upon approval by the Chair of the Board, the bad debt may be removed from the books of the account of the Board.*

(b) The State Controller determines is impossible or impractical to collect, the State Controller shall request the State Board of Examiners to designate the debt as a bad debt in accordance with NRS 353C.220.

Sec. 2.5. NRS 463.140 is hereby amended to read as follows:

463.140 1. The provisions of this chapter with respect to ~~[state gaming licenses and manufacturer's, seller's and distributor's licenses]~~ *any license, registration, finding of suitability or other approval or authorization* must be administered by the Board and the Commission, which shall administer them for the protection of the public and in the public interest in accordance with the policy of this state.

2. ~~[The]~~ *Except as otherwise provided in this chapter, the* Board and the Commission and their agents may:

(a) Inspect and examine all premises wherein gaming is conducted or gambling devices or equipment are manufactured, sold or distributed.

(b) Inspect all equipment and supplies in, upon or about such premises.

(c) Summarily seize and remove from such premises and impound any equipment, supplies, documents or records for the purpose of examination and inspection.

(d) Demand access to and inspect, examine, photocopy and audit all papers, books and records of any applicant or licensee, on his or her premises, or elsewhere as practicable, and in the presence of the applicant or licensee, or his or her agent, respecting the gross income produced by any gaming business, and require verification of income, and all other matters affecting the enforcement of the policy or any of the provisions of this chapter.

(e) Demand access to and inspect, examine, photocopy and audit all papers, books and records of any affiliate of a licensee whom the Board or Commission knows or reasonably suspects is involved in the financing, operation or management of the licensee. The inspection, examination, photocopying and audit may take place on the affiliate's premises or elsewhere as practicable, and in the presence of the affiliate or its agent.

3. For the purpose of conducting audits after the cessation of gaming by a licensee, the former licensee shall furnish, upon demand of an agent of the Board, books, papers and records as necessary to conduct the audits. The former licensee shall maintain all books, papers and records necessary for audits for 1 year after the date of the surrender or revocation of his or her gaming license. If the former licensee seeks judicial review of a deficiency determination or files a petition for a redetermination, the former licensee must maintain all books, papers and records until a final order is entered on the determination.

4. The Board may investigate, for the purpose of prosecution, any

suspected criminal violation of the provisions of this chapter, chapter 205 of NRS involving a crime against the property of a gaming licensee, NRS 207.195 or chapter 462, 463B, 464, 465 or 466 of NRS.

5. The Board and the Commission or any of its members has full power and authority to issue subpoenas and compel the attendance of witnesses at any place within this state, to administer oaths and to require testimony under oath. Any process or notice may be served in the manner provided for service of process and notices in civil actions. The Board or the Commission may pay such transportation and other expenses of witnesses as it may deem reasonable and proper. Any person making false oath in any matter before either the Board or Commission is guilty of perjury. The Board and Commission or any member thereof may appoint hearing examiners who may administer oaths and receive evidence and testimony under oath.

Sec. 3. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 3 and NRS 462.155 and 463.172 ~~[,]~~ *and section 1 of this act,* it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon;

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, race book or sports pool;

(e) To operate as a cash access and wagering instrument service provider; or

(f) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➥ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses or registrations as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. Except as otherwise provided in subsection 3, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

3. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

4. For the purposes of this section, the operation of a race book or sports

pool includes ~~[making]~~ *, without limitation:*

(a) Controlling the types of wagers that will be accepted, including, without limitation, controlling the setting of lines, point spreads and odds;

(b) Representing to the public that the person is operating a race book or sports pool;

(c) Having responsibility for the financial success or failure of a race book or sports pool; or

(d) Making the premises available for any of the following purposes:

~~[(a)]~~ *(1)* Allowing patrons to establish an account for wagering with the race book or sports pool;

~~[(b)]~~ *(2)* Accepting wagers from patrons;

~~[(c)]~~ *(3)* Allowing patrons to place wagers;

~~[(d)]~~ *(4)* Paying winning wagers to patrons; or

~~[(e)]~~ *(5)* Allowing patrons to withdraw cash from an account for wagering or to be issued a ticket, receipt, representation of value or other credit representing a withdrawal from an account for wagering that can be redeemed for cash,

➥ whether by a transaction in person at an establishment or through mechanical means, such as a kiosk or similar device, regardless of whether that device would otherwise be considered associated equipment. A separate license must be obtained for each location at which such an operation is conducted.

Sec. 4. NRS 463.162 is hereby amended to read as follows:

463.162 1. Except as otherwise provided in subsections 2 and 3 ~~[,]~~ *and section 1 of this act,* it is unlawful for any person to:

(a) Lend, let, lease or otherwise deliver or furnish any equipment of any gambling game, including any slot machine, for any interest, percentage or share of the money or property played, under guise of any agreement whatever, without having first procured a state gaming license.

(b) Lend, let, lease or otherwise deliver or furnish, except by a bona fide sale or capital lease, any slot machine under guise of any agreement whereby any consideration is paid or is payable for the right to possess or use that slot machine, whether the consideration is measured by a percentage of the revenue derived from the machine or by a fixed fee or otherwise, without having first procured a state gaming license for the slot machine.

(c) Furnish services or property, real or personal, on the basis of a contract, lease or license, pursuant to which that person receives payments based on earnings or profits from any gambling game, including any slot machine, without having first procured a state gaming license.

2. The provisions of subsection 1 do not apply to any person:

(a) Whose payments are a fixed sum determined in advance on a bona fide basis for the furnishing of services or property other than a slot machine.

(b) Who furnishes services or property under a bona fide rental agreement or security agreement for gaming equipment.

(c) That is a wholly owned subsidiary of:

(1) A corporation, limited partnership or limited-liability company holding a state gaming license; or

(2) A holding company or intermediary company, or publicly traded corporation, that has registered pursuant to NRS 463.585 or 463.635 and which has fully complied with the laws applicable to it.

(d) Who is licensed as a manufacturer or distributor pursuant to NRS 463.650.

(e) Who is found suitable by the Commission to act as an independent agent.

➥ Receipts or rentals or charges for real property, personal property or services do not lose their character as payments of a fixed sum or as bona fide because of provisions in a contract, lease or license for adjustments in charges, rentals or fees on account of changes in taxes or assessments, escalations in the cost-of-living index, expansions or improvement of facilities, or changes in services supplied. Receipts of rentals or charges based on percentage between a corporate licensee or a licensee who is a limited partnership or limited-liability company and the entities enumerated in paragraph (c) are permitted under this subsection.

3. The Commission may, upon the issuance of its approval or a finding of suitability, exempt a holding company from the licensing requirements of subsection 1.

4. The Board may require any person exempted by the provisions of subsection 2 or paragraph (b) of subsection 1 to provide such information as it may require to perform its investigative duties.

5. The Board and the Commission may require a finding of suitability or the licensing of any person who:

(a) Owns any interest in the premises of a licensed establishment or owns any interest in real property used by a licensed establishment whether the person leases the property directly to the licensee or through an intermediary.

(b) Repairs, rebuilds or modifies any gaming device.

(c) Manufactures or distributes chips or gaming tokens for use in this state.

(d) Operates a call center within this State as an agent of a licensed race book or sports pool in this State in accordance with the regulations adopted by the Commission.

(e) Has invented, has developed or owns the intellectual property rights to a game for which approval by the Commission is being sought or has been received in accordance with the regulations adopted by the Commission.

6. If the Commission finds a person described in subsection 5 unsuitable, a licensee shall not enter into any contract or agreement with that person without the prior approval of the Commission. Any other agreement between the licensee and that person must be terminated upon receipt of notice of the action by the Commission. Any agreement between a licensee and a person described in subsection 5 shall be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the Commission that the person is unsuitable. Failure expressly to include that

condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement. If the application is not presented to the Board within 30 days after demand, the Commission may pursue any remedy or combination of remedies provided in this chapter.

Sec. 5. NRS 463.315 is hereby amended to read as follows:

463.315 1. Any person aggrieved by a final decision or order of the Commission made after hearing or rehearing by the Commission pursuant to NRS 463.312 to 463.3145, inclusive, and whether or not a petition for rehearing was filed, may obtain a judicial review thereof in the district court ~~[of]~~ *in and for Carson City, the district court in and for* the county in which the petitioner resides or *the district court in and for the county in which the petitioner* has his, her or its principal place of business. ~~*[First Judicial District Court of the State of Nevada in and for Carson City.]*~~

2. The judicial review must be instituted by filing a petition within 20 days after the effective date of the final decision or order. A petition may not be filed while a petition for rehearing or a rehearing is pending before the Commission. The petition must set forth the order or decision appealed from and the grounds or reasons why petitioner contends a reversal or modification should be ordered.

3. Copies of the petition must be served upon the Commission and all other parties of record, or their counsel of record, either personally or by certified mail.

4. The court, upon a proper showing, may permit other interested persons to intervene as parties to the appeal or as friends of the court.

5. The filing of the petition does not stay enforcement of the decision or order of the Commission, but the Commission itself may grant a stay upon such terms and conditions as it deems proper.

6. If judicial review is sought in any case in which a supervisor has been appointed pursuant to NRS 463B.010 to 463B.280, inclusive, the district court shall give priority to that review over other civil actions.

Sec. 6. NRS 463.343 is hereby amended to read as follows:

463.343 1. The Board or Commission or any applicant, licensee, association of licensees, nonprofit corporation that represents licensees, person found suitable, holding company, intermediary company or publicly traded corporation which is registered with the Commission may obtain a judicial determination of any question of construction or validity arising under this chapter, chapter 462 of NRS or any regulation of the Commission by bringing an action for a declaratory judgment in the ~~[First Judicial District Court of the State of Nevada]~~ *district court* in and for Carson City ~~[,]~~ or ~~[in]~~ the district court ~~[of]~~ *in and for* the ~~[district]~~ *county* in which the plaintiff resides or does business, in accordance with the provisions of chapter 30 of NRS.

2. When an action is brought by a person other than the Board or Commission, the Commission must be made a party to the action and the Attorney General must be served with a copy of the complaint and is entitled to appear in the action.

3. Statutes and regulations reviewed pursuant to this section must be construed in a manner consistent with the declared policy of the State.

4. The filing of a complaint for judicial determination under this section does not stay enforcement of any Commission or Board action. The Board or Commission may grant a stay upon appropriate terms.

5. In any proceeding brought under this section, the district court shall not grant any injunctive relief or relief based upon any other extraordinary common-law writ to:

(a) Any applicant for licensing, finding of suitability or registration;

(b) Any person who has been ordered by the Board or Commission to submit his or her application for licensing, finding of suitability or registration;

(c) Any person seeking judicial review of an action of the Commission which is subject to the provisions of NRS 463.315 to 463.318, inclusive; or

(d) Any person who is adversely affected by the appointment of a supervisor pursuant to chapter 463B of NRS.

Sec. 7. NRS 463.373 is hereby amended to read as follows:

463.373 1. Before issuing a state gaming license to an applicant for a restricted operation, the Commission shall charge and collect from the applicant for each slot machine for each quarter year:

(a) A license fee of $81 for each slot machine if the applicant will have at least 1 but not more than 5 slot machines.

(b) A license fee of $405 plus $141 for each slot machine in excess of 5 if the applicant will have at least 6 but not more than 15 slot machines.

2. The Commission shall charge and collect the fee prescribed in subsection 1:

(a) On or before the last day of the last month in a calendar quarter, for the ensuing calendar quarter, from a licensee whose operation is continuing.

(b) In advance from a licensee who begins operation or puts additional slot machines into play during a calendar quarter.

3. Except as otherwise provided in NRS 463.386, no proration of the fee prescribed in subsection 1 may be allowed for any reason.

4. The operator of the location where slot machines are situated shall pay the fee prescribed in subsection 1 upon the total number of slot machines situated in that location, whether or not the machines are owned by one or more licensee-owners.

5. Any person who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the fee prescribed in subsection 1 and shall remit or credit his or her full proportionate share to the licensee on or before the last day of the last month in a calendar quarter, if the licensee is paying the fee in accordance with paragraph (a) of subsection 2, or, if the licensee is paying the fee in accordance with paragraph (b) of subsection 2, on or before the date on which the licensee pays the fee. A licensee is not liable to any person who is authorized to receive a share of the revenue from any slot machine that is operated on the premises of the licensee

for that person's proportionate share of the fee prescribed in subsection 1.

Sec. 8. NRS 463.386 is hereby amended to read as follows:

463.386 1. If the Commission approves the issuance of a license for gaming operations at the same location that is currently licensed, or locations that are currently licensed if the license is for the operation of a slot machine route, the Chair of the Board, in consultation with the Chair of the Commission may administratively determine that, for the purposes of NRS 463.370 , ~~[and]~~ 463.373 to 463.3855, inclusive, *463.450, 463.660, 463.677, 463.760, 463.765 and 464.015,* the gaming license shall be deemed transferred, the previously licensed operation shall be deemed a continuing operation and credit must be granted for prepaid license fees, if the Chair of the Board makes a written finding that such determination is consistent with the public policy of this State pursuant to NRS 463.0129.

2. The Chair of the Board may refer a request for administrative determination pursuant to this section to the Board and the Commission for consideration, or may deny the request for any reasonable cause. A denial may be submitted for review by the Board and the Commission in the manner set forth by the regulations adopted by the Commission which pertain to the review of administrative approval decisions.

3. Except as otherwise provided in this section, no credit or refund of fees or taxes may be made because a gaming establishment ceases operation.

4. The Commission may, with the advice and assistance of the Board, adopt regulations consistent with the policy, objects and purposes of this chapter as it may deem necessary to carry out the provisions of this section.

Sec. 9. NRS 463.650 is hereby amended to read as follows:

463.650 1. Except as otherwise provided in subsections 2 to 7, inclusive, *and section 1 of this act,* it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device, cashless wagering system or interactive gaming system for use or play in Nevada without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section.

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the Board, dispose of by sale in a manner approved by the Board, any or all of its gaming devices, including slot machines and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the Board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The Commission may, by regulation, authorize a person who owns:

(a) Gaming devices for home use in accordance with NRS 463.160; or

(b) Antique gaming devices,

➥ to sell such devices without procuring a license therefor to residents of jurisdictions wherein ownership of such devices is legal.

5. Upon approval by the Board, a gaming device owned by:

(a) A law enforcement agency;

(b) A court of law; or

(c) A gaming device repair school licensed by the Commission on Postsecondary Education,

➥ may be disposed of by sale, in a manner approved by the Board, without a distributor's license. An application for approval must be submitted to the Board in the manner prescribed by the Chair.

6. A manufacturer who performs any action described in paragraph (a), (b) or (c) of subsection 1 of NRS 463.01715 is not required to be licensed under the provisions of this section with respect to the performance of that action if another manufacturer who is licensed under the provisions of this section assumes responsibility for the performance of that action.

7. An independent contractor who designs, develops, programs, produces or composes a control program for use in the manufacture of a gaming device that is for use or play in this State is not required to be licensed under the provisions of this section with respect to the design, development, programming, production or composition of a control program if a manufacturer who is licensed under the provisions of this section assumes responsibility for the design, development, programming, production or composition of the control program.

8. Any person who the Commission determines is a suitable person to receive a license under the provisions of this section may be issued a manufacturer's or distributor's license. The burden of proving his or her qualification to receive or hold a license under this section is at all times on the applicant or licensee.

9. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the Commission.

10. The Commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if the Commission determines that the exemption is consistent with the purposes of this chapter.

11. Any person conducting business in Nevada who is not required to be licensed as a manufacturer, seller or distributor pursuant to subsection 1, but who otherwise must register with the Attorney General of the United States pursuant to Title 15 of U.S.C., must submit to the Board a copy of such registration within 10 days after submission to the Attorney General of the United States.

12. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to knowingly distribute any gaming device, cashless

wagering system, interactive gaming system or associated equipment from Nevada to any jurisdiction where the possession, ownership or use of any such device, system or equipment is illegal.

13. As used in this section:

(a) "Antique gaming device" means a gaming device that was manufactured before 1961.

(b) "Assume responsibility" has the meaning ascribed to it in NRS 463.01715.

(c) "Control program" has the meaning ascribed to it in NRS 463.0155.

(d) "Holding company" has the meaning ascribed to it in NRS 463.485.

(e) "Independent contractor" has the meaning ascribed to it in NRS 463.01715.

Sec. 9.3. NRS 463.677 is hereby amended to read as follows:

463.677 1. The Legislature finds that:

(a) Technological advances have evolved which allow licensed gaming establishments to expose games, including, without limitation, system-based and system-supported games, gaming devices, interactive gaming, cashless wagering systems or race books and sports pools, and to be assisted by an interactive gaming service provider or a service provider, as applicable, who provides important services to the public with regard to the conduct and exposure of such games.

(b) To protect and promote the health, safety, morals, good order and general welfare of the inhabitants of this State, and to carry out the public policy declared in NRS 463.0129, it is necessary that the Board and Commission have the ability to:

(1) License interactive gaming service providers;

(2) Register service providers; and

(3) Maintain strict regulation and control of the operation of such interactive gaming service providers or service providers, respectively, and all persons and locations associated therewith.

2. Except as otherwise provided in subsection 4, the Commission may, with the advice and assistance of the Board, provide by regulation for the:

(a) Licensing of an interactive gaming service provider;

(b) Registration of a service provider; and

(c) Operation of such a service provider or interactive gaming service provider, respectively, and all persons, locations and matters associated therewith.

3. The regulations pursuant to subsection 2 may include, without limitation:

(a) Provisions requiring:

(1) The interactive gaming service provider to meet the qualifications for licensing pursuant to NRS 463.170, in addition to any other qualifications established by the Commission and to be licensed regardless of whether the interactive gaming service provider holds any license.

(2) The service provider to be registered regardless of whether the service

provider holds any license.

(b) Criteria regarding the location from which the interactive gaming service provider or service provider, respectively, conducts its operations, including, without limitation, minimum internal and operational control standards established by the Commission.

(c) Provisions relating to:

(1) The licensing of persons owning or operating an interactive gaming service provider, and any person having a significant involvement therewith, as determined by the Commission.

(2) The registration of persons owning or operating a service provider, and any persons having a significant involvement therewith, as determined by the Commission.

(d) A provision that a person owning, operating or having significant involvement with an interactive gaming service provider or a service provider, respectively, as determined by the Commission, may be required by the Commission to be found suitable to be associated with licensed gaming, including race book or sports pool operations.

(e) Additional matters which the Commission deems necessary and appropriate to carry out the provisions of this section and which are consistent with the public policy of this State pursuant to NRS 463.0129, including that an interactive gaming service provider or a service provider, respectively, must be liable to the licensee on whose behalf the services are provided for the interactive gaming service provider's or service provider's proportionate share of the fees and taxes paid by the licensee.

4. The Commission may not adopt regulations pursuant to this section until the Commission first determines that interactive gaming service providers or service providers, respectively, are secure and reliable, do not pose a threat to the integrity of gaming and are consistent with the public policy of this State pursuant to NRS 463.0129.

5. ~~[Regulations]~~ *Subject to any regulations* adopted by the Commission pursuant to ~~[this section must provide that]~~ *subsection 6*, the premises on which an interactive gaming service provider ~~[and]~~ *or* a service provider ~~[, respectively,]~~ conducts its operations are subject to the power and authority of the Board and Commission pursuant to NRS 463.140, as though the premises are where gaming is conducted and the interactive gaming service provider or service provider, respectively, is a gaming licensee.

6. *The Commission may adopt regulations that define the scope of the power and authority of the Board and Commission provided in subsection 5 as it deems appropriate based on the type and function of a specific interactive gaming service provider or service provider.*

7. As used in this section:

(a) "Interactive gaming service provider" means a person who acts on behalf of an establishment licensed to operate interactive gaming and:

(1) Manages, administers or controls wagers that are initiated, received or made on an interactive gaming system;

(2) Manages, administers or controls the games with which wagers that are initiated, received or made on an interactive gaming system are associated;

(3) Maintains or operates the software or hardware of an interactive gaming system; or

(4) Provides products, services, information or assets to an establishment licensed to operate interactive gaming and receives therefor a percentage of gaming revenue from the establishment's interactive gaming system.

(b) "Service provider" means a person who:

(1) Is a cash access and wagering instrument service provider; or

(2) Meets such other or additional criteria as the Commission may establish by regulation.

Sec. 9.5. NRS 463.750 is hereby amended to read as follows:

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

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

(b) The registration of service providers to perform any action described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

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

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

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

(3) A license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677; and

(4) Registration as a service provider to perform the actions described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

(b) Provide that:

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

(2) A person must hold a license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677; and

(3) A person must be registered as a service provider to perform the actions described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

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

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

(2) Licensed as an interactive gaming service provider as described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677 that are as stringent as the standards for a nonrestricted license; or

(3) Registered as a service provider as described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677 that are as stringent as the standards for a nonrestricted license.

(d) Set forth provisions governing:

(1) The initial fee for a license for an interactive gaming service provider as described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677.

(2) The initial fee for registration as a service provider as described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Operates either:

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

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

4. The Commission may:

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The covered person did not violate, directly or indirectly, any provision of federal law or the law of any state in connection with the

ownership and operation of, or provision of services to, an interactive gaming facility that, after December 31, 2006, operated interactive gaming involving patrons located in the United States; and

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

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

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

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

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

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

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

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

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

Sec. 9.7. NRS 463.767 is hereby amended to read as follows:

463.767 1. The Commission may, with the advice and assistance of the Board, adopt a seal for its use to identify:

(a) A license to operate interactive gaming;

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

(c) A license for an interactive gaming service provider to perform the actions described in paragraph (a) of subsection ~~[6]~~ *7* of NRS 463.677; and

(d) Registration as a service provider to perform the actions described in paragraph (b) of subsection ~~[6]~~ *7* of NRS 463.677.

2. The Chair of the Commission has the care and custody of the seal.

3. The seal must have imprinted thereon the words "Nevada Gaming Commission."

4. A person shall not use, copy or reproduce the seal in any way not authorized by this chapter or the regulations of the Commission. Except under circumstances where a greater penalty is provided in NRS 205.175, a person who violates this subsection is guilty of a gross misdemeanor.

5. A person convicted of violating subsection 4 is, in addition to any criminal penalty imposed, liable for a civil penalty upon each such conviction. A court before whom a defendant is convicted of a violation of subsection 4 shall, for each violation, order the defendant to pay a civil penalty of $5,000. The money so collected:

(a) Must not be deducted from any penal fine imposed by the court;

(b) Must be stated separately on the court's docket; and

(c) Must be remitted forthwith to the Commission.

Sec. 10. ~~[NRS 286.293 is hereby amended to read as follows:~~

~~286.293 1. The following employees of public employers shall participate in the System:~~

~~(a) Those employed on or after July 1, 1977, in positions considered to be half-time or more according to the full-time work schedule established for that public employer.~~

~~(b) Elected officials or persons appointed to elective positions who are elected or appointed after July 1, 1975, except where excluded by NRS 286.297 and except justices of the peace and municipal judges who are allowed and who elect to participate in the Judicial Retirement Plan pursuant to NRS 1A.285.~~

~~(c) A member whose allowance is vested or who is contributing immediately before a legislative session who is employed on or after January 1, 1981, by either house of the Legislature or by the Legislative Counsel Bureau.~~

~~(d) A member of the Nevada Gaming Commission [.] , *unless the member of the Commission elects not to participate in the System.*~~

~~2. The Board shall establish standards for determining what constitutes a full-time work schedule pursuant to paragraph (a) of subsection 1.]~~ (Deleted by amendment.)

Sec. 10.5. NRS 286.520 is hereby amended to read as follows:

286.520 1. Except as otherwise provided in this section and NRS 286.525, the consequences of the employment of a retired employee are:

(a) A retired employee who accepts employment or an independent contract

with a public employer under this System is disqualified from receiving any allowances under this System for the duration of that employment or contract if:

(1) The retired employee accepted the employment or contract within 90 calendar days after the effective date of the employee's retirement; or

(2) The retired employee is employed in a position which is eligible to participate in this System.

(b) If a retired employee accepts employment or an independent contract with a public employer under this System more than 90 calendar days after the effective date of the employee's retirement in a position which is not eligible to participate in this System, the employee's allowance under this System terminates upon the employee's earning an amount equal to one-half of the average salary for participating public employees who are not police officers or firefighters in any fiscal year, for the duration of that employment or contract.

(c) If a retired employee accepts employment with an employer who is not a public employer under this System, the employee is entitled to the same allowances as a retired employee who has no employment.

2. The retired employee and the public employer shall notify the System:

(a) Within 10 days after the first day of an employment or contract governed by paragraph (a) of subsection 1.

(b) Within 30 days after the first day of an employment or contract governed by paragraph (b) of subsection 1.

(c) Within 10 days after a retired employee earns more than one-half of the average salary for participating public employees who are not police officers or firefighters in any fiscal year from an employment or contract governed by paragraph (b) of subsection 1.

3. For the purposes of this section, the average salary for participating public employees who are not police officers or firefighters must be computed on the basis of the most recent actuarial valuation of the System.

4. If a retired employee who accepts employment or an independent contract with a public employer under this System pursuant to this section elects not to reenroll in the System pursuant to subsection 1 of NRS 286.525, the public employer with which the retired employee accepted employment or an independent contract may pay contributions on behalf of the retired employee to a retirement fund which is not a part of the System in an amount not to exceed the amount of the contributions that the public employer would pay to the System on behalf of a participating public employee who is employed in a similar position.

5. If a retired employee is chosen by election or appointment to fill an elective public office, the retired employee is entitled to the same allowances as a retired employee who has no employment, unless the retired employee is serving in the same office in which the retired employee served and for which the retired employee received service credit as a member. A public employer may pay contributions on behalf of such a retired employee to a retirement

fund which is not a part of the System in an amount not to exceed the amount of the contributions that the public employer would pay to the System on behalf of a participating public employee who serves in the same office.

6. The System may waive for one period of 30 days or less a retired employee's disqualification under this section if the public employer certifies in writing, in advance, that the retired employee is recalled to meet an emergency and that no other qualified person is immediately available.

7. A person who accepts employment or an independent contract with:

(a) Either house of the Legislature or the Legislative Counsel Bureau; ~~[or]~~

(b) *The Nevada Gaming Commission as a Commissioner appointed by the Governor; or*

(c) The Nevada Court System as a senior justice, senior judge, senior justice of the peace or senior municipal judge,

➥ is exempt from the provisions of subsections 1 and 2 for the duration of that employment or contract.

8. A person who accepts employment with a volunteer fire department of which all the volunteers have become members of the System pursuant to NRS 286.367 is exempt from the provisions of subsections 1 and 2 for the duration of that employment.

Sec. 11. NRS 353C.220 is hereby amended to read as follows:

353C.220 1. ~~[If]~~ *Except as otherwise provided in NRS 463.123, if* the State Controller determines that it is impossible or impractical to collect a debt, the State Controller may request the State Board of Examiners to designate the debt as a bad debt. The State Board of Examiners, by an affirmative vote of the majority of the members of the Board, may designate the debt as a bad debt if the Board is satisfied that the collection of the debt is impossible or impractical. If the debt is not more than $50, the State Board of Examiners may delegate to its Clerk the authority to designate the debt as a bad debt. The State Controller may appeal a denial of a request to designate the debt as a bad debt by the Clerk to the State Board of Examiners.

2. Upon the designation of a debt as a bad debt pursuant to this section, the State Board of Examiners or its Clerk shall immediately notify the State Controller thereof. Upon receiving the notification, the State Controller shall direct the removal of the debt from the books of account of the State of Nevada. A bad debt that is removed pursuant to this section remains a legal and binding obligation owed by the debtor to the State of Nevada.

3. The State Controller shall keep a master file of all debts that are designated as bad debts pursuant to this section. For each such debt, the State Controller shall record the name of the debtor, the amount of the debt, the date on which the debt was incurred and the date on which it was removed from the records and books of account of the State of Nevada, and any other information concerning the debt that the State Controller determines is necessary.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 423 to Senate Bill No. 14 allows the Chair of the Gaming Control Board sole

discretion regarding whether to administratively approve certain persons to temporarily engage in gaming activities without a license, particularly when the person holding the license is deceased or otherwise incapacitated. It adds the ability for the Chair to "limit" such administrative approvals; clarifies that a person who has been granted such approval and who receives proceeds from gaming must comply with Chapter 463 of Nevada Revised Statutes and related regulations and is subject to disciplinary actions for noncompliance. It revises the definitions of "gaming employee"; modernizes statutes regarding the oversight of cloud service providers related to interactive gaming; revises the components involved in the operation of a race book or sports pool; and restores language allowing judicial review of a commission decision or order to take place where a petitioner resides or does business. Finally, it allows the Governor to appoint a retired employee as a gaming commissioner under emergency conditions.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 17.

Bill read second time.

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

Amendment No. 453.

SUMMARY—Revises provisions relating to regional transportation commissions. (BDR 22-384)

AN ACT relating to regional transportation commissions; ~~[authorizing a regional transportation commission to employ or appoint security officers for certain purposes;]~~ revising provisions relating to advisory committees established by regional transportation commissions in certain counties; revising provisions relating to the administration of the Nevada Yellow Dot Program; expanding the transportation projects for which regional transportation commissions in certain counties may provide grants of money; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes a regional transportation commission to provide for and maintain such security in operations as is necessary for the protection of persons and property under its jurisdiction and control. (NRS 277A.260) Section 1 of this bill authorizes a regional transportation commission to employ or appoint security officers in providing for and maintaining such security.]~~

Existing law requires a regional transportation commission in a county whose population is 700,000 or more (currently Clark County) to establish an advisory committee to provide information and advice to the regional transportation commission regarding benches, shelters and transit stops for passengers of public mass transportation in that county. Existing law further: (1) sets forth the required membership and terms of the advisory committee; (2) sets forth the manner in which vacancies occurring in the membership of the advisory committee must be filled; (3) requires the advisory committee to annually elect a chair and vice chair; and (4) requires the advisory committee to meet at least six times annually. (NRS 277A.340) Section 2 of this bill: (1) ~~[authorizes, instead of]~~ requires ~~[,]~~ a regional transportation commission in a

county whose population is 100,000 or more (currently Clark and Washoe Counties) to establish an advisory committee; (2) ~~[eliminates]~~ revises the required membership ~~[and terms]~~ of the advisory committee; (3) eliminates the manner in which vacancies in the membership of the advisory committee must be filled; ~~[and]~~ (4) eliminates the requirements for the advisory committee to annually elect a chair and vice chair ; and (5) requires the advisory committee to meet at least ~~[six]~~ four times annually. ~~[Section 5 of this bill provides that, notwithstanding the provisions of section 2, if an advisory committee exists in a county whose population is 700,000 or more on July 1, 2023, the respective regional transportation commission shall not eliminate the advisory committee until the terms of all existing members of the advisory committee have expired.]~~

Existing law requires a regional transportation commission in a county whose population is 700,000 or more to: (1) establish and administer the Nevada Yellow Dot Program for the purpose of improving traffic safety; and (2) provide at certain locations throughout the State or by mail certain materials for the Program to any person in the State who wishes to participate in the Program. (NRS 277A.347) Section 3 of this bill instead authorizes such a regional transportation commission to: (1) establish and administer the Program; and (2) provide such materials relating to the Program at certain locations throughout the State or by mail. Section 3 further authorizes, rather than requires, such a regional transportation commission to: (1) coordinate with each regional transportation commission in this State regarding the design, implementation and funding of the Program; (2) consider materials used by similar programs in other states; and (3) establish and carry out a public information campaign regarding the Program.

Existing law authorizes a regional transportation commission to provide grants of money to conduct research for and otherwise develop and implement certain transportation projects that promote innovative transportation and transit technology. (NRS 277A.430) Section 4 of this bill expands the types of transportation projects for which a regional transportation commission may provide such grants of money to include emerging transportation and transit technologies.

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

Section 1. ~~[NRS 277A.260 is hereby amended to read as follows:~~

~~277A.260 A commission may:~~

~~1. Provide for and maintain such security in operations *, including, without limitation, the employment or appointment of security officers,* as is necessary for the protection of persons and property under its jurisdiction and control.~~

~~2. Employ professional, technical, clerical and other personnel necessary to carry out the provisions of this chapter.~~

~~3. Establish a fine for a passenger who refuses to pay or otherwise fails to pay the proper fare to ride on the public transit system established and operated by the commission. If the commission establishes such a fine, the commission~~

~~may establish procedures that provide for the issuance and collection of the fine.]~~ (Deleted by amendment.)

Sec. 2. NRS 277A.340 is hereby amended to read as follows:

277A.340 1. ~~[In]~~ *Except as otherwise provided in subsection 5, in* a county whose population is ~~[700,000]~~ *100,000* or more, the commission shall ~~*[may]*~~ establish an advisory committee to ~~[provide]~~ *:*

(a) Provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county ~~[.]~~ *; and*

(b) Perform, at the discretion of the commission, any other duties.

2. The commission shall appoint members to the advisory committee. The membership of the advisory committee must consist of:

(a) ~~[Two]~~ *At least two* members ~~[of the general public from each city within the county who are appointed by the governing body of that city;]~~ *who:*

(1) Are employees who work on the public transit system in the county;

(2) Are not in a supervisory position; and

(3) Are recommended by the principal officers of the employee organization that represents such employees.

(b) ~~[Six members]~~ *At least one member* of the general public . ~~[appointed by the commission.~~

~~2. Each member of the advisory committee serves a term of 1 year. A member may be reappointed for additional terms of 1 year in the same manner as the original appointment.~~

~~3. A vacancy occurring in the membership of the advisory committee must be filled in the same manner as the original appointment.]~~

(c) Any other additional members appointed at the discretion of the commission.

~~[4.]~~ *3.* The advisory committee shall meet at least ~~[six]~~ *four* times annually.

~~[5. At its first meeting and annually thereafter, the advisory committee shall elect a chair and vice chair from among its members.~~

~~6.]~~ *4.* Each

~~*[2. If an advisory committee is established by the commission pursuant to this section, each]*~~ member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses.

5. If a commission has established other committees, the commission may assign the duty of an advisory committee to provide information and advice to the commission concerning the construction, installation and maintenance of benches, shelters and transit stops for passengers of public mass transportation in the county to another committee, provided that the membership of the other committee meets the requirements of paragraphs (a) and (b) of subsection 2.

Sec. 3. NRS 277A.347 is hereby amended to read as follows:

277A.347 1. In a county whose population is 700,000 or more, the

commission ~~[shall]~~ *may* establish and administer the Nevada Yellow Dot Program for the purpose of improving traffic safety.

2. The commission specified in subsection 1 ~~[shall]~~ *may* coordinate with each commission in this State regarding the design, implementation and funding of the Program.

3. The Program ~~[must:]~~ *may:*

(a) Be available to any person in this State who wishes to participate in the Program by obtaining ~~[the]~~ materials ~~[described in paragraphs (b) and (c):]~~ *for the Program:*

(1) At the main office or any branch office of each commission in this State;

(2) At the main office or any branch office of the Nevada Highway Patrol, the Department of Transportation or other location designated by the commission in a county whose population is 700,000 or more; or

(3) By mail, upon request.

(b) Provide to a participant a distinctive round yellow decal to be placed on a specified location of a vehicle in which the participant is regularly a driver or passenger, to notify first responders that important medical information concerning an occupant of the vehicle may be found in the glove compartment of the vehicle if the occupant is involved in a crash or other emergency.

(c) Provide to a participant a brightly colored and distinctively marked envelope and information card to be completed by the participant and kept in the glove box of a vehicle upon which the decal described in paragraph (b) has been affixed. The information card must include, without limitation, spaces for the participant to include:

(1) The participant's name;

(2) A recent photograph of the participant;

(3) Emergency contact information;

(4) Any allergies or medical conditions of the participant;

(5) The name and contact information of the participant's physician and a preferred hospital, if any; and

(6) Information, if any, regarding the participant's health insurance.

4. In designing materials for the Program, the commission in a county whose population is 700,000 or more ~~[shall]~~ *may* consider any materials used by similar programs in other states to ensure, to the extent practicable, uniformity with those materials.

5. In a county whose population is 700,000 or more, the commission ~~[shall]~~ *may* establish and carry out a public information campaign to raise public awareness of the Program. In carrying out that campaign, that commission ~~[shall]~~ *may* disseminate information concerning the Program to public safety agencies in this State.

6. In a county whose population is 700,000 or more, the commission may apply for and accept any gift, donation, bequest, grant or other source of money to carry out the Program, including, without limitation, any private or corporate sponsorship for the Program.

7. A first responder is not liable for any civil damages as a result of any act or omission taken by the first responder relating to a crash or other emergency, not amounting to gross negligence, including, without limitation, failure to observe a decal, failure or inability to locate an information card, or reliance on incomplete, incorrect or outdated information on an information card.

8. As used in this section, "first responder" means any police, fire or emergency medical personnel acting in the normal course of duty.

Sec. 4. NRS 277A.430 is hereby amended to read as follows:

277A.430 A commission may:

1. Provide grants of money to conduct research for and otherwise develop and implement transportation projects that promote innovative *and emerging* transportation and transit ~~[technology,]~~ *technologies*, including, without limitation, automated driving systems as defined in NRS 482A.025.

2. Enter into agreements in accordance with 49 U.S.C. § 5315 and any guidelines adopted pursuant thereto.

3. Operate, develop and maintain a high-capacity transit system, to the exclusion of any other publicly owned system of transportation within its area of jurisdiction.

4. Construct high-capacity transit systems in the county or a city within the county which owns a public right-of-way if the county or city within the county approves of such construction.

5. Adopt regulations regarding:

(a) Unauthorized parking of vehicles at a transportation facility within the jurisdiction of the commission, including, without limitation, the imposition of a civil penalty for a violation of such regulations; and

(b) The imposition of fees for the use of the facilities or services of the commission and the use of such fees for the construction or operation of transportation facilities.

Sec. 5. 1. Notwithstanding the provisions of NRS 277A.340, as amended by section 2 of this act, ~~[if an advisory committee exists on July 1, 2023, the respective regional transportation commission shall not eliminate the advisory committee until]~~ the terms of all persons who are members of the advisory committee ~~[on July 1, 2023,]~~ do not expire until those terms would have expired pursuant to the provisions of subsection 2 of NRS 277A.340, as that section existed on June 30, 2023.

2. As used in this section, "advisory committee" means an advisory committee established by a regional transportation commission in a county whose population is 700,000 or more pursuant to NRS 277A.340, as that section existed on June 30, 2023.

Sec. 6. This act becomes effective on July 1, 2023.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 453 to Senate Bill No. 17 deletes section 1 regarding the employment of security officers; makes section 2 apply to transportation commissions in counties with a

population of 100,000 or more; changes "may" to "shall" for the purposes of establishing an advisory committee; and revises the membership meeting requirements and duties of the advisory committee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 413.

SUMMARY—Revises provisions relating to traffic offenses. (BDR 43-309)

AN ACT relating to vehicles; revising provisions relating to certain traffic and related violations; revising provisions relating to the suspension of the driver's license of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

During the 2021 Legislative Session, the Legislature enacted Assembly Bill No. 116 (A.B. 116), which established civil penalties for certain traffic and related violations and enacted procedures for the adjudication of such violations. (Assembly Bill No. 116, chapter 506, Statutes of Nevada 2021, at page 3297) The procedures for the adjudication of civil infractions prescribed by A.B. 116 were based, in part, on the procedures for the adjudication of criminal violations prescribed by chapter 176 of NRS.

During the 2021 Legislative Session, the Legislature also enacted Senate Bill No. 219 (S.B. 219), which revised certain statutory provisions upon which the requirements prescribed by A.B. 116 were based by removing the authority of a court to suspend the driver's license of a defendant or prohibit a defendant from applying for a driver's license for a specified period as a result of any delinquent fine, administrative assessment, fee or restitution owed. (Senate Bill No. 219, chapter 505, Statutes of Nevada 2021, at page 3292)

Section 2 of this bill makes a technical change to align provisions relating to the adjudication of certain traffic and related civil infractions with the changes made by S.B. 219. Specifically, section 2 removes the authority of a court to order the suspension of the driver's license of a person or prohibit a person from applying for a driver's license for a specified period as a result of a delinquent fine, administrative assessment or fee associated with a civil penalty imposed for a traffic or related violation. (NRS 484A.7047) Section 1 of this bill makes a conforming change relating to the removal of the authority of a court to suspend the driver's license of a person pursuant to section 2.

Section 3 of this bill provides that if, on or after the effective date of this bill, a person is subject to a suspension of his or her driver's license or a delay in the issuance of a driver's license imposed for failure to pay a delinquent fine, administrative assessment or fee, the Department of Motor Vehicles must: (1) immediately reinstate the driver's license of the person or the ability of the

person to apply for the issuance of a driver's license; and (2) notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license. Section 3 also provides that the Department may not charge any fee for such reinstatement of a driver's license or require a person to undergo any physical or mental examination to be eligible for such reinstatement of a driver's license.

Existing law prescribes the required contents of traffic citations and civil infraction citations. (NRS 484A.630, 484A.7035) Sections 1.3 and 1.4 of this bill revise the required contents of such citations.

Existing law authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a traffic citation is issued for the purpose of enabling the court in which the person is required to appear to communicate with the person. (NRS 484A.630) Section 1.4 similarly authorizes a peace officer to request the electronic mail address and mobile telephone number of a person to whom a civil infraction citation is issued for the same purpose.

Existing law requires a court to send certain notice to a person who receives a civil infraction citation. (NRS 484A.704) Section 1.6 of this bill requires this notice to include certain information regarding any online program of dispute resolution established by the court.

Existing law: (1) authorizes certain courts and traffic violations bureaus to establish a system through which certain persons may perform certain actions related to a traffic citation or civil infraction citation; and (2) prescribes certain requirements relating to any such system. (NRS 484A.615) Section 1.2 of this bill additionally requires any such system to be capable of allowing certain persons to submit the state registration number of the vehicle the person was driving when the citation was issued.

Existing law requires a person who receives a civil infraction citation to respond to the citation within 90 days after the date on which the citation is issued. Section 1.6 instead requires such a person to respond to the citation within 90 days after the date on which the citation is issued or filed with the court, whichever is later. Section 1.4 makes a conforming change relating to the revised deadline set forth in section 1.6.

Under existing law, if a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by: (1) indicating that the person does not contest the determination; and (2) submitting full payment of the monetary penalty specified in the citation. (NRS 484A.704) Section 1.6 revises this requirement by authorizing such a person to request that the court waive or reduce the monetary penalty specified in the citation or enter into a payment plan with the person in lieu of requiring the person to submit full payment of the monetary penalty specified in the citation. Section 1.8 of this bill authorizes the court to waive or reduce the monetary penalty or enter into a payment plan with a person who submits a request pursuant to section 1.6 under certain circumstances.

Under existing law, any civil penalty assessed against a person who is found to have committed a civil infraction must be paid to: (1) the treasurer of the city in which the civil infraction occurred; or (2) if the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction occurred. (NRS 484A.7043) Section 1.8 instead requires any such civil penalty to be paid to the treasurer of the city or county, as applicable, in which the civil infraction citation was filed.

Existing law: (1) authorizes a prosecuting attorney to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction; and (2) provides a procedure for making such an election. Pursuant to this procedure, existing law requires the prosecuting attorney to make the election on or before the time scheduled for the first appearance of the defendant. (NRS 484A.7049) Section 2.2 of this bill: (1) authorizes the prosecuting attorney to make the election at any time before the court enters a judgment of conviction; and (2) eliminates certain procedural requirements relating to making such an election. Section 2.2 also authorizes the district attorney or city attorney of any county or city, respectively, to authorize a traffic enforcement agency over whom the district attorney or city attorney has jurisdiction to elect to treat certain traffic and related offenses that are punishable as a misdemeanor instead as a civil infraction.

Existing law authorizes a peace officer to arrest a person without a warrant if the peace officer has reasonable cause for believing that the person has committed homicide by vehicle, certain offenses involving driving under the influence and certain other traffic and related offenses. (NRS 484A.710) Section 2.6 of this bill authorizes a peace officer who has reasonable cause for believing that a person has committed a violation for which existing law authorizes the peace officer to arrest a person to also arrest the person without a warrant for an offense that is punishable as a civil infraction. Section 2.4 of this bill makes a conforming change relating to arrests authorized by section 2.6.

Existing law provides certain persons with immunity from liability for certain acts or omissions under certain circumstances. (Chapter 41 of NRS) Section 2.7 of this bill provides that a prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by the imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State. Sections 2.72 and 2.74 of this bill make conforming changes to indicate the proper placement of section 2.7 in the Nevada Revised Statutes.

Section 2.8 of this bill authorizes a board of county commissioners to provide by ordinance that a violation of a traffic ordinance enacted by the board imposes a civil penalty instead of a criminal sanction.

Section 2.9 of this bill requires the Department of Public Safety, in consultation with law enforcement agencies and courts of this State, to: (1) study best practices for developing and implementing a standardized,

statewide uniform civil infraction citation; and (2) submit its findings and recommendations for legislation to the Joint Interim Standing Committee on the Judiciary. Section 2.95 of this bill requires justice courts and municipal courts, on or before January 1, 2024, to adopt rules governing the practice and procedure for setting aside a default judgment in an action relating to a civil infraction.

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

Section 1. NRS 483.443 is hereby amended to read as follows:

483.443 1. The Department shall, upon receiving notification from a district attorney or other public agency collecting support for children pursuant to NRS 425.510 that a court has determined that a person:

(a) Has failed to comply with a subpoena or warrant relating to a proceeding to establish paternity or to establish or enforce an obligation for the support of a child; or

(b) Is in arrears in the payment for the support of one or more children,

➥ send a written notice to that person that his or her driver's license is subject to suspension.

2. The notice must include:

(a) The reason for the suspension of the license;

(b) The information set forth in subsections 3, 5 and 6; and

(c) Any other information the Department deems necessary.

3. If a person who receives a notice pursuant to subsection 1 does not, within 30 days after receiving the notice, comply with the subpoena or warrant or satisfy the arrearage as required in NRS 425.510, the Department shall suspend the license without providing the person with an opportunity for a hearing.

4. The Department shall suspend immediately the license of a defendant if so ordered pursuant to NRS 62B.420 . ~~[or 484A.7047.]~~

5. The Department shall reinstate the driver's license of a person whose license was suspended pursuant to this section if it receives:

(a) A notice from *:* ~~[any of the following:]~~

(1) The district attorney or other public agency pursuant to NRS 425.510 that the person has complied with the subpoena or warrant or has satisfied the arrearage pursuant to that section ~~[.]~~ *; ~~[or]~~*

(2) A traffic commissioner, referee, hearing master, municipal judge, justice of the peace or district judge, as applicable ~~[, that a delinquency for which the suspension was ordered pursuant to NRS 484A.7047 has been discharged.]~~ *; or*

(3) A judge of the juvenile court that an unsatisfied civil judgment for which the suspension was ordered pursuant to NRS 62B.420 has been satisfied; and

(b) Payment of the fee for reinstatement of a suspended license prescribed in NRS 483.410.

6. The Department shall not require a person whose driver's license was

suspended pursuant to this section to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of the reinstatement of the license.

Sec. 1.2. NRS 484A.615 is hereby amended to read as follows:

484A.615 1. A court having jurisdiction over an offense for which a traffic citation must be issued pursuant to NRS 484A.630 or that is punishable as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, or its traffic violations bureau may establish a system by which, except as otherwise provided in subsection 6, the court or traffic violations bureau may allow:

(a) A person who has been issued a traffic citation or a civil infraction citation that is filed with the court or traffic violations bureau to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea and state his or her defense or, if authorized, any mitigating circumstances, by mail, by electronic mail, over the Internet or by other electronic means.

(b) A peace officer who issued a civil infraction citation to a person or, if the provisions of NRS 484A.7049 apply, a peace officer who halted a person, to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath by mail, by electronic mail, over the Internet or by other electronic means in lieu of his or her personal appearance at the hearing held pursuant to NRS 484A.7041 to contest the determination that the person who has been issued the civil infraction citation committed a civil infraction.

2. Except as otherwise provided in subsection 6, if a court or traffic violations bureau has established a system pursuant to subsection 1, the court or traffic violations bureau may allow:

(a) A person described in paragraph (a) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to make a plea or state his or her defense or, if authorized, any mitigating circumstances in lieu of making a plea and statement of his or her defense or any mitigating circumstances in court.

(b) A peace officer described in paragraph (b) of subsection 1 to use the system to perform certain actions approved by the court or traffic violations bureau, including, without limitation, to submit a written statement under oath in lieu of making a personal appearance in court.

3. Any plea or statement submitted through the system by a person or peace officer pursuant to subsection 2 must be received by the court before the date on which the person is required to appear in court pursuant to the traffic citation or civil infraction citation.

4. If a court or traffic violations bureau allows an eligible person to whom a traffic citation or civil infraction citation is issued to use a system established pursuant to subsection 1 to make a plea and state his or her defense or, if authorized, any mitigating circumstances and the person chooses to make a plea and state his or her defense or any mitigating circumstances by using such a system, the person waives any relevant constitutional right, including,

without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

5. Any system established pursuant to subsection 1 must:

(a) For the purpose of authenticating that the person making the plea and statement of his or her defense or any mitigating circumstances or performing any other approved action is the person to whom the traffic citation or civil infraction citation was issued, be capable of requiring the person to submit any of the following information, as applicable, at the discretion of the court or traffic violations bureau:

(1) The traffic citation number or civil infraction citation number;

(2) The name and address of the person;

(3) The state registration number of the ~~[person's]~~ vehicle ~~[,]~~ *the person was driving when the traffic citation or civil infraction citation was issued,* if any;

(4) The number of the driver's license of the person, if any;

(5) The offense charged or the civil infraction for which the citation was issued; and

(6) Any other information required by any rules adopted by the Nevada Supreme Court pursuant to subsection 7.

(b) For the purposes of authenticating that the peace officer submitting the written statement or performing any other approved action is the peace officer who issued the civil infraction citation, be capable of requiring the peace officer to submit any of the following information at the discretion of the court or traffic violations bureau:

(1) The civil infraction citation number;

(2) The civil infraction for which the citation was issued; and

(3) The first initial, last name and personnel number of the peace officer.

(c) Provide notice to each person who uses the system to make a plea and statement of his or her defense or any mitigating circumstances that the person waives any relevant constitutional right, including, without limitation, the right to a trial, the right to confront any witnesses and the right to counsel, as applicable.

(d) If a plea and statement of the defense or mitigating circumstances of a person or a written statement of a peace officer is submitted by electronic mail, over the Internet or by other electronic means:

(1) Confirm receipt of:

(I) The plea and statement to the person making the plea; and

(II) The written statement to the peace officer; or

(2) Make available to:

(I) The person making the plea a copy of the plea and statement; and

(II) The peace officer submitting the written statement a copy of the written statement.

6. A person who has been issued a traffic citation for any of the following offenses may not make a plea and state his or her defense or any mitigating circumstances by using a system established pursuant to subsection 1:

(a) Aggressive driving in violation of NRS 484B.650;

(b) Reckless driving in violation of NRS 484B.653;

(c) Vehicular manslaughter in violation of NRS 484B.657; or

(d) Driving, operating or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance in violation of NRS 484C.110 or 484C.120, as applicable.

7. The Nevada Supreme Court may adopt rules not inconsistent with the laws of this State to carry out the provisions of this section.

Sec. 1.3. NRS 484A.630 is hereby amended to read as follows:

484A.630 1. Whenever a person is halted by a peace officer for any violation of chapters 484A to 484E, inclusive, of NRS and is not taken before a magistrate as required or permitted by NRS 484A.720 and 484A.730, the peace officer must prepare a traffic citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing a notice to appear in court, the name and address of the person, the state registration number of the ~~[person's]~~ vehicle ~~[,]~~ *the person was driving when the citation was issued*, if any, the number of the person's driver's license, if any, the offense charged, including a brief description of the offense and the NRS citation, the time and place when and where the person is required to appear in court, and such other pertinent information as may be necessary. The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means. The peace officer shall sign the citation and deliver a copy of the citation to the person charged with the violation. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

2. The time specified in the notice to appear must be at least 5 days after the alleged violation.

3. The place specified in the notice to appear must be before a magistrate, as designated in NRS 484A.750.

4. The person charged with the violation may give his or her written promise to appear in court by signing or physically receiving at least one copy of the traffic citation prepared by the peace officer and thereupon the peace officer shall not take the person into physical custody for the violation. If the citation is prepared electronically, the peace officer shall indicate on the electronic record of the citation whether the person charged gave his or her written promise to appear. A copy of the citation that is signed by the person charged or the electronic record of the citation which indicates that the person charged gave his or her written promise to appear suffices as proof of service.

5. If the person charged with the violation refuses to sign a copy of the

traffic citation but physically receives a copy of the citation delivered by the peace officer:

(a) The receipt shall be deemed personal service of the notice to appear in court;

(b) A copy of the citation signed by the peace officer suffices as proof of service; and

(c) The peace officer shall not take the person into physical custody for the violation.

Sec. 1.4. NRS 484A.7035 is hereby amended to read as follows:

484A.7035 1. When a person is halted by a peace officer in this State for any violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is a civil infraction, *or, if authorized by a traffic enforcement agency pursuant to NRS 484A.7049, for a violation of certain such provisions that is punishable as a misdemeanor,* or a prosecuting attorney elects to treat a violation of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor instead as a civil infraction in accordance with NRS 484A.7049, the peace officer or prosecuting attorney, as applicable, may prepare a civil infraction citation manually or electronically in the form of a complaint issuing in the name of "The State of Nevada," containing *:* ~~[, except as otherwise provided in paragraph (a) of subsection 2 of NRS 484A.7049:]~~

(a) A statement that the citation represents a determination by a peace officer or prosecuting attorney that a civil infraction has been committed by the person named in the citation and that the determination will be final unless contested as provided in NRS 484A.703 to 484A.705, inclusive;

(b) A statement that a civil infraction is not a criminal offense;

(c) The name, date of birth, residential address and mailing address, if different from the residential address, telephone number and electronic mail address of the person who is being issued the citation and an indication as to whether the person has agreed to receive communications relating to the civil infraction by text message;

(d) The state registration number of the ~~[person's]~~ vehicle ~~[,]~~ *the person was driving when the citation was issued,* if any;

(e) The number of the person's driver's license, if any;

(f) The civil infraction for which the citation was issued;

(g) The personnel number or other unique agency identification number of the peace officer issuing the citation ~~[and the address and phone number of the agency which employs the peace officer]~~ or, if a prosecuting attorney is issuing the citation, the personnel number or other unique agency identification number of the peace officer who halted the person for the violation or the volunteer appointed pursuant to NRS 484B.470 who issued the citation ~~[and the address and phone number of the agency which employs the peace officer or volunteer,]~~ preprinted or printed legibly on the citation;

(h) A statement of the options provided pursuant to NRS 484A.703 to 484A.705, inclusive, for responding to the citation and the procedures necessary to exercise these options;

(i) A statement that, at any hearing to contest the determination set forth in the citation, the facts that constitute the infraction must be proved by a preponderance of the evidence and the person may subpoena witnesses, including, without limitation, the peace officer or duly authorized member or volunteer of a traffic enforcement agency who issued the citation or halted the person; and

(j) A statement that the person must respond to the citation as provided in NRS 484A.703 to 484A.705, inclusive, within 90 calendar days ~~[.]~~ *after the date on which the citation is issued or filed with the court, whichever is later.*

2. *The peace officer may also request, and the person may provide, the electronic mail address and mobile telephone number of the person for the purpose of enabling the court in which the person is required to appear to communicate with the person. If the peace officer requests such information, the peace officer shall expressly inform the person that providing such information is voluntary and, if the person provides such information, the person thereby gives his or her consent for the court to communicate with the person through such means.*

3. A peace officer who issues a civil infraction citation pursuant to subsection 1 shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared electronically, the peace officer shall sign the copy of the citation that is delivered to the person charged with the violation.

~~[3.]~~ *4.* A civil infraction citation may be served by delivering a copy of the citation to the person charged with the civil infraction pursuant to this section or NRS 484A.7049. The acceptance of a civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the copy of the citation signed by the peace officer or prosecuting attorney, as applicable, constitutes proof of service.

Sec. 1.6. NRS 484A.704 is hereby amended to read as follows:

484A.704 1. Any person who receives a civil infraction citation pursuant to NRS 484A.7035 or 484A.7049 shall respond to the citation as provided in this section not later than 90 calendar days after the date on which the citation is issued ~~[.]~~ *or filed with the court, whichever is later.*

2. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting ~~[full]~~ *in person, by mail or through the Internet or other electronic means:*

(a) Full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, or its traffic violations bureau ~~[, in person, by mail or through the Internet or other electronic means.]~~ *; or*

(b) A request that the court waive or reduce the monetary penalty or enter

into a payment plan with the person, if the person believes that full payment of the monetary penalty and administrative assessment is excessive in relation to his or her financial resources or is not within his or her present financial ability to pay. Such a request must include any supporting documentation.

3. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.

4. Except as otherwise provided in ~~[this]~~ subsection ~~[,]~~ *5,* not less than 30 days before the deadline for a person to respond to a civil infraction citation, the court must send to the address or electronic mail address of the person, as indicated on the civil infraction citation issued to the person ~~[, a]~~ *:*

(a) A reminder that the person must respond to the civil infraction citation within 90 calendar days after the date on which the civil infraction citation is issued ~~[.]~~ *or filed with the court, whichever is later; and*

(b) If the court has established an online program of dispute resolution, notice of the availability of the program and instructions for participation in the program.

5. If the person agreed to receive communications relating to the civil infraction by text message, the court may send ~~[such a]~~ *the* notice *required by subsection 4* to the telephone number of the person as indicated on the civil infraction citation.

6. If the person does not respond to the civil infraction citation in the manner specified by subsection 2 or 3 within 90 calendar days after the date on which the civil infraction citation is issued ~~[,]~~ *or filed with the court, whichever is later,* the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.

~~[5.]~~ *7.* If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection 3, the court must enter an order pursuant to NRS 484A.7043 finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection 3 may not appeal an order entered pursuant to this subsection.

~~[6.]~~ *8.* In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection ~~[5]~~ *7* shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

~~[7.]~~ *9.* If a court has established a system pursuant to NRS 484A.615, any person issued a civil infraction citation may, if authorized by the court, use the system to perform any applicable actions pursuant to this section.

Sec. 1.8. NRS 484A.7043 is hereby amended to read as follows:

484A.7043 1. Except as otherwise provided in this section, a person who is found to have committed a civil infraction shall be punished by a civil penalty of not more than $500 per violation unless a greater civil penalty is authorized by specific statute. Except as otherwise provided in NRS 484A.792, any civil penalty collected pursuant to NRS 484A.703 to 484A.705, inclusive, must be paid to:

(a) The treasurer of the city in which the civil infraction ~~[occurred;]~~ *citation was filed;* or

(b) If the civil infraction did not occur in a city, the treasurer of the county in which the civil infraction ~~[occurred.]~~ *citation was filed.*

2. If a person is found to have committed a civil infraction, in addition to any civil penalty imposed on the person, the court shall order the person to pay the administrative assessments set forth in NRS 176.059, 176.0611, 176.0613 and 176.0623 in the amount that the person would be required to pay if the civil penalty were a fine imposed on a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor. If, in lieu of a civil penalty, the court authorizes a person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles, the court must order the person to pay the amount of the administrative assessment that corresponds to the civil penalty for which the defendant would have otherwise been responsible. The administrative assessments imposed pursuant to this subsection must be collected and distributed in the same manner as the administrative assessments imposed and collected pursuant to NRS 176.059, 176.0611, 176.0613 and 176.0623.

3. If the court determines that a civil penalty or administrative assessment *specified in the civil infraction citation or* imposed pursuant to this section is:

(a) Excessive in relation to the financial resources of the defendant, the court may waive or reduce the monetary penalty accordingly.

(b) Not within the defendant's present financial ability to pay, the court may enter into a payment plan with the person.

4. A court having jurisdiction over a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, may:

(a) In addition to ordering a person who is found to have committed a civil infraction to pay a civil penalty and administrative assessments pursuant to this section, order the person to successfully complete a course of traffic safety approved by the Department of Motor Vehicles.

(b) Waive or reduce the civil penalty that a person who is found to have committed a civil infraction would otherwise be required to pay if the court determines that any circumstances warrant such a waiver or reduction.

(c) Reduce any moving violation for which a person was issued a civil infraction citation to a nonmoving violation if the court determines that any

circumstances warrant such a reduction.

Sec. 2. NRS 484A.7047 is hereby amended to read as follows:

484A.7047 1. If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive, whether or not the civil penalty, administrative assessment or fee is in addition to any other punishment, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:

(a) Not more than $100, if the amount of the delinquency is less than $2,000.

(b) Not more than $500, if the amount of the delinquency is $2,000 or greater, but is less than $5,000.

(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is $5,000 or greater.

2. The city or county that is responsible for collecting a delinquent civil penalty, administrative assessment or fee may, in addition to attempting to collect the delinquent amounts through any other lawful means, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amounts owed by a person who is found to have committed a civil infraction. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1 in accordance with the provisions of the contract.

3. If a court finds that a person committed a civil infraction, the civil penalty, administrative assessments and fees prescribed for the civil infraction may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. The court may ~~[:~~

~~(a) Request]~~ *request* that the city or county in which the court has jurisdiction undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.

~~[(b) Order the suspension of the driver's license of the delinquent person. If the delinquent person does not possess a driver's license, the court may prohibit him or her from applying for a driver's license for a specified period. If the delinquent person is already the subject of a court order suspending or delaying the issuance of his or her driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order pursuant to this paragraph suspending the driver's license of a delinquent person or delaying the ability of a delinquent person to apply for a driver's license, the court shall, within~~

~~5 days after issuing the order, forward to the Department a copy of the order. The Department shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the delinquent person's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.]~~

4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:

(a) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money in the fund only to develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program.

(b) Except as otherwise provided in paragraph (c), if the money is collected by or on behalf of a justice court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to:

(1) Develop and implement a program for the collection of civil penalties, administrative assessments and fees and to hire additional personnel necessary for the success of such a program; or

(2) Improve the operations of a court by providing funding for:

(I) A civil law self-help center; or

(II) Court security personnel and equipment for a regional justice center that includes the justice courts of that county.

(c) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a) or (b).

Sec. 2.2. NRS 484A.7049 is hereby amended to read as follows:

484A.7049 1. A prosecuting attorney may *, at any time before a court having jurisdiction over the alleged offense enters a judgment of conviction against a defendant,* elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.

2. The ~~[prosecuting attorney shall make the election described in subsection 1 on or before the time scheduled for the first appearance of the defendant by:~~

~~(a) Preparing a civil infraction citation in accordance with subsection 1 of NRS 484A.7035 that contains all applicable information that is known to the prosecuting attorney, signing the citation and filing the citation with a court having jurisdiction over the alleged offense or with its traffic violations bureau;~~

~~(b) Filing notice of the prosecuting attorney's election with the court having~~

~~jurisdiction of the underlying criminal charge; and~~

~~(c) Delivering a copy of the notice and citation to the defendant.~~

~~3. Upon the filing of a notice pursuant to paragraph (b) of subsection 2, the court shall dismiss the underlying criminal charge.~~] *district attorney or city attorney of any county or city, respectively, may authorize a traffic enforcement agency over whom the district attorney or city attorney, as applicable, has jurisdiction to elect to treat a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a misdemeanor, other than a violation of NRS 484C.110 or 484C.120, as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive. If so authorized, a traffic enforcement agency may authorize a peace officer employed by the agency to treat a violation of such provisions as a civil infraction pursuant to NRS 484A.703 to 484A.705, inclusive.*

Sec. 2.4. NRS 484A.705 is hereby amended to read as follows:

484A.705 Notwithstanding any other provision of law, if a person commits a violation of a provision of chapters 483 to 484E, inclusive, 486 or 490 of NRS that is punishable as a civil infraction while the person is under the influence of alcohol or a controlled substance, the person may ~~[instead]~~ be ~~[charged]~~ *:*

1. Charged with a misdemeanor ~~[.]~~ *; and*

2. Arrested, if authorized pursuant to NRS 484A.710.

Sec. 2.6. NRS 484A.710 is hereby amended to read as follows:

484A.710 1. Any peace officer may, without a warrant, arrest a person if the officer has reasonable cause for believing that the person has committed ~~[any]~~ *:*

(a) Any of the following offenses:

~~[(a)]~~ *(1)* Homicide by vehicle;

~~[(b)]~~ *(2)* A violation of NRS 484C.110 or 484C.120;

~~[(c)]~~ *(3)* A violation of NRS 484C.430;

~~[(d)]~~ *(4)* A violation of NRS 484C.130;

~~[(e)]~~ *(5)* Failure to stop, give information or render reasonable assistance in the event of a crash resulting in death or personal injuries in violation of NRS 484E.010 or 484E.030;

~~[(f)]~~ *(6)* Failure to stop or give information in the event of a crash resulting in damage to a vehicle or to other property legally upon or adjacent to a highway in violation of NRS 484E.020 or 484E.040;

~~[(g)]~~ *(7)* Reckless driving;

~~[(h)]~~ *(8)* Driving a motor vehicle on a highway or on premises to which the public has access at a time when the person's driver's license has been cancelled, revoked or suspended; or

~~[(i)]~~ *(9)* Driving a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person pursuant to NRS 483.490.

(b) An offense that is punishable as a civil infraction, if the officer has reasonable cause for believing that the person has committed an offense listed

in paragraph (a).

2. Whenever any person is arrested as authorized in this section, the person must be taken without unnecessary delay before the proper magistrate as specified in NRS 484A.750.

Sec. 2.65. NRS 484A.760 is hereby amended to read as follows:

484A.760 Whenever any person is taken into custody by a peace officer for the purpose of taking him or her before a magistrate or court as authorized or required in chapters 484A to 484E, inclusive, of NRS upon any charge other than a felony or the offenses enumerated in ~~[paragraphs (a) to (e),]~~ *subparagraphs (1) to (5),* inclusive, of *paragraph (a) of* subsection 1 of NRS 484A.710, and no magistrate is available at the time of arrest, and there is no bail schedule established by the magistrate or court and no lawfully designated court clerk or other public officer who is available and authorized to accept bail upon behalf of the magistrate or court, the person must be released from custody upon the issuance to the person of a misdemeanor citation or traffic citation and the person signing a promise to appear, as provided in NRS 171.1773 or 484A.630, respectively, or physically receiving a copy of the traffic citation, as provided in NRS 484A.630.

Sec. 2.7. Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:

A prosecuting attorney who prosecutes a person charged with a civil infraction or a violation of a traffic ordinance that is punishable by imposition of a civil penalty is immune from liability to the same extent as a prosecuting attorney who prosecutes a person charged with violating a criminal law of this State.

Sec. 2.72. NRS 41.0307 is hereby amended to read as follows:

41.0307 As used in NRS 41.0305 to 41.039, inclusive ~~[,]~~ *, and section 2.7 of this act:*

1. "Employee" includes an employee of a:

(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) Charter school.

(c) University school for profoundly gifted pupils described in chapter 388C of NRS.

2. "Employment" includes any services performed by an immune contractor.

3. "Immune contractor" means any natural person, professional corporation or professional association which:

(a) Is an independent contractor with the State pursuant to NRS 333.700; and

(b) Contracts to provide medical services for the Department of Corrections.

➥ As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.

4. "Public officer" or "officer" includes:

(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.

(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.

(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.

Sec. 2.74. NRS 41.031 is hereby amended to read as follows:

41.031 1. The State of Nevada hereby waives its immunity from liability and action and hereby consents to have its liability determined in accordance with the same rules of law as are applied to civil actions against natural persons and corporations, except as otherwise provided in NRS 41.032 to 41.038, inclusive, *and section 2.7 of this act,* 485.318, subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.010 or the limitations of NRS 41.032 to 41.036, inclusive. The State of Nevada further waives the immunity from liability and action of all political subdivisions of the State, and their liability must be determined in the same manner, except as otherwise provided in NRS 41.032 to 41.038, inclusive, *and section 2.7 of this act,* subsection 3 and any statute which expressly provides for governmental immunity, if the claimant complies with the limitations of NRS 41.032 to 41.036, inclusive.

2. An action may be brought under this section against the State of Nevada or any political subdivision of the State. In any action against the State of Nevada, the action must be brought in the name of the State of Nevada on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit. An action against the State of Nevada must be filed in the county where the cause or some part thereof arose or in Carson City. In an action against the State of Nevada, the summons and a copy of the complaint must be served upon:

(a) The Attorney General, or a person designated by the Attorney General, at the Office of the Attorney General in Carson City; and

(b) The person serving in the office of administrative head of the named agency.

3. The State of Nevada does not waive its immunity from suit conferred by Amendment XI of the Constitution of the United States.

Sec. 2.8. NRS 244.3575 is hereby amended to read as follows:

244.3575 A board of county commissioners may by ordinance provide that ~~[the]~~ *:*

1. The violation of a specific ordinance regulating parking imposes a civil penalty in an amount not to exceed $155, instead of a criminal sanction.

2. A violation of a traffic ordinance enacted by the board of county commissioners pursuant to NRS 484A.400 imposes a civil penalty in an amount not to exceed $500, instead of a criminal sanction.

Sec. 2.9. On or before July 1, 2024, the Department of Public Safety, in

consultation with law enforcement agencies and courts of this State, shall:

1. Study uniform civil infraction citations used in different states to determine best practices for developing and implementing a standardized, statewide uniform civil infraction citation in this State; and

2. Submit its findings and any recommendations for legislation resulting from the study to the Director of the Legislative Counsel Bureau for transmittal to the Joint Interim Standing Committee on the Judiciary.

Sec. 2.95. On or before January 1, 2024, the justice courts and municipal courts in this State shall adopt rules governing the practice and procedure for setting aside a default judgment entered in an action initiated pursuant to NRS 484A.703 to 484A.705, inclusive.

Sec. 3. 1. If, on or after the effective date of this act, a person is subject to:

(a) A suspension of his or her driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047; or

(b) A court order delaying the issuance of a driver's license pursuant to paragraph (b) of subsection 3 of NRS 484A.7047,

➥ as that section existed before the effective date of this act, the Department of Motor Vehicles shall immediately reinstate the driver's license of the person or the ability of the person to apply for the issuance of a driver's license, as applicable, and shall notify the person, as soon as possible, of the reinstatement of his or her driver's license or ability to apply for the issuance of a driver's license, as applicable.

2. The Department of Motor Vehicles may not:

(a) Charge any fee for the reinstatement of the driver's license of a person in accordance with this section; or

(b) Require a person to undergo any physical or mental examination pursuant to NRS 483.330 or 483.495 to be eligible for reinstatement of his or her driver's license.

Sec. 4. The amendatory provisions of this act apply to offenses committed before, on or after the effective date of this act.

Sec. 5. This act becomes effective upon passage and approval.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 413 to Senate Bill No. 104 revises the required content of traffic and civil infraction citations and authorizes a peace officer to request the email address and mobile phone number of a person who receives a citation. It requires a court notice concerning a civil infraction to include information on any online dispute resolution program the court has established and requires a court, or other traffic system for handling citations, to allow the registration number of the vehicle to be entered into the system. It requires a response to a citation within 90 days of issuance or of court filing, whichever is later, and allows a person to request that the fee associated with a citation be waived or that they be allowed to enter a payment plan and authorizes a court to do either. It provides that fees for civil infractions are to be paid to the city or county treasurer, as applicable, where the infraction was filed and revises the timeline for a prosecutor to elect to treat a misdemeanor as a civil infraction and makes other procedural revisions accordingly. It authorizes a district attorney to allow a traffic enforcement agency to elect to certain misdemeanor offenses as civil infractions, allows a peace officer to arrest a person for certain civil violations without a

warrant, provides a prosecutor immunity from liability for prosecuting civil infractions the same way it is provided for prosecuting violations of criminal law and allows a board of county commissioners to provide by ordinance that violations of certain traffic ordinances may be treated as civil infractions. Finally, the amendment requires the Department of Public Safety, in consultation with other traffic law-related entities to conduct a study of how best to develop and implement a standardized statewide civil infraction citation and submit its findings and recommendations to the Joint Interim Standing Committee on Judiciary and requires justice and municipal courts to adopt rules governing setting aside a default judgment in an action relating to a civil infraction by January 1, 2024.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 242.

Bill read second time.

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

Amendment No. 354.

SUMMARY— ~~[Revises provisions relating to certain controlled substances.]~~ Requires the Department of Health and Human Services to establish the Psychedelic Medicines Working Group. (BDR ~~[40-39)]~~ S-39)

AN ACT relating to controlled substances; ~~[establishing procedures for a research facility to obtain the approval of]~~ requiring the Department of Health and Human Services to ~~[conduct certain studies involving certain controlled substances; decriminalizing certain conduct by persons who are 18 years of age or older involving psilocybin and MDMA if conducted in connection with and within the scope of an approved study; decriminalizing certain conduct by persons who are 18 years of age or older involving 4 ounces or less of fungi that produces psilocybin or psilocin;]~~ establish the Psychedelic Medicines Working Group to study certain issues relating to the therapeutic use of entheogens during the 2023-2024 interim; prescribing the membership and duties of the Working Group; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the State Board of Pharmacy to administer the Uniform Controlled Substances Act and to add substances to or delete or reschedule all substances enumerated in schedules I, II, III, IV and V by regulation. (NRS 453.146) Existing regulations of the Board list psilocybin, psilocin and 3,4-methylenedioxymethamphetamine, commonly referred to as MDMA, as schedule I controlled substances. (NAC 453.510)~~

~~Existing law prohibits certain acts relating to controlled substances, including, without limitation: (1) importing, transporting, selling, exchanging, bartering, supplying, prescribing, dispensing, giving away or administering the controlled substance; (2) manufacturing or compounding the controlled substance; (3) unlawfully possessing the controlled substance not for the purpose of sale; (4) unlawfully possessing the controlled substance for the purpose of sale; and (5) for schedule I and II controlled substances, trafficking~~

~~in the controlled substance. (NRS 453.321, 453.322, 453.336, 453.337, 453.338, 453.3385) Existing law also: (1) authorizes the Board to authorize the possession and distribution of controlled substances by persons engaged in research; and (2) requires a practitioner to comply with certain registration requirements before conducting research regarding a controlled substance. (NRS 453.155, 453.231)~~

~~Section 2 of this bill authorizes a research facility to submit to~~] This bill requires the Department of Health and Human Services ~~[an application for approval to conduct a study that includes a clinical trial involving persons who are 18 years of age or older to study the use of MDMA or psilocybin in the treatment of mental health and other medical conditions. Section 2 requires the Department to adopt regulations establishing criteria for determining whether to approve an application to conduct such a study. If the Department approves the application, section 2 provides that any person who is 18 years of age or older who engages in certain conduct involving psilocybin or MDMA in connection with and within the scope of the study does not commit a violation of any law, ordinance, rule or regulation of this State or any political subdivision of this State and any such conduct must not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.~~

~~Section 3 of this bill provides that a person who is 18 years of age or older and who engages in certain conduct involving 4 ounces or less of fungi that produces~~] to establish the Psychedelic Medicines Working Group to study certain issues relating to the therapeutic use of entheogens during the 2023-2024 interim. This bill defines "entheogen" to include, without limitation, psilocybin ~~[or]~~ and psilocin. ~~[, regardless of whether the conduct occurs in connection with a study, does not commit a violation of any law, ordinance, rule or regulation of this State or any political subdivision of this State and any such conduct must not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person.]~~ This bill also: (1) prescribes the membership and duties of the Working Group; and (2) requires the Department of Health and Human Services to submit a written report describing the activities, findings, conclusions and recommendations of the Working Group for transmittal to the 83rd Session of the Legislature.

WHEREAS, Nevada has a high prevalence of adults with behavioral health conditions; and

WHEREAS, Studies conducted by nationally and internationally recognized medical institutions indicate that psilocybin ~~[and 3,4 methylenedioxymethamphetamine, commonly known as MDMA, have]~~ has shown efficacy and safety in the treatment of a variety of behavioral health conditions, including, without limitation, addiction, treatment-resistant depression, major depressive disorder, post-traumatic stress disorder ~~[, anxiety disorders]~~ and psychological distress relating to the end of life; and

WHEREAS, The United States Food and Drug Administration has

determined that preliminary clinical evidence indicates that psilocybin ~~[and MDMA]~~ may demonstrate substantial improvement over available therapies for treatment-resistant depression ~~[and post-traumatic stress disorder, respectively,]~~ and major depressive disorder and has accordingly granted Breakthrough Therapy designation for treatment that uses psilocybin as a therapy for treatment-resistant depression ~~[and treatment that uses MDMA as a therapy for post-traumatic stress disorder;]~~ and major depressive disorder; and

WHEREAS, Numerous state and local lawmaking bodies throughout the United States have already enacted or are currently considering legislation decriminalizing certain conduct by certain persons relating to psilocybin and psilocin; now, therefore

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

Section 1. ~~[Chapter 453 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ (Deleted by amendment.)

Sec. 2. ~~*[1. A research facility may submit to the Department an application for approval to conduct a study that includes a clinical trial involving persons who are 18 years of age or older to study the use of MDMA or psilocybin in the treatment of mental health and other medical conditions, including, without limitation:*~~

~~*(a) Depression;*~~

~~*(b) Anxiety;*~~

~~*(c) Post-traumatic stress disorder;*~~

~~*(d) Bipolar disorder;*~~

~~*(e) Chronic pain; and*~~

~~*(f) Migraines.*~~

~~*2. An application to conduct a study submitted pursuant to subsection 1 must include:*~~

~~*(a) The name and address of the research facility;*~~

~~*(b) A detailed description of the study that includes, without limitation, a description of the goals and scope of the study, the methods to be used in conducting the study and the duration of the study; and*~~

~~*(c) Such other information as the Department may require.*~~

~~*3. Upon receipt of an application to conduct a study submitted pursuant to subsection 1, the Department shall evaluate the application under criteria prescribed by the Department pursuant to subsection 5. If the Department approves the study, the Department shall provide written notice to the research facility of the approval.*~~

~~*4. Notwithstanding any other provision of law, if the Department approves an application to conduct a study pursuant to subsection 1, any person who is 18 years of age or older and who engages in any of the following conduct in connection with and within the scope of the study does not commit a violation of any law, ordinance, rule or regulation of this State or any political subdivision of this State and any such conduct may not constitute the basis for*~~

~~*any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person:*~~

~~*— (a) The possession, use, consumption, cultivation, manufacturing, growing, harvesting, preparation, compounding, conversion, handling, transportation, administration, sharing, giving away, testing or delivery of MDMA or psilocybin by the person or between the person and another person who engages in such conduct in connection with and within the scope of the study.*~~

~~*— (b) The possession, use, production, handling, transportation, distribution, sharing, giving away or delivery of paraphernalia that is used in the cultivation, production, storage or use of MDMA or psilocybin by the person or between the person and another person who engages in such conduct in connection with and within the scope of the study.*~~

~~*— (c) Being in the presence or vicinity of any conduct described in this subsection.*~~

~~*— (d) Aiding or abetting any conduct described in this section.*~~

~~*— 5. The Department shall adopt regulations establishing criteria to be used in evaluating whether to approve to an application to conduct a study submitted pursuant to subsection 1. The criteria must include, without limitation, consideration of the scientific value and potential impact of the study.*~~

~~*— 6. As used in this section:*~~

~~*— (a) "MDMA" means 3,4 methylenedioxymethamphetamine. The term includes any mixture or substance that contains a detectable amount of 3,4 methylenedioxymethamphetamine but does not contain any controlled substance other than 3,4 methylenedioxymethamphetamine.*~~

~~*— (b) "Psilocybin" includes psilocybin, psilocin, any fungi that produces psilocybin or psilocin and any mixture or substance that contains a detectable amount of psilocybin or psilocin but does not contain any controlled substance other than psilocybin or psilocin.*~~

~~*— (c) "Research facility" means a university, college, medical school, medical facility or other organization which has as one of its principal purposes the conducting of medical or scientific research.]*~~ (Deleted by amendment.)

Sec. 3. ~~*[1. Notwithstanding any other provision of law, any person who is 18 years of age or older and who engages in any of the following conduct does not commit a violation of any law, ordinance, rule or regulation of this State or any political subdivision of this State and any such conduct may not constitute the basis for any investigation, detention, search, seizure, arrest, prosecution or other legal penalty against the person:*~~

~~*— (a) The possession, use, consumption, cultivation, manufacturing, growing, harvesting, preparation, compounding, conversion, handling, transportation, administration, sharing, giving away, testing or delivery of 4 ounces or less of fungi that produces psilocybin or psilocin by the person or between the person and another person who is 18 years of age or older.*~~

~~*— (b) The possession, use, production, handling, transportation, distribution, sharing, giving away or delivery of paraphernalia that is used in the*~~

~~*cultivation, production, storage or use of fungi that produces psilocybin or psilocin.*~~

~~*(c) Being in the presence or vicinity of any conduct described in this subsection.*~~

~~*(d) Aiding or abetting any conduct described in this section.*~~

~~*2. This section must not be construed or interpreted to allow a person to distribute or sell any amount of fungi that produces psilocybin or psilocin for remuneration as part of a business promotion or other commercial activity.]*~~ (Deleted by amendment.)

Sec. 3.5. 1. The Department of Health and Human Services shall establish the Psychedelic Medicines Working Group to study certain issues relating to the therapeutic use of entheogens during the 2023-2024 interim. The Working Group must consist of:

(a) The Director of the Department of Health and Human Services or his or her designee;

(b) The Attorney General or his or her designee;

(c) The Director of the Department of Veterans Services or his or her designee;

(d) The President of the State Board of Pharmacy or his or her designee;

(e) One member appointed by the Majority Leader of the Senate;

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

(g) One member appointed by the Speaker of the Assembly;

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

(i) The following members appointed by the Governor, each of whom must be a bona fide resident of this State for not less than 1 year immediately preceding his or her appointment:

(1) One member who has received an honorable discharge from the Armed Forces of the United States and who has experience with the use of entheogens to address post-traumatic stress disorder;

(2) One member who is a psychiatrist, or a psychologist with clinical experience, and who:

(I) Is licensed to practice in this State; and

(II) Has experience treating patients who have an alcohol or other substance use disorder;

(3) One member who has experience treating post-traumatic stress disorder in a clinical setting;

(4) One member who has experience researching the therapeutic use of entheogens pursuant to a license issued by the Drug Enforcement Administration of the United States Department of Justice;

(5) One member who is a representative of a tribal government, as defined in NRS 239C.105, in this State;

(6) One member who is a representative of an organization that advocates for and provides education to the public regarding the therapeutic use of entheogens; and

(7) One member who is a representative of a law enforcement agency in

this State.

2. The Working Group shall, during the 2023-2024 interim:

(a) Examine various entheogens to determine which entheogens may be beneficial for therapeutic use in reducing suicidal ideation and improving mental health, including, without limitation, through the use of entheogens in the treatment of post-traumatic stress disorder, substance use disorder, major depressive disorder or psychological distress relating to the end of life;

(b) Review federal, state and local laws and regulations concerning the therapeutic use of entheogens and identify any revisions to the laws and regulations of this State that may be necessary to enable entheogens to be used for therapeutic purposes in this State;

(c) Review existing and ongoing research on the therapeutic use of entheogens; and

(d) Develop a strategic, measurable and actionable plan to allow access to safe and affordable entheogens so that such entheogens may be used for therapeutic purposes.

3. The Director of the Department of Health and Human Services shall serve as Chair of Working Group. The Attorney General or his or her designee shall serve as Vice Chair of the Working Group.

4. A majority of the members of the Working Group constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Working Group.

5. The Chair of the Working Group may appoint subcommittees composed of members of the public who have relevant experience or knowledge to consider specific issues or other matters relating to the therapeutic use of entheogens.

6. Each member of the Working Group:

(a) Serves without compensation; and

(b) While engaged in the business of the Working Group, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

7. The Department of Health and Human Services shall provide the Working Group with such administrative support as is necessary to assist the Working Group in carrying out its duties pursuant to this section.

8. The Department of Health and Human Services shall, on or before December 31, 2024, prepare and submit a written report describing the activities, findings, conclusions and recommendations of the Working Group to the Director of the Legislative Counsel Bureau for transmittal to the 83rd Session of the Legislature.

9. As used in this section, "entheogen" includes, without limitation, psilocybin and psilocin.

Sec. 4. This act becomes effective upon passage and approval.

Senator Doñate moved the adoption of the amendment.

Remarks by Senator Doñate.

Amendment No. 354 to Senate Bill No. 242 removes all the provisions in the bill and instead

requires the Department of Health and Human Services to establish the Psychedelic Medicines Working Group to study issues relating to the therapeutic use of entheogens and report the findings to the 2025 Legislature.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 362.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 494.

SUMMARY—Revises provisions relating to public safety. (BDR 15-289)

AN ACT relating to public safety; requiring a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe; ~~[prohibiting a peace officer from performing]~~ requiring each law enforcement agency to adopt certain policies and procedures governing the performance by peace officers of works protected by copyright in certain circumstances; revising provisions governing the establishment of a program for the imprinting of a symbol indicating a medical condition on a driver's license or identification card; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a peace officer from placing a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. Existing law also requires a peace officer to monitor any person who is in the custody of the peace officer for any signs of distress and to take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe. (NRS 193.305) Section 1 of this bill requires a peace officer to ensure that medical aid is rendered to a person who indicates that he or she cannot breathe by an emergency medical attendant, physician, physician assistant or registered nurse as soon as practicable.

Section 2 of this bill ~~[prohibits]~~ requires each law enforcement agency to adopt written policies and procedures governing the performance of copyrighted works by peace officers employed by the law enforcement agency while on duty, including policies prohibiting a peace officer from performing , or causing the performance of , a copyrighted work ~~[while on duty ,]~~ for the purpose of preventing or interfering with the dissemination or sharing of a recording of the peace officer performing his or her official duties, with certain exceptions. Section 2 prohibits retaliation or punitive action against a peace officer who discloses information concerning ~~[an unlawful]~~ the performance of a copyrighted work ~~[.]~~ in violation of such policies and procedures.

Existing law authorizes the Department of Motor Vehicles to adopt regulations establishing a program for the imprinting of a symbol or other indicator of a medical condition on a driver's license or identification card. (NRS 483.3485, 483.863) Sections 4 and 6 of this bill authorize the Department to adopt regulations establishing a program for the imprinting of

a symbol, and not any other indicator, of a medical condition on a driver's license and identification card, respectively. If the Department establishes such a program, sections 4 and 6 additionally require: (1) the Department to adopt a single symbol to represent all applicable medical conditions; (2) the regulations adopted by the Department to provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license or identification card if the person is on anticoagulants or has certain specified medical conditions; (3) the Department to maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license or identification card of a person; and (4) the Department to maintain certain information about the program on its Internet website. Sections 3 and 5 of this bill make conforming changes in existing provisions relating to the issuance or renewal of a driver's license or identification card for consistency with the revisions made to the program pursuant to sections 4 and 6. Section 7 of this bill requires the Department to include certain information regarding the program on the notifications for renewal of registration issued by the Department for a 12-month period.

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

Section 1. NRS 193.305 is hereby amended to read as follows:

193.305 1. In carrying out his or her duties, a peace officer shall not use a choke hold on another person.

2. A peace officer shall not place a person who is in the custody of the peace officer in any position which compresses his or her airway or restricts his or her ability to breathe. A peace officer shall monitor any person who is in the custody of the peace officer for any signs of distress and shall take any actions necessary to place such a person in a recovery position if he or she appears to be in distress or indicates that he or she cannot breathe.

3. *If a person who is in the custody of a peace officer indicates that he or she cannot breathe, the peace officer shall ensure that medical aid is rendered to the person by an emergency medical attendant, physician, physician assistant or registered nurse as soon as practicable.*

4. If a peace officer, in carrying out his or her duties, uses physical force on another person, the peace officer shall ensure that medical aid is rendered to any person who is injured by the use of such physical force as soon as practicable.

~~[4.]~~ *5.* As used in this section ~~[, "choke]~~ *:*

(a) "Choke hold" means:

~~[(a)]~~ *(1)* A method by which a person applies sufficient pressure to another person to make breathing difficult or impossible, including, without limitation, any pressure to the neck, throat or windpipe that may prevent or hinder breathing or reduce intake of air; or

~~[(b)]~~ *(2)* Applying pressure to a person's neck on either side of the windpipe, but not the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

(b) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, advanced emergency medical technician or paramedic pursuant to chapter 450B of NRS.

Sec. 2. Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[Except as otherwise provided in subsection 2, a peace officer shall not perform, or cause the performance of, any]~~ Each law enforcement agency shall adopt written policies and procedures governing the performance by peace officers employed by the law enforcement agency of copyrighted ~~[work]~~ works while on duty.

~~[2. A]~~ Such policies and procedures must:

(a) Except as otherwise provided in paragraph (b), prohibit a peace officer from performing, or causing the performance of, a copyrighted work for the purpose of preventing or interfering with the dissemination or sharing of a recording of the peace officer performing his or her official duties, including, without limitation, the dissemination or sharing of a recording through an Internet website; and

(b) Authorize a peace officer ~~[may]~~ to perform, or cause the performance of, a copyrighted work:

~~[(a) Within a vehicle of a law enforcement agency;~~

~~(b) If the copyrighted work is transmitted using headphones or earphones;~~

~~(c)]~~ (1) While engaged in an undercover investigation; ~~[or~~

~~(d)]~~ (2) When the peace officer is not publicly performing official duties ~~[.~~

~~3.]~~ ; or

(3) As necessary to ensure the safety of the peace officer at the time the copyrighted work is performed.

2. No retaliatory or punitive action may be taken against a peace officer who discloses information concerning the performance of a copyrighted work in violation of ~~[this section.]~~ the policies and procedures of a law enforcement agency adopted pursuant to subsection 1.

~~[4.]~~ 3. As used in this section:

(a) "Copyrighted work" means any work protected under Title 17 of the United States Code.

(b) "Perform" has the meaning ascribed to it in 17 U.S.C. § 101.

Sec. 3. NRS 483.340 is hereby amended to read as follows:

483.340 1. The Department shall, upon payment of the required fee, issue to every qualified applicant a driver's license indicating the type or class of vehicles the licensee may drive.

2. The Department shall adopt regulations prescribing the information that must be contained on a driver's license.

3. The Department may issue a driver's license for purposes of identification only for use by officers of local police and sheriffs' departments, agents of the Investigation Division of the Department of Public Safety while engaged in special undercover investigations relating to narcotics or prostitution or for other undercover investigations requiring the establishment

of a fictitious identity, federal agents while engaged in undercover investigations, investigators employed by the Attorney General while engaged in undercover investigations, criminal investigators employed by the Secretary of State while engaged in undercover investigations and agents of the Nevada Gaming Control Board while engaged in investigations pursuant to NRS 463.140. An application for such a license must be made through the head of the police or sheriff's department, the Chief of the Investigation Division of the Department of Public Safety, the director of the appropriate federal agency, the Attorney General, the Secretary of State or his or her designee or the Chair of the Nevada Gaming Control Board. Such a license is exempt from the fees required by NRS 483.410. The Department, by regulation, shall provide for the cancellation of any such driver's license upon the completion of the special investigation for which it was issued.

4. Except as otherwise provided in NRS 239.0115, information pertaining to the issuance of a driver's license pursuant to subsection 3 is confidential.

5. It is a misdemeanor for any person to use a driver's license issued pursuant to subsection 3 for any purpose other than the special investigation for which it was issued.

6. At the time of the issuance or renewal of the driver's license, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her driver's license that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to have indicated whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol ~~[or other indicator of]~~ *indicating* a medical condition on a driver's license pursuant to NRS 483.3485, give the holder the opportunity to have a symbol ~~[or other indicator of]~~ *indicating* a medical condition imprinted on his or her driver's license.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

7. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

8. The Department shall submit to the donor registry with which the Department has entered into a contract pursuant to paragraph (c) of subsection 6 information from the records of the Department relating to persons who have drivers' licenses that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 4. NRS 483.3485 is hereby amended to read as follows:

483.3485 1. The Department may adopt regulations establishing a program for the imprinting of a symbol ~~[or other indicator of]~~ *indicating* a medical condition on a driver's license issued by the Department.

2. ~~[Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on a driver's license to]~~ *If the Department establishes a program pursuant to subsection 1:*

(a) Except as otherwise provided in this title, the Department shall adopt a single symbol for imprinting on a driver's license to indicate a medical condition and shall not adopt individualized symbols for different medical conditions.

(b) The regulations adopted by the Department must provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her driver's license if the person is:

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;

(VI) Chronic obstructive pulmonary disease;

(VII) A food allergy;

(VIII) Malignant hyperthermia;

(IX) Sickle cell disease;

(X) Systemic lupus erythematosus;

(XI) Heart disease;

(XII) Hemophilia;

(XIII) Schizophrenia;

~~*[(XIII)]*~~ *(XIV) Depression; or*

~~*[(XIV)]*~~ *(XV) A mental illness.*

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the driver's license of an eligible person. The record must be maintained in the same location and manner as all other records relating to the driver's license of the person, including, without limitation, the records relating to the driver's license of the person that are made available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases,

Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall maintain on the Internet website of the Department information about the program established pursuant to subsection 1, including, without limitation, the manner in which a person may obtain a driver's license which has been imprinted with a symbol indicating a medical condition.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 5. NRS 483.840 is hereby amended to read as follows:

483.840 1. The form of the identification cards must be similar to that of drivers' licenses but distinguishable in color or otherwise.

2. Identification cards do not authorize the operation of any motor vehicles.

3. The Department shall adopt regulations prescribing the information that must be contained on an identification card.

4. At the time of the issuance or renewal of the identification card, the Department shall:

(a) Give the holder the opportunity to have indicated on his or her identification card that the holder wishes to be a donor of all or part of his or her body pursuant to NRS 451.500 to 451.598, inclusive, or to refuse to make an anatomical gift of his or her body or part thereof.

(b) Give the holder the opportunity to indicate whether he or she wishes to donate $1 or more to the Anatomical Gift Account created by NRS 460.150.

(c) Provide to each holder who is interested in becoming a donor information relating to anatomical gifts, including the procedure for registering as a donor with the donor registry with which the Department has entered into a contract pursuant to this paragraph. To carry out this paragraph, the Department shall, on such terms as it deems appropriate, enter into a contract with a donor registry that is in compliance with the provisions of NRS 451.500 to 451.598, inclusive.

(d) If the Department has established a program for imprinting a symbol or other indicator of a medical condition on an identification card pursuant to NRS 483.863, give the holder the opportunity to have a symbol ~~[or other indicator of]~~ *indicating* a medical condition imprinted on his or her identification card.

(e) Provide to the holder information instructing the holder how to register with the Next-of-Kin Registry pursuant to NRS 483.653 if he or she so chooses.

5. If the holder wishes to make a donation to the Anatomical Gift Account, the Department shall collect the donation and deposit the money collected in the State Treasury for credit to the Anatomical Gift Account.

6. The Department shall submit to the donor registry with which the

Department has entered into a contract pursuant to paragraph (c) of subsection 4 information from the records of the Department relating to persons who have identification cards issued by the Department that indicate the intention of those persons to make an anatomical gift. The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 6. NRS 483.863 is hereby amended to read as follows:

483.863 1. The Department may adopt regulations establishing a program for the imprinting of a symbol ~~[or other indicator of]~~ *indicating* a medical condition on an identification card issued by the Department.

2. ~~[Regulations adopted pursuant to subsection 1 must require the symbol or other indicator of a medical condition which is imprinted on an identification card to]~~ *If the Department establishes a program pursuant to subsection 1:*

(a) Except as otherwise provided in this title, the Department shall adopt a single symbol for imprinting on an identification card to indicate a medical condition and shall not adopt individualized symbols for different medical conditions.

(b) The regulations adopted by the Department must provide that a person is eligible to have the symbol indicating a medical condition imprinted on his or her identification card if the person is:

(1) On anticoagulants; or

(2) A person with:

(I) Diabetes;

(II) Epilepsy;

(III) Blindness and low vision;

(IV) Deafness;

(V) Coronary atherosclerosis;

(VI) Chronic obstructive pulmonary disease;

(VII) A food allergy;

(VIII) Malignant hyperthermia;

(IX) Sickle cell disease;

(X) Systemic lupus erythematosus;

(XI) Heart disease;

(XII) Hemophilia;

(XIII) Schizophrenia;

~~*[(XIII)]*~~ *(XIV) Depression; or*

~~*[(XIV)]*~~ *(XV) A mental illness.*

(c) The Department shall maintain a record of the medical condition for which the symbol indicating a medical condition was imprinted on the identification card of an eligible person. The record must be maintained in the same location and manner as all other records relating to the identification card of the person, including, without limitation, the records relating to the identification card of the person that are available to law enforcement agencies. If the Department maintains such information in the form of a code, the code used must conform with the International Classification of Diseases,

Ninth Revision, Clinical Modification, or the most current revision, adopted by the National Center for Health Statistics and the Centers for Medicare and Medicaid Services.

(d) The Department shall, at the time of the issuance or renewal of an identification card, give the holder the opportunity to have imprinted on his or her identification card a symbol indicating a medical condition.

(e) The Department shall maintain on the Internet website of the Department information about the program established pursuant to subsection 1, including, without limitation, the manner in which a person may obtain an identification card which has been imprinted with a symbol indicating a medical condition.

3. The Department may apply for and accept any gift, grant, appropriation or other donation to assist in carrying out a program established pursuant to the provisions of this section.

Sec. 7. If the Department of Motor Vehicles adopts a program for the imprinting of a symbol indicating a medical condition on a driver's license or identification card issued by the Department pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, respectively, the Department shall, 30 days after the date on which the Department first accepts an application for the imprinting of a symbol indicating a medical condition pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act, and any regulations adopted pursuant thereto, and for 12 calendar months thereafter, print on each notification for renewal of registration mailed by the Department pursuant to NRS 482.280, and on any electronic notification for renewal of registration issued by the Department:

1. A statement notifying the public that an eligible person may have imprinted on his or her driver's license or identification card a symbol indicating a medical condition.

2. The address of the Internet website of the Department where interested persons may obtain more information about the program established pursuant to NRS 483.3485, as amended by section 4 of this act, or 483.863, as amended by section 6 of this act.

Sec. 8. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on October 1, 2023.

3. Sections 3 to 7, inclusive, of this act become effective:

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

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

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 494 to Senate Bill No. 362 adds hemophilia to the list of medical conditions that make a person eligible to have a medical symbol imprinted on a driver's license and requires that law enforcement agencies adopt policies preventing a peace officer from weaponizing

copyrighted work in order to interfere with the sharing of a recording of a peace officer made while the officer is on duty.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 373.

Bill read second time.

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

Amendment No. 475.

SUMMARY—Revises provisions relating to language access. (BDR 18-1034)

AN ACT relating to governmental administration; requiring the head of each agency of the Executive Department of the State Government to designate certain information and documents as vital information and documents; requiring the head of each such agency to ensure that such vital information and documents are translated and made available in certain languages; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the head of each agency of the Executive Department of the State Government to designate one or more employees to develop and biennially revise a language access plan. The language access plan must include, without limitation, procedures for designating certain information and documents as vital and providing such information and documents to persons served by the agency in the preferred language of such persons. (NRS 232.0081) Section 1 of this bill requires the head of each such agency to: (1) using such procedures, designate the information and documents related to the services of the agency that are vital information and documents; and (2) ensure that all vital information and documents are translated and made available in the 12 most common languages that are ~~[spoken]~~ used by persons with limited English proficiency in this State ~~[.]~~ , including, without limitation, auditory, visual, manual or spoken languages. Section 1 further requires, on or before February 1 of each year, the head of each such agency to submit a report to the Governor and the Director of the Legislative Counsel Bureau that includes, without limitation: (1) a list of the vital information and documents that were available during the immediately preceding calendar year in the 12 most common languages that are ~~[spoken]~~ used by persons with limited English proficiency in this State ~~[;]~~ , including, without limitation, auditory, visual, manual or spoken languages; and (2) an explanation of how the agency has made vital information and documents available to persons with limited English proficiency who are served by the agency. Section 2 of this bill defines "vital information and documents" to mean the information and documents that are necessary for a person to understand in order for the person to access the services provided by the agency.

Section 2 also makes a conforming change to clarify that the procedures for

designating information and documents as vital apply to section 1.

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

Section 1. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The head of each agency of the Executive Department shall:

(a) Using the procedures included in the language access plan pursuant to paragraph (c) of subsection 2 of NRS 232.0081, designate the information and documents related to the services of the agency that are vital information and documents.

(b) Ensure that all vital information and documents are translated and made available in the 12 most common languages that are ~~[spoken]~~ used by persons with limited English proficiency in this State, including, without limitation, auditory languages, visual languages, manual languages and spoken languages, as determined by the last preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce.

2. On or before February 1 of each year, the head of each agency shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Commission, that includes, without limitation:

(a) A list of the vital information and documents that were available during the immediately preceding calendar year in the 12 most common languages that are ~~[spoken]~~ used by persons with limited English proficiency in this State ~~[;]~~ , including, without limitation, auditory languages, visual languages, manual languages and spoken languages; and

(b) An explanation of how the agency has made vital information and documents accessible to persons with limited English proficiency served by the agency, including, without limitation, whether the vital information and documents are available in the 12 most common languages that are ~~[spoken]~~ used by persons with limited English proficiency in this State ~~[:]~~ , including, without limitation, auditory languages, visual languages, manual languages and spoken languages:

(1) At each location of the agency in this State; and

(2) On the Internet website of the agency.

3. As used in this section:

(a) "Agency of the Executive Department" has the meaning ascribed to it in NRS 232.0081.

(b) "Auditory language" means a language used by persons with a speech impairment, auditory processing disorder or any other ongoing language deficiency.

(c) "Manual language" means Braille or other tactile communication used by a person who is blind, visually impaired or deaf.

(d) "Person with limited English proficiency" has the meaning ascribed to it in NRS 232.0081.

(e) "Spoken language" means a language used by a person without a disability or auditory impairment.

(f) "Visual language" means a language used by a person that is deaf or hard of hearing, such as American Sign Language or any other signed language.

~~*[(e)]*~~ *(g) "Vital information and documents" has the meaning ascribed to it in NRS 232.0081.*

Sec. 2. NRS 232.0081 is hereby amended to read as follows:

232.0081 1. The head of each agency of the Executive Department shall designate one or more employees of the agency to be responsible for developing and biennially revising a language access plan for the agency that meets the requirements of subsection 2.

2. A language access plan must assess existing needs of persons served by the agency for language services and the degree to which the agency has met those needs. The plan must include recommendations to expand language services if needed to improve access to the services provided by the agency. The plan must:

(a) Outline the compliance of the agency and any contractors, grantees, assignees, transferees or successors of the agency with existing federal and state laws and regulations and any requirements associated with funding received by the agency concerning the availability of language services and accessibility of the services provided by the agency or any contractors, grantees, assignees, transferees or successors to persons with limited English proficiency;

(b) List the relevant demographics of persons served by or eligible to receive services from the agency, including, without limitation:

(1) The types of services received by such persons or for which such persons are eligible;

(2) The preferred language and literacy level of such persons;

(3) The ability of such persons to access the services of the agency electronically;

(4) The number and percentage of such persons who are indigenous; and

(5) The number and percentage of such persons who are refugees;

(c) Provide an inventory of language services currently provided, including, without limitation:

(1) Procedures for ~~[designating]~~ *the head of the agency to designate* certain information and documents as vital *information and documents pursuant to section 1 of this act* and providing such *vital* information and documents to persons served by the agency in the preferred language of such persons, in aggregate and disaggregated by language and type of service to which the *vital* information and documents relate;

(2) Oral language services offered by language and type;

(3) A comparison of the number of employees of the agency who regularly have contact with the public to the number of such employees who are fluent in more than one language, in aggregate and disaggregated by

language;

(4) A description of any position at the agency designated for a dual-role interpreter;

(5) Procedures and resources used by the agency for outreach to persons with limited English proficiency who are served by the agency or eligible to receive services from the agency, including, without limitation, procedures for building relationships with community-based organizations that serve such persons; and

(6) Any resources made available to employees of the agency related to cultural competency;

(d) Provide an inventory of the training and resources provided to employees of the agency who serve persons with limited English proficiency, including, without limitation, training and resources regarding:

(1) Obtaining language services internally or from a contractor;

(2) Responding to persons with limited English proficiency over the telephone, in writing or in person;

(3) Ensuring the competency of interpreters and translation services;

(4) Recording in the electronic records of the agency that a person served by the agency is a person with limited English proficiency, the preferred language of the person and his or her literacy level in English and in his or her preferred language;

(5) Communicating with the persons in charge of the agency concerning the needs of the persons served by and eligible to receive the services from the agency for language services; and

(6) Notifying persons with limited English proficiency who are eligible for or currently receiving services from the agency of the services available from the agency in the preferred language of those persons at a literacy level and in a format that is likely to be understood by such persons;

(e) Review the ability of the agency to make language services available during the emergency described in the Declaration of Emergency for COVID-19 issued on March 12, 2020; and

(f) Identify areas in which the services described in paragraph (c) and the training and resources described in paragraph (d) do not meet the needs of persons with limited English proficiency served by the agency, including, without limitation:

(1) Estimates of additional funding required to meet those needs;

(2) Targets for employing persons who are fluent in more than one language;

(3) Additional requirements necessary to ensure:

(I) Adequate credentialing and oversight of translators and interpreters employed by or serving as independent contractors for the agency; and

(II) That translators and interpreters used by the agency adequately represent the preferred languages ~~[spoken]~~ *used* by persons *, including, without limitation, auditory languages, visual languages, manual languages and spoken languages,* served by the agency or eligible to receive services from

the agency; and

(4) Additional requirements, trainings, incentives and recruiting initiatives to employ or contract with interpreters who speak the preferred languages of persons with limited English proficiency who are eligible for or currently receiving services from the agency and ways to partner with entities involved in workforce development in imposing those requirements, offering those trainings and incentives and carrying out those recruiting initiatives.

3. If there is insufficient information available to develop or update the language access plan in accordance with the requirements of this section, the employee or employees designated pursuant to subsection 1 shall develop procedures to obtain that information and include the information in any revision to the language access plan.

4. Each agency of the Executive Department shall:

(a) Solicit public comment concerning the language access plan developed pursuant to this section and each revision thereof;

(b) Make recommendations to the Legislature concerning any statutory changes necessary to implement or improve a language access plan; and

(c) Include any funding necessary to carry out a language access plan, including, without limitation, any additional funding necessary to meet the needs of persons with limited English proficiency served by the agency as identified pursuant to paragraph (f) of subsection 2, in the proposed budget for the agency submitted pursuant to NRS 353.210.

5. As used in this section:

(a) "Agency of the Executive Department" means an agency, board, commission, bureau, council, department, division, authority or other unit of the Executive Department of the State Government. The term does not include the Nevada System of Higher Education.

(b) *"Auditory language" means a language used by persons with a speech impairment, auditory processing disorder or any other ongoing language deficiency.*

(c) "Dual-role interpreter" means a multilingual employee who:

(1) Has been tested for language skills and trained as an interpreter; and

(2) Engages in interpreting as part of his or her job duties.

~~[(c)]~~ *(d)* "Language services" means oral language services and translation services.

(e) "Manual language" means Braille or other tactile communication used by a person who is blind, visually impaired or deaf.

~~[(d)]~~ *(f)* "Oral language services" means services to convey verbal information to persons with limited English proficiency. The term:

(1) Includes, without limitation, staff interpreters, dual-role interpreters, other multilingual employees, telephone interpreter programs, audiovisual interpretation services and non-governmental interpreters.

(2) Does not include family members, friends and other acquaintances of persons with limited English proficiency who have no formal training in interpreting.

~~[(e)]~~ *(g)* "Person with limited English proficiency" means a person who reads, writes or speaks a language other than English and who cannot readily understand or communicate in the English language in written or spoken form, as applicable, based on the manner in which information is being communicated.

(h) "Spoken language" means a language used by a person without a disability or auditory impairment.

~~[(f)]~~ *(i)* "Translation services" means services used to provide written information to persons with limited English proficiency. The term does not include translation tools that are accessed using the Internet.

(j) "Visual language" means a language used by a person that is deaf or hard of hearing, such as American Sign Language or any other signed language.

~~[(g)]~~ *(k) "Vital information and documents" means the information and documents that are necessary for a person to understand in order for the person to assess the services provided by the agency.*

Sec. 3. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 4. 1. This section becomes effective upon passage and approval.

2. Sections 1, 2 and 3 of this act become effective:

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

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

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 475 to Senate Bill No. 373 adds auditory, visual, manual and spoken languages subject to the provisions of the bill.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 388.

Bill read second time.

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

Amendment No. 467.

SUMMARY—Revises provisions relating to certain public employees. (BDR 23-131)

AN ACT relating to public employees; ~~[authorizing contributions to the Public Employees' Retirement System to be made by an employer on behalf of certain employees pursuant to a collective bargaining agreement;]~~ authorizing certain collective bargaining agreements entered into by the Executive Department of the State Government to contain certain provisions relating to the payment of contributions to the Public Employees' Retirement

System; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[With certain exceptions, retired public employees receive retirement allowances through membership in and contributions to the Public Employees' Retirement System. (Chapter 286 of NRS) With certain exceptions, the public employer and the public employee each pay a matching portion of the contribution unless the public employer or public employee has elected for the public employer to pay the public employee's share of the contribution on his or her behalf. (NRS 286.410, 286.421, 286.425) Sections 1 and 2 of this bill allow for a provision of a collective bargaining agreement entered into between certain groups of employees in the classified service of the Executive Department of the State Government and the Executive Department to establish a negotiated rate for employee contributions, rather than a matching rate, and require the employer to pay the remainder of contributions required on behalf of the employee. Section 1 provides that such a contribution paid on behalf of an employee is not required to be returned to the employee. Section 2 prohibits the salary of an employee from being reduced to counterbalance the increased contribution made by the employer on the behalf of the employee.]~~

Existing law authorizes certain groups of employees in the classified service of the Executive Department of the State Government to engage in collective bargaining with the Executive Department concerning wages, hours and other terms and conditions of employment for such employees. (NRS 288.400-288.630) Existing law establishes the subjects of mandatory bargaining for such employees and the subject matters which are not within the scope of mandatory bargaining and are reserved to the Executive Department. Matters which are neither subject to mandatory bargaining or reserved to the Executive Department are required to be discussed by the Executive Department, but are not required to be negotiated. (NRS 288.500) Matters relating to contributions to the Public Employees' Retirement System are neither a mandatory or a reserved subject for such bargaining. (NRS 288.150, 288.500)

Existing law also provides that, with certain exceptions, payment of a public employee's portion of contributions to the Public Employees' Retirement System must be: (1) made in lieu of equivalent basic salary increases or cost-of-living increases, or both; or (2) counterbalanced by equivalent reductions in employees' salaries. (NRS 286.421) Section 3 of this bill makes ~~[the payment of a portion of the employee contribution rate by the employer to the System]~~ a mandatory subject of collective bargaining for certain groups of employees in the classified service of the Executive Department of the State Government ~~[. Section 4 of this bill prohibits a provision of a collective bargaining agreement relating to such a payment from becoming effective unless the provision also requires the salary of each such employee who has elected to have his or her employer pay all contributions to the System on his or her behalf to be increased by a rate which results in an equivalent increase in compensation to that which results from such a payment.]~~ whether: (1) the

payment of the employees' portion of the contributions to the Public Employees' Retirement System must be: (1) made in lieu of equivalent basic salary increases or cost-of-living increases, or both; or (2) counterbalanced by equivalent reductions in the employees' salaries.

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

Section 1. ~~[NRS 286.410 is hereby amended to read as follows:~~

~~286.410 1. The employee contribution rate must be:~~

~~(a) The matching contribution rate for employees and employers that is actuarially determined for police officers and firefighters and for regular members, depending upon the retirement fund in which the member is participating [.] *and whether the member is part of a bargaining unit that has negotiated a certain employee contribution rate pursuant to NRS 288.500 which is contained as a provision of a collective bargaining agreement that is approved pursuant to NRS 288.555 and for which the Legislature appropriated sufficient money to give the provision effect.*~~

~~(b) Except as otherwise provided in subsection 2, adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined contribution rate indicated in the biennial actuarial valuation and report of the immediately preceding year. The adjusted rate must be rounded to the nearest one-quarter of 1 percent.~~

~~2. The employee's portion of the matching contribution rate for employees and employers must not be adjusted in accordance with the provisions of paragraph (b) of subsection 1 if:~~

~~(a) The existing rate is lower than the actuarially determined rate but within one-quarter of 1 percent of the actuarially determined rate.~~

~~(b) The existing rate is higher than the actuarially determined rate but is within 1 percent of the actuarially determined rate. If the existing rate is more than 1 percent higher than the actuarially determined rate, the existing rate must be reduced by the amount by which it exceeds 1 percent above the actuarially determined rate.~~

~~3. From each payroll during the period of the employee's membership, the employer shall deduct the amount of the member's contributions and transmit the deduction to the Board at intervals designated and upon forms prescribed by the Board. The contributions must be paid on compensation earned by a member from the member's first day of service.~~

~~4. Any employee whose position is determined after July 1, 1971, to be eligible under the early retirement provisions for police officers and firefighters shall contribute the additional contributions required of police officers and firefighters from July 1, 1971, to the date of the employee's enrollment under the Police and Firefighters' Retirement Fund, if employment in this position occurred before July 1, 1971, or from date of employment in this position to the date of the employee's enrollment under the Police and Firefighters' Retirement Fund, if employment occurs later.~~

~~5. Except as otherwise provided in NRS 286.430, the System shall guarantee to each member the return of at least the total employee contributions which the member has made and which were credited to the member's individual account. *The contributions guaranteed pursuant to this subsection must exclude any contributions made by a public employer on the behalf of the member pursuant to a collective bargaining agreement.* These contributions may be returned to the member, the member's estate or beneficiary or a combination thereof in monthly benefits, a lump-sum refund or both.~~

~~6. Members with disabilities who are injured on the job and receive industrial insurance benefits for temporary total disability remain contributing members of the System for the duration of the benefits if and while the public employer continues to pay the difference between these benefits and the member's regular compensation. The public employer shall pay the employer contributions on these benefits.]~~ (Deleted by amendment.)

Sec. 2. ~~[NRS 286.421 is hereby amended to read as follows:~~

~~286.421 1. A public employer that elected to pay on behalf of its employees the contributions required by subsection 1 of NRS 286.410 before July 1, 1983, shall continue to do so, but a public employer may not elect to pay those contributions on behalf of its employees on or after July 1, 1983 [.] *, unless required to do so by a provision of a collective bargaining agreement that is approved pursuant to NRS 288.555 and for which the Legislature appropriated sufficient money to give the provision effect.*~~

~~2. An employee of a public employer that did not elect to pay on behalf of its employees the contributions required by subsection 1 of NRS 286.410 before July 1, 1983, may elect to:~~

~~(a) Pay the contribution required by subsection 1 of NRS 286.410 on the employee's own behalf; or~~

~~(b) Have the employee's portion of the contribution paid by the employee's employer pursuant to the provisions of NRS 286.425.~~

~~3. Except for any person chosen by election or appointment to serve in an elective office of a political subdivision or as a district judge, a judge of the Court of Appeals or a justice of the Supreme Court of this State:~~

~~(a) Payment of the employee's portion of the contributions pursuant to subsection 1 must be:~~

~~(1) Made in lieu of equivalent basic salary increases or cost-of-living increases, or both; or~~

~~(2) [Counterbalanced] *Except as otherwise provided in a provision of a collective bargaining agreement that is approved pursuant to NRS 288.555 and for which the Legislature appropriated sufficient money to give the provision effect, counterbalanced* by equivalent reductions in employees' salaries.~~

~~(b) The average compensation from which the amount of benefits payable pursuant to this chapter is determined must be [increased] :~~

~~*(1) Increased* with respect to each month beginning after June 30, 1975,~~

~~by 50 percent of the contribution made by the public employer [,] *or such lesser rate as is contained in a provision of a collective bargaining agreement that is approved pursuant to NRS 288.555 and for which the Legislature appropriated sufficient money to give the provision effect;* and [must not be]~~

~~*(2) Not* less than it would have been if contributions had been made by the member and the public employer separately.~~

~~"~~ ~~In the case of any officer or judge described in this subsection, any contribution made by the public employer on the officer's or judge's behalf does not affect the officer's or judge's compensation but is an added special payment.~~

~~4. Employee contributions made by a public employer must be deposited in either the Public Employees' Retirement Fund or the Police and Firefighters' Retirement Fund as is appropriate. These contributions must not be credited to the individual account of the member and may not be withdrawn by the member upon the member's termination.~~

~~5. The membership of an employee who became a member on or after July 1, 1975, and all contributions on whose behalf were made by the member's public employer must not be cancelled upon the termination of the member's service.~~

~~6. If an employer is paying the basic contribution on behalf of an employee, the total contribution rate, in lieu of the amounts required by subsection 1 of NRS 286.410 and NRS 286.450, must be:~~

~~(a) The total contribution rate for employers that is actuarially determined for police officers and firefighters and for regular members, depending upon the retirement fund in which the member is participating.~~

~~(b) Except as otherwise provided in subsection 7, adjusted on the first monthly retirement reporting period commencing on or after July 1 of each odd-numbered year based on the actuarially determined contribution rate indicated in the biennial actuarial valuation and report of the immediately preceding year. The adjusted rate must be rounded to the nearest one-quarter of 1 percent.~~

~~7. The total contribution rate for employers must not be adjusted in accordance with the provisions of paragraph (b) of subsection 6 if:~~

~~(a) The existing rate is lower than the actuarially determined rate but is within one-half of 1 percent of the actuarially determined rate.~~

~~(b) The existing rate is higher than the actuarially determined rate but is within 2 percent of the actuarially determined rate. If the existing rate is more than 2 percent higher than the actuarially determined rate, the existing rate must be reduced by the amount by which it exceeds 2 percent above the actuarially determined rate.~~

~~8. For the purposes of adjusting salary increases and cost-of-living increases or of salary reduction, *except as otherwise provided in a provision of a collective bargaining agreement that is approved pursuant to NRS 288.555 and for which the Legislature appropriated sufficient money to give the provision effect*, the total contribution must be equally divided between~~

~~employer and employee.~~

~~9. Public employers other than the State of Nevada shall pay the entire employee contribution for those employees who contribute to the Police and Firefighters' Retirement Fund on and after July 1, 1981.]~~ (Deleted by amendment.)

Sec. 3. NRS 288.500 is hereby amended to read as follows:

288.500 1. For the purposes of collective bargaining, supplemental bargaining and other mutual aid or protection, employees have the right to:

(a) Organize, form, join and assist labor organizations, engage in collective bargaining and supplemental bargaining through exclusive representatives and engage in other concerted activities; and

(b) Refrain from engaging in such activity.

2. Collective bargaining and supplemental bargaining entail a mutual obligation of the Executive Department and an exclusive representative to meet at reasonable times and to bargain in good faith with respect to:

(a) The subjects of mandatory bargaining set forth in subsection 2 of NRS 288.150, except paragraph (f) of that subsection;

(b) ~~[The]~~ *Whether, pursuant to paragraph (a) of subsection 3 of NRS 286.421, the payment of* ~~[a]~~ *the employees' portion of the* ~~[employee contribution rate established pursuant to NRS 286.410 by the employer and a corresponding increase in salary for each employee who has made an election pursuant to NRS 286.425;]~~ *contributions to the Public Employees' Retirement System must be:*

(1) Made in lieu of equivalent basic salary increases or cost-of-living increases, or both; or

(2) Counterbalanced by equivalent reductions in the employees' salaries;

(c) The negotiation of an agreement;

~~[(c)]~~ *(d)* The resolution of any question arising under an agreement; and

~~[(d)]~~ *(e)* The execution of a written contract incorporating the provisions of an agreement, if requested by either party.

3. The subject matters set forth in subsection 3 of NRS 288.150 are not within the scope of mandatory bargaining and are reserved to the Executive Department without negotiation.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to the provisions of NRS 288.400 to 288.630, inclusive, the Executive Department is entitled to take the actions set forth in paragraph (b) of subsection 6 of NRS 288.150. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. This section does not preclude, but the provisions of NRS 288.400 to 288.630, inclusive, do not require, the Executive Department to negotiate subject matters set forth in subsection 3 which are outside the scope of mandatory bargaining. The Executive Department shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

6. The Executive Department shall furnish to an exclusive representative data that is maintained in the ordinary course of business and which is relevant and necessary to the discussion of the subjects of mandatory bargaining described in subsection 2. This subsection shall not be construed to require the Executive Department to furnish to the exclusive representative any advice or training received by representatives of the Executive Department concerning collective bargaining.

7. To the greatest extent practicable, any decision issued by the Board before October 1, 2019, relating to the interpretation of, or the performance under, the provisions of NRS 288.150 shall be deemed to apply to any complaint arising out of the interpretation of, or performance under, the provisions of this section.

Sec. 4. ~~[NRS 288.505 is hereby amended to read as follows:~~

~~288.505 1. Each collective bargaining agreement must be in writing and must include, without limitation:~~

~~(a) A procedure to resolve grievances which applies to all employees in the bargaining unit and culminates in final and binding arbitration. The procedure must be used to resolve all grievances relating to employment, including, without limitation, the administration and interpretation of the collective bargaining agreement, the applicability of any law, rule or regulation relating to the employment and appeal of discipline and other adverse personnel actions.~~

~~(b) A provision which provides that an officer of the Executive Department shall, upon written authorization by an employee within the bargaining unit, withhold a sufficient amount of money from the salary or wages of the employee pursuant to NRS 281.129 to pay dues or similar fees to the exclusive representative of the bargaining unit. Such authorization may be revoked only in the manner prescribed in the authorization.~~

~~(c) A nonappropriation clause that provides that any provision of the collective bargaining agreement which requires the Legislature to appropriate money is effective only to the extent of legislative appropriation.~~

~~2. Except as otherwise provided in subsections 3 and 4, the procedure to resolve grievances required in a collective bargaining agreement pursuant to paragraph (a) of subsection 1 is the exclusive means available for resolving grievances described in that paragraph.~~

~~3. An employee in a bargaining unit who has been dismissed, demoted or suspended may pursue a grievance related to that dismissal, demotion or suspension through:~~

~~(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or~~

~~(b) The procedure prescribed by NRS 284.390,~~

~~↵ but once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or requested a hearing under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.~~

~~4. An employee in a bargaining unit who is aggrieved by the failure of the Executive Department or its designated representative to comply with the requirements of NRS 281.755 may pursue a grievance related to that failure through:~~

~~(a) The procedure provided in the agreement pursuant to paragraph (a) of subsection 1; or~~

~~(b) The procedure prescribed by NRS 288.115,~~

~~, but once the employee has properly filed a grievance in writing under the procedure described in paragraph (a) or filed a complaint under the procedure described in paragraph (b), the employee may not proceed in the alternative manner.~~

~~*5. If a collective bargaining agreement contains a provision negotiated pursuant to paragraph (b) of subsection 2 of NRS 288.500, such a provision may not be given effect unless the provision requires the salary of each employee who has made an election pursuant to NRS 286.425 to be increased by a rate which results in an equivalent increase in compensation as that which results from the payment by the employer of a portion of the employee contribution rate established pursuant to NRS 286.410.*~~

~~6. If there is a conflict between any provision of an agreement between the Executive Department and an exclusive representative and:~~

~~(a) Any regulation adopted by the Executive Department, the provision of the agreement prevails unless the provision of the agreement is outside of the lawful scope of collective bargaining.~~

~~(b) An existing statute, other than a statute described in paragraph (c), the provision of the agreement may not be given effect unless the Legislature amends the existing statute in such a way as to eliminate the conflict.~~

~~(c) Except as otherwise provided in NRS 284.4086, a provision of chapter 284 or 287 of NRS or NRS 288.570, 288.575 or 288.580, the provision of the agreement prevails unless the Legislature is required to appropriate money to implement the provision, within the limits of legislative appropriations and any other available money.]~~ (Deleted by amendment.)

Sec. 5. This act becomes effective on July 1, 2023.

Senator Flores moved the adoption of the amendment.

Remarks by Senator Flores.

Amendment No. 467 to Senate Bill No. 388 deletes sections 1, 2 and subsection 5 of section 4 and clarifies that the subject of collective bargaining under subsection 2 of section 3 includes the payment of a portion of the employee contribution rate established pursuant to NRS 286.421(3) by the employer and any corresponding increase in salary for each employee.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 208.

SUMMARY—Revises provisions relating to real property. (BDR 10-288)

AN ACT relating to real property; ~~[providing in skeleton form for]~~ limiting, with certain exceptions, the total aggregate number of units of residential real property in this State that may be purchased in any 1 calendar year by certain corporate investors; requiring the registration of certain corporate investors in residential property in this State with the Securities Division of the Office of the Secretary of State; ~~[providing in skeleton form]~~ requiring that certain deeds relating to residential real property include certain information about corporate investors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ Section 1 of this bill provides ~~[in skeleton form for]~~ , with certain exceptions, that: (1) the total aggregate number of units of residential real property in this State that may be purchased in any 1 calendar year by corporations and limited-liability companies must not exceed 1,000 units; and (2) a corporation or limited-liability company is prohibited from purchasing any unit of residential real property in this State if, as a result of the purchase, the total aggregate number of units of residential real property purchased in this State during the current calendar year by corporations and limited-liability companies would exceed 1,000 units.

Section 1 also requires the creation and maintenance of a registry of corporations and limited-liability companies that purchase or own residential real property in this State by the Securities Division of the Office of the Secretary of State. ~~[This bill would require a]~~ A corporation or limited-liability company is required to register with the Securities Division before purchasing any residential real property in this State. ~~[This bill would further authorize]~~ Section 1: (1) authorizes the Secretary of State to charge a fee to each such corporation or limited-liability company and ~~[require]~~ requires the Secretary of State to adopt regulations ~~[. Finally,]~~ necessary to carry out section 1. For the purposes of section 1, the term "corporation" does not include a family trust company or a housing authority.

Section 2 of this bill provides ~~[in skeleton form]~~ that if a corporation or limited-liability company purchases residential real property, the deed must: (1) be accompanied by a copy of the certificate of registration issued by the Secretary of State; and (2) clearly set forth that the residential real property is not the primary residence of the owner. Section 2 also prohibits the county ~~[clerk is prohibited]~~ recorder from recording the deed unless the deed: (1) contains information about the ownership of the corporation or limited-liability company, as set forth in the registry created pursuant to section 1; and (2) clearly sets forth that the residential real property is not the primary residence of the owner.

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

Section 1. Chapter 111 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2:

(a) The total aggregate number of units of residential real property in this State that may be purchased in any 1 calendar year by corporations and limited-liability companies must not exceed 1,000 units.

(b) A corporation or limited-liability company shall not purchase any unit of residential real property in this State if, as a result of the purchase, the total aggregate number of units of residential real property purchased in this State during the current calendar year by corporations or limited- liability companies would exceed 1,000 units.

2. The provisions of subsection 1 do not apply to:

(a) The intracorporate sale or transfer of units of residential property; or

(b) The sale of newly constructed units of residential property.

3. The Securities Division of the Office of the Secretary of State shall create and maintain a registry of corporations and limited-liability companies that purchase or own residential real property in this State. The Securities Division shall make such registry available on the Internet website of the Office of the Secretary of State.

~~[2.]~~ *4. A corporation or limited-liability company must register with the Securities Division of the Office of the Secretary of State before purchasing any unit of residential real property in this State.*

~~[3.]~~ *5. The Secretary of State shall issue a certificate of registration to each corporation or limited liability company that registers pursuant to this section.*

6. The Secretary of State may charge a fee to each corporation or limited-liability company that registers with the Securities Division pursuant to subsection ~~[2.]~~ *3.*

~~[4.]~~ *7. The Secretary of State shall adopt any regulations necessary to carry out the provisions of this section.*

8. As used in this section, the term:

(a) "Corporation" does not include:

(1) A family trust company, as defined in NRS 669.042.

(2) A housing authority, as defined in NRS 315.021.

(b) "Limited-liability company" has the meaning ascribed to it in NRS 86.061.

Sec. 2. NRS 111.312 is hereby amended to read as follows:

111.312 1. The county recorder shall not record with respect to real property, a notice of completion, a declaration of homestead, a declaration of removal of discriminatory restriction, a lien or notice of lien, an affidavit of death, a mortgage or deed of trust, any conveyance of real property or instrument in writing setting forth an agreement to convey real property or a notice pursuant to NRS 111.3655 unless the document being recorded contains:

(a) The mailing address of the grantee or, if there is no grantee, the mailing address of the person who is requesting the recording of the document; and

(b) Except as otherwise provided in subsection 2, the assessor's parcel number of the property at the top left corner of the first page of the document,

if the county assessor has assigned a parcel number to the property. The parcel number must comply with the current system for numbering parcels used by the county assessor's office. The county recorder is not required to verify that the assessor's parcel number is correct.

2. Any document relating exclusively to the transfer of water rights may be recorded without containing the assessor's parcel number of the property.

3. The county recorder shall not record with respect to real property any deed, including, without limitation:

(a) A grant, bargain and sale deed;

(b) Quitclaim deed;

(c) Warranty deed; or

(d) Trustee's deed upon sale,

➥ unless the document being recorded contains the name and address of the person to whom a statement of the taxes assessed on the real property is to be mailed.

4. The assessor's parcel number shall not be deemed to be a complete legal description of the real property conveyed.

5. Except as otherwise provided in subsection 6, if a document that is being recorded includes a legal description of real property that is provided in metes and bounds, the document must include the name and mailing address of the person who prepared the legal description. The county recorder is not required to verify the accuracy of the name and mailing address of such a person.

6. If a document including the same legal description described in subsection 5 previously has been recorded, the document must include all information necessary to identify and locate the previous recording, but the name and mailing address of the person who prepared the legal description is not required for the document to be recorded. The county recorder is not required to verify the accuracy of the information concerning the previous recording.

7. If a corporation or limited-liability company purchases residential real property:

(a) The county ~~[clerk]~~ recorder shall not record the deed unless ~~[the]~~ :

(1) The deed contains the information about the ownership of the corporation or limited-liability company set forth in the registry created pursuant to section 1 of this act; and

(2) The corporation or limited-liability company submits to the county recorder a copy of the certificate of registration issued by the Secretary of State pursuant to section 1 of this act and the name of the corporation or limited-liability company on the deed matches the name on the certificate of registration accompanying the deed; and

(b) The deed must clearly set forth that the residential real property is not the primary residence of the owner.

8. As used in this section, the terms "corporation" and "limited-liability company" have the meanings ascribed to them in section 1 of this act.

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 208 to Senate Bill No. 395 excludes family trusts and transactions of the Nevada Housing Authority from the bill, adds language to protect against aggregate purchases, limits investor purchases to 1,000 per year and excludes transactions where the sell date and construction date are the same. Finally, it replaces "clerk" with "recorder" where appropriate and requires a recorder to verify that the filing name matches the name of the entity registered with the Secretary of State and to mandate that the form filed with Secretary of State must accompany the deed recording regardless of whether the transaction is in cash.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 349.

SUMMARY—Makes various changes related to services provided to persons with autism spectrum disorders. (BDR 5-248)

AN ACT relating to persons with disabilities; ~~[requiring]~~ authorizing the juvenile court to establish an appropriate program for the treatment of children diagnosed with or suspected to have autism spectrum disorders; revising provisions relating to the membership of the Nevada Commission on Autism Spectrum Disorders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

With certain exceptions, existing law grants the juvenile court exclusive jurisdiction over a child who is alleged or adjudicated to have committed a delinquent act. In general, under existing law, a child commits a delinquent act if the child commits an act designated as a criminal offense. (NRS 62B.330) Section 1 of this bill ~~[requires]~~ authorizes the juvenile court to establish an appropriate program for the treatment of children diagnosed with or suspected to have autism spectrum disorders to which it may assign a child who is alleged or adjudicated to have committed a delinquent act. Section 1 also prescribes criteria for eligibility to participate in such a program.

Existing law establishes the Nevada Commission on Autism Spectrum Disorders and prescribes the membership of the Commission. The Commission consists of seven members appointed by the Governor, two of whom must represent school districts in this State. (NRS 427A.8801) Section 2 of this bill makes those two members nonvoting members of the Commission. Section 3 of this bill makes a conforming change relating to the designation of certain members as nonvoting members of the Commission.

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

Section 1. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The juvenile court ~~[shall]~~ may establish an appropriate program for the treatment of children diagnosed with or suspected to have autism spectrum

disorders to which it may assign a child who is alleged or adjudicated to have committed a delinquent act if the child:

(a) Is diagnosed with, including, without limitation, through the use of a standardized assessment, or suspected to have an autism spectrum disorder;

(b) Would benefit from assignment to the program; and

(c) Is not ineligible for assignment to the program pursuant to any other provision of law.

2. The assignment of a child who is alleged or adjudicated to have committed a delinquent act to a program pursuant to this section must:

(a) Include ~~[the]~~ :

(1) The terms and conditions for successful completion of the program ~~[.]~~ ; and

(2) The terms and conditions of the informal supervision or probation of the child, if applicable.

(b) Provide for progress reports at intervals set by the juvenile court to ensure that the child is making satisfactory progress towards completion of the program.

~~[(c) Allow for dismissal of the petition upon the successful completion of the program.]~~

3. As used in this section, "autism spectrum disorder" means a condition that meets the diagnostic criteria for autism spectrum disorder published in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association or the edition thereof that was in effect at the time the condition was diagnosed or determined.

Sec. 2. NRS 427A.8801 is hereby amended to read as follows:

427A.8801 1. The Nevada Commission on Autism Spectrum Disorders is hereby created within the Division. The Commission consists of seven members appointed by the Governor. The Governor shall appoint to the Commission:

(a) Two members who are representatives of school districts in this State;

(b) One member who is a behavior analyst;

(c) One member who is the parent of a person with an autism spectrum disorder who is over 12 years of age;

(d) One member who is the parent of a child with autism who is under 5 years of age;

(e) One member who is the parent of a child with autism who resides in a county with a population of less than 100,000; and

(f) One member who is a representative of the public at large.

2. *The members described in paragraph (a) of subsection 1 are nonvoting members.*

3. After the initial term, the term of each member is 3 years. A member may be reappointed.

~~[3.]~~ *4.* Members of the Commission serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and

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

~~[4.]~~ *5.* If a vacancy occurs during the term of a member, the Governor shall appoint a person similarly qualified to replace that member for the remainder of the unexpired term.

~~[5.]~~ *6.* The Governor shall annually designate the Chair and Vice Chair *of the Commission from among the voting members* of the Commission.

~~[6.]~~ *7.* A majority of the *voting* members of the Commission constitutes a quorum for the transaction of business, and a majority of the *voting* members of a quorum present at any meeting is sufficient for any official action taken by the Commission.

~~[7.]~~ *8.* As used in this section, "behavior analyst" has the meaning ascribed to it in NRS 437.010.

Sec. 3. NRS 427A.8802 is hereby amended to read as follows:

427A.8802 1. The Commission shall meet at least eight times each year at the call of the Governor or the Chair or a majority of its *voting* members.

2. The Commission may establish subcommittees consisting of members of the Commission or other persons to assist the Commission in the performance of its duties.

3. The Division shall provide such administrative support to the Commission and any subcommittee thereof as is necessary to carry out the duties of the Commission.

4. The Commission shall:

(a) Advise and make recommendations to the Governor regarding the needs of persons with autism spectrum disorders and their families and the availability, delivery and coordination of services for such persons in this State;

(b) Review available data concerning autism spectrum disorders, including, without limitation, data concerning the ages of persons served by public programs for persons with autism spectrum disorders, the number of persons on waiting lists for such programs and the outcomes for persons receiving services through such programs, and monitor programs operated by state and local agencies that serve persons with autism spectrum disorders and their families; and

(c) Submit to the Governor an annual report concerning the activities of the Commission.

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

Senator Scheible moved the adoption of the amendment.

Remarks by Senator Scheible.

Amendment No. 349 to Senate Bill No. 411 authorizes, rather than requires, the establishment of a specialty court for children who are diagnosed with or are suspected to have autism spectrum disorders and adds language providing for informal supervision or probation for a child as appropriate.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Growth and Infrastructure:

Amendment No. 310.

SUMMARY—Revises provisions relating to motorcycles. (BDR 43-662)

AN ACT relating to motorcycles; increasing certain motorcycle safety fees; requiring an applicant for a motorcycle endorsement to a driver's license to pay an additional fee; revising provisions relating to penalties for driving without a motorcycle driver's license, motorcycle endorsement or permit to operate a motorcycle; establishing certain requirements for the renewal of a motorcycle endorsement to a driver's license; revising certain requirements for instructors for the Program for the Education of Motorcycle Riders; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Motor Vehicles to impose for every motorcycle, a registration fee and an additional fee of $6 for motorcycle safety. (NRS 482.480) Section 1 of this bill increases the fee for motorcycle safety to $18.

Existing law requires an applicant for a motorcycle endorsement to a driver's license to pay a fee of $5. (NRS 483.410) Section 2 of this bill requires such an applicant to pay an additional $45 fee for motorcycle safety which must be deposited in the State General Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

Existing law prohibits a resident of this State from driving a motorcycle upon a highway unless that person holds a valid motorcycle driver's license, a driver's license with a motorcycle endorsement or a permit to operate a motorcycle. (NRS 486.061) Existing law also provides that any person who violates this requirement is guilty of a misdemeanor. (NRS 486.381) Section 3 of this bill provides that a court must allow such a person to complete a course of motorcycle safety in lieu of imposing a fine for such a violation which must be completed within 9 months of the issuance of the final order.

Existing law provides that a motorcycle endorsement to a driver's license expires simultaneously with the expiration of the driver's license. (NRS 486.161) Existing regulation provides that a driver's license expires on the eighth anniversary of the birthday of the licensee, measured from the birthday of the licensee nearest the date of issuance or renewal.

(NAC 483.043) Section 4 of this bill requires that an applicant for the renewal of a motorcycle endorsement ~~[to]~~ , except for the first renewal of the motorcycle endorsement, provide proof that the applicant has successfully ~~[complete]~~ completed a course of motorcycle safety in the immediately preceding 8 years before the applicant may renew ~~[a]~~ the motorcycle endorsement. ~~[Section 4 requires an applicant who: (1) is at least 16 but not more than 29 years of age to complete such a course at least once every 8 years ; and (2) is 30 years of age or older to complete such a course at least once every 12 years.]~~ Section 7 of this bill provides that this requirement does not take effect until January 1, 2032.

Existing law requires the Department to establish: (1) the Program for the Education of Motorcycle Riders; and (2) a fee of not more than $150 for the Program. (NRS 486.372, 486.373) Existing law sets forth certain eligibility requirements for instructors of the Program. (NRS 486.375) Section 5 of this bill removes the $150 Program fee. Section 6 of this bill removes the eligibility requirements that a Program instructor: (1) be a resident of this State or a member of the Armed Forces of the United States stationed at a military installation located in Nevada; and (2) has held a motorcycle driver's license or endorsement for at least 2 years.

Section 6.5 of this bill authorizes the Director of the Department of Public Safety to transfer money from the Account for the Program for the Education of Motorcycle Riders to the Department for certain computer programming costs associated with sections 1 and 2.

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

Section 1. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of $16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of $12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of $8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of $33 and for each

motorcycle other than a trimobile, an additional fee of ~~[$6]~~ *$18* for motorcycle safety. The additional fee must be deposited in the State General Fund for credit to the Account for the Program for the Education of Motorcycle Riders created by NRS 486.372.

5. For every moped, a one-time fee for registration of $33.

6. For each transfer of registration, a fee of $6 in addition to any other fees.

7. Except as otherwise provided in subsection 6 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee as specified in NRS 482.557 for a registered owner who failed to have insurance on the date specified by the Department, which fee is in addition to any fine or penalty imposed pursuant to NRS 482.557; or

(b) A fee of $50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

➥ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

8. For every travel trailer, a fee for registration of $27.

9. For every permit for the operation of a golf cart, an annual fee of $10.

10. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of $33.

11. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451 or 482.458, a fee of $33.

12. For each vehicle for which the registered owner has indicated his or her intention to opt in to making a contribution pursuant to paragraph (i) of subsection 3 of NRS 482.215 or subsection 4 of NRS 482.280, a contribution of $2. The contribution must be distributed to the appropriate county pursuant to NRS 482.1825.

Sec. 2. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection 6 and NRS 483.330 and 483.417, for every driver's license, including a motorcycle driver's license, issued and service performed, the following fees must be charged:

An original or renewal license issued to a person 65 years of age or older	$13.50
An original or renewal license issued to any person less than 65 years of age which expires on the eighth anniversary of the licensee's birthday	$37.00
An original or renewal license issued to any person less than 65 years of age which expires on or before the fourth anniversary of the licensee's birthday	18.50

Administration of the examination required by NRS 483.330 for a noncommercial driver's license 25.00
Each readministration to the same person of the examination required by NRS 483.330 for a noncommercial driver's license 10.00
Reinstatement of a license after suspension, revocation or cancellation, except a revocation for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220 ..... 75.00
Reinstatement of a license after revocation for a violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430, or pursuant to NRS 484C.210 and 484C.220 ..... 120.00
A new photograph, change of name, change of other information, except address, or any combination..... 5.00
A duplicate license..... 14.00

2. For every motorcycle endorsement to a driver's license, a fee of $5 *and an additional fee of $45 for motorcycle safety* must be charged. *The additional fee for motorcycle safety must be deposited in the State General Fund for credit to the Account for the Program for the Education of Motorcycle Riders created by NRS 486.372.*

3. If no other change is requested or required, the Department shall not charge a fee to convert the number of a license from the licensee's social security number, or a number that was formulated by using the licensee's social security number as a basis for the number, to a unique number that is not based on the licensee's social security number.

4. Except as otherwise provided in NRS 483.417, the increase in fees authorized by NRS 483.347 and the fees charged pursuant to NRS 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

5. A penalty of $10 must be paid by each person renewing a license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless the person is exempt pursuant to that section.

6. The Department may not charge a fee for the reinstatement of a driver's license that has been:

(a) Voluntarily surrendered for medical reasons; or

(b) Cancelled pursuant to NRS 483.310.

7. All fees and penalties are payable to the Administrator at the time a license or a renewal license is issued.

8. Except as otherwise provided in *subsection 2,* NRS 483.340, subsection 3 of NRS 483.3485, NRS 483.415 and 483.840, and subsection 3 of NRS 483.863, all money collected by the Department pursuant to this chapter must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

Sec. 3. NRS 486.061 is hereby amended to read as follows:

486.061 *1.* Except for a nonresident who is at least 16 years of age and is authorized by the person's state of residency to drive a motorcycle, a person

shall not drive:

[1.] *(a)* A motorcycle, except a trimobile, upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, a driver's license issued pursuant to chapter 483 of NRS endorsed to authorize the holder to drive a motorcycle or a permit issued pursuant to subsection 4 or 5 of NRS 483.280.

[2.] *(b)* A trimobile upon a highway unless that person holds a valid motorcycle driver's license issued pursuant to NRS 486.011 to 486.381, inclusive, or a driver's license issued pursuant to chapter 483 of NRS.

2. If, pursuant to NRS 486.381, a court of competent jurisdiction finds that a person has violated the requirement of paragraph (a) of subsection 1, the court shall permit the person to complete a course of motorcycle safety in lieu of assessing a fine for the violation. The course of motorcycle safety must be completed within 9 months of the date of the final order of the court and proof of successful completion of the course must be filed with the court.

Sec. 4. NRS 486.161 is hereby amended to read as follows:

486.161 1. Every motorcycle driver's license expires as prescribed by regulation.

2. The Department shall adopt regulations prescribing when a motorcycle driver's license expires.

3. Every *motorcycle driver's* license is renewable at any time before its expiration upon application, submission of the statement required pursuant to NRS 486.084 and payment of the required fee.

4. Every motorcycle endorsement to a driver's license issued on or after January 1, 1972 , expires ~~[:~~

~~*(a) Expires]*~~ simultaneously with the expiration of the driver's license . ~~[;~~ ~~*and*~~

~~*(b) May only be renewed upon:]*~~

5. Except for the initial renewal of a motorcycle endorsement to a driver's license, an applicant for the renewal of a motorcycle endorsement after the first renewal must submit proof of the successful completion by the applicant of a course of motorcycle safety approved by the Department ~~*[by:*~~

~~*(1) A person who is least 16 but not more than 29 years of age, at least once every]*~~ *in the immediately preceding 8 years* . ~~*[after the initial issuance of the endorsement; and*~~

~~*(2) A person who is 30 years of age or older, at least once every 12 years after the initial issuance of the endorsement,*~~

~~*→ Proof of successful completion of the course must be submitted to the Department in person or via electronic means before an applicant may apply for renewal of a motorcycle endorsement.]*~~

[4. ~~*5.]*~~ *6.* Except as otherwise provided in subsection 1 of NRS 483.384, each applicant for renewal must appear before an examiner for a driver's license and successfully pass a test of the applicant's eyesight.

Sec. 5. NRS 486.373 is hereby amended to read as follows:

486.373 [1.] A resident of this State who holds a driver's license, a

motorcycle driver's license or a motorcycle endorsement to a driver's license or who is eligible to apply for such a license or endorsement, or a nonresident who is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard and who is stationed at a military installation located in Nevada, may enroll in the Program.

~~[2. The Director shall establish a fee of not more than $150 for the Program.]~~

Sec. 6. NRS 486.375 is hereby amended to read as follows:

486.375 1. A person who:

(a) ~~[Is a resident of this State or is a member of the Armed Forces of the United States stationed at a military installation located in Nevada;~~

~~(b)]~~ Is at least 21 years old;

~~[(c)]~~ *(b)* Holds a motorcycle driver's license or a motorcycle endorsement to a driver's license issued by the Department;

~~[(d) Has held a motorcycle driver's license or endorsement for at least 2 years; and~~

~~(e)]~~ *and*

(c) Is certified as an instructor of motorcycle riders by a nationally recognized public or private organization which is approved by the Director,

➥ may apply to the Department for a license as an instructor for the Program.

2. The Department shall not license a person as an instructor if, within 2 years before the person submits an application for a license:

(a) The person has accumulated three or more demerit points pursuant to the uniform system of demerit points established pursuant to NRS 483.473, or has been convicted of, or found to have committed, traffic violations of comparable number and severity in another jurisdiction; or

(b) The person's driver's license was suspended or revoked in any jurisdiction.

3. The Director shall adopt standards and procedures for the licensing of instructors for the Program.

Sec. 6.5. The Director of the Department of Public Safety may, upon the request of the Director of the Department of Motor Vehicles, transfer not more than $96,499 from the Account for the Program for the Education of Motorcycle Riders created by NRS 486.372 to the Department of Motor Vehicles for the cost of computer programming required to implement the amendatory provisions of sections 1 and 2 of this act.

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

2. Sections 1, 2, ~~[4,]~~ 5 , ~~[and]~~ 6 and 6.5 of this act become effective:

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

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

3. Section 3 of this act becomes effective:

(a) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary

to carry out the provisions of this act; and

(b) On January 1, 2025, for all other purposes.

4. Section 4 of this act becomes effective:

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

(b) On January 1, 2032, for all other purposes.

Senator Harris moved the adoption of the amendment.

Remarks by Senator Harris.

Amendment No. 310 to Senate Bill No. 423 provides that a motorcycle endorsement to a driver's license may not be renewed unless the applicant provides proof of completion of a motorcycle safety course in the preceding eight years. This is not required for the first renewal after the initial issuance of a motorcycle endorsement. It authorizes the Director of the Department of Public Safety to transfer funds not more than $96,499 from the Account for the Program of Motorcycle Riders to the Department of Motor Vehicles for the costs of computer programming associated with implementing the provisions of sections 1 and 2 of the bill; adds a provision that the applicant is not required to show the proof of completion with an application for renewal submitted before January 1, 2032; removes proposed age-specific language associated with the renewal; and establishes the effective date related to section 4 of the bill to upon passage and approval for the purpose of adopting regulations and performing preparatory administrative tasks necessary and on January 1, 2032, for all other purposes.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 430.

Bill read second time.

The following amendment was proposed by the Committee on Revenue and Economic Development:

Amendment No. 389.

SUMMARY—Revises provisions relating to partial refunds of property taxes to certain persons who are ~~[55]~~ 66 years of age or older. (BDR 38-999)

The Title of Senate Bill No. 430 is hereby amended as follows:

AN ACT relating to taxation; establishing a program to provide partial refunds of property taxes to certain persons who are ~~[55]~~ 66 years of age or older; providing penalties; and providing other matters properly relating thereto.

If this amendment is adopted, the Legislative Counsel's Digest will be changed as follows:

Legislative Counsel's Digest:

This bill enacts provisions to provide partial property tax refunds to persons who are ~~[55]~~ 66 years of age or older. Sections 2-12 of this bill define certain words and terms for the purposes of sections 2-31 of this bill. Sections 14 and 15 of this bill entitle each person who is ~~[55]~~ 66 years of age or older who: (1) owns his or her primary residence and whose household income is less than or equal to the federally designated level signifying poverty to receive a partial refund of the property taxes due for the fiscal year in which a claim for the partial refund is filed; or (2) rents his or her primary residence and whose

household income is less than or equal to the federally designated level signifying poverty to receive a partial refund of a portion of the annual rent paid by the person which is deemed to constitute the property taxes due for the fiscal year in which a claim for the partial refund is filed. Section 16 of this bill provides that a senior citizen is entitled to a partial refund calculated pro rata for certain portions of property taxes levied against property the senior citizen owned and rented during a portion of the preceding year under certain circumstances. Section 17 of this bill sets forth the amount of rent deemed to constitute accrued property tax.

Sections 18, 19, 23, 24 and 27 of this bill establish the procedure for a claimant to claim a partial refund and for the Aging and Disability Services Division of the Department of Health and Human Services to grant or deny such a claim. Section 20 of this bill provides that persons with homes exceeding a certain amount of assessed value and persons with a certain amount of liquid assets are ineligible to receive a partial refund. Section 21 of this bill authorizes surviving spouses, persons who are blind and veterans who receive certain property tax exemptions to receive a refund of the property taxes pursuant to sections 2-31, but require the assessed value used to determine the refund to be reduced by the amount of the exemption. Sections 25 and 26 of this bill provide for the revocation or disallowance of a refund under certain circumstances. Section 22 of this bill authorizes the Division to expend a certain amount of money to contract with qualified persons to assist in conducting an audit of claims. Section 28 of this bill makes it a gross misdemeanor for a person to willfully make a false statement or commit fraud to obtain a refund. Section 29 of this bill establishes the procedure to appeal a denial of a refund by the Division or a county assessor. Section 30 of this bill provides certain administrative responsibilities for the Division and authorizes the Division to adopt regulations to carry out the provisions of sections 2-31. Section 31 of this bill requires the refunds authorized by this bill to be paid from money appropriated by the Legislature and establishes the Senior Citizens' Property Tax Assistance Account in the State General Fund . ~~[and requires: (1) the Account to consist of a portion of the property taxes collected by the county treasurer of each county and legislative appropriations to the Account; (2) the]~~ Under section 31: (1) the costs of administering sections 2-31 and the refunds of property taxes are required to be paid from that Account; and ~~[(3)]~~ (2) the county assessor of each county is required to be paid from the Account an amount equal to $4 for each claim for a refund received by the county assessor and submitted to the Division.

Section 12 of Senate Bill No. 430 is hereby amended as follows:

Sec. 12. *"Senior citizen" means any person who is domiciled in this State and will attain the age of ~~[55]~~ 66 years on or before the last day in June immediately succeeding the filing period.*

Section 31 of Senate Bill No. 430 is hereby amended as follows:

Sec. 31. *1. ~~[The]~~ Money to pay for assistance granted to senior citizens*

pursuant to the provisions of sections 2 to 31, inclusive, of this act must be provided by legislative appropriation from the State General Fund. The money so appropriated must be transferred to the Senior Citizens' Property Tax Assistance Account , which is hereby created in the State General Fund. ~~[The Account consists of money which is:~~

~~(a) Received by the State Controller for credit to the Account pursuant to subsection 2; and~~

~~(b) Appropriated to the Account by the Legislature.]~~

2. ~~[Notwithstanding any other provision of law, on the third Monday of July, October, January and April of each year, each county treasurer shall deposit with the State Controller for credit to the Senior Citizens' Property Tax Assistance Account an amount of the property taxes received by the county treasurer equal to the amount authorized by the Legislature to be expended from the Account for that county, multiplied by a percentage determined by dividing:~~

~~(a) The total ad valorem tax rate levied on a parcel or other taxable unit of property in the county, excluding:~~

~~(1) Any ad valorem tax rate levied on a parcel or other taxable unit of property owned by this State; and~~

~~(2) Any ad valorem tax rate levied on a parcel or other taxable unit of property in the county, the proceeds of which are pledged to the payment of obligations secured by those proceeds, unless an independent bond counsel representing the governing body of the county in connection with the issuance of those obligations has issued an opinion stating that the use of a portion of the proceeds of the ad valorem tax rate for the purposes of sections 2 to 31, inclusive, of this act would not impair the contract for the sale of those obligations; and~~

~~(b) The total ad valorem tax rate levied on a parcel or other taxable unit of property in the county.~~

~~3.]~~ Money in the Senior Citizens' Property Tax Assistance Account must be used only to administer the provisions of sections 2 to 31, inclusive, of this act and pay refunds granted pursuant to the provisions of sections 2 to 31, inclusive, of this act. From the Account, the sum of $4 must be paid to the county assessor of each county in this State for each claim which is received by the county assessor and submitted to the Division.

~~[4.]~~ 3. The Administrator may, from time to time, obtain from the State Controller a statement of the balance in the Senior Citizens' Property Tax Assistance Account. The Administrator shall provide for full refunds of all granted claims if the total amount of the claims does not exceed the balance in the Account. If the total amount of the claims exceeds that balance, the Administrator shall proportionately reduce each claim paid pursuant to section 19 of this act.

~~[5.]~~ 4. All claims against the Senior Citizens' Property Tax Assistance Account must be certified by the Administrator or the designee of the Administrator and, if certified and approved by the State Board of Examiners,

the State Controller shall draw his or her warrant against the Account.

Senator Neal moved the adoption of the amendment.

Remarks by Senator Neal.

Amendment No. 389 to Senate Bill No. 430 removes the requirement for local governments to provide funding for the program created in the bill and instead requires that funding for the program be provided by legislative appropriation from the State General Fund. The amendment also raises the eligibility age for a refund from the program from 55 to 66 years of age.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 436.

Bill read second time.

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

Amendment No. 430.

SUMMARY—Revises provisions relating to service contracts. (BDR 57-873)

AN ACT relating to insurance; requiring the provider of a service contract to maintain or contract for an adequate network or workforce of employees or contractors to carry out its obligations under the service contract in a timely and reasonable manner; providing that the holder of a service contract is entitled to reimbursement of costs incurred as the result of the failure by the provider to comply with such a requirement; requiring the Commissioner of Insurance to submit to the Joint Interim Standing Committee on Commerce and Labor a report concerning the service contract provider industry in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of providers of service contracts by the Commissioner of Insurance. (Chapter 690C of NRS) Existing law defines a service contract as a contract pursuant to which a provider, in exchange for separately stated consideration, is obligated for a specified period to a holder to repair, replace or perform maintenance on, or indemnify or reimburse the holder for the costs of repairing, replacing or performing maintenance on, goods that are described in the service contract and which have an operational or structural failure as a result of a defect in materials, workmanship or normal wear and tear. Types of service contracts include contracts that: (1) pay reimbursement for towing, rental and emergency road service; and (2) provide for the repair, replacement or maintenance of goods for damages that result from power surges or accidental damage from handling. (NRS 690C.080) Existing law authorizes the Commissioner to assess a civil penalty against a provider who fails to comply with existing law or who violates an order or regulation of the Commissioner. (NRS 690C.330)

~~[This bill]~~ Section 1 of this bill requires a provider to ensure that the provider maintains or contracts for an adequate network or workforce of employees or contractors to carry out its obligations to the holder of a service contract in a

timely and reasonable manner, including, without limitation, the duty to repair, replace or perform maintenance on goods that are described in the service contract. ~~[This bill]~~ Section 1 also provides that if the provider fails to comply with the requirement to maintain or contract for such an adequate network or workforce of employees or contractors, then, in addition to any other remedies available to the holder, a holder is entitled to reimbursement from the provider for any reasonable and necessary costs incurred by the holder to repair, replace or perform maintenance on the goods.

Section 2 of this bill requires the Commissioner of Insurance to submit to the Joint Interim Standing Committee on Commerce and Labor an annual report that provides certain information concerning the service contract industry in this State.

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

Section 1. Chapter 690C of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ the provisions set forth as sections 1.5 and 2 of this act.

Sec. 1.5. 1. A provider shall maintain or contract for an adequate network or workforce of employees or contractors that is sufficient to carry out its obligations to a holder under a service contract in a timely and reasonable manner, including, without limitation, the duty to repair, replace or perform maintenance on goods that are described in the service contract.

2. If a provider fails to comply with the provisions of subsection 1, in addition to any other remedy available to a holder, a holder is entitled to reimbursement from the provider for any reasonable and necessary costs incurred by the holder to repair, replace or perform maintenance on the goods.

Sec. 2. 1. On or before December 31, 2023, and on or before December 31 of each year thereafter, the Commissioner shall submit a report to the Joint Interim Standing Committee on Commerce and Labor concerning the service contract industry in this State.

2. The report must include, without limitation:

(a) For each report other than the initial report, the number of service contracts sold by providers, by county, during the calendar year for which the report is made;

(b) The number of providers doing business in this State;

(c) The number of providers, by the type of service contract provided;

(d) The number of complaints concerning providers received by the Division, by type of complaint; and

(e) Any other matter relating to the service contract industry in this State that the Commissioner deems appropriate.

3. As used in this section:

(a) "Provider" has the meaning ascribed to it in NRS 690C.070.

(b) "Service contract" has the meaning ascribed to it in NRS 690C.080.

Sec. 3. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report

to the Legislature.

Senator Spearman moved the adoption of the amendment.

Remarks by Senator Spearman.

Amendment No. 430 to Senate Bill No. 436 requires the Commissioner of Insurance to submit a report to the Joint Interim Standing Committee on Commerce and Labor containing certain information concerning the service contract industry in Nevada on or before December 31, 2023, and on or before December 31 of each year thereafter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 330.

Bill read second time.

The following amendment was proposed by Senator Lange:

Amendment No. 504.

SUMMARY—Revises provisions related to health care. (BDR 57-161)

AN ACT relating to health care; revising requirements for certain health insurance plans to provide certain benefits for preventative health care relating to breast cancer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires most health insurance plans, including individual, group and blanket health insurance policies, small employer plans, benefit contracts provided by fraternal benefit societies, contracts for hospital or medical service, health care plans of health maintenance organizations and plans issued by managed care organizations to include coverage for mammograms. (NRS 689A.0405, 689B.0374, 689C.1674, 695A.1855, 695B.1912, 695C.1735, 695G.1713) Sections ~~[1-7]~~ 1-5, 6 and 7 of this bill revise existing provisions requiring coverage for mammograms to require such policies, plans and contracts of health care to additionally provide coverage for imaging tests to screen for breast cancer and diagnostic imaging tests for breast cancer for certain covered persons without requiring any deductible, copayment, coinsurance or any other form of cost-sharing. ~~[Section]~~ Sections 5.5, 6.5, 7.5 and 8 of this bill ~~[makes a conforming change]~~ make various changes to exclude the Public Employees' Benefits Program and plans of self-insurance for employees of local governments from the ~~[requirement]~~ requirements of this bill and, thus, the Program and such plans may, but ~~[is]~~ are not required to, provide the coverage set forth in this bill. Sections 7.2 and 7.3 of this bill make changes necessary so that requirements concerning mammograms that currently apply to the Program and plans of self-insurance for employees of local governments continue to apply to the Program and such plans. Sections 7.7 and 7.9 of this bill make conforming changes to indicate the proper placement of sections 7.2 and 7.3, respectively, in the Nevada Revised Statutes.

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

Section 1. NRS 689A.0405 is hereby amended to read as follows:

689A.0405 1. A policy of health insurance must provide coverage for benefits payable for expenses incurred for ~~[a]~~ *:*

(a) A mammogram ~~[every 2 years, or]~~ *to screen for breast cancer* annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ *insureds who are* 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of health insurance shall not:

(a) Require an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment , ~~[or]~~ coinsurance *or any other form of cost-sharing* or require a longer waiting period or other condition to obtain any benefit provided in the policy of health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of health insurance or cancel a policy of health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2024,* has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating

to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 2. NRS 689B.0374 is hereby amended to read as follows:

689B.0374 1. A policy of group health insurance must provide coverage for benefits payable for expenses incurred for ~~[a]~~ *:*

(a) A mammogram ~~[every 2 years, or]~~ *to screen for breast cancer* annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ *insureds who are* 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a policy of group health insurance shall not:

(a) Require an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment , ~~[or]~~ coinsurance *or any other form of cost-sharing* or require a longer waiting period or other condition to obtain any benefit provided in the policy of group health insurance pursuant to subsection 1;

(b) Refuse to issue a policy of group health insurance or cancel a policy of group health insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A policy subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2024,* has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a policy of group health insurance offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 3. NRS 689C.1674 is hereby amended to read as follows:

689C.1674 1. A health benefit plan must provide coverage for benefits payable for expenses incurred for ~~[a]~~ *:*

(a) A mammogram ~~[every 2 years, or]~~ *to screen for breast cancer* annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ *insureds who are* 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. A carrier must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the carrier.

3. Except as otherwise provided in subsection 5, a carrier that offers or issues a health benefit plan shall not:

(a) Require an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment , ~~[or]~~ coinsurance *or any other form of cost-sharing* or require a longer waiting period or other condition to obtain any benefit provided in the health benefit plan pursuant to subsection 1;

(b) Refuse to issue a health benefit plan or cancel a health benefit plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2024,* has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a carrier may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health benefit plan offered by a carrier under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the carrier. The term does not include an arrangement for the financing of premiums.

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

Sec. 4. NRS 695A.1855 is hereby amended to read as follows:

695A.1855 1. A benefit contract must provide coverage for benefits payable for expenses incurred for ~~[a]~~ *:*

(a) A mammogram ~~[every 2 years, or]~~ *to screen for breast cancer* annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ *insureds who are* 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. A society must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the society.

3. Except as otherwise provided in subsection 5, a society that offers or issues a benefit contract shall not:

(a) Require an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment , ~~[or]~~ coinsurance *or any other form of cost-sharing* or require a longer waiting period or other condition for coverage to obtain any benefit provided in a benefit contract pursuant to subsection 1;

(b) Refuse to issue a benefit contract or cancel a benefit contract solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A benefit contract subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2024*, has the legal effect of including the coverage required by subsection 1, and any provision of the benefit contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a society may use medical management techniques, including, without limitation, any

available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a benefit contract offered by a society under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the society. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 5. NRS 695B.1912 is hereby amended to read as follows:

695B.1912 1. An insurer that offers or issues a contract for hospital or medical service must provide coverage for benefits payable for expenses incurred for ~~[a]~~ *:*

(a) A mammogram ~~[every 2 years, or]~~ *to screen for breast cancer* annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ *insureds who are* 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. An insurer must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the insurer.

3. Except as otherwise provided in subsection 5, an insurer that offers or issues a contract for hospital or medical service shall not:

(a) Require an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment , ~~[or]~~ coinsurance *or any other form of cost-sharing* or require a longer waiting period or other condition to obtain any benefit provided in a contract for hospital or medical service pursuant to subsection 1;

(b) Refuse to issue a contract for hospital or medical service or cancel a contract for hospital or medical service solely because the person applying for or covered by the contract uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A contract for hospital or medical service subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2024*, has the legal effect of including the coverage required by subsection 1, and any provision of the contract or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, an insurer may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a contract for hospital or medical service offered by an insurer under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the insurer. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 5.5. NRS 695C.050 is hereby amended to read as follows:

695C.050 1. Except as otherwise provided in this chapter or in specific provisions of this title, the provisions of this title are not applicable to any health maintenance organization granted a certificate of authority under this chapter. This provision does not apply to an insurer licensed and regulated pursuant to this title except with respect to its activities as a health maintenance organization authorized and regulated pursuant to this chapter.

2. Solicitation of enrollees by a health maintenance organization granted a certificate of authority, or its representatives, must not be construed to violate any provision of law relating to solicitation or advertising by practitioners of a healing art.

3. Any health maintenance organization authorized under this chapter shall not be deemed to be practicing medicine and is exempt from the

provisions of chapter 630 of NRS.

4. The provisions of NRS 695C.110, 695C.125, 695C.1691, 695C.1693, 695C.170, 695C.1703, 695C.1705, 695C.1709 to 695C.173, inclusive, 695C.1733, 695C.17335, 695C.1734, 695C.1751, 695C.1755, 695C.1759, 695C.176 to 695C.200, inclusive, and 695C.265 do not apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

5. The provisions of NRS 695C.1694 to 695C.1698, inclusive, 695C.1701, 695C.1708, 695C.1728, 695C.1731, 695C.17333, 695C.17345, 695C.17347, 695C.1735, 695C.1737, 695C.1743, 695C.1745 and 695C.1757 apply to a health maintenance organization that provides health care services through managed care to recipients of Medicaid under the State Plan for Medicaid.

6. The provisions of NRS 695C.1735 do not apply to a health maintenance organization that provides health care services to members of the Public Employees' Benefits Program. This subsection does not exempt a health maintenance organization from any provision of this chapter for services provided pursuant to any other contract.

Sec. 6. NRS 695C.1735 is hereby amended to read as follows:

695C.1735 1. A health care plan of a health maintenance organization must provide coverage for benefits payable for expenses incurred for ~~[a]~~ *:*

(a) A mammogram ~~[every 2 years, or]~~ *to screen for breast cancer* annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ *enrollees who are* 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the enrollee's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the enrollee.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the enrollee's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. A health maintenance organization must ensure that the benefits required by subsection 1 are made available to an enrollee through a provider of health care who participates in the network plan of the health maintenance organization.

3. Except as otherwise provided in subsection 5, a health maintenance organization that offers or issues a health care plan shall not:

(a) Require an enrollee to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment , ~~[or]~~ coinsurance *or any other form of cost-sharing* or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an enrollee to discourage the enrollee from obtaining any benefit provided in the health care plan pursuant to subsection 1;

(d) Penalize a provider of health care who provides any such benefit to an enrollee, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an enrollee; or

(f) Impose any other restrictions or delays on the access of an enrollee to any such benefit.

4. A health care plan subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2024*, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a health maintenance organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a health maintenance organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the health maintenance organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 6.5. NRS 695G.090 is hereby amended to read as follows:

695G.090 1. Except as otherwise provided in subsection 3, the provisions of this chapter apply to each organization and insurer that operates as a managed care organization and may include, without limitation, an insurer

that issues a policy of health insurance, an insurer that issues a policy of individual or group health insurance, a carrier serving small employers, a fraternal benefit society, a hospital or medical service corporation and a health maintenance organization.

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

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

(b) Any other applicable provision of this title.

3. The provisions of NRS 695G.127, 695G.164, 695G.1645, 695G.167 and 695G.200 to 695G.230, inclusive, do not apply to a managed care organization that provides health care services to recipients of Medicaid under the State Plan for Medicaid or insurance pursuant to the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department of Health and Human Services. ~~[This subsection does]~~

4. The provisions of NRS 695C.1735 do not apply to a managed care organization that provides health care services to members of the Public Employees' Benefits Program.

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

Sec. 7. NRS 695G.1713 is hereby amended to read as follows:

695G.1713 1. A health care plan issued by a managed care organization must provide coverage for benefits payable for expenses incurred for ~~[a]~~ *:*

(a) A mammogram ~~[every 2 years, or]~~ *to screen for breast cancer* annually ~~[if ordered by a provider of health care,]~~ for ~~[women]~~ *insureds who are* 40 years of age or older.

(b) An imaging test to screen for breast cancer on an interval and at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care based on personal or family medical history or additional factors that may increase the risk of breast cancer for the insured.

(c) A diagnostic imaging test for breast cancer at the age deemed most appropriate, when medically necessary, as recommended by the insured's provider of health care to evaluate an abnormality which is:

(1) Seen or suspected from a mammogram described in paragraph (a) or an imaging test described in paragraph (b); or

(2) Detected by other means of examination.

2. A managed care organization must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the managed care organization.

3. Except as otherwise provided in subsection 5, a managed care organization that offers or issues a health care plan which provides coverage for prescription drugs shall not:

(a) Require an insured to pay a ~~[higher]~~ deductible, ~~[any]~~ copayment , ~~[or]~~ coinsurance *or any other form of cost-sharing* or require a longer waiting period or other condition to obtain any benefit provided in the health care plan pursuant to subsection 1;

(b) Refuse to issue a health care plan or cancel a health care plan solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after January 1, ~~[2018,]~~ *2024*, has the legal effect of including the coverage required by subsection 1, and any provision of the plan or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, a managed care organization may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a health care plan offered by a managed care organization under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the managed care organization. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 7.1. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 7.2 and 7.3 of this act.

Sec. 7.2. *1. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance*

through a plan of self-insurance shall provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.

2. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the governing body.

3. Except as otherwise provided in subsection 5, the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the plan of self-insurance pursuant to subsection 1;

(b) Refuse to issue a plan of self-insurance or cancel a plan of self-insurance solely because the person applying for or covered by the policy uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan of self-insurance subject to the provisions of this chapter which is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that provides health insurance through a plan of self-insurance may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use.

The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a plan of self-insurance provided by the governing body of a local governmental agency under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the governing body. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 7.3. 1. If the Board provides health insurance through a plan of self-insurance, it shall provide coverage for benefits payable for expenses incurred for a mammogram every 2 years, or annually if ordered by a provider of health care, for women 40 years of age or older.

2. If the Board provides health insurance through a plan of self-insurance, it must ensure that the benefits required by subsection 1 are made available to an insured through a provider of health care who participates in the network plan of the Board.

3. Except as otherwise provided in subsection 5, if the Board provides health insurance through a plan of self-insurance, it shall not:

(a) Require an insured to pay a higher deductible, any copayment or coinsurance or require a longer waiting period or other condition to obtain any benefit provided in the plan of self-insurance pursuant to subsection 1;

(b) Refuse to issue a plan of self-insurance or cancel a plan of self insurance solely because the person applying for or covered by the plan uses or may use any such benefit;

(c) Offer or pay any type of material inducement or financial incentive to an insured to discourage the insured from obtaining any such benefit;

(d) Penalize a provider of health care who provides any such benefit to an insured, including, without limitation, reducing the reimbursement of the provider of health care;

(e) Offer or pay any type of material inducement, bonus or other financial incentive to a provider of health care to deny, reduce, withhold, limit or delay access to any such benefit to an insured; or

(f) Impose any other restrictions or delays on the access of an insured to any such benefit.

4. A plan of self-insurance described in subsection 1 which is delivered, issued for delivery or renewed on or after January 1, 2024, has the legal effect of including the coverage required by subsection 1, and any provision of the policy or the renewal which is in conflict with this section is void.

5. Except as otherwise provided in this section and federal law, if the Board provides health insurance through a plan of self-insurance, the Board may use medical management techniques, including, without limitation, any available clinical evidence, to determine the frequency of or treatment relating

to any benefit required by this section or the type of provider of health care to use for such treatment.

6. As used in this section:

(a) "Medical management technique" means a practice which is used to control the cost or utilization of health care services or prescription drug use. The term includes, without limitation, the use of step therapy, prior authorization or categorizing drugs and devices based on cost, type or method of administration.

(b) "Network plan" means a plan of self-insurance provided by the Board under which the financing and delivery of medical care, including items and services paid for as medical care, are provided, in whole or in part, through a defined set of providers under contract with the Board. The term does not include an arrangement for the financing of premiums.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

Sec. 7.5. 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.0369, inclusive, 689B.0375 to* 689B.050, inclusive, 689B.265, 689B.287 and 689B.500 apply to coverage provided pursuant to this paragraph, except that the provisions of NRS 689B.0378, 689B.03785 and 689B.500 only apply to coverage for active officers and employees of the governing body, or the dependents of such officers and employees.

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

2. If a school district offers group insurance to its officers and employees pursuant to this section, members of the board of trustees of the school district must not be excluded from participating in the group insurance. If the amount of the deductions from compensation required to pay for the group insurance exceeds the compensation to which a trustee is entitled, the difference must be paid by the trustee.

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

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

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

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

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

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

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

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

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

Sec. 7.7. NRS 287.040 is hereby amended to read as follows:

287.040 The provisions of NRS 287.010 to 287.040, inclusive, *and section 7.2 of this act* do not make it compulsory upon any governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada, except as otherwise provided in NRS 287.021 or subsection 4 of NRS 287.023 or in an agreement entered into pursuant to subsection 3 of NRS 287.015, to pay any premiums, contributions or other costs for group insurance, a plan of benefits or medical or hospital services established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025, for coverage under the Public Employees' Benefits Program, or to make any contributions to a trust fund established pursuant to NRS 287.017, or upon any officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State to accept any such coverage or to assign his or her wages or salary in payment of premiums or contributions therefor.

Sec. 7.9. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, *and section 7.3 of this act,* unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. 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.1712, inclusive, 695G.1714 to* 695G.174, inclusive, 695G.176, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, inclusive, and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 9. This act becomes effective on January 1, 2024.

Senator Lange moved the adoption of the amendment.

Remarks by Senator Lange.

Amendment No. 504 to Senate Bill No. 330 makes various changes to exclude the Public Employees Benefit Program (PEBP) and plans of self-insurance for employees and local governments and requirements to provide coverage for breast cancer screening and diagnostic image tests for eligible persons without requiring any detectable copayments, coinsurance or any other form of cost sharing. It also adds new sections to the bill to make requirements in existing law concerning providing coverage for mammograms every two years and annually, if necessary, for women 40 years of age or older that currently apply to PEBP and plans of self-insurance employees of local governments to continue to apply PEBP in such plans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senator Dondero Loop moved that Senate Bills Nos. 242, 373, 395 and 430 be taken from the General File and re-referred to the Committee on Finance.

Senator Cannizzaro moved that Senate Bill No. 423 be taken from the General File and placed on the Secretary's Desk.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Goicoechea, the privilege of the floor of the Senate Chamber for this day was extended to Martin Paris and Davy Stix.

On request of Senator Krasner, the privilege of the floor of the Senate Chamber for this day was extended to Fritsch Elementary School, Braxton McGee and Romeo Torres.

On request of Senator Pazina, the privilege of the floor of the Senate Chamber for this day was extended to Dillon Davidson, Doug Farris, Ashley Jeppson and Amara Vigil.

On request of Senator Seevers Gansert, the privilege of the floor of the Senate Chamber for this day was extended to Mike O'Gara.

Senator Cannizzaro moved that the Senate adjourn until Monday, April 24, 2023, at 11:00 a.m.

Motion carried.

Senate adjourned at 1:15 p.m.

Approved: STAVROS ANTHONY
President of the Senate

Attest: BRENDAN BUCY
Secretary of the Senate